



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004

Introduced 2/6/2004, by Dan Rutherford

SYNOPSIS AS INTRODUCED:

New Act
30 ILCS 105/5.625 new

Creates the Crane Licensing Public Safety Act. Provides for licensure of crane operators and apprentice crane operators by the Department of Professional Regulation. Creates the Crane Operators Licensing Fund for the deposit of moneys collected under the Act. Effective immediately.

LRB093 15390 AMC 40993 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

FISCAL NOTE ACT
MAY APPLY

1 AN ACT concerning professional regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

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

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

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

19 "Board" means the Crane Operators Licensing Board.

20 "Crane" means (i) any hoisting equipment that lifts and
21 rotates or moves a load in excess of 10,000 pounds horizontally
22 or vertically, including but not limited to hydraulic cranes,
23 friction cranes, derricks, jib hoists, gantry, bridge cranes,
24 floating cranes of any kind, and air-borne hoisting equipment,
25 and (ii) a tower crane that lifts and rotates or moves a load
26 in excess of 2,500 pounds horizontally or vertically.

27 "Department" means the Department of Professional
28 Regulation.

29 "Director" means the Director of Professional Regulation.

30 "Hoist" includes but is not limited to a material hoist
31 (construction elevator), air tugger (one drum), multi-drum

1 hoist, overhead hoist, sideboom, A-frame boom truck, or behind
2 the cab truck mounted boom.

3 "Person" means an individual, partnership, corporation,
4 business trust, limited liability company, or other legal
5 entity.

6 Section 15. License required; application of Act.

7 (a) Beginning June 1, 2005, it shall be unlawful for a
8 person to operate a power-driven crane or hoist used in the
9 performance of construction, renovation, or demolition without
10 first obtaining a crane operator's license from the Department.

11 (b) Beginning June 1, 2005, it shall be unlawful for a
12 person to assist in the operation of a power-driven crane or
13 hoist used in the performance of construction, renovation, or
14 demolition without first obtaining an apprentice crane
15 operator's license from the Department.

16 (c) The provisions of this Act do not apply to operators of
17 powered industrial forklift trucks, pallet trucks, rider
18 trucks, fork trucks, lift trucks, or telehandlers.

19 (d) The provisions of this Act do not apply to equipment
20 involved in grading, drainage, field tile, or irrigation.

21 (e) The provisions of this Act do not apply to activities
22 connected with agriculture or farming, other than
23 construction, renovation, and demolition.

24 (f) The provisions of this Act do not apply to the
25 operation of a crane or a hoist under the jurisdiction of the
26 United States.

27 (g) The provisions of this Act do not apply to the
28 operation of a crane or hoist used in a manufacturing operation
29 for purposes other than construction, renovation, or
30 demolition.

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

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

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

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

9 (4) Has passed a practical examination prescribed by
10 the Board.

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

12 (6) Does not have a crane operator's license or crane
13 operator's apprentice license that is currently revoked or
14 suspended by the Board or by the comparable licensing body
15 in another jurisdiction.

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

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

21 (2) Has passed a written examination as prescribed by
22 the Department.

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

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

29 Section 30. Application for original crane operator's
30 license.

31 (a) Applications for original licenses shall be made to the
32 Department in writing on forms prescribed by the Board and
33 shall be accompanied by the required fee, which shall not be
34 returnable. The application shall require the information

1 that, in the judgment of the Board, will enable the Department
2 to pass on the qualifications of the applicant for a license.

3 (b) The Department may authorize the examination of
4 applicants at any time and place that it may determine. The
5 Department shall make reasonable efforts to provide testing
6 sites reflecting the geographical distribution of applicants'
7 residences. The examination of applicants shall be of a
8 character to give a fair test of the qualifications of the
9 applicant to practice. The Agency may employ consultants for
10 the purpose of preparing and conducting examinations.

11 (c) Applicants for examination shall be required to pay,
12 either to the Department or the designated testing service, a
13 fee covering the cost of providing the examination. If an
14 applicant neglects, fails, or refuses to take an examination or
15 fails to pass an examination for a license under this Act
16 within 3 years after filing his or her application, the
17 application is denied. However, the applicant may thereafter
18 make a new application accompanied by the required fee.

