

Chapter 480

1961 REPLACEMENT PART

Explosive and Inflammable Materials; Pressure Vessels

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EXPLOSIVES

480.010 Labels for blasting powder and fuse. All blasting powder and fuse shipped into this state for use, or manufactured in this state for use in this state, shall have stamped or printed upon the outside of the original package, box, case or wrapper the date of manufacture of the contents.

480.020 Powder deemed bad; prohibition of sale. Whenever any blasting powder shows a state of disintegration or decomposition sufficient so that it remains in a soft condition in a temperature of 32 degrees Fahrenheit, or is in a state of crystallization, which is revealed by some portions being in a hard condition and surrounded by other portions in a soft condition, it shall be deemed bad and dangerous powder, and its sale and use is prohibited.

480.030 Fuse unfit for use and sale; prohibition of use. Whenever any fuse shows by its appearance to have been overheated, or if it is in a hard and brittle condition, which is seen by breaks and cracks in the wrapper around the outside of the fuse, the same shall be declared unfit for use and sale, and its use is forbidden.

480.040 Sale, exchange or possession, when unlawful. No person shall sell or exchange, or offer or expose for sale or exchange, or have in possession for use by his employees:

(1) Any blasting powder or fuse which has not been stamped or printed upon as required in ORS 480.010.

(2) Any blasting powder of which the sale and use is prohibited by ORS 480.020.

(3) Any fuse declared to be unfit for use as prohibited by ORS 480.030.

480.050 Intrastate transportation of explosives in passenger vehicle operated by common carrier. No person shall transport, carry or convey, or have transported, carried or conveyed, any dynamite, gunpowder or other like explosives, between any places in Oregon, on any car or other vehicle of any description operated by a common carrier which car or vehicle is carrying passengers for hire. However, it shall be lawful to transport on any such car or vehicle small arms, ammunition in any quantity, such fuses, torpedoes, rockets or other signal devices as may be essential to promote safety in operation, and properly packed and marked samples of ex-

plosives for laboratory examination, not exceeding a net weight of one-half pound each and not exceeding 20 samples at one time in a single car or vehicle. Such samples shall not be carried in that part of a car or vehicle which is intended for the transportation of passengers for hire. Nothing in this section shall be construed to prevent the transportation of military or naval forces, with their accompanying munitions of war, on passenger equipment, cars or vehicles.

480.060 Transportation of certain explosives prohibited. No person shall transport, carry or convey, or have transported, carried or conveyed, liquid nitroglycerine, fulminate in bulk in dry condition, or other like explosives, between any places in Oregon, on any car or other vehicle of any description operated by a common carrier in the transportation of passengers.

480.070 [Reserved for expansion]

480.080 Definitions for ORS 480.080 and 480.090. As used in this section and ORS 480.090, except where the context otherwise requires:

(1) "Explosives" means dynamite, blasting powder, black powder, nitroglycerin, detonators, nitro-jelly, prima-cord and detonating fuse or gunpowder other than gunpowder sold in preloaded ammunition.

(2) "Purchaser" means any person, firm, association, partnership, cooperative or corporation who accepts from a seller possession of explosives by sale, gift, exchange or otherwise in the regular course of business.

(3) "Sale" means the selling, giving, exchanging or otherwise relinquishing possession of explosives in the regular course of business by a seller.

(4) "Seller" means any person, firm, association, partnership, cooperative or corporation selling, giving, exchanging or otherwise relinquishing possession of explosives in the regular course of business.

[1961 c.722 §1]

480.090 Records of sales of explosives required. (1) Every seller of explosives shall keep a permanent bound record, and shall enter therein, in ink, the date, kind and amount of every sale of explosives. The purchaser shall present to the seller an automobile driver's license or other positive identification bearing purchaser's signature, or personal identification, and shall personally write in the record in ink his name and address if the purchaser is an individual. If the

purchase is made by an agent or representative of a firm, association, partnership, cooperative or corporation, the agent or representative making the purchase shall identify himself and his principal to the seller in the manner provided in this section and shall personally write in the permanent record in ink his name and address together with the name and address of the firm, association, partnership, cooperative or corporation for which the purchase is made.

(2) The seller shall personally write in the permanent record, in ink, the license plate number and state of licensing, as personally observed by the seller, of any vehicle used by the purchaser in transporting explosives purchased from the seller's premises, if such plate number is visible from the premises, together with a notation of the type of identification used by the purchaser to identify himself to the seller.

(3) The permanent bound record required under subsection (1) of this section shall be kept for a period of five years and be available for inspection by the State Fire Marshal, his authorized representative or any peace officer upon request.

[1961 c.722 §2]

480.100 [Reserved for expansion]

FIREWORKS

480.110 Definitions for Oregon Fireworks Law. For the purposes of ORS 480.110 to 480.160, which sections may be cited as the Oregon Fireworks Law, and unless otherwise required by the context:

(1) "Fireworks" means any combustible or explosive composition or substance, or any combination of such compositions or substances, or any other article which was prepared for the purpose of providing a visible or audible effect by combustion, explosion, deflagration or detonation, and includes blank cartridges or toy cannons in which explosives are used, balloons which require fire underneath to propel the same, firecrackers, torpedoes, skyrockets, Roman candles, bombs, rockets, wheels, colored fires, fountains, mines, serpents or any other article of like construction or any article containing any explosive or inflammable compound, or any tablets or other device containing any explosive substances or inflammable compound, but does not include sparklers, toy pistols, toy canes, toy guns or other devices in which paper caps containing .25 grains or less of explosive compound are

used, if they are so constructed that the hand cannot come in contact with the cap when in place for explosion, and toy pistol paper caps which contain less than .20 grains of explosive mixture, the sale and use of which shall be permitted at all times.

