

HOUSE BILL 699

C2

8lr0907

By: **Delegate Schuler**

Introduced and read first time: February 1, 2008

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Crane Operators Act**

3 FOR the purpose of providing for the licensure and regulation of crane operators;
4 establishing the State Board of Crane Operators; providing for the membership,
5 powers, and duties of the Board; establishing the terms and requirements for
6 certain members of the Board; providing for the officers and election of officers
7 of the Board; establishing the quorum, meeting, and compensation
8 requirements for the members of the Board; authorizing the Board to employ
9 certain staff to investigate certain charges made against certain licensees;
10 requiring certain money collected by the Board to be paid into the General
11 Fund; providing that the Board exercises certain power subject to the authority
12 of the Secretary of Labor, Licensing, and Regulation; requiring an individual to
13 be licensed by the Board before an individual operates a crane; establishing the
14 education and experiential requirements for crane operators; establishing
15 certain application requirements; requiring the Board to issue certain licenses
16 under certain circumstances; requiring certain licenses to include certain
17 information; providing for the scope of certain licenses; providing for the
18 expiration, renewal, and status of certain licenses; authorizing the Board to
19 deny, refuse renewal of, suspend, or revoke a license, and reprimand a licensee
20 or impose certain penalties under certain circumstances; establishing certain
21 hearing and appeal procedures for crane operators; providing for the
22 reinstatement of certain licenses; prohibiting certain acts; providing for certain
23 criminal penalties; requiring that an evaluation of the Board be performed on or
24 before a certain date; providing that certain members of the Board do not need
25 to be licensed crane operators; providing for certain terms for the initial
26 members of the Board; defining certain terms; and generally relating to the
27 licensure and regulation of crane operators.

28 BY renumbering

29 Article – State Government

30 Section 8–403(b)(17) through (69), respectively

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 to be Section 8–403(b)(18) through (70), respectively
2 Annotated Code of Maryland
3 (2004 Replacement Volume and 2007 Supplement)

4 BY adding to
5 Article – Business Occupations and Professions
6 Section 9.5–101 through 9.5–502 to be under the new title “Title 9.5. Crane
7 Operators”
8 Annotated Code of Maryland
9 (2004 Replacement Volume and 2007 Supplement)

10 BY repealing and reenacting, without amendments,
11 Article – State Government
12 Section 8–403(a)
13 Annotated Code of Maryland
14 (2004 Replacement Volume and 2007 Supplement)

15 BY adding to
16 Article – State Government
17 Section 8–403(b)(17)
18 Annotated Code of Maryland
19 (2004 Replacement Volume and 2007 Supplement)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
21 MARYLAND, That Section(s) 8–403(b)(17) through (69), respectively, of Article – State
22 Government of the Annotated Code of Maryland be renumbered to be Section(s)
23 8–403(b)(18) through (70), respectively.

24 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
25 read as follows:

26 **Article – Business Occupations and Professions**

27 **TITLE 9.5. CRANE OPERATORS.**

28 **SUBTITLE 1. DEFINITIONS; GENERAL PROVISIONS.**

29 **9.5–101.**

30 (A) IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS
31 INDICATED.

32 (B) “BOARD” MEANS THE STATE BOARD OF CRANE OPERATORS.

33 (C) (1) “CRANE” MEANS A POWER–OPERATED HOISTING MACHINE
34 USED IN CONSTRUCTION, DEMOLITION, OR EXCAVATION WORK THAT HAS A
35 POWER–OPERATED WINCH, LOAD LINE, AND BOOM MOVING Laterally BY THE

1 ROTATION OF THE MACHINE ON A CARRIER AND HAS A MANUFACTURER-RATED
2 LIFTING CAPACITY OF 10 TONS OR MORE.

3 (2) "CRANE" DOES NOT INCLUDE:

4 (I) A FORKLIFT;

5 (II) A DIGGER DERRICK TRUCK;

6 (III) AIRCRAFT;

7 (IV) A BUCKET TRUCK;

8 (V) A KNUCKLE BOOM;

9 (VI) A TROLLEY BOOM; OR

10 (VII) ANY OTHER VEHICLE OR MACHINE THAT DOES NOT
11 HAVE A POWER-OPERATED WINCH AND LOAD LINE.

12 (D) "CRANE OPERATOR" MEANS AN INDIVIDUAL WHO OPERATES A
13 CRANE.

14 (E) "LICENSE" MEANS, UNLESS THE CONTEXT REQUIRES OTHERWISE, A
15 LICENSE ISSUED BY THE BOARD TO OPERATE A CRANE.

