

HB1422/343294/1

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 1422
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 10, strike the comma and substitute “or”; in line 11, strike “, or a law enforcement officer”; in line 12, after “circumstances;” insert “authorizing the Commissioner to bring a certain action in a certain court under certain circumstances; establishing certain appeal procedures;”; in line 13, strike “certain penalties” and substitute “a certain penalty”; and in line 15, after “Act;” insert “declaring the intent of the General Assembly; defining certain terms;”.

AMENDMENT NO. 2

On page 2, strike beginning with “**MEETS**” in line 10 down through “**CRANE**” in line 11 and substitute “**DEMONSTRATES KNOWLEDGE OF AND TRAINING IN SAFE CRANE OPERATING PROCEDURES**”; strike beginning with “**HOISTING**” in line 14 down through “**MORE**” in line 17 and substitute “**MACHINE, FOR LIFTING, LOWERING, AND HORIZONTALLY MOVING A LOAD, THAT HAS A HOISTING MECHANISM THAT IS AN INTEGRAL PART OF THE MACHINE**”; strike beginning with the comma in line 18 down through “**DERRICKS**” in line 19; in line 26, strike “**OR**”; after line 26, insert:

“**(VII) A HYDRAULIC CRANE;**

(VIII) A POWER-OPERATED DERRICK; OR”;

and in line 27, strike “**(VII)**” and substitute “**(IX)**”.

AMENDMENT NO. 3

On page 3, after line 1, insert:

(Over)

“(F) (1) “OPERATE A CRANE” MEANS TO USE MECHANISMS INSIDE A CRANE TO GUIDE THE MACHINE IN:

(I) THE LIFTING, MOVING, POSITIONING, AND PLACING OF LARGE AND HEAVY OBJECTS, EARTH, OR OTHER MATERIALS; OR

(II) THE DRIVING OF LARGE OBJECTS OR MATERIALS INTO THE GROUND.

(2) “OPERATE A CRANE” INCLUDES:

(I) THE INSPECTION OF A CRANE;

(II) ASSISTING IN THE ERECTION, ADDING TO, OR DISMANTLING OF A CRANE; AND

(III) THE PERFORMANCE OF ROUTINE MAINTENANCE ON A CRANE.

(3) “OPERATE A CRANE” DOES NOT INCLUDE THE MOVEMENT OF A CRANE ON A STATE HIGHWAY FROM ONE LOCATION TO ANOTHER LOCATION.”;

in line 27, after “(B)” insert “(1)”; in the same line, strike the first comma and substitute “OR”; strike beginning with the second comma in line 27 down through “OFFICER” in line 28; and in line 30, strike the colon.

AMENDMENT NO. 4

On page 4, in line 1, strike “(1)”; in line 2, strike the semicolon and substitute a period; in line 3, strike “ISSUE A CITATION” and substitute “**IF A CRANE OPERATOR FAILS TO PROVIDE PROOF OF A VALID CERTIFICATE OF COMPETENCE UNDER**

PARAGRAPH (1) OF THIS SUBSECTION, THE COMMISSIONER OR THE AGENT OF THE COMMISSIONER SHALL ISSUE A WRITTEN NOTICE”;

in the same line, strike “FOR” and substitute “THAT:”

(I) STATES THAT THERE HAS BEEN A”;

in line 5, strike “(3)” and substitute “(II)”;

in the same line, strike “REQUIRE” and substitute “REQUIRES”; after line 6, insert:

“(3) IF A PERSON FAILS TO COMPLY WITH A WRITTEN NOTICE ISSUED UNDER PARAGRAPH (2) OF THIS SUBSECTION, THE COMMISSIONER MAY BRING AN ACTION TO ENFORCE THE WRITTEN NOTICE IN THE COUNTY WHERE THE CRANE BEING OPERATED IS LOCATED OR IN THE CIRCUIT COURT OF BALTIMORE CITY.

(C) (1) A PERSON AGGRIEVED BY A DECISION OF THE COMMISSIONER UNDER THIS SECTION MAY APPEAL TO A COURT OF COMPETENT JURISDICTION IN ACCORDANCE WITH THE MARYLAND RULES.

(2) A DECISION OF THE COMMISSIONER MAY NOT BE STAYED BY THE FILING OF AN APPEAL UNDER THIS SUBSECTION.”;

in line 8, strike “(A)”;

in line 10, strike the colon;

in line 11, strike “(1)”;

in the same line, strike the colon and substitute “\$1,000.”;

strike in their entirety lines 12 through 19, inclusive;

after line 25, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that enactment of the requirement that a person hold a Certificate of Competence to operate a crane in this State be in addition to and compatible with

any federal and State law regulating crane operators, the operation of cranes, and the movement of cranes along highways and should not be used in any manner to rescind Federal Motor Carrier Safety Regulations adopted by the State or any other state or local law or regulation regarding the movement of oversize or overweight vehicles on State highways.”;

and in line 26, strike “2.” and substitute “3.”.