

1 AMENDMENT TO SENATE BILL 1516

2 AMENDMENT NO. _____. Amend Senate Bill 1516 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the
5 Crane Licensing Public Safety Act.

6 Section 5. Legislative purpose. The General Assembly
7 finds that, to promote job safety and to protect life, limb,
8 and property, the operation of crane and hoisting equipment
9 is a matter of public interest. It is further declared to be
10 a matter of public interest that the operation of cranes and
11 hoisting equipment should merit and receive the confidence of
12 the public and that the State of Illinois should license
13 persons who operate or assist in the operation of crane and
14 hoisting equipment. This Act should be liberally construed to
15 carry out these subjects and purposes.

16 Section 10. Definitions. For the purposes of this Act,
17 unless the context otherwise requires:

18 "Board" means the Crane Operators Licensing Board.

19 "Crane" means (i) any hoisting equipment that lifts and
20 rotates or moves a load in excess of 10,000 pounds
21 horizontally or vertically, including but not limited to

1 hydraulic cranes, friction cranes, derricks, jib hoists,
2 gantry, bridge cranes, floating cranes of any kind, and
3 air-borne hoisting equipment, and (ii) a tower crane that
4 lifts and rotates or moves a load in excess of 2,500 pounds
5 horizontally or vertically.

6 "Department" means the Department of Professional
7 Regulation.

8 "Director" means the Director of Professional Regulation.

9 "Hoist" includes but is not limited to a material hoist
10 (construction elevator), air tugger (one drum), multi-drum
11 hoist, overhead hoist, sideboom, A-frame boom truck, or
12 behind the cab truck mounted boom.

13 "Person" means an individual, partnership, corporation,
14 business trust, limited liability company, or other legal
15 entity.

16 Section 15. License required; application of Act.

17 (a) Beginning January 1, 2004, it shall be unlawful for
18 a person to operate a power-driven crane or hoist without
19 first obtaining a crane operator's license from the
20 Department.

21 (b) Beginning January 1, 2004, it shall be unlawful for
22 a person to assist in the operation of a power-driven crane
23 or hoist without first obtaining an apprentice crane
24 operator's license from the Department.

25 (c) The provisions of this Act do not apply to operators
26 of powered industrial forklift trucks, pallet trucks, rider
27 trucks, fork trucks, or lift trucks or to equipment involved
28 in grading, drainage, field tile, irrigation, or other
29 activity connected with agriculture or farming.

30 (d) The provisions of this Act do not apply to the
31 operation of a crane or a hoist under the jurisdiction of the
32 United States.

33 (e) The provisions of this Act do not apply to the

1 operation of a crane or hoist used in a manufacturing
2 operation or employees of manufacturers who are licensed by
3 their employers in the operation of a crane or hoist for
4 purposes other than construction, repair, or demolition.

5 Section 20. Qualifications for original crane operator's
6 license. A person is qualified to obtain an original crane
7 operator's license under this Act if he or she meets all of
8 the following requirements:

9 (1) Is at least 18 years of age and has submitted a
10 certified record showing crane operation of at least 2000
11 hours in the 5-year period preceding his or her
12 application.

13 (2) Has not violated any of the provisions of this
14 Act for which disciplinary action could be taken.

15 (3) Has passed a written examination prescribed by
16 the Board.

17 (4) Has passed a practical examination prescribed
18 by the Board.

19 (5) Has taken a drug test prescribed by the Board.

20 (6) Does not have a crane operator's license or
21 crane operator's apprentice license that is currently
22 revoked or suspended by the Board or by the comparable
23 licensing body in another jurisdiction.

24 Section 25. Qualifications for crane operator's
25 apprentice license. A person is qualified to obtain a crane
26 operator's apprentice license under this Act if he or she
27 meets all of the following requirements:

28 (1) Is at least 18 years of age.

29 (2) Has passed a written examination as prescribed
30 by the Department.

31 (3) Has not violated any of the provisions of this
32 Act for which disciplinary action could be taken.