16 (F) "LICENSED CRANE OPERATOR" MEANS, UNLESS THE CONTEXT
17 REQUIRES OTHERWISE, AN INDIVIDUAL WHO IS LICENSED BY THE BOARD TO
18 OPERATE A CRANE.

19 **9.5-102.**

20 THE PURPOSES OF THIS TITLE ARE TO BENEFIT AND PROTECT THE
21 PUBLIC AND TO PROMOTE THE PUBLIC WELFARE BY REGULATING PERSONS
22 WHO OPERATE CRANES IN THE STATE.

23 **SUBTITLE 2. STATE BOARD OF CRANE OPERATORS.**

24 **9.5-201.**

25 **THERE IS A STATE BOARD OF CRANE OPERATORS IN THE DEPARTMENT.**

26 **9.5-202.**

1 (A) (1) **THE BOARD CONSISTS OF SEVEN MEMBERS.**

2 (2) **OF THE SEVEN MEMBERS OF THE BOARD:**

3 (I) **THREE SHALL BE LICENSED CRANE OPERATORS;**

4 (II) **ONE SHALL BE A HEAVY HIGHWAY, UTILITY, OR**
5 **TRANSPORTATION CONSTRUCTION CONTRACTOR;**

6 (III) **ONE SHALL BE A BUILDING CONTRACTOR; AND**

7 (IV) **TWO SHALL BE CONSUMER MEMBERS.**

8 (3) **THE GOVERNOR SHALL APPOINT THE MEMBERS WITH THE**
9 **ADVICE AND CONSENT OF THE SENATE.**

10 (B) **EACH MEMBER OF THE BOARD SHALL BE:**

11 (1) **A CITIZEN OF THE UNITED STATES; AND**

12 (2) **A RESIDENT OF THE STATE FOR AT LEAST 3 YEARS.**

13 (C) **EACH LICENSED CRANE OPERATOR MEMBER OF THE BOARD SHALL**
14 **HAVE OPERATED A CRANE FOR AT LEAST 5 YEARS.**

15 (D) **EACH CONSUMER MEMBER OF THE BOARD:**

16 (1) **SHALL BE A MEMBER OF THE GENERAL PUBLIC;**

17 (2) **MAY NOT BE A LICENSEE OR OTHERWISE BE SUBJECT TO**
18 **REGULATION BY THE BOARD;**

19 (3) **MAY NOT BE REQUIRED TO MEET THE QUALIFICATIONS FOR**
20 **THE PROFESSIONAL MEMBERS OF THE BOARD; AND**

21 (4) **MAY NOT, WITHIN 1 YEAR BEFORE APPOINTMENT, HAVE HAD A**
22 **FINANCIAL INTEREST IN OR HAVE RECEIVED COMPENSATION FROM A PERSON**
23 **REGULATED BY THE BOARD.**

24 (E) **WHILE A MEMBER OF THE BOARD, A CONSUMER MEMBER MAY NOT:**

25 (1) **HAVE A FINANCIAL INTEREST IN OR RECEIVE COMPENSATION**
26 **FROM A PERSON REGULATED BY THE BOARD; OR**

1 (2) **GRADE ANY EXAMINATION GIVEN BY OR FOR THE BOARD.**

2 (F) **BEFORE TAKING OFFICE, EACH APPOINTEE TO THE BOARD SHALL**
3 **TAKE THE OATH REQUIRED BY ARTICLE I, § 9 OF THE MARYLAND**
4 **CONSTITUTION.**

5 (G) (1) **THE TERM OF A MEMBER IS 4 YEARS AND BEGINS ON JULY 1.**

6 (2) **THE TERMS OF MEMBERS ARE STAGGERED AS REQUIRED BY**
7 **THE TERMS PROVIDED FOR MEMBERS OF THE BOARD ON JULY 1, 2008.**

8 (3) **AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE**
9 **UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.**

10 (4) **A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN**
11 **SERVES ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS**
12 **APPOINTED AND QUALIFIES.**

13 (H) **THE GOVERNOR MAY REMOVE A MEMBER FOR:**

14 (1) **INCOMPETENCE;**

15 (2) **MISCONDUCT; OR**

16 (3) **HABITUAL OR WILLFUL NEGLECT OF DUTY.**

17 **9.5-203.**

18 (A) **FROM AMONG ITS MEMBERS, THE BOARD ANNUALLY SHALL ELECT**
19 **A CHAIR, A VICE CHAIR, AND A SECRETARY.**

20 (B) **THE MANNER OF ELECTION OF OFFICERS SHALL BE AS THE BOARD**
21 **DETERMINES.**

22 **9.5-204.**

23 (A) **A MAJORITY OF THE AUTHORIZED MEMBERSHIP OF THE BOARD IS A**
24 **QUORUM.**

25 (B) (1) **THE BOARD SHALL MEET AT LEAST TWICE A YEAR, AT THE**
26 **TIMES AND PLACES THAT THE BOARD DETERMINES.**

1 **(2) THE BOARD MAY HOLD SPECIAL MEETINGS AS PROVIDED IN**
2 **ITS BYLAWS, BUT THE BOARD MAY NOT HOLD MORE THAN ONE MEETING IN A**
3 **CALENDAR MONTH.**

