

Department of Legislative Services
Maryland General Assembly
2009 Session

FISCAL AND POLICY NOTE

House Bill 1410

(Chair, Economic Matters Committee)(By Request -
Departmental - Labor, Licensing and Regulation)

Economic Matters

Commissioner of Labor and Industry - Training of Power Equipment Operators

This departmental bill repeals the prohibition on licensure, registration, or certification of power equipment operators in the State.

Fiscal Summary

State Effect: None. The change is procedural in nature and does not directly affect governmental finances.

Local Effect: None.

Small Business Effect: The Department of Labor, Licensing, and Regulation (DLLR) has determined that this bill has minimal or no impact on small business (attached). Legislative Services concurs with this assessment.

Analysis

Current Law: Power equipment is defined as a backhoe, a bulldozer, a front-end loader, skid steer equipment, a gradall, a scraper pan, a crane, or a hoist. Power equipment does not include agricultural equipment that is used in a farming operation.

Employers who hire employees to operate power equipment must develop and carry out an employee safety training program designed to inform employees of and train employees in standards for the safe operation of power equipment, including:

- limitations and use;
- rated load capacities; and
- special hazards.

Employers who hire employees to operate power equipment must keep a written description of the training program on file. If an employee does not receive training from the employer, the employer must note where the employee received his or her training. Employers must also ensure that any applicable manufacturer specifications regarding the operation of power equipment are available to employees, and operating instructions for the equipment are posted in accordance with occupational safety and health standards.

If requested, an employer must give the Commissioner of Labor and Industry a copy of its safety training program.

Background: According to DLLR, legislation introduced in 1994 would have required operators of power equipment in the State to be licensed, but did not pass. State law requires training of power equipment operators, but prohibits the licensure, registration, or certification of power equipment operators. DLLR advises that this bill eliminates concerns about new regulations (discussed below) that require specific training for crane operators. The regulations allow national certification as a crane operator to demonstrate compliance (in lieu of an employer-created training program).

In 2008, there was a much publicized fatality involving a crane accident at a construction site in the State. This accident followed several other fatal crane accidents in New York and Florida. In response, DLLR formed the Crane Safety Task Force to address the safety issues related to cranes and hoisting equipment. The task force recommended new regulations that attempt to strengthen crane safety standards and require mandatory inspections. The Maryland Occupational Safety and Health program is responsible for enforcing the new regulations, which take effect on April 6, 2009.

The new regulations increase the training requirements for crane operators in the State and include specific requirements for training programs. The new regulations specify that, after completing a training program, crane operators must demonstrate:

- an understanding of the operational characteristics related to rated load capacities, and special hazards appropriate to the type of crane operated;
- emergency control skills;
- basic arithmetic skills;
- an ability to read and comprehend the crane manufacturer's operation and maintenance instructions;

- an ability to maneuver, shut down, and secure a crane;
- an understanding of emergency procedures, personal fall protection methods, and voice and radio communications skills.

The regulations also require that crane operators submit to periodic substance abuse testing and physical examinations.

Employers may comply with the regulations by accepting a crane operator certification from an accredited, nationally recognized certification program in lieu of compliance through an employer-created training program.

Fifteen states, including the nearby states of New Jersey, New York, and West Virginia, require licensure of crane operators (one as of 2010); the cities of Chicago, Los Angeles, New Orleans, New York, Omaha, and Washington, DC also require licensure.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): National Conference of State Legislatures; Department of Labor, Licensing, and Regulation; Department of Legislative Services

Fiscal Note History: First Reader - March 20, 2009
ncs/mcr

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ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

TITLE OF BILL: Commissioner of Labor and Industry – Training of Power Equipment Operators

BILL NUMBER: HB 1410

PREPARED BY: Department of Labor, Licensing and Regulation

PART A. ECONOMIC IMPACT RATING

This agency estimates that the proposed bill:

WILL HAVE MINIMAL OR NO ECONOMIC IMPACT ON MARYLAND SMALL BUSINESS

OR

WILL HAVE MEANINGFUL ECONOMIC IMPACT ON MARYLAND SMALL BUSINESSES

PART B. ECONOMIC IMPACT ANALYSIS

The proposed legislation will have no impact on small business in Maryland.