1 (4) Does not have a crane operator's license or
2 crane operator's apprentice license that is currently
3 revoked or suspended by the Board or by a comparable
4 licensing body in another jurisdiction.

5 Section 30. Application for original crane operator's
6 license.

7 (a) Applications for original licenses shall be made to
8 the Department in writing on forms prescribed by the Board
9 and shall be accompanied by the required fee, which shall not
10 be returnable. The application shall require the information
11 that, in the judgment of the Board, will enable the
12 Department to pass on the qualifications of the applicant for
13 a license.

14 (b) The Department may authorize the examination of
15 applicants at any time and place that it may determine. The
16 Department shall make reasonable efforts to provide testing
17 sites reflecting the geographical distribution of applicants'
18 residences. The examination of applicants shall be of a
19 character to give a fair test of the qualifications of the
20 applicant to practice. The Agency may employ consultants for
21 the purpose of preparing and conducting examinations.

22 (c) Applicants for examination shall be required to pay,
23 either to the Department or the designated testing service, a
24 fee covering the cost of providing the examination. If an
25 applicant neglects, fails, or refuses to take an examination
26 or fails to pass an examination for a license under this Act
27 within 3 years after filing his or her application, the
28 application is denied. However, the applicant may thereafter
29 make a new application accompanied by the required fee.

30 (d) Original crane operator's licenses shall be valid
31 for a period of 5 years.

32 Section 35. License classifications.

1 (a) The Department may issue various classes of licenses
2 reflecting the different levels of competency of a crane
3 operator. The classification of licenses shall include all of
4 the following:

5 (1) Full crane operator's license. This license
6 shall authorize the operation of any crane or hoisting
7 equipment listed in any category in this Section.

8 (2) Tower crane operator's license. This license
9 shall authorize the operation of tower cranes and
10 derricks operated from a fixed location within, attached
11 to, or adjacent to the building undergoing construction,
12 repair, or demolition. Classes of tower crane operator's
13 license shall include all of the following:

- 14 (A) Stationary tower cranes.
- 15 (B) Derricks, stiff leg, and guy.
- 16 (C) Unrestricted.

17 (3) Mobile crane operator's license. This license
18 shall authorize the operation of mobile cranes regardless
19 of mounting or means of mobility, including track-mounted
20 cranes, crawler cranes, truck-mounted cranes, and truck
21 mounted towers cranes. Classes of mobile crane operator's
22 license shall include all of the following:

- 23 (A) Friction crawler and truck.
- 24 (B) Hydraulic lattice boom crawler and truck.
- 25 (C) Hydraulic all terrain/rough terrain.
- 26 (D) Unrestricted.

27 (4) Boom truck operator's license. This license
28 shall authorize the operation of boom trucks regardless
29 of mounting or means of mobility. Classes of boom truck
30 operator's license shall include all of the following:

- 31 (A) Boom truck.
- 32 (B) A-frame.
- 33 (C) Hydraulic sign truck.
- 34 (D) Unrestricted.

1 (5) Overhead crane operator's license. This license
2 shall authorize the operation of overhead trolley type
3 cranes.

4 (6) Drum hoist operator's license. This license
5 shall authorize the operation of drum hoisting and rack
6 and pinion types of equipment located within or affixed
7 to the structure undergoing construction, repair, or
8 demolition. Classes of drum hoist operator's license
9 shall include:

- 10 (A) Drum hoists.
- 11 (B) Rack and pinion hoists.
- 12 (C) Unrestricted.

13 (7) Apprentice crane operator's license. This
14 license shall authorize an individual for the performance
15 of work as a crane operator under the direct supervision
16 of a licensed crane operator.

17 (b) The Board shall set up appropriate written and
18 practical testing requirements for each type of license to be
19 issued. The Board may add additional classifications of
20 licenses by rule as necessary to meet the changing
21 technologies in the crane, hoisting, and construction
22 industries.

