

Department of Legislative Services
Maryland General Assembly
2009 Session

FISCAL AND POLICY NOTE
Revised

Senate Bill 991

(Senator Stone, *et al.*)

Education, Health, and Environmental Affairs

Economic Matters

Business Occupations - Crane Operators - Certificate of Competence

This bill specifies that a person may not operate a crane or authorize operation of a crane in the State for the purposes of construction or demolition work unless the operator holds a certificate of competence. The Commissioner of Labor and Industry must adopt regulations to implement, administer, and enforce the provisions of the bill.

Fiscal Summary

State Effect: Potential minimal increase in general fund revenues due to the bill's penalty provisions from cases heard in the District Court. Enforcement can likely be handled with existing resources.

Local Effect: Potential minimal increase in revenues due to the bill's penalty provisions from cases heard in the Circuit Court of Baltimore City. Local governments that contract for crane services must ensure that the operator has a certificate of competence.

Small Business Effect: Potential minimal.

Analysis

Bill Summary: A certificate of competence means a certification obtained by a person through any organization accredited by the American National Standards Institute or the National Commission for Certifying Agencies that states that the holder of the certificate demonstrates knowledge of and training in safe crane operating procedures.

The operation of a crane is defined as using the mechanisms inside the machine for the lifting, moving, positioning, and placing of large and heavy objects, earth, and other materials, or the driving of large objects or materials into the ground. Operation of a

crane also includes the inspection of a crane, assisting in the erection or dismantling of a crane, and the performance of routine maintenance on a crane. Crane operation does not include its movement on a State highway.

Crane operators must carry the certificate while operating the crane and make the certificate available upon request of the Commissioner of Labor and Industry. If a crane operator does not make the certificate available for inspection, the commissioner may presume that the operator does not hold a certificate.

If the commissioner, or the commissioner's agent, has reason to believe that a person has been operating a crane without proper certification, the commissioner must require that the crane operator provide proof of proper certification. If a crane operator does not provide such proof, the commissioner or agent must issue a written notice to the person stating that there has been a violation. The written notice also requires the operation of the crane to cease, unless it is operated by a person with a valid certificate. The commissioner may bring action against persons who fail to comply with the written notice in the county where the crane is operated, or the Circuit Court of Baltimore City. Violators are guilty of a misdemeanor and are subject to a fine of up to \$1,000.

The bill applies to persons who operate tower cranes, but not to those who operate many other types of power equipment, such as hydraulic cranes, power-operated derricks, aircraft, bucket trucks, digger derrick trucks, fork lifts, knuckle booms, trolley booms, or line trucks used by a public utility company in the construction or maintenance of its transmission or distribution lines.

The bill expresses legislative intent that the requirement for a person to hold a certificate of competence 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. Further, the bill 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.

Current Law: Employers who hire employees to operate power equipment, including cranes, 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 did 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 a copy of its safety training program.

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

Background: According to DLLR, in 1994 a bill was introduced that required operators of power equipment in the State to be licensed. Although the bill failed, a compromise was reached that required training of power equipment operators, but prohibited the licensing, registration, or certification of power equipment operators.

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 took 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; the cities of Chicago, Los Angeles, New Orleans, New York, Omaha, and Washington DC also require licensure.

Additional Information

Prior Introductions: None.

Cross File: HB 1422 (Delegate McHale, *et al.*) - Economic Matters.

Information Source(s): Caroline, Calvert, and Montgomery counties; Baltimore City; Judiciary (Administrative Office of the Courts); Department of Labor, Licensing, and Regulation; Department of State Police; Department of Public Safety and Correctional Services; Department of Legislative Services

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