

1                                   AMENDMENT TO HOUSE BILL 1005

2            AMENDMENT NO. \_\_\_\_\_. Amend House Bill 1005 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 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  
14 should license persons who operate or assist in the operation  
15 of crane and hoisting equipment. This Act should be liberally  
16 construed 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

1 horizontally or vertically, including but not limited to  
2 hydraulic cranes, friction cranes, derricks, jib hoists,  
3 gantry, bridge cranes, floating cranes of any kind, and  
4 air-borne hoisting equipment, and (ii) a tower crane that  
5 lifts and rotates or moves a load in excess of 2,500 pounds  
6 horizontally or vertically.

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

9 "Director" means the Director of Professional Regulation.

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

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

17 Section 15. License required; application of Act.

18 (a) Beginning June 1, 2004, it shall be unlawful for a  
19 person to operate a power-driven crane or hoist used in the  
20 performance of construction, renovation, or demolition  
21 without first obtaining a crane operator's license from the  
22 Department.

23 (b) Beginning June 1, 2004, it shall be unlawful for a  
24 person to assist in the operation of a power-driven crane or  
25 hoist used in the performance of construction, renovation, or  
26 demolition without first obtaining an apprentice crane  
27 operator's license from the Department.

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

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

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

1 activities connected with agriculture or farming, other than  
2 construction, renovation, and demolition.

3 (f) The provisions of this Act do not apply to the  
4 operation of a crane or a hoist under the jurisdiction of the  
5 United States.

6 (g) The provisions of this Act do not apply to the  
7 operation of a crane or hoist used in a manufacturing  
8 operation for purposes other than construction, renovation,  
9 or demolition.

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

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

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

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

22 (4) Has passed a practical examination prescribed  
23 by the Board.

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

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

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

- 1           (1) Is at least 18 years of age.
- 2           (2) Has passed a written examination as prescribed  
3 by the Department.
- 4           (3) Has not violated any of the provisions of this  
5 Act for which disciplinary action could be taken.
- 6           (4) Does not have a crane operator's license or  
7 crane operator's apprentice license that is currently  
8 revoked or suspended by the Board or by a comparable  
9 licensing body in another jurisdiction.

10           Section 30. Application for original crane operator's  
11 license.

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

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

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

1 make a new application accompanied by the required fee.

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

4 Section 35. License classifications.

5 (a) The Department may issue various classes of licenses  
6 reflecting the different levels of competency of a crane  
7 operator. The classification of licenses shall include all of  
8 the following:

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

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

18 (A) Stationary tower cranes.

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

20 (C) Unrestricted.

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

27 (A) Friction crawler and truck.

28 (B) Hydraulic lattice boom crawler and truck.

29 (C) Hydraulic all terrain/rough terrain.

30 (D) Unrestricted.

31 (4) Boom truck operator's license. This license  
32 shall authorize the operation of boom trucks regardless  
33 of mounting or means of mobility. Classes of boom truck

1 operator's license shall include all of the following:

2 (A) Boom truck.

3 (B) A-frame.

4 (C) Hydraulic sign truck.

5 (D) Unrestricted.

6 (5) Overhead crane operator's license. This license  
7 shall authorize the operation of overhead trolley type  
8 cranes.

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

15 (A) Drum hoists.

16 (B) Rack and pinion hoists.

17 (C) Unrestricted.

18 (7) Apprentice crane operator's license. This  
19 license shall authorize an individual for the performance  
20 of work as a crane operator under the direct supervision  
21 of a licensed crane operator.

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

28 Section 40. Testing. The Department shall conduct  
29 examinations of applicants for crane operator's licenses and  
30 for crane operator's apprentice licenses.

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

32 (a) At the expiration of an original crane operator's

1 license, a licensee may apply for a renewal crane operator's  
2 license. A person is qualified to obtain a renewal crane  
3 operator's license if he or she meets all of the following  
4 requirements:

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

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

11 (3) Has passed a written examination prescribed by  
12 the Board.

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

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

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

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

27 Section 55. Fees; Crane Operators Licensing Fund.

28 (a) The Department shall impose a fee established by the  
29 Board for an original license and for a renewal license  
30 issued under this Act.

31 (b) All fees and fines received by the Department  
32 pursuant to this Section shall be deposited into the Crane

1 Operators Licensing Fund, a special fund created in the State  
2 Treasury. Moneys in the Fund may be used by the Department,  
3 subject to appropriation, solely for the administration of  
4 this Act.

5 Section 60. Board; crane inspector.

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

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

15 (2) One member of the Board shall be a  
16 representative of the construction industry. This member  
17 shall serve a 3-year term, except that the initial member  
18 shall be appointed for a term of 2 years.

19 (3) One member of the Board shall be a  
20 representative of the property and casualty insurance  
21 industry. This member shall serve a 3-year term, except  
22 that the initial member shall be appointed for a term of  
23 one year.

24 (4) One member of the Board shall be a  
25 representative of the building and construction trades.  
26 This member shall serve a 3-year term, except that the  
27 initial member shall be appointed for a term of 2 years.

28 (5) Two members of the Board shall be public  
29 members. These members shall serve 3-year terms, except  
30 that of the initial members appointed, one shall be  
31 appointed for a term of 2 years and one shall be  
32 appointed for a term of 3 years.

33 (b) Each member shall have experience, knowledge, and



1 expertise relating to the subject matter of this Act.

