BEFORE THE COMMISSIONER OF INSURANCE

STATE OF GEORGIA

IN THE MATTER OF:	)	
	)	
RULES AND REGULATIONS FOR	)	**DOCKET NUMBER I-14-SF-1A**
	)	
CHAPTER 120-3-26	)	
BOILER AND PRESSURE VESSELS	)	
	)	

ORDER

I. STATEMENT OF PROCEEDINGS

On November 5, 2014, Notice of Intent to Adopt Rule Changes and Notice of Hearing was given regarding the following actions: the modification of Regulation Section 120-3-3-.04 entitled "State Minimum Fire Standards with Modifications"; the repealing of Regulation Chapter 120-3-20 entitled "Access To and Use of Public Facilities by Handicapped Persons" and the adoption of a new Chapter 120-3-20 with the same title; the repealing of Regulation Chapter 120-3-25 entitled "Rules and Regulations for Escalators and Elevators" and the adoption of a new Chapter 120-3-25 with the same title; and the repealing of Regulation Chapter 120-3-26 entitled "Rules and Regulations for Boiler and Pressure Vessels" and the adoption of a new Chapter 120-3-26 with the same title. (Record, Exhibit 1).

A public hearing was held on December 11, 2014. Three days later and after consideration of the record, the Commissioner issued an order adopting the proposed actions with regard to Regulation Chapters 120-3-3, 120-3-20 and 120-3-25 but staying his decision with regard to Regulation Chapter 120-3-26. The Order is attached hereto and incorporated herein as "Exhibit A."

II. CONSIDERATION OF INTERESTED PARTY COMMENTS

The Commissioner has waited to make a decision concerning Regulation Chapter 120-3-26 to allow stakeholders more time to work with the Commissioner's staff on the proposed definition of "external inspection" in Regulation Section 120-3-26-.02(14). By way of background, the current definition of "external inspection" provides that an "external inspection" is "[A]n inspection made when a boiler or pressure vessel is in operation or idle." The Commissioner's staff previously received requests from the industry to expand this definition. The proposed expansion of this definition (the "Expanded Definition") reads as follows: "[A]n inspection made when a boiler or pressure vessel is in operation or idle. This inspection shall verify, through operational testing or review of documentation, that all required controls and safety devices are maintained and tested and are in place per all portions of adopted Codes and Standards."

Multiple stakeholders including the American Insurance Association and the Hartford Steam Boiler Inspection Insurance Company have expressed reservations about the potential adoption of the Expanded Definition. (Testimony, Potter; Exhibit 9) Interested parties continue to work with Department staff on Regulation Section 120-3-26-.02(14). The other proposed updates to Regulation Chapter 120-3-26, however, need to be implemented. Therefore, at this time the Commissioner is not adopting the Expanded Version of "external inspection" but is proceeding with the implementation of the other proposed changes to Chapter 26. Although the Commissioner may eventually re-examine the definition of "external inspection," at this time the current definition shall remain in this Office's regulations.

III. DECISION

WHEREAS, the Commissioner has considered the whole record, **IT IS HEREBY ORDERED** that Regulation Chapter 120-3-26, entitled "Rules and Regulations for Boiler and Pressure Vessels" is **REPEALED**, and **ADOPTED** in lieu thereof is a new Regulation Chapter 120-3-26, with the same title, copies of which are attached hereto and made a part by reference.

Given under my Hand and Seal this 13th day of March, 2015.

RALPH T. HUDGENS
INSURANCE AND SAFETY FIRE COMMISSIONER
STATE OF GEORGIA

EXHIBIT A

BEFORE THE COMMISSIONER OF INSURANCE

STATE OF GEORGIA

IN THE MATTER OF:	)	
	)	
RULES AND REGULATIONS FOR	)	
	)	
CHAPTER 120-3-3	)	
STATE MINIMUM FIRE STANDARDS	)	
WITH MODIFICATIONS	)	
	)	DOCKET NUMBER I-14-SF-1
CHAPTER 120-3-20	)	
ACCESS TO AND USE OF PUBLIC	)	
FACILITIES BY HANDICAPPED	)	
PERSONS	)	
	)	
CHAPTER 120-3-25	)	
ESCALATORS AND ELEVATORS	)	
	)	
CHAPTER 120-3-26	)	
BOILER AND PRESSURE VESSELS	)	

ORDER

I. STATEMENT OF PROCEEDINGS

On November 5, 2014, Notice of Intent to Adopt Rule Changes and Notice of Hearing was given regarding the following proposed actions: the modification of Regulation Section 120-3-3-.04 entitled "State Minimum Fire Standards with Modifications"; the repealing of Regulation Chapter 120-3-20 entitled "Access To and Use of Public Facilities by Handicapped Persons" and the adoption of a new Chapter 120-3-20 with the same title; the repealing of Regulation Chapter 120-3-25 entitled "Rules and Regulations for Escalators and Elevators" and the adoption of a new Chapter 120-3-25 with the same title; and the repealing of Regulation Chapter 120-3-26 entitled "Rules and Regulations for Boiler and Pressure Vessels" and the adoption of a new Chapter 120-3-26 with the same title. (Record, Exhibit 1).