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

21 Section 35. License classifications.

22 (a) The Department may issue various classes of licenses
23 reflecting the different levels of competency of a crane
24 operator. The classification of licenses shall include all of
25 the following:

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

29 (2) Tower crane operator's license. This license shall
30 authorize the operation of tower cranes and derricks
31 operated from a fixed location within, attached to, or
32 adjacent to the building undergoing construction, repair,
33 or demolition. Classes of tower crane operator's license
34 shall include all of the following:

35 (A) Stationary tower cranes.

1 (B) Derricks, stiff leg, and guy.

2 (C) Unrestricted.

3 (3) Mobile crane operator's license. This license
4 shall authorize the operation of mobile cranes regardless
5 of mounting or means of mobility, including track-mounted
6 cranes, crawler cranes, truck-mounted cranes, and truck
7 mounted towers cranes. Classes of mobile crane operator's
8 license shall include all of the following:

9 (A) Friction crawler and truck.

10 (B) Hydraulic lattice boom crawler and truck.

11 (C) Hydraulic all terrain/rough terrain.

12 (D) Unrestricted.

13 (4) Boom truck operator's license. This license shall
14 authorize the operation of boom trucks regardless of
15 mounting or means of mobility. Classes of boom truck
16 operator's license shall include all of the following:

17 (A) Boom truck.

18 (B) A-frame.

19 (C) Hydraulic sign truck.

20 (D) Unrestricted.

21 (5) Overhead crane operator's license. This license
22 shall authorize the operation of overhead trolley type
23 cranes.

24 (6) Drum hoist operator's license. This license shall
25 authorize the operation of drum hoisting and rack and
26 pinion types of equipment located within or affixed to the
27 structure undergoing construction, repair, or demolition.
28 Classes of drum hoist operator's license shall include:

29 (A) Drum hoists.

30 (B) Rack and pinion hoists.

31 (C) Unrestricted.

32 (7) Apprentice crane operator's license. This license
33 shall authorize an individual for the performance of work
34 as a crane operator under the direct supervision of a
35 licensed crane operator.

36 (b) The Board shall set up appropriate written and

1 practical testing requirements for each type of license to be
2 issued. The Board may add additional classifications of
3 licenses by rule as necessary to meet the changing technologies
4 in the crane, hoisting, and construction industries.

5 Section 40. Testing. The Department shall conduct
6 examinations of applicants for crane operator's licenses and
7 for crane operator's apprentice licenses.

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

9 (a) At the expiration of an original crane operator's
10 license, a licensee may apply for a renewal crane operator's
11 license. A person is qualified to obtain a renewal crane
12 operator's license if he or she meets all of the following
13 requirements:

14 (1) Has submitted a certified record showing crane
15 operation of at least 2000 hours in the 5-year period of
16 the original crane operator's license, or has passed a
17 practical examination prescribed by the Board.

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

20 (3) Has passed a written examination prescribed by the
21 Board.

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

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

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

28 Section 50. Military exemption. The Department shall
29 reinstate a crane operator's license that expires while a
30 licensee is in active military service of the United States
31 upon application to the Department by the licensee within 2
32 years after termination of the military service, payment of the
33 annual license fee, and submission of evidence of the military

1 service. The license shall be reinstated without examination
2 and without payment of the lapsed renewal fee.

3 Section 55. Fees; Crane Operators Licensing Fund.

4 (a) The Department shall impose a fee established by the
5 Board for an original license and for a renewal license issued
6 under this Act.

7 (b) All fees and fines received by the Department pursuant
8 to this Section shall be deposited into the Crane Operators
9 Licensing Fund, a special fund created in the State Treasury.
10 Moneys in the Fund may be used by the Department, subject to
11 appropriation, solely for the administration of this Act.

12 Section 60. Board; crane inspector.

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

16 (1) Three members of the Board shall be members of
17 unions representing operating engineers. These members
18 shall serve 3-year terms, except that of the initial
19 members appointed, one shall be appointed for a term of one
20 year, one for a term of 2 years, and one for a term of 3
21 years.

22 (2) One member of the Board shall be a representative
23 of the construction industry. This member shall serve a
24 3-year term, except that the initial member shall be
25 appointed for a term of 2 years.