4 **(C) A MEMBER OF THE BOARD:**

5 **(1) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE**
6 **BOARD; BUT**

7 **(2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE**
8 **STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE**
9 **BUDGET.**

10 **(D) THE BOARD MAY EMPLOY A STAFF IN ACCORDANCE WITH THE**
11 **STATE BUDGET.**

12 **9.5-205.**

13 **(A) SUBJECT TO THE STATE BUDGET, THE BOARD MAY EMPLOY AN**
14 **INVESTIGATIVE STAFF TO INVESTIGATE A CHARGE THAT IS MADE AGAINST A**
15 **LICENSED CRANE OPERATOR AND ALLEGES FACTS THAT CONSTITUTE:**

16 **(1) A GROUND FOR DISCIPLINARY ACTION UNDER THIS TITLE; OR**

17 **(2) A VIOLATION OF THIS TITLE.**

18 **(B) THE BOARD MAY ADMINISTER OATHS.**

19 **(C) (1) THE BOARD MAY ISSUE A SUBPOENA FOR THE ATTENDANCE**
20 **OF A WITNESS TO TESTIFY OR THE PRODUCTION OF EVIDENCE IN CONNECTION**
21 **WITH:**

22 **(I) A DISCIPLINARY ACTION UNDER § 9.5-307 OF THIS**
23 **TITLE; OR**

24 **(II) A PROCEEDING BROUGHT FOR AN ALLEGED VIOLATION**
25 **OF THIS TITLE.**

26 **(2) A SUBPOENA SHALL BE SIGNED BY THE CHAIR OF THE BOARD**
27 **AND SEALED WITH THE SEAL OF THE BOARD.**

28 **(3) IF A PERSON FAILS TO COMPLY WITH A SUBPOENA ISSUED**
29 **UNDER THIS SUBSECTION, ON PETITION OF THE BOARD, A CIRCUIT COURT MAY**
30 **COMPEL COMPLIANCE WITH THE SUBPOENA.**

1 **9.5-206.**

2 (A) IN ADDITION TO ANY POWERS SET FORTH ELSEWHERE, THE BOARD
3 MAY ADOPT:

4 (1) ANY BYLAW FOR THE CONDUCT OF THE PROCEEDINGS OF THE
5 BOARD; AND

6 (2) ANY REGULATION TO CARRY OUT THIS TITLE.

7 (B) IN ADDITION TO ANY DUTIES SET FORTH ELSEWHERE, THE BOARD:

8 (1) SHALL ADMINISTER THIS TITLE;

9 (2) SHALL ADOPT A SEAL;

10 (3) SHALL KEEP A RECORD OF ITS PROCEEDINGS; AND

11 (4) SHALL ESTABLISH CONTINUING EDUCATION REQUIREMENTS
12 FOR THE RENEWAL OF LICENSES.

13 (C) THE BOARD SHALL KEEP A RECORD THAT, FOR EACH APPLICATION
14 FOR A LICENSE, SHOWS:

15 (1) THE APPLICANT'S:

16 (I) NAME;

17 (II) AGE;

18 (III) RESIDENCE;

19 (IV) PLACE OF BUSINESS; AND

20 (V) EDUCATIONAL AND OTHER QUALIFICATIONS;

21 (2) THE DATE OF THE APPLICATION;

22 (3) WHETHER THE APPLICANT WAS REQUIRED TO TAKE AN
23 EXAMINATION;

24 (4) THE ACTION OF THE BOARD ON THE APPLICATION;

1 (5) **THE REASON FOR THE ACTION; AND**

2 (6) **ANY OTHER INFORMATION THE BOARD CONSIDERS**
3 **NECESSARY.**

4 **(D) THE BOARD SHALL:**

5 (1) **KEEP A LIST OF ALL LICENSED CRANE OPERATORS THAT**
6 **SHOWS THE NAME AND PLACE OF BUSINESS OF EACH LICENSEE; AND**