The proposed amendment to Regulation Section 120-3-3-.04 is intended to promote the coordination of language between this state's minimum construction codes as adopted by this Office and the regulations of the Department of Community Affairs. The proposed updates to Regulation Chapter 120-3-20 are intended to promote the accessibility of handicapped persons to public facilities, specifically the two percent fully accessible or adaptable units. This Office proposes updating Regulation Chapter 120-3-25 to reflect the most recent versions of the codes and standards for elevators and escalators, adding another classification for elevator contractors and mechanics, addressing the needs of the mobility impaired regarding wheelchair lifts and stairway chairlifts, changing the fee structure on private residential wheelchair lifts and stairway chairlifts, changing the fee structure on inspection fees for taller buildings, designating a location for the Firemen's Emergency Key-Box, adding certain clarifying language and renumbering certain regulations as necessary. The proposed updates to Regulation Chapter 120-3-26 are intended to revise the codes and standards for boilers and pressure vessels, clarify the meaning of "external inspections," explicitly address thermal fluid heaters and hobby locomotive boilers, increase the frequency of internal inspections of boilers, add certain other clarifying language and renumber regulations as necessary. The reason for proposing the repeal of Regulation Chapters 120-3-20, 120-3-25 and 120-3-26 and adopting new chapters in lieu thereof, as opposed to merely amending the chapters, is to promote efficient Office record keeping procedures.

By letter dated December 8, 2014, the Office of the Attorney General opined that the proposed regulations were within this Office's scope of authority. (Record, Exhibit 5). Pursuant to O.C.G.A. §50-13-4(e), the proposed regulations were transmitted to Wayne R. Allen, Legislative Counsel for the General Assembly, for assignment to the appropriate standing

committees of the Senate and House of Representatives and were assigned accordingly. (Record, Exhibits 6 and 7).

Interested persons were given the opportunity to participate in the proposed rulemaking by submitting written comments or by making oral comments at the public hearing held December 11, 2014. Written comments were offered by Kenneth Stoller of the American Insurance Association ("AIA"), Brian Moore of the Hartford Steam Boiler Inspection Insurance Company, Thomas Archie of PFlow Industries, Inc., and Monte Simpson of the Weyerhaeuser Company (Exhibits 8, 9, 10, and 11, respectively). State Fire Marshall Dwayne Garriss, Robert Potter, representing AIA, Mr. Archie and Mr. Simpson also offered oral comments at the hearing.

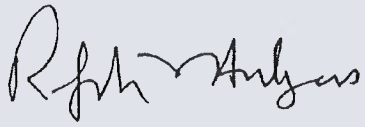
II. CONSIDERATION OF INTERESTED PARTY COMMENTS

According to the State Fire Marshall, the proposed regulations are necessary for the reasons provided above. Mr. Simpson spoke in favor of the proposed regulatory changes to Regulation Section 120-3-26-.07 regarding boiler and pressure vessel inspection requirements. Mr. Potter's comments were generally supportive of the proposed changes but he requests that this Office take more time to work with stakeholders concerning the proposed revised definition of "external inspections" in Regulation Section 120-3-26-.02(14). Messrs. Stoller and Moore made the same request in their written comments. (Exhibits 8 and 9). State Fire Marshall Garriss does not object to delaying the adoption of a new Regulation Chapter 120-3-26 to allow more time to addressed stakeholder concerns as expressed by Messrs. Potter, Stoller and Moore. Finally, Mr. Archie spoke at the hearing regarding concerns he had dealing with the classification of vertical reciprocating conveyors as elevators.

III. DECISION

WHEREAS, the Commissioner has considered all comments submitted in the matter herein, **IT IS HEREBY ORDERED** as follows: the proposed amendment to Regulation Chapter 120-3-3 is **HEREBY ADOPTED**; the proposed repeal of Regulation Chapters 120-3-20 and 120-3-25 and the proposed adoption of new Regulation Chapters 120-3-20 and 120-3-25, is **HEREBY ADOPTED**; and the Commissioner's decision concerning Regulation Chapter 120-3-26 is **HEREBY STAYED** until such time as the Commissioner receives sufficient additional information to make a final decision. Copies of the adopted amendment to Regulation Chapter 120-3-3 and the new Regulation Chapters 120-3-20 and 120-3-25 are attached hereto and made a part by reference.

Given under my Hand and Seal this 12th day of December, 2014.



RALPH T. HUDGENS
INSURANCE AND SAFETY FIRE COMMISSIONER
STATE OF GEORGIA