

1975 O. A. G.

OFFICIAL OPINION NO. 29

November 20, 1975

Mr. Robert R. Johnson  
Secretary and Chief Accountant  
Boiler and Pressure Vessel Board  
512 State Office Building  
Indianapolis, Indiana 46204

Dear Mr. Johnson:

This is in response to your request for an official opinion regarding the following question:

“When the Indiana Boiler and Pressure Vessel Board makes inspections and provides inspection services for the State of Indiana, its agencies and instrumentalities, may the Board charge the State, its agencies and instrumentalities for the services rendered and certificates issued and are they required to pay?”

ANALYSIS

A 1971 amendment to the Boiler and Pressure Vessel Act clearly requires the State of Indiana to comply with the inspection requirements of the Act. Section 2 of the Act, Indiana Code of 1971, section 22-11-7-2 now provides, in part, the following:

“From and after the first day of July, 1953, it shall be the duty of the owner or user, *including the sovereign state of Indiana and its agencies or instrumentalities*, of each steam-boiler, hot water heating boiler, hot water supply boiler, nuclear or other pressure vessel installed, used, or operated in this state to maintain or cause the same to be maintained in safe operating condition in accordance with the applicable standards prescribed or provided for by IC 1971, 22-11-7 [22-11-7-1—22-11-7-34] pertaining to inspection, repair, and allowable working pressures of boilers and pressure vessels in service . . .” (emphasis added).

## OPINION 29

Thus, the State of Indiana, its agencies and instrumentalities, are required to have the boilers and pressure vessels which they own and use inspected in accordance with the Act.

Code section 22-11-7-22 authorizes the Boiler and Pressure Vessel Board to charge specified inspection fees. Since the 1971 General Assembly did not exempt state instrumentalities or agencies from paying the fee, they may not avoid the generally applicable requirements of Code section 22-11-7-22.

## CONCLUSION

It is, therefore, my Official Opinion that the State of Indiana, its agencies and instrumentalities, which own or operate (use) facilities requiring boiler and pressure inspections must meet the same requirements as all other owners and operators (users) of buildings requiring boiler and pressure inspections. The law is clear in that the State of Indiana, its agencies and instrumentalities, are subject to the same inspection requirements of the Boiler and Pressure Vessel Act and must, accordingly, pay the statutory inspection and certification fees as well.