



# **TEXAS DEPARTMENT OF LICENSING AND REGULATION**

*Regulatory Program Management Division/Boiler Program*

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## **BOILER TECHNICAL GRAM**

**Number:** 2018-04

**Date:** July 12, 2018

**To:** Authorized Inspectors  
Authorized Inspection Agencies  
Deputy Inspectors

**From:** Office of the Chief Boiler Inspector  
TDLR, Regulatory Program Management Division  
Boiler Program

**Subj:** Rental Boilers (Portable Boilers) – What They Are (Distinction from Leased Boilers), How to Enter Them in Jurisdiction Online (JO), and Who is Responsible for Inspecting Them

Ref: Texas Boiler Administrative Rule: § 65.2 (52), Definitions, and § 65.63, Inspection of Portable Boilers

Portable Boilers are boilers that are not permanently installed at a location and are intended only for temporary use at a location. The boiler owner (the entity that owns and rents out the portable/rental boiler) is always responsible for compliance with Texas Boiler Laws and Rules. Portable/rental boilers are separate and distinct from leased boilers, which are addressed in Boiler Technical Gram 2018-05.

Due to recent changes to Texas Boiler Law and Regulations, portable boilers no longer need to be re-inspected every time they are moved. Rather, they must be inspected based on the boiler ASME Code of Construction using the schedule found at Texas Boiler Administrative Rule § 65.63.

Because TDLR no longer needs to track every location where portable/rental boilers are put into use, how these boilers are entered and tracked in JO is changing. Going forward, the Location information entered in JO for the boiler will be the boiler owner's location information (office address of the location where portable boilers are housed when not in use), NOT the address for the location where the boiler is temporarily in use.

### **Examples:**

- Unregistered boiler, initial inspection:
  - Boiler Owner: Best Boilers, office located at 123 This Way in Austin (owns portable boilers and rents them out)
  - Boiler Inspected at location: LiveHere Apartments, located at 987 That Way in Austin (needs a temporary boiler and rents a boiler from Best Boilers)
  - Boiler not registered yet, so a Boiler Installation Report (BIR) needs to be submitted by Best Boilers and an Initial Inspection needs to be conducted by the Authorized Inspection Agency (AIA) responsible to Best Boilers (see further discussion below).
  - When the inspection is conducted and a TX number assigned, this is how it should be entered into JO:

- Location Name and Address information: Best Boilers and 123 This Way in Austin, respectively.
- Owner Information Contact: Best Boilers, 123 This Way in Austin (or another address if different for mailing, home office, etc). THIS MUST BE ENTERED IN JO AS A CONTACT.
- Invoice Contact: Best Boilers
- Certificate Contact\*: Best Boilers
- Primary Contact: Best Boilers.
- If the inspector wants to memorialize where the portable boiler was located when inspected, in this case LiveHere Apartments at 987 That Way in Austin, this can be included in the Comments section of the Inspection Report.
- Additionally, when specifying the boiler Use in JO, it is necessary to select the boiler Use type that starts with the word “Portable” – (Portable Hot Water Heating, Portable Hot Water Supply, Portable Power Boiler, or Portable Water Heater).
  - For Hartford Steam Boiler, the fact that this is a portable boiler should be noted in the BLR USE field in the inspection report submitted to TDLR for data entry.
- Registered boiler, subsequent inspection:
  - When Best Boilers calls its AIA to schedule the inspection, Best Boilers will need to let the inspector know where the boiler is located at that time.
  - When the Inspection Report is entered, the location remains as the specified office/location for Best Boilers
  - Best Boilers also remains as the Invoice Contact, Certificate Contact\*, and Primary Contact.
  - The actual place where the rental/portable boiler is in use at the time of the inspection can be noted in the Comments section.
- One exception to this scenario is the rare occasion where the portable/rental boiler Owner does not have an office/location in Texas. We do not have the authority to enter a Location in JO that is not in our Jurisdiction (Texas). Therefore, we cannot enter as a Location address a boiler owner office location that is in another state.
  - In this instance, you will enter the location information where the boiler is located at the time it is inspected.
  - The boiler USE field should still be entered using one of the “Portable” options
  - The Owner information for the boiler absolutely must be entered in the Contacts for the location and specified as the Owner contact.

It is important to note that if there is an AIA that covers boilers for the boiler owner, that AIA is responsible for inspection of the boilers regardless of the boilers’ locations. This is in accordance with § 65.61(b) which states, “Boilers shall be inspected by the inspection agency that issued an insurance policy to cover a boiler located in this state, or authorized representative. All other boilers shall be inspected by the department.” This requirement does not specify that a boiler must be associated with a location. As such, if the boiler owner has the boiler covered by an AIA, that AIA is responsible for conducting inspections on the boiler regardless of where the boiler is located, meaning regardless of whether the AIA has coverage for any other boilers owned by the property owner that may be at the location where the boiler is temporarily placed.

\*Boilers without a current Certificate of Operation may not be put into operation as per Texas Boiler Law, Texas Health & Safety Code § 755.021. For boilers that have a current Certificate of Operation, that Certificate must be posted at the location where the boiler is in use in accordance with Texas Boiler Law §

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Date: July 12, 2018

755.028(c). This is true of portable/rental boilers as well as permanently installed boilers, and the boiler owner must ensure that this requirement is met. However, regarding portable/rental boilers, inspectors should bear in mind that the location information on the Certificate of Operation will not match the location where the boiler is located unless the boiler is between rentals at the time the Certificate inspection is conducted.

Any questions regarding this Technical Gram should be addressed to the Chief Boiler Inspector or an Inspection Specialist.

Sincerely,



Robby D. Troutt  
Chief Boiler Inspector  
TDLR – Boiler Program

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