

**BOILER INSPECTION LAW  
STATE OF LOUISIANA  
OFFICE OF STATE FIRE MARSHAL**

**Includes latest amendments of the Legislature of Louisiana  
2000**

**LOUISIANA REVISED STATUTES OF 1950**  
**TITLE 23, CHAPTER 5**  
**PART III. REGULATING AFFECTING BOILERS OUTSIDE NEW ORLEANS**

**Section 1**

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**531. Assistant secretary of office of state fire marshal to make rules**

The assistant secretary of the office of state fire marshal of the Department of Public Safety and Corrections, hereinafter in this Chapter referred to as the assistant secretary, shall have the exclusive power to investigate and to promulgate rules and regulations for the proper construction, installation, repair, use, operation, and safety of boilers in this state and to issue orders for the enforcement of such rules and regulations as well as any provisions of law affecting boilers. The rules and regulations so formulated shall conform as nearly as practicable to the boiler construction code of the American Society of Mechanical Engineers (ASME). Boilers and pressure vessels requiring ASME Code stamping by the owner, user, or fabricator in shop or field fabrication, assembly, modification, or repair shall be inspected in accordance with the ASME Code and national board standards.

**532. Adoption, amendment, or repeal of regulations; effective date**

- A. Before any rule or regulation is adopted, amended, or repealed, a public hearing or opportunity to be heard thereon by the public shall be given, of which ten days' notice shall be given in one or more newspapers of general circulation in the state. Such rules and regulations shall become effective after publication in one or more newspapers of general circulation in the state, or at such later time as the assistant secretary may fix, and shall thereafter have the force and effect of law.
- B. No rule, regulation or amendment thereto applying the construction of new boilers, or raising the standards governing the method of construction of new boilers or the quality of material used in them, shall become effective to prevent the installation of such until six months after publication.

**533. Printing of laws, rules, and regulations**

The assistant secretary shall cause to be printed for distribution to the public, the text of this Part, rules and regulations, and any other matter he deems relevant and suitable, and shall furnish the same to any person upon application therefore.

### **534. Duties of the assistant secretary**

The assistant secretary shall

- (1) Employ and compensate, with the approval of the governor, inspectors and other assistants and employees as he may deem necessary for the exercise of the powers and the performance of the duties prescribed in this Part.
- (2) Have free access for himself or authorized representatives to any premises in the state where a boiler is being constructed, installed, or operated, for the purpose of ascertaining whether such boiler is built, repaired, installed, or operated in accordance with the provisions of this Part.
- (3) Prosecute all violators of the provisions of this Part.
- (4) Issue, suspend, or revoke inspection certificates allowing boilers to be operated, as provided in this Part.
- (5) Draw upon the state treasurer for funds necessary to meet any expense authorized by this Part which, in addition to salaries of employees, shall include necessary traveling expenses and the expenses incident to maintenance of any offices required in the state.
- (6) Enforce the laws governing the use of boilers and to enforce the rules and regulations of the assistant secretary.
- (7) Keep a complete record of the type, dimensions, age, condition, pressure allowed upon, location, and date of the last inspection, of all boilers to which this Part applies.