26 (3) One member of the Board shall be a representative
27 of the property and casualty insurance industry. This
28 member shall serve a 3-year term, except that the initial
29 member shall be appointed for a term of one year.

30 (4) One member of the Board shall be a representative
31 of the building and construction trades. This member shall
32 serve a 3-year term, except that the initial member shall
33 be appointed for a term of 2 years.

34 (5) Two members of the Board shall be public members.

1 These members shall serve 3-year terms, except that of the
2 initial members appointed, one shall be appointed for a
3 term of 2 years and one shall be appointed for a term of 3
4 years.

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

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

10 (d) The Board shall annually elect one of its members as
11 chairperson, one as vice-chairperson, and one as secretary. No
12 officer of the Board shall be elected more than twice in
13 succession to a full term in the same office. Each officer
14 shall serve until his or her successor has been elected and
15 qualified. If there is a vacancy in an officer's position, the
16 remaining Board members shall promptly fill it by appointing a
17 member of the Board to the vacant position for the unexpired
18 portion of the term.

19 (e) Four members of the Board shall constitute a quorum. A
20 vacancy in the membership of the Board shall not impair the
21 right of a quorum to exercise all the rights and perform all of
22 the duties of the Board.

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

25 (g) The Department shall employ and the Board shall approve
26 a crane inspector. The crane inspector shall have all of the
27 following powers and duties:

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

30 (2) To periodically inspect cranes.

31 (3) To investigate accidents involving cranes.

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

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

1 Section 65. Licensing penalties.

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

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

7 (2) Any gross negligence, incompetence, or misconduct
8 in the operation of a crane or hoisting equipment while
9 under the influence of alcohol or another drug.

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

14 (4) The entry of any order by any circuit court
15 establishing that a person holding a license under this Act
16 is a person subject to involuntary admission under the
17 Mental Health and Developmental Disabilities Code. The
18 person may have his or her license restored only upon the
19 determination by a circuit court that he or she has
20 recovered from the mental illness that subjected him or her
21 to involuntary admission and upon the determination of the
22 Board that the license be restored. Where the circumstances
23 so indicate, the Board may require an examination prior to
24 restoring any license.

25 (5) Failure to comply with any of the provisions of
26 this Act or any rules adopted by the Department under this
27 Act.

28 (6) Revocation or suspension of a license as a crane or
29 hoist operator or apprentice in another jurisdiction.

30 (7) Failure within 60 days to provide information
31 requested by the Board as a result of a formal or informal
32 complaint to the Department that would indicate a violation
33 of this Act.

34 (b) The Board shall refuse to issue or renew and shall
35 revoke the license of a licensee who has been determined by the
36 Board to have more than 3 violations of operating a crane

1 without possessing a crane operator's license under subsection
2 (a) of Section 85 or more than 3 violations of assisting in
3 operating a crane without possessing a apprentice crane
4 operator's license under subsection (c) of Section 85.

5 Section 70. Hearing.

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

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

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

33 Section 75. Review.

34 (a) All final administrative decisions of the Department

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

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

20 Section 80. Injunction.

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

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

1 (c) In all proceedings, the court, in its discretion, may
2 apportion the costs among the parties interested in the suit,
3 including the costs of filing the complaint, service of
4 process, witness fees and expenses, court reporter charges, and
5 reasonable attorneys' fees. This proceeding is in addition to
6 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 a
12 second violation shall be fined not more than \$3,000, and for a
13 third or subsequent conviction shall be fined not more than
14 \$5,000.

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

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

30 (d) Any employer, contractor or agent who knowingly permits
31 any individual to assist in the operation of a crane or hoist
32 in this State without the individual possessing a valid
33 apprentice's license issued under this Act shall be guilty of a
34 Class A misdemeanor and may be fined not more than \$1,000 for
35 the first offense, not more than \$3,000 for the second offense,

1 and not more than \$5,000 for a third or subsequent offense.

2 Section 90. Rules.

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

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

11 Section 900. The State Finance Act is amended by adding
12 Section 5.625 as follows:

13 (30 ILCS 105/5.625 new)

14 Sec. 5.625. The Crane Operators Licensing Fund.

15 Section 999. This Act takes effect upon becoming law.