7 (2) **PROVIDE A COPY OF THE LIST:**

8 (I) **ON REQUEST, TO ANY MEMBER OF THE PUBLIC; AND**

9 (II) **EVERY 2 YEARS, ON OR BEFORE MARCH 31, TO:**

10 1. **EACH LICENSEE; AND**

11 2. **THE SECRETARY OF STATE.**

12 **(E) (1) WITH THE ADVICE OF THE ESTABLISHED CRANE OPERATORS**
13 **ORGANIZATIONS, THE BOARD SHALL ADOPT, BY REGULATION, A CODE OF**
14 **ETHICS FOR CRANE OPERATORS.**

15 (2) **THE BOARD SHALL DISTRIBUTE A COPY OF THE CODE OF**
16 **ETHICS:**

17 (I) **TO EACH APPLICANT FOR A LICENSE; AND**

18 (II) **ON EACH RENEWAL OF A LICENSE, TO EACH LICENSEE.**

19 **9.5-207.**

20 **THE BOARD SHALL PAY ALL MONEY COLLECTED UNDER THIS TITLE INTO**
21 **THE GENERAL FUND OF THE STATE.**

22 **9.5-208.**

23 **THE BOARD EXERCISES ITS POWERS, DUTIES, AND FUNCTIONS SUBJECT**
24 **TO THE AUTHORITY OF THE SECRETARY.**

25 **SUBTITLE 3. LICENSING.**

26 **9.5-301.**

1 **EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, AN INDIVIDUAL SHALL**
2 **BE LICENSED BY THE BOARD BEFORE THE INDIVIDUAL MAY OPERATE A CRANE**
3 **IN THE STATE.**

4 **9.5-302.**

5 **(A) TO QUALIFY FOR A LICENSE, AN APPLICANT SHALL BE AN**
6 **INDIVIDUAL WHO MEETS THE REQUIREMENTS OF THIS SECTION.**

7 **(B) THE APPLICANT SHALL BE AT LEAST 18 YEARS OLD.**

8 **(C) (1) AN APPLICANT SHALL HAVE RECEIVED CERTIFICATION FROM**
9 **THE NATIONAL COMMISSION FOR THE CERTIFICATION OF CRANE OPERATORS**
10 **OR ANY OTHER ORGANIZATION DETERMINED BY THE BOARD TO OFFER AN**
11 **EQUIVALENT TESTING AND CERTIFICATION PROGRAM MEETING THE**
12 **REQUIREMENTS OF THE AMERICAN SOCIETY OF MECHANICAL ENGINEERS**
13 **ASME B30.5 AND THE ACCREDITATION REQUIREMENTS OF THE NATIONAL**
14 **COMMISSION FOR CERTIFYING AGENCIES.**

15 **(2) AN APPLICANT SHALL HOLD A CERTIFICATION IN ONE OR**
16 **MORE OF THE FOLLOWING SPECIALTIES:**

17 **(I) LATTICE BOOM CRAWLER CRANE;**

18 **(II) LATTICE BOOM TRUCK CRANE;**

19 **(III) TELESCOPIC BOOM CRANE WITH A CAPACITY OF MORE**
20 **THAN 17.5 TONS; OR**

21 **(IV) TELESCOPIC BOOM CRANE WITH A CAPACITY OF LESS**
22 **THAN 17.5 TONS.**

23 **(D) THE APPLICANT SHALL HAVE AT LEAST 1,000 HOURS OF**
24 **EXPERIENCE IN CRANE OPERATION THAT INDICATES TO THE BOARD THAT THE**
25 **APPLICANT IS COMPETENT TO OPERATE A CRANE.**

26 **9.5-303.**

27 **(A) AN APPLICANT FOR A LICENSE SHALL:**

28 **(1) SUBMIT TO THE BOARD AN APPLICATION ON THE FORM THAT**
29 **THE BOARD PROVIDES;**

1 (2) SUBMIT ANY RELEVANT DOCUMENT OR INFORMATION THAT
2 THE BOARD REQUIRES; AND

3 (3) PAY TO THE BOARD A NONREFUNDABLE APPLICATION FEE
4 SET BY THE BOARD.

5 (B) AN APPLICATION SHALL BE MADE UNDER OATH.

6 **9.5-304.**

7 (A) IF AN APPLICANT QUALIFIES FOR A LICENSE UNDER THIS SUBTITLE,
8 THE BOARD SHALL MAIL THE APPLICANT A NOTICE THAT STATES THAT:

9 (1) THE APPLICANT HAS QUALIFIED FOR A LICENSE;

10 (2) ON RECEIPT OF A LICENSE FEE SET BY THE BOARD, THE
11 BOARD WILL ISSUE A LICENSE TO THE APPLICANT; AND

12 (3) IF THE APPLICANT FAILS TO PAY THE LICENSE FEE WITHIN 30
13 DAYS AFTER RECEIPT OF THE NOTICE, THE APPLICANT FORFEITS THE RIGHT TO
14 BE ISSUED A LICENSE AND, TO OBTAIN A LICENSE, MAY BE REQUIRED TO
15 SUBMIT A NEW APPLICATION AND TO PAY A NEW APPLICATION FEE.