### **535. Special inspectors**

- A. In addition to the personnel authorized by R.S.23:534(1), the assistant secretary may, upon the request of any company authorized to insure against loss from explosion of boilers in this state, appoint the boiler inspectors of the said company as special inspectors, who shall serve at his pleasure, provided that each such inspector holds a certificate of competency as an inspector of boilers from the National Board of Boiler and Pressure Vessel Inspectors. These special inspectors shall receive no salary from, nor shall any of their expenses be paid by the state. The continuance of a special inspector's appointment shall be conditioned upon his continuing in the employ of a boiler inspection and insurance company duly authorized as aforesaid, and upon his maintenance of the standards imposed by this Part. These special inspectors shall inspect all boilers insured by their respective companies and the owners or users of such insured boilers shall be exempt from the payment of inspection fees required in R.S.23:541. Each company employing such special inspectors shall within thirty days following each annual internal inspection made by them, file a report of such inspection with the assistant secretary upon appropriate forms as promulgated by the American Society of Mechanical Engineers.
- B. In addition to the personnel authorized by R.S.23:534(1), the assistant secretary may, upon the request of director of safety and permits for the city of New Orleans, appoint boiler inspectors of the city of New Orleans as special inspectors, who shall serve at his pleasure, provided that each such inspector holds a certificate of competency as an inspector of boilers from the National Board of Boiler and Pressure Vessel Inspectors, or the equivalent if the national board refuses to certify local inspectors due to populations limits. These special inspectors shall receive no salary from, nor shall any of their expenses be paid by the state. The continuance of a special inspector's appointment shall be conditioned upon his continuing in the employ as a boiler inspector of the city of New Orleans duly authorized as aforesaid, and upon his maintenance of the standards imposed by this Part. These special inspectors shall inspect all boilers in the city of New Orleans and the owners or users of such boilers shall be exempt from the payment of inspections required in R.S. 23:541. The director of safety and permits for the city of New Orleans shall within thirty days following each annual internal inspection made by such special inspectors, file a report of such inspection with the assistant secretary upon appropriate forms as promulgated by the American Society of Mechanical Engineers.

- C. The assistant secretary shall have the authority to:
- (1) Revoke inspector recognition for cause and only after an administrative hearing.
  - (2) Monitor inspection activities by the special inspectors for the city of New Orleans.
  - (3) Follow up on overdue repair reports with the New Orleans inspection agency.
  - (4) Promulgate rules and regulations through the Administrative Procedure Act as may be deemed necessary for the implementation of the provisions of this Section.

### 536. Annual inspection of boilers

- A. Each power boiler and high-pressure, high temperature water boiler used or proposed to be used, except boilers exempt under R.S.23:540 and except as otherwise provided in this Part, shall receive a certificate inspection annually which shall be an external inspection while the boiler is under normal operating conditions. Such boilers shall also be inspected internally where construction permits at about six months after each external inspection. Except as provided in Subsection B, no more than fourteen months shall elapse between internal inspections. However, any power boiler, the operation of which is an integral part of or necessary adjunct to other continuous operations, shall be inspected internally and issued certificates at such intervals as are permitted by planned or scheduled shutdown of the processing operation of five days or more in duration occurring after three years have elapsed since the last inspection of the boiler, but not exceeding five years between such intervals.
- B. Upon the approval of the assistant secretary or his designated representative, the interval between internal inspections may be extended for a period of not to exceed twenty-four months on stationary boilers provided: (1) continuous water treatment under competent and experienced supervision has been in effect since the last internal inspection for the purpose of controlling and limiting corrosion and deposits, (2) accurate and complete records are available showing that since the last Internal inspection samples of boiler water have been taken at regular intervals not greater than twenty-four hours of operation and that the water condition in the boiler is satisfactorily controlled, (3) accurate and complete records are available showing the dates, if any such boiler has been out of service and the reason therefore since the last Internal inspection, and such records shall include the nature of all repairs to the boiler, the reason why such repairs were necessary and by whom the repairs were made, and (4) the last internal and current external Inspection of the boiler indicates the Inspection period may be safely extended. When such an extended period between internal inspections has been approved by the assistant secretary or his designated representative, as outlined in this Section, a certificate of operation shall be issued for that extended period of operation, and the inspection certificate fees shall be double the annual fees provided by law.
- C. Low pressure boilers shall receive a certificate inspection biannually. (1) Steam or vapor boilers shall have an external inspection and an internal inspection every two years where construction permits, (2) hot water heating and hot water supply boilers shall have an external certificate inspection every two years and where construction permits, an internal inspection at the discretion of the inspector, and (3) potable water boilers shall have an external certificate inspection every two years. Inspection shall include the functions of all controls and devices. If at any time a hydrostatic test is deemed necessary to determine the safety of a boiler, the test shall be made at the discretion of the assistant secretary or his designated representative.

