

**Senator Gene Davis** proposes the following substitute bill:

**CERTIFICATION OF CRANE OPERATORS**

2006 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Gene Davis**

House Sponsor: James A. Dunnigan

6	Cosponsors:	Fred J. Fife	Ed Mayne
7	Gregory S. Bell	Brent H. Goodfellow	Scott D. McCoy
8	Mike Dmitrich	Peter C. Knudson	

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**LONG TITLE**

**General Description:**

This bill modifies the Construction Trades Licensing Chapter of the Occupations and Professions Title by requiring the certification of crane operators.

**Highlighted Provisions:**

This bill:

- ▶ provides for definitions related to the certification of crane operators;
- ▶ provides for an exemption from certification;
- ▶ requires an individual to be certified as a crane operator in order to operate a crane on nonresidential construction, demolition, or excavation projects; and
- ▶ provides a penalty for unlawful conduct in operating a crane.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

This bill takes effect on July 1, 2006.

**Utah Code Sections Affected:**



26 AMENDS:

27 **58-55-305**, as last amended by Chapter 54, Laws of Utah 2005

28 ENACTS:

29 **58-55-504**, Utah Code Annotated 1953

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

32 Section 1. Section **58-55-305** is amended to read:

33 **58-55-305. Exemptions from licensure.**

34 (1) In addition to the exemptions from licensure in Section 58-1-307, the following  
35 persons may engage in acts or practices included within the practice of construction trades,  
36 subject to the stated circumstances and limitations, without being licensed under this chapter or  
37 certified under Section 58-55-504:

38 (a) an authorized representative of the United States government or an authorized  
39 employee of the state or any of its political subdivisions when working on construction work of  
40 the state or the subdivision, and when acting within the terms of the person's trust, office, or  
41 employment;

42 (b) a person engaged in construction or operation incidental to the construction and  
43 repair of irrigation and drainage ditches of regularly constituted irrigation districts, reclamation  
44 districts, and drainage districts or construction and repair relating to farming, dairying,  
45 agriculture, livestock or poultry raising, metal and coal mining, quarries, sand and gravel  
46 excavations, well drilling, as defined in Subsection 73-3-24(3), hauling to and from  
47 construction sites, and lumbering;

48 (c) public utilities operating under the rules of the Public Service Commission on  
49 construction work incidental to their own business;

50 (d) sole owners of property engaged in building:

51 (i) no more than one residential structure per year and no more than three residential  
52 structures per five years on their property for their own noncommercial, nonpublic use; except,  
53 a person other than the property owner or individuals described in Subsection (1)(e), who  
54 engages in building the structure must be licensed under this chapter if the person is otherwise  
55 required to be licensed under this chapter; or

56 (ii) structures on their property for their own noncommercial, nonpublic use which are

57 incidental to a residential structure on the property, including sheds, carports, or detached  
58 garages;

59 (e) (i) a person engaged in construction or renovation of a residential building for  
60 noncommercial, nonpublic use if that person:

61 (A) works without compensation other than token compensation that is not considered  
62 salary or wages; and

63 (B) works under the direction of the property owner who engages in building the  
64 structure;

65 (ii) for purposes of this Subsection (1)(e), "token compensation" means compensation  
66 paid by a sole owner of property exempted from licensure under Subsection (1)(d) to a person  
67 exempted from licensure under this Subsection (1)(e), that is:

68 (A) minimal in value when compared with the fair market value of the services  
69 provided by the person;

70 (B) not related to the fair market value of the services provided by the person; and

71 (C) is incidental to providing of services by the person including paying for or  
72 providing meals or refreshment while services are being provided, or paying reasonable  
73 transportation costs incurred by the person in travel to the site of construction;

74 (f) a person engaged in the sale or merchandising of personal property that by its design  
75 or manufacture may be attached, installed, or otherwise affixed to real property who has  
76 contracted with a person, firm, or corporation licensed under this chapter to install, affix, or  
77 attach that property;

78 (g) a contractor submitting a bid on a federal aid highway project, if, before  
79 undertaking construction under that bid, the contractor is licensed under this chapter;

80 (h) (i) a person engaged in the alteration, repair, remodeling, or addition to or  
81 improvement of a building with a contracted or agreed value of less than \$1,000, including  
82 both labor and materials, and including all changes or additions to the contracted or agreed  
83 upon work;

84 (ii) notwithstanding Subsection (1)(h)(i):

85 (A) work in the plumbing and electrical trades must be performed by a licensed  
86 electrician or plumber except as otherwise provided in this section;

87 (B) installation, repair, or replacement of a residential or commercial gas appliance or a