(2) "Fire protection district" means any district created under the laws of Oregon or the United States, including rural fire protection districts and any federal, state or private forest patrol areas.

480.120 Sale and use of fireworks prohibited; exceptions; enforcement. (1) No person shall sell, keep or offer for sale, expose for sale, use, explode or have exploded any fireworks within Oregon, except as follows:

(a) Sales by manufacturers and wholesalers for direct out-of-state shipment.

(b) Sales to persons or organizations having obtained a permit from the State Fire Marshal for supervised public display.

(c) Sales to railroads, boats, motor vehicle or other transportation agencies, to be used for signal, warning or illumination purposes in connection with such business.

(d) Sale or use of blank cartridges for licensed shows or theatres or for signal or ceremonial purposes in athletics or sports.

(e) Experimental purposes by a manufacturer of explosives at such places where such experiments are normally conducted.

(f) Sale of blank cartridges for use by the militia or any organization of war veterans or other organization authorized by law to parade in public a color guard armed with firearms.

(g) Sale of shells, cartridges, gunpowder or explosives for use in legally permitted firearms.

(2) Law enforcement officers of the state, county or municipality shall enforce the provisions of ORS 480.110 to 480.160.

480.122 Use for repelling birds or animals permitted. (1) Notwithstanding the provisions of ORS 480.110 to 480.150 and ORS 480.170, an owner or lessee of property located outside of an incorporated city may purchase, maintain, use and explode fireworks on his own or leased property for the purpose of scaring away or repelling birds or animals which are or may be injurious or destructive to forest or agricultural products or crops.

(2) Any person described in subsection

(1) of this section desiring to use and explode fireworks to scare or repel birds or animals shall first secure a permit from the State Fire Marshal for that purpose. The State Fire Marshal, upon receipt of application for such permit, shall determine if the proposed purchase and use conforms to law and any rules or regulations promulgated by his office. If he finds that the applicant is qualified to use the fireworks and the proposed use is in accordance with the law and rules and regulations, he shall issue a permit; otherwise he shall refuse to issue it.

(3) Such permit may be revoked by the State Fire Marshal at any time he verifies there is a violation of the provisions of the permit or the rules and regulations under which it is issued.

(4) The State Fire Marshal is authorized to promulgate rules and regulations relating to the use of fireworks to scare or repel birds or animals which are injurious to or destructive to forest or agricultural crops or products.

[1961 c.293 §2]

480.124 Use for control of predatory animals permitted. Notwithstanding the provisions of ORS 480.110 to 480.170, fireworks may be purchased, maintained, used and exploded by federal or state agencies authorized and required by ORS 610.002 to 610.020 to eradicate and control predatory animals. Such purchase and use shall be in compliance with rules and regulations promulgated by the State Fire Marshal, with the approval of the state agencies authorized and required by ORS 610.002 to 610.020 to eradicate and control predatory animals.

[1961 c.293 §3]

480.130 Permit of State Fire Marshal required for use of fireworks for public display. All persons, municipalities, associations or organizations or groups of individuals desiring to discharge, fire off, explode or display fireworks for a public display, shall apply in writing to the State Fire Marshal for a permit at least 15 days in advance of the proposed date of the display. The State Fire Marshal, upon receipt of such application, shall determine if the proposed display will conform to law and any rules or regulations promulgated thereunder. If he finds that the applicant is qualified to conduct such display and that the proposed display is in accordance with the law and all rules and regulations, he shall issue a permit; otherwise he shall refuse to issue it.

480.140 Fireworks displays to be under supervision of police and fire department chiefs or county court. (1) Every such display held within the boundaries of any municipality shall be under the supervision of the chiefs of police and fire departments of the municipalities in which the display is to be held and shall be of such character, and so located, discharged or fired as, in the opinion of the chief of the fire department, after proper inspection, shall not be hazardous to property or endanger any person.

(2) Every such display held outside the boundaries of any municipality or fire protection district shall be under the supervision of the county court of the county in which the display is to be held and shall be of such character, and so located, discharged or fired as, in the opinion of the county court or of a county official duly authorized by the county court, after proper inspection, shall not be hazardous to property or endanger any person.

480.150 Permits for public fireworks displays; rules and regulations; bond. The State Fire Marshal may adopt reasonable rules and regulations for granting permits for supervised public displays of fireworks by municipalities, fair associations, amusement parks, and other persons, organizations or groups of individuals. The governing body of any municipality, or of any county, may require a bond deemed adequate by the municipality, or the county, from any person, in a sum not less than \$500, conditioned for payment of all damages which may be caused either to a person or property by reason of the authorized display and arising from any acts of any person, his agents, employes or subcontractors.

480.160 Local regulation and effect thereon of state law. Nothing in ORS 480.110 to 480.150, nor in any permit issued thereunder, shall authorize the manufacture, sale, use or discharge of fireworks in any city or county in which such manufacture, sale, use or discharge is otherwise prohibited by law or municipal ordinance; nor shall any city or county authorize the sale or use of any fireworks prohibited by the provisions of ORS 480.110 to 480.150.

480.170 Oversized firecrackers prohibited. No person shall sell, offer to sell, give away or in any manner dispose of to another, fire, explode or discharge in any manner, any cannon cracker, giant cracker,

or other firecracker over two and one-half inches in length, exclusive of the fuse, and over five-eighths inch in diameter.

480.180 to 480.300 [Reserved for expansion]

REGULATION OF GASOLINE DISPENSING

480.310 Definition of "Class 1 flammable liquids." As used in ORS 480.320 to 480.340, "Class 1 flammable liquids" means liquids with a flash point below 25 degrees Fahrenheit, closed cup tester.

480.320 Use of coin-operated or self-service gasoline pumps declared hazardous The installation and use of coin-operated dispensing devices for Class 1 flammable liquids and the dispensing of Class 1 flammable liquids by self-service, are declared hazardous.