16 (B) (1) ON PAYMENT OF THE LICENSE FEE, THE BOARD SHALL ISSUE
17 A LICENSE TO EACH APPLICANT WHO MEETS THE REQUIREMENTS OF THIS
18 SUBTITLE.

19 (2) IF AN APPLICANT FAILS TO PAY THE LICENSE FEE WITHIN 30
20 DAYS AFTER THE RECEIPT OF NOTICE THAT THE APPLICANT HAS QUALIFIED,
21 THE BOARD MAY:

22 (I) DENY THE APPLICANT A LICENSE UNDER THAT
23 APPLICATION; AND

24 (II) REQUIRE THE APPLICANT TO SUBMIT A NEW
25 APPLICATION AND AGAIN TO PAY THE APPLICATION FEE REQUIRED UNDER §
26 9.5-303 OF THIS SUBTITLE.

27 (C) THE BOARD SHALL INCLUDE ON EACH LICENSE THAT THE BOARD
28 ISSUES:

29 (1) THE FULL NAME OF THE LICENSEE;

1 (2) THE REGISTRATION NUMBER ASSIGNED BY THE BOARD TO
2 THE LICENSEE; AND

3 (3) THE SIGNATURE OF THE CHAIRMAN OF THE BOARD.

4 (D) SUBJECT TO ANY REGULATION THAT THE BOARD ADOPTS, IT SHALL
5 REPLACE ANY LOST, MUTILATED, OR DESTROYED LICENSE CERTIFICATE ON:

6 (1) REQUEST OF THE LICENSEE; AND

7 (2) PAYMENT OF A REPLACEMENT FEE SET BY THE BOARD.

8 **9.5-305.**

9 WHILE A LICENSE IS IN EFFECT, IT AUTHORIZES THE LICENSEE TO
10 OPERATE A CRANE IN THE SPECIALTY OR SPECIALTIES FOR WHICH THE CRANE
11 OPERATOR IS CERTIFIED.

12 **9.5-306.**

13 (A) UNLESS A LICENSE IS RENEWED FOR A 2-YEAR TERM AS PROVIDED
14 IN THIS SECTION, THE LICENSE EXPIRES ON THE FIRST SEPTEMBER 30 THAT
15 COMES:

16 (1) AFTER THE EFFECTIVE DATE OF THE LICENSE; AND

17 (2) IN AN ODD-NUMBERED YEAR.

18 (B) AT LEAST 30 DAYS BEFORE A LICENSE EXPIRES, THE BOARD SHALL
19 MAIL TO THE LICENSEE, AT THE LAST KNOWN ADDRESS OF THE LICENSEE:

20 (1) A RENEWAL APPLICATION FORM; AND

21 (2) A NOTICE THAT STATES:

22 (I) THE DATE ON WHICH THE CURRENT LICENSE EXPIRES;

23 (II) THE DATE BY WHICH THE BOARD MUST RECEIVE THE
24 RENEWAL APPLICATION FOR THE RENEWAL TO BE ISSUED AND MAILED BEFORE
25 THE LICENSE EXPIRES; AND

26 (III) THE AMOUNT OF THE RENEWAL FEE.

1 (C) BEFORE A LICENSE EXPIRES, THE LICENSEE PERIODICALLY MAY
2 RENEW IT FOR AN ADDITIONAL 2-YEAR TERM, IF THE LICENSEE:

3 (1) OTHERWISE IS ENTITLED TO BE LICENSED;

4 (2) EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION,
5 PAYS TO THE BOARD A RENEWAL FEE SET BY THE BOARD; AND

6 (3) SUBMITS TO THE BOARD A RENEWAL APPLICATION ON THE
7 FORM THAT THE BOARD PROVIDES.

8 (D) A LICENSEE SERVING ON ACTIVE DUTY IN THE ARMED FORCES OF
9 THE UNITED STATES IS EXEMPT FROM THE RENEWAL FEE REQUIRED BY THIS
10 SECTION.

11 (E) THE BOARD SHALL RENEW THE LICENSE OF EACH LICENSEE WHO
12 MEETS THE REQUIREMENTS OF THIS SECTION.

13 (F) THE SECRETARY MAY DETERMINE THAT LICENSES ISSUED UNDER
14 THIS SUBTITLE SHALL EXPIRE ON A STAGGERED BASIS.