### 537. Certificates of inspection ; fees; issuance and suspension

- A. If upon inspection, a boiler is found to be suitable and to conform to the rules and regulations of the assistant secretary, he shall issue to the owner or user thereof an inspection certificate specifying the maximum pressure which the boiler may be allowed to carry. A fee of **Twenty and no/100 Dollars (\$20.00)** shall be charged by the assistant secretary for the issuance of each inspection certificate, which shall be valid for not more than fourteen months from its inspection date. A fee of **Forty and no/100 Dollars (\$40.00)** shall be charged for a certificate issued relative to an extension of internal inspection, and when the inspection frequencies may be extended to two years for certain boilers. The inspection certificate shall be posted under glass in the room containing the boiler. In the case of a portable boiler, the Certificate shall likewise be posted in a metal container fastened to a machine or tool box accompanying the boiler. No inspection certificate issued for a boiler inspected by a special inspector shall be valid after the boiler for which it was issued ceases to be insured by an authorized insurance company.
- B. A fee of **twenty dollars (\$20.00)** shall be charged by the assistant secretary for the issuance of each inspection certificate, which shall be valid for not more than fourteen months from its date. A fee of **forty dollars (\$40.00)** shall be charged for a certificate issued relative to an extension of internal inspection, and when inspection frequencies may be extended to two years for certain boilers. A fee of **two hundred dollars(\$200.00)** shall be

charged by the assistant secretary for the issuance of each inspection certificate valid for a time period not to exceed five years as permitted by R.S.23:536(A).

**538. Operation of boiler without inspection certificate; penalty**

The operation of a boiler without an inspection certificate, or at a pressure exceeding that specified in such inspecting certificate shall constitute a misdemeanor on the part of the owner, user or operator thereof punishable by a fine of not less than twenty-five dollars nor more than five hundred dollars, or imprisonment for not less than ten days, nor more than ninety days or both. Each day of such unlawful operation shall constitute a separate offense.

**539. Installation of boilers**

- A. No boiler shall be installed after six months from the date upon which the rules and regulations formulated by the assistant secretary governing new installations shall have become effective unless the boiler conforms to such rules and regulations.
- B. All boilers installed and ready for use, or being used, before the six months have elapsed, shall be made to conform to the rules and regulations of the assistant secretary governing existing installations, and the formulas therein prescribed shall be used in determining the maximum allowable working pressure therefore.
- C. All boilers to be installed after six months from the date upon which the rules and regulations of the assistant secretary shall become effective, shall be inspected during construction by an inspector authorized to inspect boilers in this state, if constructed outside the state, by an inspector holding a certificate from the National Board of Boiler and Pressure Vessel Inspectors, or a certificate of authority from the assistant secretary, which may be issued by him to any inspector who holds a certificate of authority to inspect boilers from a state which has adopted boiler rules that require standards of construction and operation substantially equal to those of this state.

**540. Exemptions from provisions**

This Part shall not be construed as in any way preventing the use or sale of boilers which have been installed or in use in this state prior to July 7, 1938, and which have been made to conform to the rules and regulations of the assistant secretary governing existing installations, as provided in R.S.23:539; nor shall this Part apply to boilers subject to inspection by any department or agency of the federal government; or to air tanks located on vehicles used for transporting passengers or freight; or to boilers of steam fire engines brought into the state for temporary use in times of emergency; or to portable boilers used for agricultural purposes only; or to steam heating boilers carrying not more than fifteen pounds pressure, and hot water heating and supply boilers used exclusively for noncommercial purposes located in any private home; or to boilers located in any private home.

**541. Fees for inspection**

A. The owner or user of a boiler required by this Part to be inspected by the assistant secretary or his representative shall pay to the assistant secretary an inspection fee based on the following schedule:

<b>Inspection Type</b>	<b>Fees</b>	
1. Potable water boilers	<b>\$15.00</b>	
2. Heating boilers	<b>\$35.00</b>	
3. Power boilers	External	Internal
(a) <b>100 sq. ft. Heating surface or less</b>	<b>\$20.00</b>	<b>\$50.00</b>
(b) <b>Over 100 sq ft heating surface and not exceeding 1000 sq ft heating surface</b>	<b>\$35.00</b>	<b>\$75.00</b>
(c) <b>Over 1000 sq ft heating surface</b>	<b>\$70.00</b>	<b>\$150.00</b>
<b>4. Electric boilers</b>	<b>\$30.00</b>	<b>\$50.00</b>
5. Coil-type steam generators	<b>\$50.00</b>	
6. Special inspections		
(a) <b>\$250.00</b> and expenses for up to one-half day		
(b) <b>\$500.00</b> and expenses for one day		
7. Quality control program reviews		
(a) Boiler and pressure vessel manufacturers and repair organizations		
(1) <b>\$250.00</b> and expenses for up to one-half day		
(2) <b>\$400.00</b> and expenses for one day		
(b) Safety Valve Assembly and Repair Organizations		
(1) <b>\$250.00</b> and expenses for up to one-half day		
(2) <b>\$ 400.00</b> and expenses for one day		
8. Nuclear surveys		
(a) \$250.00 and expenses for one day		
(b) \$500.00 and expenses for one day		