[Amended by 1959 c.73 §1]

480.330 Operation of gasoline dispensing device by public prohibited. No owner, operator or employe of any filling station, service station, garage or other dispensary where Class 1 flammable liquids are dispensed at retail, shall permit any person other than the owner, operator or employe to use or manipulate any pump, hose, pipe or other device for dispensing such liquids into the fuel tank of a motor vehicle or other retail container.

480.340 Coin-operated or self-service gasoline pumps prohibited; automatic shut-off devices regulated. No owner, operator or employe of any filling station, service station, garage or other dispensary where Class 1 flammable liquids are dispensed at retail, shall install or use, or permit the use of, any coin-operated or self-service dispensing device for such liquids. No owner, operator or employe of any filling station, service station, garage or other dispensary where Class 1 flammable liquids are dispensed at retail, shall install or use, or permit the use of, any device which permits the dispensing of such liquids when the hand of the operator of the discharge nozzle is removed from the control lever, except one equipped with an automatic nozzle of a type which has been approved by the State Fire Marshal, and which has a latch-open device as an integral part of the assembly, capable of shutting off the flow of such liquids reliably when the tank is filled or when the nozzle falls or slips from the filling neck of the

tank. Such automatic nozzle shall not be used for the dispensing of such liquids unless such owner, operator or employe is in the immediate vicinity of the tank being filled.

[Amended by 1959 c.73 §2]

480.350 to 480.400 [Reserved for expansion]

LIQUID PETROLEUM GAS

480.410 Definitions. As used in ORS 480.420 to 480.460, "LP gas" or "liquid petroleum gas" means any liquid composed predominately of any of the following hydrocarbons or mixtures of the same: Propane, propylene, butanes (normal butane or isobutane) and butylenes.

[Amended by 1957 c.712 §1]

480.420 Liquid petroleum gas rules and regulations; conformity with standards of National Board of Fire Underwriters. (1) The State Fire Marshal shall make, promulgate and enforce regulations establishing minimum general standards for the design, construction, location, installation and operation of equipment for storing, handling, transporting by tank truck or tank trailer and utilizing liquid petroleum gases and specifying the degree of odorization of the gases, and shall establish standards and rules for the issuance, suspension and revocation of licenses and permits provided in ORS 480.410 to 480.460.

(2) The regulations required shall be such as are reasonably necessary for the protection of the health, welfare and safety of the public and of persons using or handling such materials, and shall be in substantial conformity with the generally accepted standards of safety relating to the same matter. Regulations in substantial conformity with the published standards of the National Board of Fire Underwriters pamphlet No. 58 and pamphlet No. 59 for the design, installation and construction of containers and equipment thereto pertaining, for the storage and handling of liquefied petroleum gases, including utility gas plants, as recommended by the National Fire Protection Association, and the published standards of the National Fire Protection Association pamphlet No. 54 for liquefied petroleum gas piping and appliance installations in buildings, shall be deemed to be in substantial conformity with the generally accepted standards of safety relating to the same subject matter.

[Amended by 1957 c.712 §2; 1961 c.477 §1]

480.430 Liquefied petroleum gas containers; certain uses prohibited. No person other than the owner of the container or receptacle and those authorized by the owner so to do, shall sell, fill, refill, deliver or permit to be delivered or used in any manner any liquefied petroleum gas container or receptacle for any gas or compound or for any other purpose.

480.432 Licenses required. (1) No person shall engage in or work at the business of installing, extending, altering or repairing any LP gas appliance or piping, vent or flue connection pertaining to or in connection with LP gas installations within the state, either as employer or individual, unless such person has received an LP gas installation license from the State Fire Marshal in accordance with ORS 480.410 to 480.460.

(2) No person shall do any LP gas fitting or gas venting work, install, repair or remodel any piping or venting nor any installation, repair service, connection or disconnection of any LP gas appliance which is subject to inspection under ORS 480.410 to 480.460 unless he has received an LP gas fitter license from the State Fire Marshal in accordance with ORS 480.410 to 480.460.

(3) No person shall operate any LP gas delivery equipment installed on a motorized vehicle unless he has received an LP gas truck equipment license from the State Fire Marshal in accordance with ORS 480.410 to 480.460.

(4) Any person under the terms of this section who is required to have an LP gas fitter or LP gas truck equipment license is also required to have an LP gas installation license, unless he is an employe of an employer who has an LP gas installation license as provided by this section.
[1957 c.712 §4]

480.434 Examination of applicants for licenses; issuance of license. The State Fire Marshal shall examine applicants for licenses required under ORS 480.410 to 480.460 as to their practical and theoretical knowledge of LP gas fittings, appliance installation and adjustment, and shall submit the applicant to some satisfactory form of practical test and if satisfied of the competency of the applicant, shall issue the appropriate license or licenses to the applicant, according to the terms of ORS 480.410 to 480.460. The examination of one member of a firm or an executive of a corporation applying for an

LP gas installation license shall fulfill the requirements of this section.
[1957 c.712 §5]

480.436 License fees; renewal of licenses; delinquency penalty. (1) The annual fee for the LP gas installation license shall be \$25 each year.

(2) The annual fee for an LP gas fitter license or an LP gas truck equipment license shall be \$2.

(3) All licenses shall be renewed on or before January 15 of each year. Unless revoked or suspended by the State Fire Marshal for failure to comply with the provisions of ORS 480.410 to 480.460, a license shall continue in force from January 15 of one year to January 15 of the succeeding year and shall not be transferable.

