



EXHIBIT 2
DATE 2-3-05
HB 401
Corporate Office

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February 3, 2005

To: Committee Members
From: Greg Poncelet
Re: Revisions to Requirements for Crane and Hoist Engineers Licenses

Montana Crane Service understands the purpose of the legislation before this committee is intended to promote and enforce safe operations in the construction industry, and specifically, in the area of crane operations.

On behalf of Montana Crane Service, I appreciate the opportunity to share with this committee my thoughts and concerns regarding the proposed legislation.

I would strongly recommend the following:

- 1) First Class License requirements would include passing both a written and competency test and two years of certifiable experience on a hydraulic crane with a capacity greater than 17.5 Tons. It is critical that a crane operator possess the math skills to accurately work with load charts and, at the same time, have the hand/eye coordination and skills required to safely operate a crane on a construction site. Two years is the minimum required for an operator to gain practical experience that enables him/her to make safe decisions on the job site.
- 2) Second Class License requirements would include passing a written test and one year of certifiable experience plus passing a competency test based on the discretion of the enforcement officer.
- 3) Third Class Licenses would be expanded to allow the oiler to train under a 1st Class operator provided that operator had two years of certifiable experience.
- 4) Two classes of licenses would be issued for the operation of tower cranes: 1st Class Licenses for the operation of non self-erecting (top slew) cranes with a capacity greater than 4 tons; and 2nd Class Licenses for all self-erecting (bottom slew) tower cranes ~~over~~ 4 tons. Rated Less Than 4 Tons
- 5) A separate 1st Class License would be issued for the operation of conventional cranes.

- 6) All licensing requirements must include mandatory drug testing, following current DOT regulations, and establish 0 tolerance guidelines. Positive drug test means no license. Period.
- 7) All regulations governing crane operations in the State of Montana must stipulate adherence to industry standards established by the American National Standards Institute (ANSI).
- 8) The recognition of equivalent experience and licenses in lieu of compliance with regulations enacted by the State of Montana is not a practical long term solution. The example of recognizing the private and for profit based CCO as equivalent to a Montana Operator's License puts the State at risk of recognizing any number of private companies seeking profit from the enforcement of safety regulations. In addition, the State would be liable for recognizing in house training programs which adhere to the accepted criteria for safe crane operations.
- 9) State regulations must require annual crane inspections and stipulate that current inspections be kept in the crane and available for inspection. (This is OSHA regulation and currently liability underwriters require copies of annual inspections.)
- 10) State regulations need to address the issue of liability insurance requirements.
- 11) Regulations and rules are only as good as the enforcement. Our recommendations are for stronger enforcement.
 - a) Out of service criteria needs to include operating a crane without the appropriate or current license, operating a crane without a current annual inspection, and/or operating a crane that does not pass an inspection. Crane is out of service until compliance is satisfied.
 - b) Fines for out of service criteria need to be higher. First offense at \$100, second offense at \$ 500, and third offense at \$1000 might prove to be effective.
 - c) The enforcement officer needs the authority to cite the operator, the owner of the crane, the employer of the crane operator, and the contractor.
 - d) A minimum of two enforcement officers is required.
- 12) Current enforcement of existing crane operations regulations are ineffective and not only threaten the safety of construction personnel, but also threaten the economic well being of Montana companies and employees.

Thank you for this opportunity to share our thoughts and concerns regarding this legislation.