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

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

14 (e) Four members of the Board shall constitute a quorum.  
15 A vacancy in the membership of the Board shall not impair the  
16 right of a quorum to exercise all the rights and perform all  
17 of the duties of the Board.

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

21 (g) The Department shall employ and the Board shall  
22 approve a crane inspector. The crane inspector shall have  
23 all of the following powers and duties:

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

26 (2) To periodically inspect cranes.

27 (3) To investigate accidents involving cranes.

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

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

32 Section 65. Licensing penalties.

33 (a) The Board may refuse to issue or renew or may revoke

1 or suspend a license or place on probation, censure, or  
2 reprimand a licensee, for one or any combination of the  
3 following causes:

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

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

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

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

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

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

1           (b) The Board shall refuse to issue or renew and shall  
2           revoke the license of a licensee who has been determined by  
3           the Board to have more than 3 violations of operating a crane  
4           without possessing a crane operator's license under  
5           subsection (a) of Section 85 or more than 3 violations of  
6           assisting in operating a crane without possessing a  
7           apprentice crane operator's license under subsection (c) of  
8           Section 85.

9           Section 70. Hearing

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

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

25          (c) At the time and place fixed in the notice, the Board  
26          shall proceed to the hearing of the charges and both the  
27          accused person and the complainant shall be accorded ample  
28          opportunity to present, in person or by counsel, any  
29          statement, testimony, evidence, or argument that may be  
30          pertinent to the charges or to any defense against the  
31          charges. The Board may continue the hearing from time to  
32          time. If the Board is not sitting at the time and place to  
33          which the hearing has been continued, the Department may

1 continue the hearing for a period not to exceed 30 days, and  
2 all parties in interest shall be given notice in writing of  
3 the date and hour to which the hearing has been continued and  
4 the place at which it is to be held.

5 Section 75. Review.

6 (a) All final administrative decisions of the Department  
7 shall be subject to judicial review pursuant to the  
8 provisions of the Administrative Review Law, and all  
9 amendments and modifications thereof, and the rules adopted  
10 pursuant thereto. The term "administrative decision" is  
11 defined as in Section 3-101 of the Code of Civil Procedure.  
12 The proceedings for judicial review shall be commenced in the  
13 circuit court of the county in which the party applying for  
14 review resides. If the party is not a resident of this  
15 State, the venue shall be in Sangamon County.

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

26 Section 80. Injunction.

27 (a) Operating or assisting in the operation of a crane  
28 in this State or offering to operate, assist, or use or to  
29 advertise or otherwise represent to the public any title or  
30 description implying that the person is a crane or hoisting  
31 equipment operator or apprentice by a person who does not  
32 possess a valid and current license under this Act is

1 declared to be against the public welfare and to constitute a  
2 public nuisance.

3 (b) The Attorney General, the Director, the State's  
4 Attorney for any county in the State, or any resident citizen  
5 may maintain an action in the name of the people of the State  
6 of Illinois to perpetually enjoin any person from unlawfully  
7 operating as a crane or hoisting equipment operator or  
8 apprentice and from committing or continuing any such  
9 unlawful act.

10 (c) In all proceedings, the court, in its discretion,  
11 may apportion the costs among the parties interested in the  
12 suit, including the costs of filing the complaint, service of  
13 process, witness fees and expenses, court reporter charges,  
14 and reasonable attorneys' fees. This proceeding is in  
15 addition to and not in lieu of criminal prosecution.

16 Section 85. Penalties.

17 (a) Any person who operates a crane or a hoist in this  
18 State without obtaining an operator's license under this Act  
19 from the Agency shall be guilty of a business offense and for  
20 the first violation shall be fined not more than \$1,000, for  
21 a second violation shall be fined not more than \$3,000, and  
22 for a third or subsequent conviction shall be fined not more  
23 than \$5,000.

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

31 (c) Any person who assists in the operation of a crane  
32 or hoist in this State without obtaining an apprentice's  
33 license under this Act from the Board shall be guilty of a

1 business offense and for the first violation shall be fined  
2 not more than \$1,000, for a second violation shall be fined  
3 not more than \$3,000, and for a third or subsequent  
4 conviction shall be fined not more than \$5,000.

5 (d) Any employer, contractor or agent who knowingly  
6 permits any individual to assist in the operation of a crane  
7 or hoist in this State without the individual possessing a  
8 valid apprentice's license issued under this Act shall be  
9 guilty of a Class A misdemeanor and may be fined not more  
10 than \$1,000 for the first offense, not more than \$3,000 for  
11 the second offense, and not more than \$5,000 for a third or  
12 subsequent offense.

13 Section 90. Rules.

14 (a) The Department shall exercise the power and duties  
15 prescribed by the Civil Administrative Code of Illinois for  
16 the administration of licensing Acts and shall exercise any  
17 other powers and duties invested by this Act.

18 (b) The Board may promulgate rules consistent with the  
19 provisions of this Act, for the administration and  
20 enforcement thereof and may prescribe forms that shall be  
21 issued in connection therewith.

22 Section 900. The State Finance Act is amended by adding  
23 Section 5.595 as follows:

24 (30 ILCS 105/5.595 new)

25 Sec. 5.595. The Crane Operators Licensing Fund.

26 Section 999. Effective date. This Act takes effect upon  
27 becoming law."