

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control No. _____ Department or Agency: Dept. of Labor
Rule No. 480-7-2-.02
Rule Title: Fees
 New X Amend Repeal Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? NO

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? NO

Is there another, less restrictive method of regulation available that could adequately protect the public? NO

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? NO

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? NO

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? YES

Does the proposed rule have an economic impact? NO

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.

Signature of certifying officer *Steph McCall*

Date 5-22-17

(DATE FILED)
(STAMP)

Department of
Labor

NOTICE OF INTENDED ACTION

AGENCY NAME: DEPARTMENT OF LABOR

RULE NO. & TITLE: 480-7-2-.02 Fees.

INTENDED ACTION: To amend the above section under the Boiler and Pressure Vessel Safety Rules to add a fee schedule for lock out procedures.


SUBSTANCE OF PROPOSED ACTION: The adoption is necessary to provide a fee schedule in the event that any individual is caught tampering with equipment that has been locked out by the Alabama Department of Labor.

TIME, PLACE, MANNER OF PRESENTING VIEWS: All interested persons may submit data, views, or arguments in writing to Stephen McCormick, Department of Labor, 649 Monroe Street, Montgomery, Alabama 36131 by mail or in person between the hours of 8:00 am and 4:30 pm, Monday through Friday until and including July 10, 2017. Persons wishing to submit data, views or arguments orally should contact Stephen McCormick by telephone at (334) 242-8274 during this period to arrange an appointment.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: July 10, 2017

CONTACT PERSON AT AGENCY:

Stephen McCormick
Department of Labor
649 Monroe Street
Montgomery, AL 36131
Telephone: (334) 242-8274



Stephen McCormick
Director, Governmental Affairs

ALABAMA DEPARTMENT OF LABOR
ADMINISTRATIVE CODE

CHAPTER 480-7-2

GENERAL PROVISIONS

480-7-2-.02 Fees.

(1) Schedule of fees - the owner or user of a boiler or pressure vessel required by this Act to be inspected by the chief inspector or his/her deputy inspector shall pay directly to the chief inspector, upon completion of inspection, fees in accordance with the following schedule:

- (a) Power boilers and high temperature water boilers:
1. Boilers of 50 sq. ft. of heating surface or less..... \$ 60
 2. Boilers over 50 sq. ft. and less than 2000 sq. ft..... \$ 90
 3. Boilers of 2000 or more sq. ft..... \$120
For electric boilers, one kilowatt equals one square foot of heating surface.
- (b) Heating boilers
1. With manhole..... \$ 90
 2. Without manhole..... \$ 60
- (c) Pressure vessels - fees are based on the maximum length of the vessel times the maximum width or diameter thereof in feet.
1. Each pressure vessel subject to inspection having a product, as determined above, of 50 sq. ft. or less..... \$ 60
 2. For each additional 100 sq. ft., or portions thereof, of area in excess of 50 sq. ft..... \$ 10
- (d) Inspection fees will be charged for any trip made by the inspector for the purpose of a certificate inspection, permit inspection, follow-up inspection, insurance cancellation inspection, internal, and/or external inspection.

- (2) Installation permit fee

(a)	All pressure vessels.....	\$50
(b)	All boilers.....	\$50
(c)	All Alabama State Specials.....	\$75
(3)	Certificate of inspection fees	
(a)	Power boilers and high pressure, high temperature water boilers.....	\$50 annually
(b)	Low pressure steam or vapor heating boilers.....	\$50 biennially
(c)	Hot water heating and hot water supply boilers.....	\$50 biennially
(d)	Pressure vessels.....	\$10 annually
(3)	<u>Lock Out Fees</u>	
(1)	<u>unlock.....</u>	<u>\$100</u>
(2)	<u>Tamper: Unauthorized tampering relock fee</u>	<u>\$500</u>

(4) The owner, user, agent, or installer is responsible to ensure that the equipment is accessible and prepared for inspection and that the necessary personnel are available to the inspector as required. Failure to meet any of the above requirements will result in cancellation of the inspection and will cause the owner, user, agent, or installer to be charged a fee of \$100 per hour, including travel time, for the inspector's time. This fee must be paid before an inspection can be rescheduled or any other inspections can be completed at that location.

(5) Penalties and interest fees

(a) Boilers and pressure vessels subject to operating certificate inspections by special inspectors, or owner or user inspectors, shall be inspected within sixty (60) calendar days following the required re-inspection date. Inspections not performed within this sixty (60) calendar day period shall result in a fine of five hundred dollars (\$500) for each boiler or pressure vessel not inspected.

(b) Inspection fees due on boiler and pressure vessels subject to inspection by the chief or deputy inspectors or operating certificate fees due from inspections performed by special inspectors, or owner or user inspectors, shall be paid within sixty (60) calendar days of completion of the inspections.

(c) Inspection fees or operating certificate fees unpaid within sixty (60) calendar days shall bear interest at

the rate of 1.5 percent per month or any fraction of a month. Interest shall continue to accrue until all amounts due, including interest, are received by the commissioner.

(d) The Commissioner may waive the collection of the penalties and interest assessed as provided herein when it is reasonably determined that the delays in inspection or payment were unavoidable or due to the action or inaction of the Department.

(e) Inspection fees or operating certificate fees must be paid in order to validate operating certificates. Fees not paid within sixty (60) calendar days of completion of inspection shall cause the suspension of the operating certificate until such time as all outstanding fees are paid. When an operating certificate is suspended for lack of payment, the deputy inspector shall re-inspect the boilers, hot water heaters, or pressure vessels suspended from operation, and the inspection fee will be charged and collected prior to reinstating the operating certificate.

(6) Special inspection fee, for purposes of any inspection performed by the State other than a regularly scheduled inspection, excluding inspections encompassed under the provisions of paragraph (4) above..... \$100

Author: Board of Boilers & Pressure Vessels, Dr. David Dyer, Chairman. Marvin J. Byrum, Chief Inspector
Statutory Authority: Code of Ala. 1975, §§25-12-4, -6, -14.
History: New Rule: Filed February 20, 2004; effective March 23, 2004. **Amended:** Filed January 9, 2013; effective February 13, 2013. **Amended:**