15 (G) (1) A LICENSEE MAY APPLY TO THE BOARD FOR INACTIVE
16 STATUS.

17 (2) THE BOARD SHALL GRANT INACTIVE STATUS TO A LICENSEE
18 IF THE LICENSEE:

19 (I) OTHERWISE IS ENTITLED TO BE LICENSED; AND

20 (II) PAYS TO THE BOARD AN INACTIVE LICENSE FEE SET BY
21 THE BOARD.

22 (3) AN INDIVIDUAL MAY RETURN TO ACTIVE STATUS IF THE
23 INDIVIDUAL MEETS THE REQUIREMENTS FOR RENEWAL OF A LICENSE UNDER
24 THIS SECTION.

25 **9.5-307.**

26 (A) (1) SUBJECT TO THE HEARING PROVISIONS OF § 9.5-309 OF THIS
27 SUBTITLE, THE BOARD, ON THE AFFIRMATIVE VOTE OF A MAJORITY OF ITS
28 AUTHORIZED MEMBERS, MAY DENY A LICENSE TO ANY APPLICANT, REPRIMAND
29 ANY LICENSEE, OR SUSPEND OR REVOKE A LICENSE IF THE APPLICANT OR
30 LICENSEE:

1 (I) FRAUDULENTLY OR DECEPTIVELY OBTAINS OR
2 ATTEMPTS TO OBTAIN A LICENSE FOR THE APPLICANT OR LICENSEE OR FOR
3 ANOTHER;

4 (II) FRAUDULENTLY OR DECEPTIVELY USES A LICENSE;

5 (III) IS GUILTY OF GROSS NEGLIGENCE, INCOMPETENCE, OR
6 MISCONDUCT IN OPERATING A CRANE;

7 (IV) UNDER THE LAWS OF THE UNITED STATES OR OF ANY
8 STATE, IS CONVICTED OF:

9 1. A FELONY; OR

10 2. A MISDEMEANOR THAT IS DIRECTLY RELATED TO
11 THE FITNESS AND QUALIFICATION OF THE APPLICANT OR LICENSEE TO
12 OPERATE A CRANE;

13 (V) HAS HAD A LICENSE TO OPERATE A CRANE IN ANOTHER
14 STATE REVOKED OR SUSPENDED BY THE OTHER STATE FOR A CAUSE THAT
15 WOULD JUSTIFY REVOCATION OR SUSPENSION UNDER THIS TITLE, EXCEPT FOR
16 THE FAILURE TO PAY A LICENSE OR REGISTRATION RENEWAL FEE;

17 (VI) KNOWINGLY VIOLATES ANY PROVISION OF THE CODE OF
18 ETHICS ADOPTED BY THE BOARD;

19 (VII) IS ADDICTED TO ANY NARCOTIC OR IS HABITUALLY
20 INTOXICATED; OR

21 (VIII) KNOWINGLY VIOLATES ANY PROVISION OF THIS TITLE.

22 (2) (I) INSTEAD OF OR IN ADDITION TO REPRIMANDING A
23 LICENSEE OR SUSPENDING OR REVOKING A LICENSE UNDER THIS SUBSECTION,
24 THE BOARD MAY IMPOSE A PENALTY NOT EXCEEDING \$5,000 FOR EACH
25 VIOLATION.

26 (II) TO DETERMINE THE AMOUNT OF THE PENALTY
27 IMPOSED UNDER THIS SUBSECTION, THE BOARD SHALL CONSIDER:

28 1. THE SERIOUSNESS OF THE VIOLATION;

29 2. THE HARM CAUSED BY THE VIOLATION;

30 3. THE GOOD FAITH OF THE LICENSEE; AND

1 4. **ANY HISTORY OF PREVIOUS VIOLATIONS BY THE**
2 **LICENSEE.**

3 (3) **THE BOARD SHALL PAY ANY PENALTY COLLECTED UNDER**
4 **THIS SUBSECTION INTO THE GENERAL FUND OF THE STATE.**

5 (b) **THE BOARD SHALL CONSIDER THE FOLLOWING FACTS IN THE**
6 **GRANTING, DENIAL, RENEWAL, SUSPENSION, OR REVOCATION OF A LICENSE OR**
7 **THE REPRIMAND OF A LICENSEE WHEN AN APPLICANT OR LICENSEE IS**
8 **CONVICTED OF A FELONY OR MISDEMEANOR DESCRIBED IN SUBSECTION**
9 **(A)(1)(IV) OF THIS SECTION:**

