

HOUSE BILL NO. 401

INTRODUCED BY KEANE, GALVIN-HALCRO, COHENOUR

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE REQUIREMENTS FOR CRANE AND HOIST
5 ENGINEERS' LICENSES; REQUIRING INSPECTIONS OF CRANES, HOISTS, AND OTHER EQUIPMENT;
6 PROVIDING THAT A DEPARTMENT OF LABOR AND INDUSTRY CRANE INSPECTOR MAY REQUIRE THE
7 SUSPENSION OF OPERATION OF CRANES, HOISTS, AND OTHER EQUIPMENT UNTIL DEFECTIVE
8 CONDITIONS ARE CURED; PROVIDING THAT OPERATING A CRANE, HOIST, OR OTHER EQUIPMENT
9 BEFORE CURING A DEFECTIVE CONDITION IS A MISDEMEANOR; AND AMENDING SECTIONS 50-76-103,
10 50-76-109, 50-76-110, AND 50-76-112, MCA."

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12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

13
14 **Section 1.** Section 50-76-103, MCA, is amended to read:
15 **"50-76-103. Crane and hoist license required.** (1) (a) It is unlawful for a person to operate any crane
16 and hoist equipment, when used in hoisting or lowering personnel or material, that has a manufacturer's load
17 chart rating of 6 tons or more ~~and a boom length of more than 25 feet~~ or to operate a tower crane of any capacity
18 without first obtaining a license from the department. ~~This~~ The crane and hoist equipment includes overhead
19 trolley and gantry cranes used only in construction ~~only~~ and excludes equipment with excavation attachments
20 or log loading equipment when in use.

21 (b) In emergencies, 50-74-317 applies to the operation of the equipment named in this section.

22 (2) Licensing is as follows:

23 (a) ~~First-class~~ Licensed first-class crane and hoist engineers ~~are licensed to~~ may operate any hoisting
24 equipment in industrial or construction operations.

25 (b) (i) An applicant for a first-class crane and hoist engineer's license must be at least 18 years of age
26 ~~or older~~ and, except as provided in [section 2]:

27 (A) ~~must have no~~ may not have less than ~~3 years'~~ 1 year of experience operating equipment requiring
28 a second-class crane and hoist engineer's license or shall demonstrate equivalent competency by examination;
29 and

30 (B) ~~is required to~~ shall pass a written test prescribed by the department.

1 (ii) A biennial physical exam is required of all first-class licensees.

2 (c) ~~Second-class Licensed second-class~~ crane and hoist engineers ~~are licensed to may~~ operate crane
3 and hoist equipment with a manufacturer's load chart rating of between 6 tons and ~~a boom length of 25 feet up~~
4 ~~to equipment with a rating of 15 17.5 tons and a boom length of 60 feet~~ or a tower crane of any capacity.

5 (d) (i) An applicant for a second-class crane and hoist engineer's license must be at least 18 years of
6 age ~~or older~~ and, and except as provided in [section 2]:

7 (A) ~~must have no may not have~~ less than ~~2 years' 1 year of~~ experience in actual operation of crane and
8 hoist equipment covered by this section or shall demonstrate equivalent competency by examination; and

9 (B) ~~is required to successfully shall~~ pass a written examination prescribed by the department.

10 (ii) A biennial physical exam is required of all second-class licensees.

11 (e) ~~Third-class Licensed third-class~~ crane and hoist engineers ~~are licensed to may~~ move all truck cranes
12 driven by any power and of any capacity. This license requirement also applies to truck crane oilers who move
13 truck cranes.

14 (f) An applicant for a third-class crane and hoist engineer's license is required to successfully pass a
15 written test prescribed by the department and must be at least 18 years of age ~~or older~~ before receiving a
16 license.

17 (3) The department shall reexamine each ~~licensed engineer or operator licensee~~ every 5 years during
18 the anniversary month of the issuance of the license if the licensee has not worked at the trade for 5 years."

19
20 **NEW SECTION. Section 2. Recognition of national certification.** (1) The department shall issue
21 a first-class or second-class crane and hoist engineer's license to any individual who is certified by the national
22 commission for the certification of crane operators as having qualifications that are at least substantially
23 equivalent to the requirements of this state for licensing as a first-class or second-class crane and hoist
24 engineer.

25 (2) An individual licensed under this section is subject to all requirements of this chapter pertaining to
26 licensed first-class or second-class crane and hoist engineers, including license fees, biennial physical exams,
27 and 5-year reexaminations.

