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1	House BILL NO. 427
2	INTRODUCED BY Lile MU/AR tenter duebeck
3	Brand Bellegan
4	A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTIONS
5	69-1601 THROUGH 69-1603, 69-1606, AND 69-1607, R.C.M. 1947,
6	RELATING TO QUALIFICATIONS AND LICENSING OF HOISTING
7	ENGINEERS; AND REPEALING SECTION 69-1604, R.C.M. 1947.
8	
9	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
10	Section 1. Section 69-1601, R.C.M. 1947, is amended to
11	read as follows:
12	"69-1601. Operators of hoisting engines must procure
13	licenses. (1) It shall-be is unlawful for any person to
14	operate any hoisting engine driven by any power when used in
15	lowering or hoisting personnel or material in industrial
16	operations or on construction projects, orair
17	compressoroperatedby-any-power without first obtaining a
18	license therefor from the beard division as herein provided.
19	Except that in emergencies the provisions of under section
20	691517 relating to the employment of unlicensed engineers.
21	the provisions of that section shall apply to the operation
22	of the engines and machinery named herein.
23	(2) First-class hoisting engineers small be licensed
24	to operate hoisting engines driven by any power and

unlimited horsepower used in the lowering or hoisting of

- personnel or material in industrial operations or on
  construction projects.
- 3 (3) Second-class hoisting engineers shall be licensed
  4 to operate hoisting engines driven by any power and not in
  5 excess of one hundred (100) brake horsepower used in the
  6 lowering or hoisting of personnel or material in industrial
  7 operations or on construction projects.
  - (4) The provisions of this section shall not apply to hoists and cranes defined in section {2 of this act}."

Crane and hoist licenses. (1) It is unlawful for a

- 10 Section 2. There is a new R.C.M. section that reads as 11 follows:
- 13 person to operate any hoisting equipment, when used in 14 hoisting or lowering personnel or material, that has a 15 manufacturer's rating of above six (6) tons and a boom length of more than twenty-five (25) feet without first 16 17 obtaining a license from the division. This equipment 18 includes overhead trolley cranes used in construction only 19 and excludes equipment with excavation attachments when in 20 use. In emergencies, section 69-1517 shall apply to the
  - (2) Licensing is as follows:

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23 (a) First-class hoisting engineers are licensed to
24 operate any hoisting equipment in industrial or construction
25 operations.

operation of the equipment named in this section.

(b) An applicant for a first-class hoisting engineer's license shall have: (i) no less than three (3) years' experience operating equipment requiring a second-class hoisting engineer's license, or four (4) years' experience operating hoisting equipment covered by this section, (ii) passed his eighteenth birthday, and (iii) passed a written test prescribed by the division. An annual physical exam is required of all licensees.

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- (c) Second-class hoisting engineers are licensed to operate hoisting equipment with a manufacturer's rating of six (6) tons or a boom length of twenty-five (25) feet up to equipment with a rating of fifteen (15) tons and a boom length of sixty (60) feet.
  - (d) Applicants for a second-class hoisting engineer's license shall: (i) have no less than two (2) years' experience in actual operation of hoisting equipment covered by this section, (ii) successfully pass a written examination prescribed by the division, and (iii) have passed their eighteenth birthday. An annual physical exam is required of all licensees.
- (e) Third-class hoisting engineers are licensed to move all truck cranes driven by any power and of any capacity. This license applies to truck crane oilers only.
- 24 (f) Applicants for a third-class hoisting engineer's 25 license shall successfully pass a written test prescribed by

- the division, and shall be at least eighteen (16) years old, before receiving this license.
- 3 (3) The division shall reexamine each licensed 4 engineer or operator every five (5) years during the 5 anniversary month of his license, if the licensee has not 6 worked at the trade for five (5) years.
- 7 Section 3. Section 69-1602, R.C.M. 1947, is amended to 8 read as follows:
- \*69-1602. Application and fee for license--renewal and 9 revocation of license. Application for such licenses shall 10 be made to the board division in the same manner, and the 11 same fee shall be charged therefor as now required by law 12 13 for obtaining a license to operate steam engines, and boilers, and such steam-driven machinery, under Chapter 15 14 of this Title. The license shall-be-given is valid for a 15 16 period-of one (1) year from the date of issuance, thereof; 17 and may be renewed in the same manner provided by law for the renewal of a license to operate steam engines, er 18 19 boilers, provided, --- that --- the --- board or steam-driven 20 machinery. The division shall-have-the-right-to may revoke 21 any license issued under the provisions-of this act for any 22 of the reasons for which the board division could may revoke 23 a license to operate steam engines, and boilers, or
- 25 Section 4. Section 69-1603, R.C.M. 1947, is amended to

steam-driven machinery."