88 combustion system must be performed by a person who has received certification under  
89 Subsection 58-55-308(2) except as otherwise provided in Subsection 58-55-308(2)(d) or  
90 58-55-308(3); and

91 (C) installation, repair, or replacement of water-based fire protection systems must be  
92 performed by a licensed fire suppression systems contractor or a licensed journeyman plumber;

93 (i) a person practicing a specialty contractor classification or construction trade which  
94 is not classified by rule by the director as significantly impacting the public's health, safety, and  
95 welfare;

96 (j) owners and lessees of property and persons regularly employed for wages by owners  
97 or lessees of property or their agents for the purpose of maintaining the property, are exempt  
98 from this chapter when doing work upon the property;

99 (k) (i) a person engaged in minor plumbing work incidental to the replacement or  
100 repair of a fixture or an appliance in a residential or small commercial building, or structure  
101 used for agricultural use, as defined in Section 58-56-4, provided that no modification is made  
102 to:

103 (A) existing culinary water, soil, waste, or vent piping; or

104 (B) a gas appliance or combustion system; and

105 (ii) except as provided in Subsection (1)(e), installation for the first time of a fixture or  
106 an appliance is not included in the exemption provided under Subsection (1)(k)(i);

107 (l) a person who ordinarily would be subject to the plumber licensure requirements  
108 under this chapter when installing or repairing a water conditioner or other water treatment  
109 apparatus if the conditioner or apparatus:

110 (i) meets the appropriate state construction codes or local plumbing standards; and

111 (ii) is installed or repaired under the direction of a person authorized to do the work  
112 under an appropriate specialty contractor license;

113 (m) a person who ordinarily would be subject to the electrician licensure requirements  
114 under this chapter when employed by or under contract with:

115 (i) railroad corporations, telephone corporations or their corporate affiliates, elevator  
116 contractors or constructors, or street railway systems; or

117 (ii) public service corporations, rural electrification associations, or municipal utilities  
118 who generate, distribute, or sell electrical energy for light, heat, or power;

119 (n) a person involved in minor electrical work incidental to a mechanical or service  
120 installation;

121 (o) a student participating in construction trade education and training programs  
122 approved by the commission with the concurrence of the director under the condition that:

123 (i) all work intended as a part of a finished product on which there would normally be  
124 an inspection by a building inspector is, in fact, inspected and found acceptable by a licensed  
125 building inspector; and

126 (ii) a licensed contractor obtains the necessary building permits; ~~and~~

127 (p) a delivery person when replacing any of the following existing equipment with a  
128 new gas appliance, provided there is an existing gas shutoff valve at the appliance:

129 (i) gas range;

130 (ii) gas dryer;

131 (iii) outdoor gas barbeque; or

132 (iv) outdoor gas patio heater~~[-]; and~~

133 (q) a person engaged in construction or operation incidental to petroleum refining, only  
134 with respect to the crane operator certification requirements under Section 58-55-504.

135 (2) (a) A compliance agency as defined in Subsection 58-56-3(4) that issues a building  
136 permit to any person requesting a permit as a sole owner of property referred to in Subsection  
137 (1)(d) shall notify the division, in writing or through electronic transmission, of the issuance of  
138 the permit.

139 (b) The division shall evaluate the effectiveness of the notification requirement under  
140 Subsection (2)(a) and report its findings, including any recommendations for modification to or  
141 termination of the requirement, to the Legislature's Business and Labor Interim Committee  
142 prior to the 2008 General Session.

143 Section 2. Section **58-55-504** is enacted to read:

144 **58-55-504. Crane operators -- Required certification -- Penalty for violation.**

145 (1) (a) As used in this section:

146 (i) (A) "Crane operator" means an individual engaged in operating a crane, which for  
147 purposes of this section is a power-operated hoisting machine used in construction, demolition,  
148 or excavation work that has a power-operated winch, load-line, and boom moving laterally by  
149 the rotation of the machine on a carrier.

150           (B) It does not include operating a fork lift, digger derrick truck, aircraft, bucket truck,  
151 knuckle boom, or a vehicle or machine not using a power-operated winch and load-line.

152           (ii) "Nonresidential" means a project not identified in Subsection 14-2-1(1)(d).

153           (2) In order to operate a crane on nonresidential construction, demolition, or excavation  
154 projects, an individual shall be certified as a crane operator by the National Commission for the  
155 Certification of Crane Operators or any other organization determined by the division to offer  
156 an equivalent testing and certification program that meets the requirements of the American  
157 Society of Mechanical Engineers ASME B 30.5 and the accreditation requirements of the  
158 National Commission for Certifying Agencies.

159           (3) An individual who violates Subsection (2) is guilty of a class A misdemeanor.

160           Section 3. **Effective date.**

161           This bill takes effect on July 1, 2006.