(4) If the fees provided for in this section are due and payable and are not paid within 30 days after service of written notice by the State Fire Marshal therefor, the fees shall be delinquent; and a penalty equal to the amount of the fee hereby is imposed for such delinquency.
[1957 c.712 §6]

480.440 Annual inspection of certain storage tanks. An installation of storage tanks located at dealers' plants and an installation of tanks used for delivery purposes shall be inspected annually. The State Fire Marshal shall collect a fee of \$20 for each such plant inspection and \$7.50 for each such delivery unit inspection.
[Amended by 1953 c.228 §4; 1957 c.712 §7]

480.450 Notice of new installations; inspection fees; inspections after original inspection; notice of changes; correction of improper installations required. (1) The State Fire Marshal shall be notified prior to the tenth of each month by the installer of all new installations made during the preceding month of containers or receptacles for liquid petroleum gas, including installations for private homes and apartments. The installer shall certify on a form provided by the State Fire Marshal that all such new installations are duly and properly reported. The State Fire Marshal may require that the notification include the location and description of the installation and the name of the user. All fees due and payable shall accompany the notification. The replacement of empty containers or receptacles with other containers constructed in accordance with

Interstate Commerce Commission specifications shall not be considered such new installation or change in the original installation as to require notification to the State Fire Marshal or necessitate further inspection of the installation. The State Fire Marshal shall collect from the installer an installation fee of \$5 for an installation of a tank of more than 1,000 gallons capacity and \$3 for an installation of a tank with a capacity of 1,000 gallons or less or all tanks at the installation if the total combined capacity is 200 gallons or less. The State Fire Marshal or his deputies or assistants shall inspect a reasonable number of such installations and maintain a record of these inspections in the office of the State Fire Marshal.

(2) After the initial installation, liquid petroleum gas containers may be inspected once every 10 years except when changes have been made in the original installation. The State Fire Marshal shall be notified of such changes in the same manner provided in this section for new installations. The State Fire Marshal shall collect from the owner a fee of \$4.50 for the inspection of each container. The manner of inspection, requirement of corrections, satisfaction of such requirements and collection of fees due and payable shall be in conformity with the provisions of ORS 480.410 to 480.460 for new installations. LP gas installation licensees shall furnish a list of the locations of 10-year old installations which they service upon request of the State Fire Marshal.

(3) When, upon inspection of any tank, the new installation does not comply with the requirements of the State Fire Marshal the State Fire Marshal shall instruct the installer as to what corrections are necessary for compliance with the State Fire Marshal's requirements. The installer of the new installation shall, within the time set by the State Fire Marshal which in no case shall be more than 60 days after notification, notify the State Fire Marshal that the new installation complies with his requirements. If the installer so fails to notify the State Fire Marshal, or the State Fire Marshal has reason to believe that the corrections have not been made, the State Fire Marshal shall reinspect the new installation and shall collect from the installer an additional fee of \$3. The installer shall not be held responsible for the payment of such additional fee resulting from actions of the user which require correction to achieve compliance with the requirements of the State Fire Marshal. In

such a case the user shall pay the additional fee.

(4) No person, after notice from the State Fire Marshal, shall fail to correct any improper installation within the time set by the State Fire Marshal which in no case shall be more than 60 days after receiving such notice.

(5) If the fees provided for in this section are due and payable and are not paid within 30 days after service of written notice by the State Fire Marshal therefor, or if the installer fails to notify the State Fire Marshal by the tenth of the month succeeding the month a new installation is made or a change is made requiring an inspection, the fees shall be delinquent; and a penalty equal to the amount of the fee hereby is imposed for such delinquency. All fees and penalties shall be collected by the State Fire Marshal in the name of the State of Oregon in the same manner that other debts are collected.

[Amended by 1953 c.228 §4; 1957 c.712 §8; part re-numbered 480.460]

480.460 Disposition of fees. All fees received by the State Fire Marshal under ORS 480.410 to 480.460 shall by him be paid to the State Treasurer monthly and shall constitute and be an appropriation available for the payment of salaries and expenses of deputies and clerical and other assistants of the State Fire Marshal.

[Formerly part of 480.450]

480.470 to 480.500 [Reserved for expansion]

BOILERS AND UNFIRED PRESSURE VESSELS

480.510 Short title. ORS 480.510 to 480.615 may be cited as the Boiler and Unfired Pressure Vessel Law.

[1961 c.485 §1]

480.515 Definitions for ORS 480.510 to 480.615. As used in ORS 480.510 to 480.615, unless the context requires otherwise:

(1) "Related appurtenances" means any equipment instrumental to the safe operation of a boiler or unfired pressure vessel.

(2) "Board" means the Board of Boiler Rules created under ORS 480.535.

(3) "Boiler" or "boilers" means:

(a) A closed vessel or vessels intended for the heating or vaporizing of liquids to be used externally to such vessel or vessels by the application of heat from combustible fuels, electricity or nuclear energy, and

(b) Related appurtenances.

(4) "Certificate of competency" means a certificate issued under the provisions of subsection (3) of ORS 480.565.

(5) "Commissioner" means the Commissioner of the Bureau of Labor.

(6) "Minimum safety standards" means the rules, regulations, formulae, definitions and interpretations for the safe construction, installation, operation and repair of boilers and pressure vessels either adopted by ORS 480.510 to 480.615 or adopted by the commissioner, in consultation with the board, under ORS 480.510 to 480.615.

(7) "Permit" means a card issued and signed by the commissioner authorizing the operation of a boiler or unfired pressure vessel.

(8) "Shop inspection" means the inspection and testing, to determine the meeting of minimum safety standards, of boilers and unfired pressure vessels manufactured or in the process of manufacture, repair or alteration in the manufacturer's shop or on the job site.

(9) "Unfired pressure vessel" or "unfired pressure vessels" means:

(a) A closed vessel or closed vessels, in which pressure is obtained from an external source or from an indirect application of heat, including but not limited to evaporators, heat exchangers or vessels in which steam is generated incidental to the operating of a processing system containing two or more vessels, and

(b) Related appurtenances.