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- 1	read	as	follows:

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69-1513 and 69-1514."

granted under the--provisions--of this act shall--entitle
entitles the holder thereof to operate any of the machinery
named in section 69-1601 and section 2 of this act, and the
license shall specify on-its-face-such that machinery, but
no license issued hereunder shall authorize or qualify the
person to whom issued to operate a boiler, or steam engine,
steam-driven machinery, or air compressor.

- 10 (2) The-provisions-of-this This act shall not apply to
  11 hoisting engines or elevators under federal control or to
  12 operating elevators in completed private or public
  13 buildings."
- 14 Section 5. Section 69-1636, R.C.M. 1947, is amended to 15 read as follows:
  - "69-1606. Renewal of application by rejected candidate. Any person who has regularly applied for a license under the--provisions--of this act and has been rejected, may renew his application for such a license within the time and in the manner prescribed in sections
- 22 Section 6. There is a new R.C.M. section that reads as follows:
- Crane inspector. The division shall employ at least one
  (1) crane inspector. He shall hold a first-class hoisting

engineer's license under this act for one (1) year and have three (3) years' experience operating cranes.

3 Section 7. Section 69-1607, R.C.M. 1947, is amended to 4 read as follows:

"69-1607. Penalty. for--operating--machinery--without license Every-person-who-operates-any--of--the--engines--and machinery--named--in--section-69-1601-for-which-a-license-is required,-without-first-obtaining-a-license-as--required--by the--provisions--of--this-act,-and-every-owner,-employer,-or manager-of-any-such-engines-or--machinery--who--permits--any unlicensed--person--to--operate--the-same,-or-any-person-who violates-any-of-the-provisions-of-this-act,-shall-be--deemed guilty--of--a-misdemeanor,-and-upon-conviction-thereof-shall be-punished-by-a-fine-of-not-more-than-five-hundred-dollars, or-by-imprisonment-in-the-county--jail--not--more--than--six months,--or--by--both--such-fine-and-imprisonment, Penalties under section 69-1508 apply to any person who violates this chapter."

19 Section 8. There is a new R.C.M. section that reads as 20 follows:

21 Grandfather clause. A person holding a valid license 22 under this act at the time of its effective date, may renew 23 it for one (1) year under the provisions of statutes in 24 effect at the time of licensing. Thereafter, all applicants 25 for new licenses or lapsed licenses shall comply with this

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1 act.
2 Section 9. Repealer. Section 69-1604, R.C.4. 1947, is
3 repealed.

-End-

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44th Legislature HB 0427/02

Approved by Committee on Labor & Employment Relations

1	HOUSE BILL NO. 427
2	INTRODUCED BY KIMBLE, MULAR, LESTER,
3	LUEBECK, BRAND, GILLIGAN
4	
5	A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTIONS
6	69-1601 THROUGH 69-1603, 69-1606, AND 69-1607, R.C.M. 1947,
7	RELATING TO QUALIFICATIONS AND LICENSING OF HOISTING
8	ENGINEERS; AND REPEALING SECTION 69-1604, R.C.M. 1947."
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.0	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
.1	Section 1. Section 69-1601, R.C.M. 1947, is amended to
.2	read as follows:
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.4	licenses. (1) It shall-be is unlawful for any person to
L5	operate any hoisting engine driven by any power when used in
16	lowering or hoisting personnel or material in industrial
.7	operations or on construction projects, erarr
.8	compressoroperatedby-any-power without first obtaining a
.9	license therefor from the beard division as herein provided.
20	Except that in emergencies the-provisions-of under section
21	69-1517 relating to the employment of unlicensed engineers_
22	the provisions of that section shall apply to the operation
23	of the engines and machinery named herein.
24	(2) First-class hoisting engineers shall be licensed
25	to operate hoisting engines driven by any power and

- unlimited horsepower used in the lowering or hoisting of personnel or material in industrial operations or on construction projects.
- 4 (3) Second-class hoisting engineers shall be licensed to operate hoisting engines driven by any power and not in excess of one hundred (100) brake horsepower used in the lowering or hoisting of personnel or material in industrial operations or on construction projects.
- 9 (4) The provisions of this section shall not apply to 10 hoists and cranes defined in section [2 of this act].
- 11 (5) THE PROVISIONS OF THIS ACT SHALL NOT APPLY TO
  12 FORKLIFTS, FRONT-END AND REAR-END LOADERS."
- 13 Section 2. There is a new R.C.M. section that reads as 14 follows:

Crane and hoist licenses. (1) It is unlawful for a

- person to operate any hoisting equipment, when used in hoisting or lowering personnel or material, that has a manufacturer's rating of above six (6) tons and a boom length of more than twenty-five (25) feet without first
- 21 includes overhead trolley cranes used in construction only
- 22 and excludes equipment with excavation attachments when in
- 23 use. In emergencies, section 69-1517 shall apply to the
- 24 operation of the equipment named in this section.

obtaining a license from the division.

25 (2) Licensing is as follows:

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This equipment

HB 0427/02

(a) First-class hoisting engineers are licensed to operate any hoisting equipment in industrial or construction operations.

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- (b) An applicant for a first-class hoisting engineer's license shall have: (i) no less than three (3) years' experience operating equipment requiring a second-class hoisting engineer's license, or four (4) years' experience operating hoisting equipment covered by this section, (ii) passed his eighteenth birthday, and (iii) passed a written test prescribed by the division. An annual physical exam is required of all licensees.
- (c) Second-class hoisting engineers are licensed to operate hoisting equipment with a manufacturer's rating of six (6) tons or a boom length of twenty-five (25) feet up to equipment with a rating of fifteen (15) tons and a boom length of sixty (60) feet.
- (d) Applicants for a second-class hoisting engineer's license shall: (i) have no less than two (2) years' experience in actual operation of hoisting equipment covered by this section, (ii) successfully pass a written examination prescribed by the division, and (iii) have passed their eighteenth birthday. An annual physical exam is required of all licensees.
- 24 (e) Third-class hoisting engineers are licensed to 25 move all truck cranes driven by any power and of any

- 3-

capacity. This license applies to truck crane oilers only.

2 (f) Applicants for a third-class hoisting engineer's 3 license shall successfully pass a written test prescribed by

4 the division, and shall be at least eighteen (18) years old,

before receiving this license.

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(3) The division shall reexamine each licensed engineer or operator every five (5) years during the anniversary month of his license, if the licensee has not worked at the trade for five (5) years.

Section 3. Section 69-1602, R.C.M. 1947, is amended to read as follows:

"69-1602. Application and fee for license--renewal and

13 revocation of license. Application for such licenses shall 14 be made to the beard division in the same manner, and the 15 same fee shall be charged therefor as now required by law 16 for obtaining a license to operate steam engines, and 17 boilers, and such steam-driven machinery, under Chapter 15 18 of this Title. The license shall-be-given is valid for a 19 period--of one (1) year from the date of issuance, thereof, 20 and may be renewed in the same manner provided by law for

22 boilers, provided, --that---the---board or steam-driven

the renewal of a license to operate steam engines, or

23 <u>machinery.</u> The division shall-have-the-right-to may revoke

any license issued under the provisions-of this act for any

25 of the reasons for which the beard division could may revoke

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HD 427

- license to operate steam engines, and boilers, or steam-driven machinery."
- Section 4. Section 69-1603, R.C.M. 1947, is amended to 3 read as follows:
- \*69-1603. Scope of license-exemptions. (1) A license 5 granted under the -- provisions -- of this act shall-entitle 6 7 entitles the holder thereof to operate any of the machinery named in section 69-1601 and section 2 of this act, and the 8 license shall specify en-its-face-such that machinery, but 9 no license issued hereunder shall authorize or qualify the 10 person to whom issued to operate a boiler, or steam engine, 11 steam-driven machinery, or air compressor. 12
  - (2) The-provisions-of-this This act shall not apply to hoisting engines or elevators under federal control or to operating elevators in completed private or public buildings."
- Section 5. Section 69-1606, R.C.M. 1947, is amended to 17 read as follows: 18

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- application by rejected "69-1606. Renewal of candidate. Any person who has regularly applied for a license under the--previsions--of this act and has been rejected, may renew his application for such a license within the time and in the manner prescribed in sections 69-1513 and 69-1514."
- Section 6. There is a new R.C.M. section that reads as 25

1 follows:

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2 Crane inspector. The division shall employ at least one 3 (1) crane inspector. He shall hold a first-class hoisting engineer's license under this act for one (1) year and have 4 5 three (3) years' experience operating cranes.

