

HOUSE BILL 1422

C2

9lr3147
CF 9lr2736

By: **Delegates McHale, Anderson, Barkley, Braveboy, Bromwell, Feldman, Glenn, Hammen, Harrison, Haynes, Healey, Hecht, Heller, Hixson, Hubbard, Hucker, Kirk, Krysiak, Lafferty, Love, Malone, Manno, Minnick, Mizeur, Montgomery, Murphy, Olszewski, Riley, Robinson, Schuler, Stukes, Tarrant, and Vaughn**

Introduced and read first time: February 25, 2009

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Business Occupations – Crane Operators – Certificate of Competence**

3 FOR the purpose of prohibiting a person from operating a crane in the State for
4 certain purposes unless the person holds a certain certificate; prohibiting a
5 person from authorizing the operation of a crane in the State for certain
6 purposes unless the crane operator holds a certain certificate; requiring a
7 person who holds a certain certificate to carry the certificate while operating a
8 crane, and to make the certificate available for inspection on request from
9 certain individuals; creating a certain evidentiary presumption related to the
10 certificate; requiring the Commissioner of Labor and Industry, the
11 Commissioner’s agent, or a law enforcement officer to take certain enforcement
12 action under certain circumstances; making a person who violates certain
13 provisions guilty of a misdemeanor subject, on conviction, to certain penalties;
14 requiring the Commissioner to adopt certain regulations; providing a short title
15 for this Act; and generally relating to the regulation of crane operators in the
16 State.

17 BY adding to

18 Article – Business Occupations and Professions

19 Section 9.5–101 through 9.5–107 to be under the new title “Title 9.5. Crane
20 Operators”

21 Annotated Code of Maryland

22 (2004 Replacement Volume and 2008 Supplement)

23 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
24 MARYLAND, That the Laws of Maryland read as follows:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Article – Business Occupations and Professions**TITLE 9.5. CRANE OPERATORS.****9.5–101.**

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

(B) “CERTIFICATE OF COMPETENCE” MEANS CERTIFICATION OBTAINED BY A PERSON THROUGH ANY ORGANIZATION ACCREDITED BY THE AMERICAN NATIONAL STANDARDS INSTITUTE (ANSI), OR THE NATIONAL COMMISSION FOR CERTIFYING AGENCIES (NCCA) THAT STATES THE HOLDER OF THE CERTIFICATE MEETS THE UNITED STATES OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION’S REQUIREMENTS FOR OPERATING A CRANE.

(C) “COMMISSIONER” MEANS THE COMMISSIONER OF LABOR AND INDUSTRY IN THE DIVISION OF LABOR AND INDUSTRY IN THE DEPARTMENT.

(D) (1) “CRANE” MEANS A HOISTING MACHINE THAT HAS A POWER–OPERATED WINCH, LOAD LINE, AND BOOM THAT MOVE Laterally BY THE ROTATION OF THE MACHINE ON A CARRIER, AND THAT HAS A MANUFACTURER–RATED LIFTING CAPACITY OF 10 TONS OR MORE.

(2) “CRANE” INCLUDES TOWER CRANES, HYDRAULIC CRANES, AND POWER OPERATED DERRICKS.

(3) “CRANE” DOES NOT INCLUDE:

(I) AIRCRAFT;

(II) A BUCKET TRUCK;

(III) A DIGGER DERRICK TRUCK;

(IV) A FORK LIFT;

(V) A KNUCKLE BOOM;

(VI) A TROLLEY BOOM; OR

(VII) A PUBLIC UTILITY COMPANY LINE TRUCK USED BY A PUBLIC UTILITY COMPANY IN THE CONSTRUCTION OR MAINTENANCE OF ITS TRANSMISSION AND DISTRIBUTION LINES.