(10) "Vessel" means both boilers and unfired pressure vessels.

[1961 c.485 §3]

480.520 Purpose of ORS 480.510 to 480.615. The purpose of ORS 480.510 to 480.615 is to protect the safety of the people of Oregon and to protect property situated in Oregon from the hazard of fires and explosions caused by boilers and unfired pressure vessels. To accomplish this purpose the Legislative Assembly intends by ORS 480.510 to 480.615 to provide a system:

(1) For determining where and by whom boilers and unfired pressure vessels are being constructed, repaired, used and operated.

(2) To assure that only qualified persons do welding on boilers and on unfired pressure vessels.

(3) To assure that boilers and unfired pressure vessels are manufactured, installed, repaired and operated so as to meet the minimum safety standards.

(4) For the administration and enforcement of ORS 480.510 to 480.615 by the Commissioner of the Bureau of Labor.

(5) To defray the cost of administration and the cost of enforcing ORS 480.510 to 480.615 by establishing fees to be charged for the issuing of permits and for giving welding examinations and for the making of shop inspections.

[1961 c.485 §2]

480.525 Exempt vessels. (1) ORS 480.510 to 480.615 do not apply to:

(a) Boilers and unfired pressure vessels under federal safety regulations or under the jurisdiction of the Interstate Commerce Commission.

(b) Unfired pressure vessels under the jurisdiction of and which meet the requirements of the Interstate Commerce Commission for shipment of liquids and gases under pressure.

(c) Automatic utility hot water heaters, not used for space heating and equipped with an approved safety device and containing only water and which do not exceed 120 gallons in capacity, nor water temperature of 200 degrees F. nor pressure of 150 pounds per square inch gauge pressure.

(d) Unfired pressure vessels containing liquified petroleum gas, and which are under the jurisdiction of the State Fire Marshal; except that the construction and repair of such vessels shall be in compliance with ORS 480.510 to 480.615 and shall be under the jurisdiction of the commissioner in consultation with the board.

(e) Air tanks used in the operation of self-propelled vehicles and air tanks used in the operation of trailers, which vehicles or trailers are used for transporting freight or passengers.

(2) The following boilers and unfired pressure vessels are exempt from ORS 480.510 to 480.615, except as to all provisions relating to construction or installation and the inspections and fees in connection therewith:

(a) Boilers which are not operated at gauge pressures of more than 15 pounds per square inch and which are located on farms and used solely for agricultural purposes.

(b) Air tanks located on farms and used solely for agricultural purposes.

(c) Any boiler or unfired pressure vessel which is used either in a single private

residence or in an apartment house in connection with less than six dwelling units.

(d) Unfired pressure vessels that do not exceed one and one-half cubic feet in volume and which are not operated at gauge pressures of more than 150 pounds per square inch.

(e) Unfired pressure vessels being operated at gauge pressures of less than 15 pounds per square inch and which are not located inside any structure.

[1961 c.485 §11]

480.530 Powers and duties of commissioner. The commissioner may:

(1) Where it appears that a person is engaging in or is about to engage in an act or practice in violation of any provision of ORS 480.510 to 480.615, obtain without furnishing a bond, a restraining order and injunction from the circuit court in the county where the act or practice is occurring, or is threatened, enjoining the act or practice. However, before obtaining a restraining order and injunction, the commissioner shall first notify the person concerned of his intentions. The notice shall be in writing and shall advise the person concerned of his intentions and shall advise the person concerned that he has a right to appeal in writing within 10 days and that the appeal will be heard by the commissioner, or his deputy, in consultation with the board. Provided, in case there is a timely request for an appeal, proceedings will be stayed pending the appeal, unless the act or practice constitutes an immediate menace to health or safety or the person concerned fails to prosecute his appeal with diligence.

(2) Personally or through his representative, attend all meetings of the board.

(3) Keep a complete record of the types, dimensions, maximum allowable working pressures, age, location and date of the last recorded inspection of all boilers and unfired pressure vessels to which ORS 480.510 to 480.615 apply.

(4) Publish and distribute copies of the rules and regulations.

[1961 c.485 §13]

480.535 Board of Boiler Rules; membership. (1) The commissioner shall appoint a Board of Boiler Rules which shall advise him concerning the formulation of rules under ORS 480.510 to 480.615 and on reviewing determinations made by his staff

concerning boilers and unfired pressure vessels.

(2) Seven persons shall constitute the board, consisting of:

(a) One person who is an owner and user or who is a representative of an owner and user of a high pressure boiler in Oregon and who has had practical experience with high pressure boilers;

(b) One person who is a manufacturer or who is a representative of a manufacturer of boilers or of unfired pressure vessels in Oregon;

(c) One person who is regularly engaged in the inspection of boilers and unfired pressure vessels and who is employed by an insurer who may and does write policies of boiler and unfired pressure vessel explosion insurance in Oregon;

(d) One person who is a mechanical engineer registered by the State of Oregon;

(e) One person who is a practical steam operating engineer or boiler mechanic in Oregon;

(f) One person who is the owner and user or who is a representative of an owner and user of a low pressure boiler in Oregon; and

(g) One person who is the owner and user or who is a representative of an owner and user of an unfired pressure vessel in Oregon and who has had practical experience with unfired pressure vessels.

[1961 c.485 §4]

480.540 Terms of board members; removal; meetings; expenses. (1) The term of office of a member is four years beginning on July 1 of the year of appointment. A member shall continue to serve until a successor has been appointed and qualified. Vacancies shall be filled by appointment for the unexpired term.

(2) In addition to ORS 480.545 and 480.615, the board shall be governed by the following rules:

(a) The board shall meet not less than four times a year.

(b) A representative of the Bureau of Labor shall serve without a vote as secretary of the board.

(c) The commissioner may remove any member of the board for cause.