ĸ Section 7. Section 69-1607, R.C.M. 1947, is amended to 7 read as follows:

\*69-1607. Penalty:--for--operating--machinery--without lisense Every--person--who--operates-any-of-the-engines-and 10 machinery-named-in-section-69-1601-for-which--a--license--is 11 required, -- without -- first-obtaining-a-license-as-required-by 12 the-provisions-of-this-acty-and-every--ownery--employery--or 13 manager--of--any--suck--engines-or-machinery-who-permits-any 14 wnlicensed-person-to-operate-the-same---or--any--person--who 15 violates--any-of-the-provisions-of-this-acty-shall-be-deemed 16 quilty-of-a-misdemeanory-and-upon-conviction--thereof--shall 17 be-punished-by-a-fine-of-not-more-than-five-hundred-dollars, 18 or-by-imprisonment--in--the--county-jail-not-more-than-six 19 months,-or-by-both-such--fine--and--imprisonment: Penalties 20 section--69-1508--apply--to--any--person--who--violates-this 21 chapter: PENALTY FOR OPERATING MACHINERY WITHOUT LICENSE. 22 EVERY PERSON WHO OPERATES ANY OF THE ENGINES AND MACHINERY 23 NAMED IN SECTION 69-1601 FOR WHICH A LICENSE IS REQUIRED, 24 WITHOUT FIRST OBTAINING A LICENSE AS REQUIRED BY

PROVISIONS OF THIS ACT, AND EVERY OWNER, EMPLOYER,

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- MANAGER OF ANY SUCH ENGINES OR MACHINERY WHO PERMITS ANY
  UNLICENSED PERSON TO OPERATE THE SAME, OR ANY PERSON WHO

  VIOLATES ANY OF THE PROVISIONS OF THIS ACT, SHALL BE DEEMED

  GUILTY OF A MISDEMEANOR, AND UPON CONVICTION THEREOF SHALL

  BE PUNISHED BY A FINE OF NOT LESS THAN FIVE HUNDRED DOLLARS

  (\$500) AND NOT MORE THAN ONE THOUSAND (\$1000), OR BY

  IMPRISONMENT IN THE COUNTY JAIL NOT MORE THAN SIX (6)

  NONTHS, OR BY BOTH SUCH FINE AND IMPRISONMENT."
- 9 Section 8. There is a new R.C.M. section that reads as 10 follows:
- Grandfather clause. A person holding a valid license

  under-this-act-at-the-time-of-its ON THE effective date OF

  THIS ACT, may renew it for one-(1)-year TWO (2) YEARS under

  the provisions of statutes in effect at the time of

  licensing. Thereafter, all applicants for new licenses,

  RENEWAL LICENSES or lapsed licenses shall comply with this

  act.
- 18 Section 9. Repealer. Section 69-1604, R.C.M. 1947, is repealed.

-End-

44th Legislature HB 0427/03 HB 0427/03

1	HOUSE BILL NO. 427
2	INTRODUCED BY KIMBLE, MULAR, LESTER,
3	LUEBECK, BRAND, GILLIGAN
4	
5	A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTIONS
6	69-1601 THROUGH 69-1603, 69-1606, AND 69-1607, R.C.M. 1947,
7	RELATING TO QUALIFICATIONS AND LICENSING OF HOISTING
8	ENGINEERS; AND REPEALING SECTION 69-1604, R.C.M. 1947.
9	
10	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
11	Section 1. Section 69-1601, R.C.M. 1947, is amended to
12	read as follows:
13	*69-1601. Operators of hoisting engines must procure
14	licenses. (1) It shall-be is unlawful for any person to
15	operate any hoisting engine driven by any power when used in
16	lowering or hoisting personnel or material in industrial
17	operations or on construction projects, orair
18	compressoroperatedby-any-power without first obtaining a
19	license therefor from the board division as herein provided.
20	Except that in emergencies the provisions of under section
21	69-1517 relating to the employment of unlicensed engineers,
22	the provisions of that section shall apply to the operation
23	of the engines and machinery named herein.
24	(2) First-class hoisting engineers shall be licensed
25	to operate hoisting engines driven by any power and

