

**SB0991/984738/1**

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 991

(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 8 down through “**CRANE**” in line 9 and substitute “**DEMONSTRATES KNOWLEDGE OF AND TRAINING IN SAFE CRANE OPERATING PROCEDURES**”; strike beginning with “**HOISTING**” in line 12 down through “**MORE**” in line 15 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 16 down through “**DERRICKS**” in line 17; in line 24, strike “**OR**”; after line 24, insert:

“(VII) A HYDRAULIC CRANE;

“(VIII) A POWER-OPERATED DERRICK; OR”;

in line 25, strike “(VII)” and substitute “(IX)”; and after line 28, insert:

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

(Over)

**(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.”.**

**AMENDMENT NO. 3**

On page 3, in line 25, after “(B)” insert “(1)”; in the same line, strike the first comma and substitute “OR”; strike beginning with the second comma in line 25 down through “OFFICER” in line 26; strike beginning with the colon in line 28 down through “(1)” in line 29; and in line 30, strike the semicolon and substitute a period.

**AMENDMENT NO. 4**

On page 4, in line 1, 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 3, strike “(3)” and substitute “(II)”; in the same line, strike “REQUIRE” and substitute “REQUIRES”; and after line 4, 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 6, strike “(A)”;

in line 8, strike the colon;

in line 9, strike “(1)”;

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

strike in their entirety lines 10 through 17, inclusive;

after line 23, 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 24, strike “2.” and substitute “3.”.