(3) Each member of the board, except the representative of the Bureau of Labor, shall serve without compensation, but shall receive, subject to any other applicable law regulating travel and other expenses for

state officers, his actual travel and other expenses incurred in the performance of his official duties.

[1961 c.485 §5]

480.545 Adoption and enforcement of rules and minimum safety standards.

(1) The commissioner may from time to time, under ORS 183.310 to 183.510, in consultation with and giving consideration to the views of the board, make, amend, promulgate and enforce rules and minimum safety standards to carry out ORS 480.510 to 480.615 and adopt standards for, but not license, persons performing welding on boilers and unfired pressure vessels.

(2) All proceedings in the administration of ORS 480.510 to 480.615 shall be conducted under ORS 183.310 to 183.510 and, additionally, where applicable, under ORS 480.615.

(3) In addition to the rules otherwise provided, and subject to ORS 183.310 to 183.510, the commissioner shall, in consultation with the board, establish rules concerning the times, dates, frequency and manner of giving notice to interested persons of intention to consider one or more of the things which he may consider under this section.

(4) All rules and minimum safety standards adopted under this section shall be reasonable and in substantial conformity with generally accepted nation-wide engineering standards. In adopting rules the commissioner shall consider the probability, extent and gravity of injuries to health and property which would result from the failure to adopt the standards being considered and the standards followed, proposed or approved by members of affected industries.

[1961 c.485 §7]

480.550 Certain minimum safety standards apply until different rules are adopted; effect on existing vessels; application of subsequent amendments.

(1) Until different rules are adopted, there is adopted as the minimum safety standards for boilers and unfired pressure vessels the published codification of standard engineering practices and formulae known as the "Boiler and Pressure Vessel Code of the American Society of Mechanical Engineers," together with the published revisions and interpretations thereof in effect as of January 1, 1961.

(2) Any vessel in use on July 1, 1961, or in use on the effective date of any adoption

of different rules shall be deemed to meet the minimum safety standards so long as the same use continues and no change occurs which would reduce the safety of its operation. Provided that if the commissioner, in consultation with the board, finds that there is a variation from the minimum safety standards which is dangerous to health or safety, he may order that all vessels having a like variation be brought into conformity with the rules created under this section, or adopted after July 1, 1961, without variation.

(3) Subsequent amendments to the minimum safety standards are permissive immediately when adopted and become mandatory 12 months after adoption. However, except to the extent that the amended minimum safety standards are complied with, the superseded safety standards remain in force during the intervening 12 months.

[1961 c.485 §8]

480.555 Prohibitions relating to nonconforming vessels. Except as provided in ORS 480.590 and in subsection (1) of 480.525, no person shall:

(1) Make or direct the construction, installation, repair or alteration of a boiler or unfired pressure vessel which does not meet the minimum safety standards, except to bring such vessel into conformity with the minimum safety standards.

(2) Lend, rent out, or offer to lend or to rent out, sell, offer for sale, or dispose of by gift or otherwise, for operation, a boiler or unfired pressure vessel that does not meet the minimum safety standards.

(3) Use, or attempt to use, a boiler or unfired pressure vessel that fails to meet the minimum safety standards.

[1961 c.485 §9]

480.560 Inspection requirements; additional exemptions permitted.

(1) Each boiler and unfired pressure vessel used or proposed to be used within this state, except as exempted under ORS 480.510 to 480.615, shall be thoroughly inspected as to its construction, installation, operation and condition as follows:

(a) Power boilers, meaning boilers used to produce steam or vapor at a pressure in excess of 15 pounds per square inch gauge, or a boiler used for heating liquid to a pressure in excess of 160 pounds per square inch gauge, shall be annually inspected both in-

ternally, where construction permits, and externally while not under pressure and if possible shall also be annually inspected externally while under pressure.

(b) Low pressure steam or vapor heating boilers, hot water heating boilers and hot water supply boilers shall be biennially inspected externally, and internally, where construction permits, except that cast iron heating boilers shall be inspected only externally unless the commissioner has reason to believe that an internal inspection of an individual boiler is necessary to assure safe operation.

(c) Unfired pressure vessels subject to internal corrosion or erosion shall be inspected biennially both internally and externally where construction permits.

(d) Unfired pressure vessels, no part of which are subject to internal corrosion or erosion shall be biennially inspected externally, except that vessels containing anhydrous ammonia, intended for use as fertilizer, shall be inspected externally once every three years and fixed vessels, containing only air, not located at a place of public assembly, not exceeding 20 cubic feet in volume and which are operated at gauge pressures of not more than 200 pounds per square inch shall be inspected once every five years.

(2) The commissioner, upon presentation of satisfactory evidence that jeopardy to health and safety will not be substantially increased thereby, and in consultation with the board, may:

(a) Broaden the intervals between inspections, eliminate types of inspections, and correspondingly reduce the fees charged where the use, contents or construction of the vessel warrant special consideration; or

(b) Exempt additional classes of vessels to the same extent vessels are exempted either under subsection (1) or (2) of ORS 480.525.

(3) If a hydrostatic test is necessary to determine the safety of a boiler or unfired pressure vessel, the test shall be made by the owner or user of such boiler or unfired pressure vessel within 15 days of the receipt of notice.

(4) All boilers and unfired pressure vessels to be installed in this state after July 1, 1961, shall be inspected during construction by an inspector authorized to inspect boilers in this state, or, if constructed outside of the state, by an inspector holding a certificate

of competency issued by a state that has a standard of examination substantially equal to that of this State.