- 1 unlimited horsepower used in the lowering or noisting of 2 personnel <u>or material</u> in industrial operations or on 3 construction projects.
- 4 (3) Second-class hoisting engineers shall be licensed to operate hoisting engines driven by any power and not in excess of one hundred (100) brake horsepower used in the lowering or hoisting of personnel or material in industrial operations or on construction projects.
- 9 (4) The provisions of this section shall not apply to
  10 hoists and cranes defined in section [2 of this act].
- 11 (5) THE PROVISIONS OF THIS ACT SHALL NOT APPLY TO
  12 FORKLIFTS, FRONT-END AND REAR-END LOADERS.\*
- Section 2. There is a new R.C.M. section that reads as follows:
- 15 Crane and hoist licenses. (1) It is unlawful for a
  16 person to operate any hoisting equipment, when used in
  17 hoisting or lowering personnel or material, that has a
  18 manufacturer's rating of above six (6) tons and a boom
  19 length of more than twenty-five (25) feet without first
  20 obtaining a license from the division. This equipment
  21 includes overhead trolley cranes used in construction only
- 22 and excludes equipment with excavation attachments when in
- 23 use. In emergencies, section 69-1517 shall apply to the
- 24 operation of the equipment named in this section.
- 25 (2) Licensing is as follows:

1 (a) First-class hoisting engineers are licensed to 2 operate any hoisting equipment in industrial or construction 3 operations.

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- (b) An applicant for a first-class hoisting engineer's license shall have: (i) no less than three (3) years' experience operating equipment requiring a second-class hoisting engineer's license, or four (4) years' experience operating hoisting equipment covered by this section, (ii) passed his eighteenth birthday, and (iii) passed a written test prescribed by the division. An annual physical exam is required of all licensees.
- (c) Second-class hoisting engineers are licensed to operate hoisting equipment with a manufacturer's rating of six (6) tons or a boom length of twenty-five (25) feet up to equipment with a rating of fifteen (15) tons and a boom length of sixty (60) feet.
- (d) Applicants for a second-class hoisting engineer's license shall: (i) have no less than two (2) years' experience in actual operation of hoisting equipment covered this section. (ii) successfully pass a written examination prescribed by the division, and (iii) have passed their eighteenth birthday. An annual physical exam is required of all licensees.
- 24 (e) Third-class hoisting engineers are licensed to 25 move all truck cranes driven by any power and of any

- capacity. This license applies to truck crane oilers only.
- 2 (f) Applicants for a third-class hoisting engineer's
- license shall successfully pass a written test prescribed by
- the division, and shall be at least eighteen (18) years old,
- before receiving this license.
- (3) The division shall reexamine each licensed
- engineer or operator every five (5) years during the
- anniversary month of his license, if the licensee has not
- worked at the trade for five (5) years.
- 10 Section 3. Section 69-1602, R.C.M. 1947, is amended to
- 11 read as follows:

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- 12 \*69-1602. Application and fee for license--renewal and
- 13 revocation of license. Application for such licenses shall

be made to the board division in the same manner, and the

of this Title. The license shall-be-given is valid for a

- 15 same fee shall be charged therefor as now required by law
- 16 for obtaining a license to operate steam engines, and
- 17 boilers, and such steam-driven machinery, under Chapter 15

- period--of one (1) year from the date of issuance, thereof,
- and may be renewed in the same manner provided by law for 20
- 21 the renewal of a license to operate steam engines, or
- boilers;, provided; -- that --- the --- board or steam-driven
- 23 machinery. The division shall-have-the-right-to may revoke
- 24 any license issued under the provisions-of this act for any
- 25 of the reasons for which the board division could may revoke

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HB 427

- a license to operate steam engines, and boilers, or steam-driven machinery."
- 3 Section 4. Section 69-1603, R.C.M. 1947, is amended to 4 read as follows:
- feg-1603. Scope of license-exemptions. (1) A license granted under the-previsions-of this act shall-entitle entitles the holder thereof to operate any of the machinery named in section 69-1601 and section 2 of this act, and the license shall specify en-its-face-such that machinery, but no license issued hereunder shall authorize or qualify the person to whom issued to operate a boiler, or steam engine,
- 13 (2) The-previsions-of-this This act shall not apply to
  14 hoisting engines or elevators under federal control or to
  15 operating elevators in completed private or public
  16 buildings."

steam-driven machinery, or air compressor.

12

- 17 Section 5. Section 69-1606, R.C.M. 1947, is amended to read as follows:
- 19 "69-1606. Renewal of application by rejected
  20 candidate. Any person who has regularly applied for a
  21 license under the--provisions--of this act and has been
  22 rejected, may renew his application for such a license
  23 within the time and in the manner prescribed in sections
  24 69-1513 and 69-1514."
- 25 Section 6. There is a new R.C.M. section that reads as

l follows:

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Crane inspector. The division shall employ at least one
(1) crane inspector. He shall hold a first-class hoisting
engineer's license under this act for one (1) year and have
three (3) years' experience operating cranes.