23 Section 40. Testing. The Department shall conduct
24 examinations of applicants for crane operator's licenses and
25 for crane operator's apprentice licenses.

26 Section 45. Renewal of crane operator's license.

27 (a) At the expiration of an original crane operator's
28 license, a licensee may apply for a renewal crane operator's
29 license. A person is qualified to obtain a renewal crane
30 operator's license if he or she meets all of the following
31 requirements:

- 32 (1) Has submitted a certified record showing crane

1 operation of at least 2000 hours in the 5-year period of
2 the original crane operator's license, or has passed a
3 practical examination prescribed by the Board.

4 (2) Has not violated any of the provisions of this
5 Act for which disciplinary action could be taken.

6 (3) Has passed a written examination prescribed by
7 the Board.

8 (4) Has taken a drug test prescribed by the Board.

9 (5) Does not have a crane operator's license that
10 is currently revoked or suspended by the Board or by the
11 comparable licensing body in another jurisdiction.

12 (b) Renewal crane operator's licenses shall be valid for
13 a period of 5 years.

14 Section 50. Military exemption. The Department shall
15 reinstate a crane operator's license that expires while a
16 licensee is in active military service of the United States
17 upon application to the Department by the licensee within 2
18 years after termination of the military service, payment of
19 the annual license fee, and submission of evidence of the
20 military service. The license shall be reinstated without
21 examination and without payment of the lapsed renewal fee.

22 Section 55. Fees; Crane Operators Licensing Fund.

23 (a) The Department shall impose a fee established by the
24 Board for an original license and for a renewal license
25 issued under this Act.

26 (b) All fees and fines received by the Department
27 pursuant to this Section shall be deposited into the Crane
28 Operators Licensing Fund, a special fund created in the State
29 Treasury. Moneys in the Fund may be used by the Department,
30 subject to appropriation, solely for the administration of
31 this Act.

1 Section 60. Board; crane inspector.

2 (a) The Crane Operators Licensing Board is created
3 within the Department and shall consist of the following
4 voting members appointed by the Director:

5 (1) Three members of the Board shall be members of
6 unions representing operating engineers. These members
7 shall serve 3-year terms, except that of the initial
8 members appointed, one shall be appointed for a term of
9 one year, one for a term of 2 years, and one for a term
10 of 3 years.

11 (2) One member of the Board shall be a
12 representative of the construction industry. This member
13 shall serve a 3-year term, except that the initial member
14 shall be appointed for a term of 2 years.

15 (3) One member of the Board shall be a
16 representative of the property and casualty insurance
17 industry. This member shall serve a 3-year term, except
18 that the initial member shall be appointed for a term of
19 one year.

20 (4) Two members of the Board shall be public
21 members. These members shall serve 3-year terms, except
22 that of the initial members appointed, one shall be
23 appointed for a term of 2 years and one shall be
24 appointed for a term of 3 years.

25 (b) Each member shall have experience, knowledge, and
26 expertise relating to the subject matter of this Act.

27 (c) Board members shall receive no compensation for
28 their services on the Board, but they may be reimbursed for
29 their actual expenses in serving on the Board.

30 (d) The Board shall annually elect one of its members as
31 chairperson, one as vice-chairperson, and one as secretary.
32 No officer of the Board shall be elected more than twice in
33 succession to a full term in the same office. Each officer
34 shall serve until his or her successor has been elected and

1 qualified. If there is a vacancy in an officer's position,
2 the remaining Board members shall promptly fill it by
3 appointing a member of the Board to the vacant position for
4 the unexpired portion of the term.

5 (e) Four members of the Board shall constitute a quorum.
6 A vacancy in the membership of the Board shall not impair the
7 right of a quorum to exercise all the rights and perform all
8 of the duties of the Board.

9 (f) The Director shall promptly appoint a person to fill
10 any vacancy on the Board for the unexpired portion of the
11 term.

12 (g) The Department shall employ and the Board shall
13 approve a crane inspector. The crane inspector shall have
14 all of the following powers and duties:

15 (1) To assist the Board in carrying out its duties
16 under this Act.