10 (1) **THE NATURE OF THE CRIME;**

11 (2) **THE RELATIONSHIP OF THE CRIME TO THE ACTIVITIES**
12 **AUTHORIZED BY THE LICENSE;**

13 (3) **WITH RESPECT TO A FELONY, THE RELEVANCE OF THE**
14 **CONVICTION TO THE FITNESS AND QUALIFICATION OF THE APPLICANT OR**
15 **LICENSEE TO OPERATE A CRANE;**

16 (4) **THE LENGTH OF TIME SINCE THE CONVICTION; AND**

17 (5) **THE BEHAVIOR AND ACTIVITIES OF THE APPLICANT OR**
18 **LICENSEE BEFORE AND AFTER THE CONVICTION.**

19 **9.5-308.**

20 (a) **SUBJECT TO THE PROVISIONS OF THIS SECTION, THE BOARD SHALL**
21 **COMMENCE PROCEEDINGS UNDER § 9.5-307 OF THIS SUBTITLE ON COMPLAINT**
22 **MADE TO THE BOARD BY A MEMBER OF THE BOARD OR ANY OTHER PERSON.**

23 (b) (1) **A COMPLAINT SHALL BE:**

24 (i) **IN WRITING; AND**

25 (ii) **SUBMITTED TO THE SECRETARY OF THE BOARD.**

26 (2) **IF THE COMPLAINT IS MADE BY ANY PERSON OTHER THAN A**
27 **MEMBER OF THE BOARD, THE COMPLAINT SHALL BE MADE UNDER OATH BY THE**
28 **PERSON WHO SUBMITS THE COMPLAINT.**

1 (C) (1) IF THE BOARD FINDS THAT A COMPLAINT ALLEGES FACTS
2 THAT ARE ADEQUATE GROUNDS FOR ACTION UNDER § 9.5-307 OF THIS
3 SUBTITLE, THE BOARD SHALL ACT ON THE COMPLAINT AS PROVIDED UNDER §
4 9.5-309 OF THIS SUBTITLE.

5 (2) IF THE BOARD DOES NOT MAKE THAT FINDING, IT SHALL
6 DISMISS THE COMPLAINT.

7 **9.5-309.**

8 (A) (1) EXCEPT AS OTHERWISE PROVIDED IN § 10-226 OF THE STATE
9 GOVERNMENT ARTICLE, BEFORE THE BOARD TAKES ANY FINAL ACTION UNDER
10 § 9.5-307 OF THIS SUBTITLE, IT SHALL GIVE THE INDIVIDUAL AGAINST WHOM
11 THE ACTION IS CONTEMPLATED AN OPPORTUNITY FOR A HEARING BEFORE THE
12 BOARD.

13 (2) A HEARING SHALL BE HELD WITHIN 3 MONTHS AFTER THE
14 COMPLAINT IS MADE.

15 (B) THE BOARD SHALL GIVE NOTICE AND HOLD THE HEARING IN
16 ACCORDANCE WITH TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT
17 ARTICLE.

18 (C) AT LEAST 30 DAYS BEFORE THE HEARING, THE HEARING NOTICE
19 AND A COPY OF THE COMPLAINT SHALL BE:

20 (1) SERVED PERSONALLY ON THE INDIVIDUAL; OR

21 (2) SENT BY CERTIFIED MAIL TO THE LAST KNOWN ADDRESS OF
22 THE INDIVIDUAL.

23 (D) THE INDIVIDUAL MAY BE REPRESENTED AT THE HEARING BY
24 COUNSEL.

25 (E) IF, AFTER DUE NOTICE, THE PERSON AGAINST WHOM THE ACTION IS
26 CONTEMPLATED FAILS OR REFUSES TO APPEAR, NEVERTHELESS THE BOARD
27 MAY HEAR AND DETERMINE THE MATTER.

28 **9.5-310.**

29 ANY PERSON AGGRIEVED BY A FINAL DECISION OF THE BOARD IN A
30 CONTESTED CASE, AS DEFINED IN § 10-202 OF THE STATE GOVERNMENT
31 ARTICLE, MAY TAKE AN APPEAL AS ALLOWED IN §§ 10-222 AND 10-223 OF THE
32 STATE GOVERNMENT ARTICLE.

1 **9.5-311.**

2 (A) SUBJECT TO ANY REGULATION THAT THE BOARD ADOPTS, THE
3 BOARD MAY REINSTATE A LICENSE THAT HAS BEEN REVOKED.

4 (B) A LICENSE MAY BE REINSTATED UNDER THIS SECTION ONLY ON:

5 (1) THE BASIS OF EVIDENCE SUBMITTED TO THE BOARD AFTER
6 THE REVOCATION AND NOT AVAILABLE, BEFORE THE REVOCATION, TO THE
7 INDIVIDUAL SEEKING REINSTATEMENT;

8 (2) THE AFFIRMATIVE VOTE OF A MAJORITY OF THE AUTHORIZED
9 MEMBERS OF THE BOARD; AND

10 (3) PAYMENT TO THE BOARD OF A FEE SET BY THE BOARD.