6 Section 7. Section 69-1607, R.C.M. 1947, is amended to read as follows:

\*69-1607. Penalty---for--operating--machinery--without license Every-person--who--operates-any-of-the-engines-and 10 machinery-named-in-section-69-1601-for-which--a--license--is 11 required, --without--first-obtaining-a-license-as-required-by 12 the-provisions-of-this-acty-and-every--ownery--employery--or 13 manager--of--any--such--engines-or-machinery-who-permits-any 14 unlicensed-person-to-operate-the-same, -- or -- any -- person--who 15 violates--any-of-the-provisions-of-this-acty-shall-be-deemed 16 quilty-of-a-misdemeanory-and-upon-conviction--thereof--shall 17 be-punished-by-a-fine-of-not-more-than-five-hundred-dollars, 18 or-by-imprisonment-in-the-county-jail-not-more-than-six months,-or-by-both-such--fine--and--imprisonment. Penalties 19 section--69-1508--apply--to--any--person--who--violates-this 20 21 chapter PENALTY FOR OPERATING MACHINERY WITHOUT LICENSE.

22 EVERY PERSON WHO OPERATES ANY OF THE ENGINES AND MACHINERY

24 WITHOUT FIRST OBTAINING A LICENSE AS REQUIRED BY THE

25 PROVISIONS OF THIS ACT, AND EVERY OWNER, EMPLOYER, OR

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NAMED IN SECTION 69-1601 FOR WHICH A LICENSE IS REQUIRED.

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1	MANAGER	OF	ANY	SUCH		MACHINERY		

- 2 UNLICENSED PERSON TO OPERATE THE SAME, OR ANY PERSON WHO
- 3 VIOLATES ANY OF THE PROVISIONS OF THIS ACT, SHALL BE DEEMED
- 4 GUILTY OF A MISDEMEANOR, AND UPON CONVICTION THEREOF SHALL
- 5 BE PUNISHED BY A FINE OF NOT LBSS MORE THAN FIVE HUNDRED
- 6 DOLLARS (\$500) AND-NOT-MORE-THAN-ONE-THOUSAND-(\$1000), OR BY
- 7 IMPRISONMENT IN THE COUNTY JAIL NOT MORE THAN SIX (6)
- 8 MONTHS, OR BY BOTH SUCH FINE AND IMPRISONMENT."
- 9 Section 8. There is a new R.C.M. section that reads as
- 10 follows:
- 11 Grandfather clause. A person holding a valid license
- 12 under-this-act-at-the-time-of-its ON THE effective date OF
- 13 THIS ACT, may renew it for ene-(1)-year TWO (2) YEARS under
- 14 'the provisions of statutes in effect at the time of
- 15 licensing. Thereafter, all applicants for new licenses,
- 16 RENEWAL LICENSES or lapsed licenses shall comply with this
- 17 act.
- 18 Section 9. Repealer. Section 69-1604, R.C.M. 1947, is
- 19 repealed.

-End-

## SENATE COMMITTEE ON LABOR AND EMPLOYMENT RELATIONS AMENDMENTS TO HOUSE BILL NO. 427

That House Bill No. 427, third reading, be amended as follows:

- 2. Amend page 3, section 2, line 8. Following: "section" Insert: "or shall otherwise be shown to be equivalently competent by examination"
- 2. Amend page 3, section 2, line 20.
   Following: "section"
   Insert: "or shall otherwise be shown to be equivalently competent by examination"
- 4. Amend page 5, section 4, line 14.
   Following: "engines"
   Insert: ", air compressors,"

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1	HOUSE BILL NO. 427
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3	LUEBECK, BRAND, GILLIGAN
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6	69-1601 THROUGH 69-1603, 69-1606, AND 69-1607, R.C.M. 1947,
7	RELATING TO QUALIFICATIONS AND LICENSING OF HOISTING
8	ENGINEERS; AND REPEALING SECTION 69-1604, R.C.M. 1947."
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10	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
11	Section 1. Section 69-1601, R.C.M. 1947, is amended to
12	read as follows:
13	"69-1601. Operators of hoisting engines must procure
14	licenses. (1) It shell-be is unlawful for any person to
15	operate any hoisting engine driven by any power when used in
16	lowering or hoisting personnel or material in industrial
17	operations or on construction projects, eranyair
18	compressoroperatedby-any-power without first obtaining a
19	license therefor from the board division as herein provided.
20	Except that in emergencies the-provisions-of under section
21	69-1517 relating to the employment of unlicensed engineers $\underline{\boldsymbol{\iota}}$
22	the provisions of that section shall apply to the operation
23	of the engines and machinery named herein.
24	(2) First-class hoisting engineers shall be licensed
25	to operate hoisting engines driven by any power and

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unlimited horsepower used in the lowering or hoisting of personnel or material in industrial operations or on 3 construction projects.