28
29 **NEW SECTION. Section 3. Failure of licensee to have possession of license or proof of license**
30 **while operating equipment.** (1) A person may not operate any equipment covered by licensure under this

1 chapter unless the person has possession of the license or proof of licensure at the time the person is operating
2 the equipment.

3 (2) The department shall issue a citation to any person violating the provisions of subsection (1). The
4 department may direct an employee of the department to conduct onsite inspections to determine compliance
5 with subsection (1) and to issue citations for violations of subsection (1).

6 (3) The citation must include:

7 (a) the time and date on which the citation is issued;

8 (b) the name, address, and mailing address of the person receiving the citation;

9 (c) information explaining the procedure for paying the fine or for providing the department with proof
10 of licensure;

11 (d) a statement that the amount of the fine is \$100 and that the person receiving the citation has 30 days
12 from the date of the citation to pay the fine or to submit proof of licensure to the department; and

13 (e) a statement that failure to pay the fine or to provide proof of licensure may result in revocation of the
14 license of the person receiving the citation.

15 (4) The ~~board~~ DEPARTMENT shall waive the fine for any person who provides proof of licensure within
16 the 30-day period provided in subsection (3)(d).

17

18 **Section 4.** Section 50-76-109, MCA, is amended to read:

19 **"50-76-109. Violation of chapter ~~a~~ -- misdemeanor.** ~~Every (1) A person who operates any of the~~
20 ~~engines and machinery named a crane, hoist, or other equipment described in 50-76-102 or 50-76-103 for which~~
21 ~~a crane and hoist engineer's license is required without first obtaining a license, as required by the sections~~
22 ~~referred to above and every owner, employer, or manager of any such the engines or machinery crane, hoist,~~
23 ~~or other equipment who permits any an unlicensed person to operate such the crane, hoist, or other equipment~~
24 ~~engines or machinery or any person who violates any of the provisions of this chapter is guilty of a misdemeanor.~~

25 (2) A person who knowingly operates or an owner, employer, or manager who knowingly allows the
26 operation of a crane, hoist, or other equipment in violation of the rules adopted pursuant to 50-76-110(2) is guilty
27 of a misdemeanor."

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29 **Section 5.** Section 50-76-110, MCA, is amended to read:

30 **"50-76-110. Crane inspector -- qualifications -- inspections.** (1) The department shall employ at

1 least one crane inspector. ~~The A crane inspector shall hold a first-class hoisting engineer's license under this~~
 2 ~~chapter for a minimum of 1 year and must have a minimum of 3 years' years of experience operating cranes and~~
 3 ~~must have been licensed for at least 1 year as a first-class crane and hoist engineer.~~

4 (2) The department may adopt by rule applicable operating and safety standards established by the
 5 American national standards institute.

6 (3) A crane inspector may require that a crane, hoist, or other equipment subject to this chapter that is
 7 not being operated in compliance with an operating or safety standard adopted by rule pursuant to subsection
 8 (2) be declared to be out of service and that the crane, hoist, or other equipment not be operated until the
 9 noncompliance is cured."

10

11 **Section 6.** Section 50-76-112, MCA, is amended to read:

12 **"50-76-112. Rulemaking authority.** (1) The department may adopt rules consistent with the purposes
 13 of this chapter for the administration of the following classes of crane and hoist operators:

14 ~~(1)(a)~~ crane and hoist oiler;

15 ~~(2)(b)~~ crane and hoist hoisting;

16 ~~(3)(c)~~ crane and hoist hydraulic;

17 ~~(4)(d)~~ crane gantry and trolley;

18 ~~(5)(e)~~ hoists;

19 ~~(6)(f)~~ mine hoists;

20 ~~(7)(g)~~ hydraulic and boom trucks; ~~and~~

21 ~~(8)(h)~~ tower crane; ~~and~~

22 (i) air tugger winches, OTHER THAN AIR TUGGER WINCHES ON EQUIPMENT USED TO DRILL OIL, NATURAL GAS,

23 OR WATER WELLS.

24 (2) In adopting rules pertaining to inspections and safety requirements, the department may consult with
 25 engineering authorities and organizations concerned with safety codes, rules, and regulations governing the
 26 operation, testing, maintenance, and inspection of cranes, hoists, and other equipment subject to the provisions
 27 of this chapter."

28

29 **NEW SECTION. Section 7. Codification instruction.** [Sections 2 and 3] are intended to be codified
 30 as an integral part of Title 50, chapter 76, part 1, and the provisions of Title 50, chapter 76, part 1, apply to

1 [sections 2 and 3].

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