1 **(E) “CRANE OPERATOR” MEANS A PERSON WHO OPERATES A CRANE.**

2 **9.5-102.**

3 **NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A PERSON MAY NOT:**

4 **(1) OPERATE A CRANE IN THE STATE FOR THE PURPOSE OF**
5 **CONSTRUCTION WORK OR DEMOLITION WORK UNLESS THE PERSON HOLDS A**
6 **CERTIFICATE OF COMPETENCE; OR**

7 **(2) AUTHORIZE A PERSON TO OPERATE A CRANE IN THE STATE**
8 **FOR THE PURPOSE OF CONSTRUCTION WORK OR DEMOLITION WORK UNLESS**
9 **THE OPERATOR HOLDS A CERTIFICATE OF COMPETENCE.**

10 **9.5-103.**

11 **(A) A CRANE OPERATOR WHO HOLDS A CERTIFICATE OF COMPETENCE**
12 **SHALL:**

13 **(1) CARRY THE CERTIFICATE OF COMPETENCE WHILE**
14 **OPERATING A CRANE IN THE STATE; AND**

15 **(2) MAKE THE CERTIFICATE OF COMPETENCE AVAILABLE FOR**
16 **INSPECTION ON REQUEST BY THE COMMISSIONER, AN AGENT OF THE**
17 **COMMISSIONER, OR BY A LAW ENFORCEMENT OFFICER.**

18 **(B) THE FAILURE OF A CRANE OPERATOR TO MAKE THE CERTIFICATE**
19 **OF COMPETENCE AVAILABLE FOR INSPECTION ON REQUEST AS REQUIRED**
20 **UNDER PARAGRAPH (A)(2) OF THIS SUBSECTION SHALL BE PRESUMPTIVE**
21 **EVIDENCE THAT THE CRANE OPERATOR DOES NOT HOLD A CERTIFICATE OF**
22 **COMPETENCE.**

23 **9.5-104.**

24 **(A) IN ADDITION TO THE POWERS CONFERRED UNDER THIS TITLE, THE**
25 **COMMISSIONER MAY USE ALL POWERS CONFERRED BY LAW TO THE**
26 **COMMISSIONER TO IMPLEMENT AND ENFORCE THE PROVISIONS OF THIS TITLE.**

27 **(B) THE COMMISSIONER, AN AGENT OF THE COMMISSIONER, OR A LAW**
28 **ENFORCEMENT OFFICER WHO HAS REASON TO BELIEVE THAT A PERSON IS OR**
29 **HAS BEEN OPERATING A CRANE IN THE STATE WITHOUT A VALID CERTIFICATE**
30 **OF COMPETENCE SHALL:**

1 (1) **REQUIRE THE CRANE OPERATOR TO PROVIDE PROOF THAT**
2 **THE CRANE OPERATOR HOLDS A CERTIFICATE OF COMPETENCE;**

3 (2) **ISSUE A CITATION TO THE PERSON FOR VIOLATION OF THIS**
4 **TITLE, OR REGULATIONS ADOPTED UNDER IT, IF ANY; AND**

5 (3) **REQUIRE THE OPERATION OF THE CRANE TO CEASE UNLESS**
6 **OPERATED BY A PERSON HOLDING A VALID CERTIFICATE OF COMPETENCE.**

7 **9.5-105.**

8 (A) **A PERSON WHO VIOLATES THIS TITLE OR REGULATIONS ADOPTED**
9 **UNDER THIS TITLE IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS**
10 **SUBJECT TO:**

11 (1) **A FINE NOT EXCEEDING:**

12 (I) **\$3,000 FOR A FIRST VIOLATION;**

13 (II) **\$5,000 FOR A SECOND VIOLATION; OR**

14 (III) **\$10,000 FOR A THIRD OR SUBSEQUENT VIOLATION;**

15 (2) **IMPRISONMENT NOT EXCEEDING 30 DAYS; OR**

16 (3) **BOTH A FINE AND IMPRISONMENT UNDER ITEMS (1) AND (2)**
17 **OF THIS SUBSECTION.**

18 (B) **THE TOTAL AMOUNT OF FINES IMPOSED UNDER THIS SECTION MAY**
19 **NOT EXCEED \$50,000.**

20 **9.5-106.**

21 **THE COMMISSIONER SHALL ADOPT REGULATIONS TO IMPLEMENT,**
22 **ADMINISTER, AND ENFORCE THIS TITLE.**

23 **9.5-107.**

24 **THIS TITLE SHALL BE KNOWN AS THE “MARYLAND SAFE CRANE**
25 **OPERATORS ACT”.**

26 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**
27 **October 1, 2009.**