B. Failure to pay any of the inspection fees herein provided within thirty days from the date of the inspection will subject the owner or user, or the person requesting the special inspection, as the case may be, to a penalty of twenty-five per cent of the original amount of the inspection fee.

C. The fees for inspection provided for in this Section are intended to defray the cost of employment of boiler and pressure vessel inspectors, and shall be retained by the Assistant Secretary for this purpose.

D. Any provisions herein contained or in other laws to the contrary notwithstanding, the provisions of this Section shall not be applicable to commercial potable-water boilers of fifty gallon capacity or less.

E. The manufacturer of a boiler or pressure vessel required by this Part to be inspected shall pay to the assistant secretary an inspection fee for the ASME and/or National Board of Boiler and Pressure Vessel Inspectors "Shop Reviews for Certificate of Authorization" in the amount of one thousand five hundred dollars per location review.

#### **§542. Fidelity bonds of employees**

The assistant secretary may in his discretion require any employee to furnish a bond conditioned upon the faithful performance of his duties and upon a true account of moneys handled by him. The cost of these bonds shall be paid by the assistant secretary as a necessary administrative expense.

#### **543. Installation, moving or reinstallation of power boilers, steam heating, or hot water boilers, licensing; examination; fees.**

- A. Every person, firm, or corporation engaged in the installation, moving, or reinstallation of power boilers, steam heating, or hot water heating boilers, in this state, shall be licensed by the assistant secretary to perform such work. Each such person, firm, or corporation shall be required to have a single license and shall not be required to license individual employees.
- B. The annual license fee shall be **seventy-five dollars** payable prior to issuance of such license, and on or before January thirty-first or each year.
- C. Every person, firm, or corporation engaged in the installation, of powers boilers, steam heating, or hot water heating boilers shall, before a license is issued by the assistant secretary, pass a written examination administered by the chief boiler inspector.

Each such person, firm, or corporation shall be required to have a single license and shall not be required to license individual employees.

- D. The fee for this examination shall be **fifty dollars**, payable at the time of examination.

#### **544. Application for installation, moving, or reinstallation of a boiler, except , in New Orleans; fee**

- A. When any boiler in this state, the city of New Orleans excepted, is to be installed, moved, or reinstalled, the installer must be licensed by the assistant secretary to perform such work and shall submit an application to the chief boiler inspector. The application shall list the location of the boiler; date installation is to be completed; trade name of the boiler; type of boiler and the manufacturer's and National Board's identifying number.
- B. This application for permit to install, move, or reinstall a boiler shall be accompanied by a permit fee of **twenty-five dollars**.

##### **544.1. Disposition of fees**

**All fees collected pursuant to R.S. 23:537, 541, 543, and 544 shall be used exclusively for the operation and maintenance of the boiler section within the office of the state fire marshal, code enforcement and building safety.**

#### **545. Penalties**

No boiler in this state, the city of New Orleans excepted, shall be installed, moved, or reinstalled without a permit issued to a licensed person by a chief boiler inspector. Whoever fails to comply with the provisions of R.S. 23:543 and 544 shall be fined not more than one thousand dollars or imprisoned for not more than one year, or both. Each violation hereunder shall constitute a separate offense.

#### **Section 2.**

If any provisions or item of this Act or the application thereof is held invalid, such invalidity shall not affect other provisions, items, or applications of this Act which can be given effect without the invalid provisions, items, or applications, and to this end the provisions of this Act are hereby declared severable.

**Section 3.**

All laws or parts of laws in conflict herewith are hereby repealed.