[1961 c.485 §17]

480.565 Chief and deputy inspectors; special inspectors. The commissioner shall:

(1) Appoint a chief inspector who has had practical experience in the construction, maintenance, repair or operation of high pressure boilers and unfired pressure vessels as a mechanical engineer, practical steam operating engineer, boilermaker or boiler inspector and who either has passed a written examination which shall be confined to questions the answers to which will aid in determining the fitness and competency of the applicant to inspect boilers and unfired pressure vessels, or who holds a certificate of competency as an inspector of boilers and unfired pressure vessels which is issued by a state which has standards of examination equal to those of the State of Oregon and which recognizes certificates of competency issued by the State of Oregon.

(2) Appoint deputy inspectors who shall be responsible to the chief inspector and who shall have qualified as provided in subsection (1) of this section, except that less practical experience shall be required.

(3) Issue a certificate of competency as a special inspector to any individual who shall have qualified as provided in subsection (1) of this section, except that no more practical experience shall be required than is required of a deputy inspector, and who is continuously employed by:

(a) An insurer who may and does write policies of boiler and unfired pressure vessel insurance in Oregon; or

(b) Any person operating unfired pressure vessels in this state whose service, personnel, equipment and supervision meet the requirements prescribed by the commissioner.

[1961 c.485 §12]

480.570 Authority of special inspectors.

(1) A special inspector receiving a certificate of competency under paragraph (b) of subsection (3) ORS 480.565 shall not inspect under ORS 480.510 to 480.615 any boiler; nor shall he inspect under ORS 480.510 to 480.615 any unfired pressure vessel not used or not to be used by his employer.

(2) A special inspector's certificate of competency remains in force only while he

is continuously employed by one of the persons mentioned in subsection (3) of ORS 480.565.

(3) A special inspector may inspect all boilers and unfired pressure vessels insured or to be insured by his employer or all unfired pressure vessels operated by his employer. When the vessel is to be so inspected, the owner or user of such boiler or unfired pressure vessel is, during the inspection period, exempt from the payment of the permit fee except as provided for in subsection (2) of ORS 480.600.

(4) The commissioner may cause a deputy inspector to inspect or reinspect without charge all boilers and unfired pressure vessels which could be inspected by a special inspector. However, there shall be no internal inspection or reinspection unless there is a question as to whether or not the boiler or unfired pressure vessel meets the minimum safety standards and the special inspector who made the original inspection, or his employer, is given reasonable notice of the intention to make such inspection or reinspection so he can be present.

[1961 c.485 §14]

480.575 Revocation of certificate of special inspector; reinstatement. (1) A special inspector's certificate of competency may be revoked by the commissioner for incompetency, untrustworthiness or for any wilful falsehood in the special inspector's application or in any inspection report.

(2) No certificate of competency shall be revoked until after a hearing has been held before the board. The special inspector and his employer are entitled to appear at such hearings and to be heard.

(3) The commissioner shall deliver to both the special inspector charged and to his employer, not less than 10 days prior to the hearing, a written notice of the charges and of the time and place of such hearing.

(4) A special inspector whose certificate of competency has been revoked may apply for the reinstatement thereof not less than 90 days after the time of revocation.

[1961 c.485 §15]

480.580 Entrance to buildings and premises by inspectors. (1) The chief inspector or any deputy inspector may, at all reasonable hours, in performance of the duties imposed by the provisions of ORS 480.510 to 480.615, enter into all buildings and upon all premises, except private resi-

dences, for the purpose of inspecting any boiler or unfired pressure vessel which is covered by ORS 480.510 to 480.615 and which he has reasonable cause to believe is located therein.

(2) No person shall interfere with or prevent any such inspection by such inspectors or deputy inspectors.

[1961 c.485 §16]

480.585 Permits for operation of vessels. (1) Any person may apply to the commissioner for a permit for a boiler or unfired pressure vessel:

(a) By filing reports showing details of the proposed construction before construction is started; or

(b) By submitting satisfactory proof that the boiler or unfired pressure vessel has been constructed in accordance with minimum safety standards and has been found to be safe.

Such permit shall bear the date of the inspection period and specify the maximum pressure under which the boiler or unfired pressure vessel may be operated. Except as provided by regulation, permits shall be posted in the room containing the vessel for which it is issued.

(2) The commissioner may at any time suspend or revoke a permit when, in his opinion, the boiler or unfired pressure vessel for which it was issued is found not to comply with ORS 480.510 to 480.615. Suspension of any permit continues in effect until the vessel shall have been made to conform to ORS 480.510 to 480.615 and the permit reissued. However, before suspending or revoking a permit, the commissioner shall first notify the person concerned of his intention. The notice shall be in writing and shall advise the person concerned that he has a right to appeal in writing within 10 days and that the appeal will be heard by the commissioner, or his deputy, in consultation with the board. Provided, in case there is a timely appeal, the permit will not be suspended or revoked pending the appeal unless the reason for suspension or revocation constitutes an immediate menace to health or safety or the person concerned fails to prosecute his appeal with diligence.

(3) Except as provided in ORS 480.510 to 480.615, no person shall operate a boiler or unfired pressure vessel unless there is a valid permit for its operation.

[1961 c.485 §18]

480.590 Special permits for vessels not covered by minimum safety standards. A boiler or unfired pressure vessel of a special design or construction not governed by the minimum safety standards, but which is in no way inconsistent therewith, may be granted a special installation and operating permit at the discretion of the commissioner. [1961 c.485 §10]

480.595 Permit fees generally. (1) Upon receipt of a permit fee due on a date determined by the commissioner and on the same day of each year thereafter in which an inspection is due, the commissioner shall issue or renew a permit.

(2) Permit fees may not be prorated.

(3) Permit fees shall be determined as follows:

(a) Boilers not requiring an internal inspection, \$9 biennially.

(b) Low pressure heating boilers, \$20 biennially.

(c) Other boilers of not more than 50 horsepower and all other types of boilers not more than 48 inches in diameter or less, \$15 annually.