11 **SUBTITLE 4. PROHIBITED ACTS; PENALTIES.**

12 **9.5-401.**

13 A PERSON MAY NOT ENGAGE IN THE OPERATION OF A CRANE OR ATTEMPT
14 TO ENGAGE IN THE OPERATION OF A CRANE IN THE STATE UNLESS LICENSED BY
15 THE BOARD.

16 **9.5-402.**

17 UNLESS AUTHORIZED UNDER THIS TITLE TO OPERATE A CRANE, A
18 PERSON MAY NOT REPRESENT TO THE PUBLIC, BY USE OF A TITLE, INCLUDING
19 "LICENSED CRANE OPERATOR", "PROFESSIONAL CRANE OPERATOR", OR
20 "CERTIFIED CRANE OPERATOR", BY DESCRIPTION OF SERVICES, METHODS, OR
21 PROCEDURES, OR OTHERWISE, THAT THE PERSON IS AUTHORIZED TO OPERATE
22 A CRANE IN THE STATE.

23 **9.5-403.**

24 AN INDIVIDUAL MAY NOT USE OR ATTEMPT TO USE THE LICENSE OF
25 ANOTHER.

26 **9.5-404.**

27 A PERSON MAY NOT GIVE FALSE INFORMATION TO THE BOARD IN AN
28 ATTEMPT TO OBTAIN A LICENSE.

1 **9.5-405.**

2 (A) A PERSON WHO VIOLATES ANY PROVISION OF THIS TITLE IS GUILTY
3 OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT
4 EXCEEDING \$5,000.

5 (B) (1) THE BOARD MAY IMPOSE ON A PERSON WHO VIOLATES ANY
6 PROVISION OF THIS TITLE A PENALTY NOT EXCEEDING \$5,000 FOR EACH
7 VIOLATION.

8 (2) IN SETTING THE AMOUNT OF THE PENALTY, THE BOARD
9 SHALL CONSIDER:

- 10 (I) THE SERIOUSNESS OF THE VIOLATION;
- 11 (II) THE HARM CAUSED BY THE VIOLATION;
- 12 (III) THE GOOD FAITH OF THE VIOLATOR;
- 13 (IV) ANY HISTORY OF PREVIOUS VIOLATIONS BY THE
14 VIOLATOR; AND
- 15 (V) ANY OTHER RELEVANT FACTORS.

16 (3) THE BOARD SHALL PAY ANY PENALTY COLLECTED UNDER
17 THIS SUBSECTION INTO THE GENERAL FUND OF THE STATE.

18 **SUBTITLE 5. SHORT TITLE; TERMINATION OF TITLE.**

19 **9.5-501.**

20 THIS TITLE MAY BE CITED AS THE "MARYLAND CRANE OPERATORS ACT".

21 **9.5-502.**

22 SUBJECT TO THE EVALUATION AND REESTABLISHMENT PROVISIONS OF
23 THE MARYLAND PROGRAM EVALUATION ACT, THIS TITLE AND ALL
24 REGULATIONS ADOPTED UNDER THIS TITLE SHALL TERMINATE AND BE OF NO
25 EFFECT AFTER JULY 1, 2014.

26 **Article - State Government**

27 **8-403.**

1 (a) On or before December 15 of the 2nd year before the evaluation date of a
2 governmental activity or unit, the Legislative Policy Committee, based on a
3 preliminary evaluation, may waive as unnecessary the evaluation required under this
4 section.

5 (b) Except as otherwise provided in subsection (a) of this section, on or before
6 the evaluation date for the following governmental activities or units, an evaluation
7 shall be made of the following governmental activities or units and the statutes and
8 regulations that relate to the governmental activities or units:

9 (17) **CRANE OPERATORS, STATE BOARD OF (§ 9.5-201 OF THE**
10 **BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE: JULY 1, 2014);**

11 SECTION 3. AND BE IT FURTHER ENACTED, That:

12 (a) Notwithstanding any other provisions of this Act, the first three crane
13 operator members of the State Board of Crane Operators appointed by the Governor
14 under Section 9.5-202 of the Business Occupations and Professions Article of this Act
15 may not be required, at the time of their appointment, to be licensed crane operators.

16 (b) The terms of the initial members of the State Board of Crane Operators
17 shall expire as follows:

- 18 (1) two members in 2009;
- 19 (2) two members in 2010; and
- 20 (3) three members in 2011.

21 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
22 July 1, 2008.