

CERTIFICATION OF CRANE OPERATORS

2004 GENERAL SESSION

STATE OF UTAH

Sponsor: Gene Davis

LONG TITLE

General Description:

This bill modifies the Occupations and Professions Title by enacting the Crane Operators Certification Act.

Highlighted Provisions:

This bill:

- ▶ provides for certification of crane operators by the Division of Occupational and Professional Licensing;
- ▶ provides for definitions relating to the certification of crane operators;
- ▶ creates the Crane Operators Board and sets forth its membership and duties;
- ▶ provides qualifications for certification as a crane operator;
- ▶ provides for the term of a certificate and its renewal;
- ▶ provides the grounds for refusing to issue or renew or to revoke, suspend, or restrict a certificate; and
- ▶ provides a penalty for violations of the act.

Monies Appropriated in this Bill:

None

Other Special Clauses:

This bill takes effect on January 1, 2005.

Utah Code Sections Affected:

ENACTS:

58-78-101, Utah Code Annotated 1953



- 28 **58-78-102**, Utah Code Annotated 1953
- 29 **58-78-103**, Utah Code Annotated 1953
- 30 **58-78-104**, Utah Code Annotated 1953
- 31 **58-78-105**, Utah Code Annotated 1953
- 32 **58-78-106**, Utah Code Annotated 1953
- 33 **58-78-107**, Utah Code Annotated 1953



35 *Be it enacted by the Legislature of the state of Utah:*

36 Section 1. Section **58-78-101** is enacted to read:

37 **CHAPTER 78. CRANE OPERATORS CERTIFICATION ACT**

38 **58-78-101. Title.**

39 This chapter is known as the "Crane Operators Certification Act."

40 Section 2. Section **58-78-102** is enacted to read:

41 **58-78-102. Definitions.**

42 In addition to the definitions in Section 58-1-102, as used in this chapter:

43 (1) "Board" means the Crane Operators Board created in Section 58-78-103.

44 (2) "Certification" means certification from the National Commission for the
45 Certification of Crane Operators or any other organization determined by the division in
46 consultation with the board to offer an equivalent testing and certification program meeting the
47 requirements of the American Society of Mechanical Engineers ASME B30.5 and the
48 accreditation requirements of the National Commission for Certifying Agencies.

49 (3) "Crane" means a power-operated hoisting machine used in construction,
50 demolition, or excavation work that has a power-operated winch, load line, and boom moving
51 laterally by the rotation of the machine on a carrier and has a manufacturer-rated lifting
52 capacity of at least ten tons. It does not include a forklift, digger derrick truck, aircraft, bucket
53 truck, knuckle boom, trolley boom, or a vehicle or machine not having a power-operated winch
54 and load line.

55 (4) "Crane operator" means an individual engaged in operating a crane.

56 (5) "Crane related experience" means operating, inspecting, training, and maintenance
57 experience acceptable to the division.

58 (6) "Practical examination" means an examination demonstrating the applicant's ability

59 to safely operate any one or a combination of the following types of cranes:

60 (a) a lattice boom crawler or truck crane;

61 (b) a telescopic boom crane having a capacity of less than 17.5 tons; or

62 (c) a telescopic boom crane having a capacity of more than 17.5 tons.

63 (7) "Unprofessional conduct" as defined in Section 58-1-501 and as may be further

64 defined by rule includes failing to maintain a level of professional practice consistent with all

65 initial and subsequent requirements by which certification is achieved or maintained under this

66 chapter.

67 Section 3. Section **58-78-103** is enacted to read:

68 **58-78-103. Board created -- Duties.**

69 (1) There is created the Crane Operators Board consisting of:

70 (a) four crane operators; and

71 (b) one member of the general public.

72 (2) For a period of one year after the enactment of this section, the crane operator

73 members appointed to the board need not be certified as crane operators under this chapter in

74 order to serve on the board.

75 (3) Board members shall be appointed and serve in accordance with Section 58-1-201,
76 except as otherwise provided in Subsection (2).

77 (4) (a) The duties of the board shall be in accordance with Sections 58-1-202 and
78 58-1-203.