(d) Boilers of more than 50 horsepower but not more than 200 horsepower and all other types of boilers more than 48 inches in diameter, \$23 annually.

(e) Boilers of more than 200 horsepower, \$35 annually.

(f) Unfired pressure vessels not more than 36 inches in diameter, \$6.50, each inspection period, for one unit, and \$5.50 for each additional unit in the same location and under the same ownership or operation.

(g) Unfired pressure vessels more than 36 inches in diameter, \$12 each inspection period.

[1961 c.485 §19]

480.600 Special provisions on permit fees. (1) The permit fee established under ORS 480.510 to 480.615, for a quantity of unfired pressure vessels available for inspection at the same location, shall be fixed by the commissioner at cost, in accordance with the time required to conduct the inspection and the inspector's mileage to the place of inspection. However, in no case shall the total payment be more than the total of the individual unfired pressure vessel fees fixed by ORS 480.510 to 480.615.

(2) The owner or user of any vessel which is to be inspected during the inspection period under the provisions of subsection

(3) of ORS 480.570 shall pay to the commissioner a special permit fee of \$3, except that the commissioner may require payment of a permit fee as provided in ORS 480.595 where he finds the vessel to be in violation of the minimum safety standards during the inspection period.

(3) If there is a lengthened inspection interval under subsection (2) of ORS 480.560, the permit fee interval shall be lengthened correspondingly.

[1961 c.485 §21]

480.605 Miscellaneous fees; inspection of exempt vessels and application of special minimum safety standards. The commissioner may:

(1) Make requested inspections of an exempt vessel at a mutually agreeable fee. To establish the basis of granting approval of an exempt vessel, the commissioner, in consultation with the board, may adopt special minimum safety standards which shall be applicable only to this subsection and, until different standards are adopted, there is adopted as the special minimum safety standards, applicable to this subsection, the published codification of standard engineering practices and formulae known as the "Boiler and Pressure Vessel Code of the American Society of Mechanical Engineers," together with the published revisions and interpretations thereof in effect as of January 1, 1961.

(2) Fix and collect fees for the shop inspections of vessels and for inspection of vessels which have been changed in installation location after primary use at the cost of inspection, in accordance with the time required to make the inspection, plus the expense of the inspector including lodging and travel.

(3) Fix and collect a fee for welding examinations.

(4) Fix and collect an additional fee from the owner or user when it is necessary to make a special trip to witness the application of a hydrostatic or other test.

[1961 c.485 §22]

480.610 Disposition of fees. All receipts from fees, charges, costs and expenses under ORS 480.510 to 480.615 shall be collected by the commissioner and paid into the State Treasury on the first day of each month for the preceding month, and credited by the State Treasurer to the Bureau of Labor Account for purposes authorized by law.

[1961 c.485 §23]

480.615 Appeals. (1) The commissioner shall hear the appeal of an appellant who has filed a timely written request and who (a) has received notice that a restraining order or injunction will be sought, or (b) has received notice that a permit will be suspended or revoked, or (c) is affected by either of such notices. The commissioner shall likewise hear the appeal of an appellant who has filed a written request and who has reason to desire a change in the minimum safety standards or the rules.

(2) The commissioner shall set the time and place for hearing and give the appellant 10 days' written notice.

(3) All appeals shall be heard within three months of receipt of the request. Provided, if immediate menace to health or safety is involved, the appeal shall be heard within 20 days of receipt of the request.

(4) (a) Two or more appeals may be consolidated for hearing, if based upon substantially the same facts.

(b) The commissioner and the appellant may subpoena witnesses who shall receive the same compensation and mileage pay as circuit court witnesses.

(c) The appeal shall be heard by the commissioner, or his deputy, before the board.

(d) A written record shall be kept.

(e) The commissioner shall determine the appeal after consultation with and giving consideration to the views of the board.
[1961 c.485 §28]

480.620 to 480.980 [Reserved for expansion]

PENALTIES

480.990 Penalties. (1) Violation of any provision of ORS 480.010 to 480.040 is pun-

ishable, upon conviction, by a fine of not less than \$10 nor more than \$100 for each offense.

(2) Violation of any provision of ORS 480.050 or 480.060 is punishable, upon conviction, by a fine of not less than \$25 nor more than \$200, or by imprisonment in the county jail for a period not to exceed six months, or both.

(3) Violation of ORS 480.090 is a misdemeanor.

(4) Violation of any provision of ORS 480.110 to 480.160 is punishable, upon conviction, by a fine of not more than \$500, or by imprisonment in the county jail for not more than six months, or both. Violations thereof may be prosecuted in state or municipal courts when violations occur within the municipality served thereby. Justice and district courts shall have concurrent jurisdiction with circuit courts in all proceedings arising within ORS 480.110 to 480.160.

(5) Violation of any provision of ORS 480.170 is punishable, upon conviction, by a fine of not less than \$25 nor more than \$50.

(6) Any violation of ORS 480.320 to 480.340 is punishable, upon conviction, by a fine of not more than \$500, or by imprisonment in the county jail for not more than six months, or both.

(7) Violation of any provision of ORS 480.420 to ~~480.460~~ is punishable, upon conviction, by a fine of \$25.

(8) Violation of any part of ORS 480.555, of subsection (1) of 480.570, of subsection (2) of 480.580 or of subsection (3) of 480.585 is a misdemeanor.

[Subsection (3) enacted as 1961 c.722 §3; subsection (8) enacted as 1961 c.485 §24]

CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Sam R. Haley, Legislative Counsel, do hereby certify that I have compared each section printed in this chapter with the original section in the enrolled bill, and that the sections in this chapter are correct copies of the enrolled sections, with the exception of the changes in form permitted by ORS 173.160 and other changes specifically authorized by law.
Done at Salem, Oregon,
on December 1, 1961.

Sam R. Haley
Legislative Counsel