- (3) Second-class hoisting engineers shall be licensed to operate hoisting engines driven by any power and not in 6 excess of one hundred (100) brake horsepower used in the
- 7 lowering or hoisting of personnel or material in industrial 8 operations or on construction projects.
- 9 (4) The provisions of this section shall not apply to 10 hoists and cranes defined in section [2 of this act].
- 11 (5) THE PROVISIONS OF THIS ACT SHALL NOT APPLY TO 12 FORKLIFTS, FRONT-END AND REAR-END LOADERS."
- 13 Section 2. There is a new R.C.M. section that reads as 14 follows:

Crane and hoist licenses. (1) It is unlawful for a

person to operate any hoisting equipment, when used in 16 hoisting or lowering personnel or material, that has a 17 manufacturer's rating of above six (6) tons and a boom 18 length of more than twenty-five (25) feet without first 19 obtaining a license from the division. This equipment

- includes overhead trolley cranes used in construction only 21
- 22 and excludes equipment with excavation attachments OR LOG
- LOADING EQUIPMENT when in use. In emergencies, section 23
- 69-1517 shall apply to the operation of the equipment named 24
- in this section.

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(2) Licensing is as follows:

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- 2 (a) First-class hoisting engineers are licensed to 3 operate any hoisting equipment in industrial or construction 4 operations.
  - (b) An applicant for a first-class hoisting engineer's license shall have: (i) no less than three (3) years' experience operating equipment requiring a second-class hoisting engineer's license, or four (4) years' experience operating hoisting equipment covered by this section OR SHALL OTHERWISE BE SHOWN TO BE EQUIVALENTLY COMPETENT BY EXAMINATION, (ii) passed his eighteenth birthday, and (iii) passed a written test prescribed by the division. An annual physical exam is required of all licensees.
  - (c) Second-class hoisting engineers are licensed to operate hoisting equipment with a manufacturer's rating of six (6) tons or a boom length of twenty-five (25) feet up to equipment with a rating of fifteen (15) tons and a boom length of sixty (60) feet.
  - (d) Applicants for a second-class hoisting engineer's license shall: (i) have no less than two (2) years' experience in actual operation of hoisting equipment covered by this section OR SHALL OTHERWISE BE SHOWN TO BE EQUIVALENTLY COMPETENT BY EXAMINATION, (ii) successfully pass a written examination prescribed by the division, and (iii) have passed their eighteenth birthday. An annual

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l physical exam is required of all licensees.

2 (e) Third-class hoisting engineers are licensed to 3 move all truck cranes driven by any power and of any 4 capacity. This license applies to truck crane oilers only.

5 (f) Applicants for a third-class hoisting engineer's 6 license shall successfully pass a written test prescribed by 7 the division, and shall be at least eighteen (18) years old, 8 before receiving this license.

9 (3) The division shall reexamine each licensed 10 engineer or operator every five (5) years during the 11 anniversary month of his license, if the licensee has not 12 worked at the trade for five (5) years.

13 Section 3. Section 69-1602, R.C.M. 1947, is amended to read as follows:

"69-1602. Application and fee for license--renewal and

revocation of license. Application for such licenses shall
be made to the beard division in the same manner, and the
same fee shall be charged therefor as new required by law
for obtaining a license to operate steam engines, and
boilers, and such steam-driven machinery, under Chapter 15
of this Title. The license shall-be-given is valid for a
period-of one (1) year from the date of issuance, thereofy