79 (b) The board shall also assist the division in:

80 (i) adopting standards for certification that are consistent with applicable certification
81 requirements of one or more established and nationally recognized crane operator certification
82 programs recognized by the federal Occupational Safety and Health Administration; and

83 (ii) adopting and publishing a code of ethics and standards of practice for certified
84 crane operators.

85 Section 4. Section **58-78-104** is enacted to read:

86 **58-78-104. Qualifications for certification.**

87 An applicant for certification under this chapter shall:

88 (1) be at least 18 years old;

89 (2) be of good moral character;

- 90 (3) submit an application in a form prescribed by the division;
- 91 (4) pay a fee determined by the department under Section 63-38-3.2;
- 92 (5) provide documentation that the applicant has been certified by the National
- 93 Commission for the Certification of Crane Operators or any other organization found by the
- 94 division to offer an equivalent testing and certification program meeting the requirements of
- 95 the "American Society of Mechanical Engineers ASME B30.5 and the accreditation
- 96 requirements of the National Commission for Certifying Agencies or pass a written
- 97 examination developed, validated, and administered in accordance with the Standards for
- 98 Educational and Psychological Testing that tests knowledge and skills identified as necessary
- 99 for safe crane operations;

- 100 (6) have at least 1,000 hours of crane related experience; and
- 101 (7) be medically and physically capable of performing the duties of a crane operator.

102 Section 5. Section **58-78-105** is enacted to read:

103 **58-78-105. Term of certificate -- Expiration -- Renewal.**

- 104 (1) The division shall issue a crane operator certificate:
- 105 (a) to an applicant who meets the qualifications required under Section 58-78-104; and
- 106 (b) in accordance with a two-year renewal cycle established by division rule.
- 107 (2) The division may by rule extend or shorten a renewal period by as much as one year
- 108 to stagger the renewal cycles it administers.

- 109 (3) Each certificate issued under this chapter expires on the expiration date shown on
- 110 the certificate unless renewed in accordance with Section 58-1-308.

111 Section 6. Section **58-78-106** is enacted to read:

112 **58-78-106. Grounds for action regarding certificate.**

113 The division's grounds for refusing to issue a certificate to an applicant, for refusing to

114 renew a certificate, for revoking, suspending, restricting, or placing on probation the certificate

115 of a certificate holder, for issuing a public or private reprimand to a certificate holder, and for

116 issuing a cease and desist order are as provided under Section 58-1-401, and also include

117 having:

- 118 (1) engaged in unprofessional conduct;
- 119 (2) obtained a certification by fraud or deceit;
- 120 (3) fraudulently or deceitfully performed work for which certification is required under

121 this chapter;
122 (4) committed an act of gross negligence as a crane operator;
123 (5) engaged in false advertising;
124 (6) acted in a manner which demonstrates incompetence; or
125 (7) caused or contributed in any manner that directly or indirectly results in an injury to
126 a person or damage to property.
127 Section 7. Section **58-78-107** is enacted to read:
128 **58-78-107. Violation -- Misdemeanor.**
129 The violation of any provision of this chapter is a misdemeanor.
130 Section 8. **Effective date.**
131 This bill takes effect on January 1, 2005.

Legislative Review Note
as of 2-18-04 2:31 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel

State Impact

Implementation will require \$139,900 from the Commerce Service Fund to the Department of Commerce, Division of Occupational and Professional Licensing. Spending from the Commerce Service Fund could affect revenue available to the General Fund.

	<u>FY 2005</u> <u>Approp.</u>	<u>FY 2006</u> <u>Approp.</u>	<u>FY 2005</u> <u>Revenue</u>	<u>FY 2006</u> <u>Revenue</u>
Restricted Funds	\$139,900	\$108,500	\$139,900	\$108,500
TOTAL	\$139,900	\$108,500	\$139,900	\$108,500

Individual and Business Impact

Crane operators and their employers will pay for study and testing to qualify for certification. Organizations offering test preparation classes and testing will realize income from those seeking certification.

Office of the Legislative Fiscal Analyst