17 (2) To periodically inspect cranes.

18 (3) To investigate accidents involving cranes.

19 (4) To inspect job sites to ensure that all crane
20 and hoisting equipment personnel are duly licensed.

21 The Department may employ additional personnel to assist
22 in enforcing the provisions of this Act.

23 Section 65. Licensing penalties.

24 (a) The Board may refuse to issue or renew or may revoke
25 or suspend a license or place on probation, censure, or
26 reprimand a licensee, for one or any combination of the
27 following causes:

28 (1) The practice of any fraud or deceit in
29 obtaining or attempting to obtain a license.

30 (2) Any gross negligence, incompetence, or
31 misconduct in the operation of a crane or hoisting
32 equipment while under the influence of alcohol or another
33 drug.

1 (3) Any gross negligence, incompetence, or
2 misconduct as an apprentice assisting in the operation of
3 a crane or hoisting equipment while under the influence
4 of alcohol or another drug.

5 (4) The entry of any order by any circuit court
6 establishing that a person holding a license under this
7 Act is a person subject to involuntary admission under
8 the Mental Health and Developmental Disabilities Code.
9 The person may have his or her license restored only upon
10 the determination by a circuit court that he or she has
11 recovered from the mental illness that subjected him or
12 her to involuntary admission and upon the determination
13 of the Board that the license be restored. Where the
14 circumstances so indicate, the Board may require an
15 examination prior to restoring any license.

16 (5) Failure to comply with any of the provisions of
17 this Act or any rules adopted by the Department under
18 this Act.

19 (6) Revocation or suspension of a license as a
20 crane or hoist operator or apprentice in another
21 jurisdiction.

22 (7) Failure within 60 days to provide information
23 requested by the Board as a result of a formal or
24 informal complaint to the Department that would indicate
25 a violation of this Act.

26 (b) The Board shall refuse to issue or renew and shall
27 revoke the license of a licensee who has been determined by
28 the Board to have more than 3 violations of operating a crane
29 without possessing a crane operator's license under
30 subsection (a) of Section 85 or more than 3 violations of
31 assisting in operating a crane without possessing a
32 apprentice crane operator's license under subsection (c) of
33 Section 85.

1 Section 70. Hearing

2 (a) The Board may upon its own motion, and shall upon
3 the sworn complaint in writing of any person setting forth
4 charges that, if proved, would constitute grounds under
5 Section 65 for refusal, suspension, or revocation of a
6 license, investigate the actions of any person holding or
7 claiming to hold a license.

8 (b) The Board shall, at least 10 days prior to the date
9 set for the hearing and before refusing to issue, suspend, or
10 revoke any license, notify the applicant or holder of the
11 license, in writing, of any charges made, and shall afford
12 him or her an opportunity to be heard in person or by
13 counsel. The notice may be served by personal delivery to the
14 accused person or by registered mail to the last place of
15 business specified by the accused person in the notification
16 to the Agency.

17 (c) At the time and place fixed in the notice, the Board
18 shall proceed to the hearing of the charges and both the
19 accused person and the complainant shall be accorded ample
20 opportunity to present, in person or by counsel, any
21 statement, testimony, evidence, or argument that may be
22 pertinent to the charges or to any defense against the
23 charges. The Board may continue the hearing from time to
24 time. If the Board is not sitting at the time and place to
25 which the hearing has been continued, the Department may
26 continue the hearing for a period not to exceed 30 days, and
27 all parties in interest shall be given notice in writing of
28 the date and hour to which the hearing has been continued and
29 the place at which it is to be held.

30 Section 75. Review.

31 (a) All final administrative decisions of the Department
32 shall be subject to judicial review pursuant to the
33 provisions of the Administrative Review Law, and all

1 amendments and modifications thereof, and the rules adopted
2 pursuant thereto. The term "administrative decision" is
3 defined as in Section 3-101 of the Code of Civil Procedure.
4 The proceedings for judicial review shall be commenced in the
5 circuit court of the county in which the party applying for
6 review resides. If the party is not a resident of this
7 State, the venue shall be in Sangamon County.