24 the renewal of a license to operate steam engines  $_{L}$ 

and may be renewed in the same manner provided by law for

25 boilers; provided; --that---the---board or steam-driven

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- 1 <u>machinery. The division shall-have-the-right-to may</u> revoke 2 any license issued under the provisions-of this act for any
- 3 of the reasons for which the board division could may revoke
- a license to operate steam engines, and boilers, or
- 5 steam-driven machinery.
- 6 Section 4. Section 69-1603, R.C.M. 1947, is amended to
- 7 read as follows:
- 8 "69-1603. Scope of license--exemptions. (1) A license
- 9 granted under the--provisions--of this act shall--entitle
- 10 entitles the holder thereof to operate any of the machinery
- named in section 69-1601 and section 2 of this act, and the
- 12 license shall specify en-its-face-such that machinery, but
- 13 no license issued hereunder shall authorize or qualify the
- 14 person to whom issued to operate a boiler, or steam engine,
- 15 steam-driven machinery, or air compressor.
- 16 (2) The-previsions-of-this This act shall not apply to
- 17 hoisting engines, AIR COMPRESSORS, or elevators under
- 18 federal control or to operating elevators in completed
- 19 private or public buildings."
- 20 Section 5. Section 69-1606, R.C.M. 1947, is amended to
- 21 read as follows:
- 22 "69-1606. Renewal of application by rejected
- 23 candidate. Any person who has regularly applied for a
- 24 license under the--provisions--of this act and has been
- 25 rejected, may renew his application for such a license

- within the time and in the manner prescribed in sections
- 2 69-1513 and 69-1514."
- 3 Section 6. There is a new R.C.M. section that reads as
- 4 follows:
- 5 Crane inspector. The division shall employ at least one
- 6 (1) crane inspector. He shall hold a first-class hoisting
- 7 engineer's license under this act for one (1) year and have
- 8 three (3) years' experience operating cranes.
- 9 Section 7. Section 69-1607, R.C.M. 1947, is amended to
- 10 read as follows:
- 11 "69-1607. Penalty---for--operating--machinery--without
- 12 license Every-person-who-operates-any--ef--the--engines--and
- 13 machinery--named--in--section-69-1601-for-which-a-license-is
- 14 required,-without-first-obtaining-a-license-as--required--by
- 15 the--provisions--of--this-acty-and-every-ownery-employery-or
- 16 manager-of-any-such-engines-or--machinery--who--permits--any
- 17 unlicensed--person--te--operate--the-same,-or-any-person-who
- 18 violates-any-of-the-provisions-of-this-actr-shall-be--deemed
- 19 guilty--ef--a-misdemeaner,-and-upon-conviction-thereof-shall
- 20 be-punished-by-a-fine-of-not-more-than-five-hundred-dollars,
- 21 or-by-imprisonment-in-the-county--jail--not--more--than--six
- 22 months,--er-by--both--such-fine-and-imprisonment: Penalties
- 23 section-69-1509--apply--to--any--person--who--violates--this
- 24 chapter PENALTY FOR OPERATING MACHINERY WITHOUT LICENSE.
- 25 EVERY PERSON WHO OPERATES ANY OF THE ENGINES AND MACHINERY

- NAMED IN SECTION 69-1601 FOR WHICH A LICENSE IS REQUIRED,

  WITHOUT FIRST OBTAINING A LICENSE AS REQUIRED BY THE

  PROVISIONS OF THIS ACT, AND EVERY OWNER, EMPLOYER, OR

  MANAGER OF ANY SUCH ENGINES OR MACHINERY WHO PERMITS ANY

  UNLICENSED PERSON TO OPERATE THE SAME, OR ANY PERSON WHO

  VIOLATES ANY OF THE PROVISIONS OF THIS ACT, SHALL BE DEEMED

  GUILTY OF A MISDEMEANOR, AND UPON CONVICTION THEREOF SHALL

  BE PUNISHED BY A FINE OF NOT \$BB66 MORE THAN FIVE HUNDRED

  DOLLARS (\$500) AND-NOT-MORE-THAN-ONE-THOUGAND-(\$1000), OR BY
- 12 Section 8. There is a new R.C.M. section that reads as 13 follows:

MONTHS, OR BY BOTH SUCH FINE AND IMPRISONMENT."

IMPRISONMENT IN THE COUNTY JAIL NOT MORE THAN SIX (6)

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Grandfather clause. A person holding a valid license

under-this-act-at-the-time-of-its ON THE effective date OF

THIS ACT, may renew it for ene-(1)-year TWO (2) YEARS under

the provisions of statutes in effect at the time of

licensing. Thereafter, all applicants for new licenses,

RENEWAL LICENSES or lapsed licenses shall comply with this

act.

21 Section 9. Repealer. Section 69-1604, R.C.M. 1947, is 22 repealed.

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