8 (b) The Department shall not be required to certify any
9 record to the court or file any answer in court or otherwise
10 appear in any court in a judicial review proceeding unless
11 there is filed in the court with the complaint a receipt from
12 the Department acknowledging payment of the costs of
13 furnishing and certifying the record, which costs shall be
14 computed at the rate of 20 cents per page of the record.
15 Exhibits shall be certified without cost. Failure on the part
16 of the plaintiff to file the receipt with the court shall be
17 grounds for dismissal of the action.

18 Section 80. Injunction.

19 (a) Operating or assisting in the operation of a crane
20 in this State or offering to operate, assist, or use or to
21 advertise or otherwise represent to the public any title or
22 description implying that the person is a crane or hoisting
23 equipment operator or apprentice by a person who does not
24 possess a valid and current license under this Act is
25 declared to be against the public welfare and to constitute a
26 public nuisance.

27 (b) The Attorney General, the Director, the State's
28 Attorney for any county in the State, or any resident citizen
29 may maintain an action in the name of the people of the State
30 of Illinois to perpetually enjoin any person from unlawfully
31 operating as a crane or hoisting equipment operator or
32 apprentice and from committing or continuing any such
33 unlawful act.

1 (c) In all proceedings, the court, in its discretion,
2 may apportion the costs among the parties interested in the
3 suit, including the costs of filing the complaint, service of
4 process, witness fees and expenses, court reporter charges,
5 and reasonable attorneys' fees. This proceeding is in
6 addition to and not in lieu of criminal prosecution.

7 Section 85. Penalties.

8 (a) Any person who operates a crane or a hoist in this
9 State without obtaining an operator's license under this Act
10 from the Agency shall be guilty of a business offense and for
11 the first violation shall be fined not more than \$1,000, for
12 a second violation shall be fined not more than \$3,000, and
13 for a third or subsequent conviction shall be fined not more
14 than \$5,000.

15 (b) Any employer, contractor or agent who knowingly
16 permits any individual to operate a crane or a hoist in this
17 State without the individual possessing a valid operator's
18 license issued under this Act shall be guilty of a Class A
19 misdemeanor and may be fined not more than \$1,000 for the
20 first offense, not more than \$3,000 for the second offense,
21 and not more than \$5,000 for a third or subsequent offense.

22 (c) Any person who assists in the operation of a crane
23 or hoist in this State without obtaining an apprentice's
24 license under this Act from the Board shall be guilty of a
25 business offense and for the first violation shall be fined
26 not more than \$1,000, for a second violation shall be fined
27 not more than \$3,000, and for a third or subsequent
28 conviction shall be fined not more than \$5,000.

29 (d) Any employer, contractor or agent who knowingly
30 permits any individual to assist in the operation of a crane
31 or hoist in this State without the individual possessing a
32 valid apprentice's license issued under this Act shall be
33 guilty of a Class A misdemeanor and may be fined not more

1 than \$1,000 for the first offense, not more than \$3,000 for
2 the second offense, and not more than \$5,000 for a third or
3 subsequent offense.

4 Section 90. Rules.

5 (a) The Department shall exercise the power and duties
6 prescribed by the Civil Administrative Code of Illinois for
7 the administration of licensing Acts and shall exercise any
8 other powers and duties invested by this Act.

9 (b) The Board may promulgate rules consistent with the
10 provisions of this Act, for the administration and
11 enforcement thereof and may prescribe forms that shall be
12 issued in connection therewith.

13 Section 900. The State Finance Act is amended by adding
14 Section 5.595 as follows:

15 (30 ILCS 105/5.595 new)

16 Sec. 5.595. The Crane Operators Licensing Fund.

17 Section 999. Effective date. This Act takes effect upon
18 becoming law."