

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 647 Session of
2007

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YOUNGBLOOD, W. KELLER AND MURT, MARCH 6, 2007

AS REPORTED FROM COMMITTEE ON PROFESSIONAL LICENSURE, HOUSE OF
REPRESENTATIVES, AS AMENDED, MAY 8, 2007

AN ACT

1 Relating to crane operator licensure; establishing the State
2 Board of Crane Operators; conferring powers and imposing
3 duties relative to regulating the practice of crane
4 operation; making an appropriation; and imposing penalties.

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13 Section 2101. Appropriation.
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16 The General Assembly of the Commonwealth of Pennsylvania
17 hereby enacts as follows:

18 CHAPTER 1

19 PRELIMINARY PROVISIONS

20 Section 101. Short title.

21 This act shall be known and may be cited as the Crane
22 Operator Licensure Act.

23 Section 102. Definitions.

24 The following words and phrases when used in this act shall
25 have the meanings given to them in this section unless the
26 context clearly indicates otherwise:

27 "Board." The State Board of Crane Operators.

28 ~~"Certification" or "certified." Certification from the~~

<—

29 "CERTIFICATION." A CERTIFICATE WHICH:

<—

30 (1) IS FROM THE National Commission for the

1 Certification of Crane Operators or another organization
2 found by the State Board of Crane Operators ~~to offer an~~ <—
3 ~~equivalent testing and certification program meeting the~~
4 ~~requirements of the American Society of Mechanical Engineers;~~ <—
5 AND

6 (2) MEETS THE REQUIREMENTS OF THE AMERICAN SOCIETY OF
7 MECHANICAL ENGINEERS ASME B30.5 and the accreditation
8 requirements of the National Commission for Certifying
9 Agencies or the American National Standards Institute.

10 "Commissioner." The Commissioner of Professional and
11 Occupational Affairs within the Department of State.

12 "Conviction." Includes a judgment, an admission of guilt or
13 a plea of nolo contendere.

14 "Crane." A power-operated hoisting machine that has a power-
15 operated winch, load line and boom moving laterally by the
16 rotation of the machine on a carrier or base which has a
17 manufacturer's rated maximum lifting capacity of ten tons or
18 more. The term includes a tower crane, derrick, crawler crane
19 and wheel-mounted crane of both truck and self-propelled wheel
20 type. The term does not include a forklift, digger derrick
21 truck, aircraft, bucket truck, vehicle or machine not having a
22 power-operated winch and load line or crane used in longshore
23 operations.

24 "Crane operator." An individual licensed by the State Board
25 of Crane Operators to operate a crane.

26 "Department." The Department of State of the Commonwealth.

27 "Immediate supervision." Circumstances in which the crane
28 operator is in the immediate area of the trainee, within visual
29 sighting distance and able to effectively communicate with the
30 trainee.

1 "Trainee." An individual who has not been issued a license
2 under this act OR OBTAINED CERTIFICATION but who is authorized <—
3 to operate a crane as set forth in this act when under the
4 immediate supervision of a crane operator.

5 CHAPTER 3

6 STATE BOARD OF CRANE OPERATORS

7 Section 301. Board.

8 (a) Establishment.--There is hereby established the State
9 Board of Crane Operators within the department.

10 (b) Composition.--The board shall consist of the following:

11 (1) The commissioner.

12 (2) Two public members.

13 (3) Four professional members. Professional members
14 shall have been actively engaged in crane-related operations
15 in this Commonwealth for at least five years immediately
16 preceding appointment. Except as set forth in subsection (f),
17 professional members shall be licensed under this act as
18 crane operators.

19 (c) Meeting.--The board shall meet within 30 days after the
20 appointment of ~~its first~~ THE INITIAL members and shall: <—

21 ~~(1) Set up operating procedures.~~ <—

22 (1) ESTABLISH PROCEDURES FOR THE BOARD'S OPERATION AND <—
23 ADMINISTRATION OF THIS ACT.

24 (2) Develop application forms for licensure.

25 (3) Circulate application forms.

26 (4) Educate the public regarding the requirements of
27 being licensed to operate a crane and to hold oneself out as
28 a crane operator in this Commonwealth.

29 (d) Term of membership.--Professional and public members
30 shall be appointed by the Governor with the advice and consent

1 of the Senate. Professional and public members shall be citizens
2 of the United States and residents of this Commonwealth. Except
3 as provided in subsection (e), professional and public members
4 shall serve a term of four years, or until a successor has been
5 appointed and qualified but in no event longer than six months
6 beyond the four-year period. In the event that a member dies or
7 resigns or otherwise is disqualified during the term of office,
8 a successor shall be appointed in the same way and with the same
9 qualifications and shall hold office for an unexpired term. A
10 professional or public member shall not be eligible to hold more
11 than two consecutive terms.

12 (e) ~~First~~ INITIAL appointments.--For professional and public <—
13 members first appointed to the board pursuant to this act, the
14 term of office shall be as follows:

15 (1) Three members shall serve for a term of four years.

16 (2) Two members shall serve for a term of three years.

17 (3) One member shall serve for a term of two years.

18 (f) Professional members and ~~first~~ INITIAL appointments.--A <—
19 professional member ~~first~~ INITIALLY appointed to the board <—
20 pursuant to this act need not be licensed at the time of
21 appointment but at the time of appointment must have satisfied
22 eligibility requirements for licensure, including holding
23 current certification, as a crane operator as provided in this
24 act.

25 (g) Quorum.--A majority of the members of the board shall
26 constitute a quorum. Except for temporary and automatic
27 suspensions under section 705, a member may not be counted as
28 part of a quorum or vote on any issue, unless the member is
29 physically in attendance at the meeting.

30 (h) Chairperson.--The board shall select annually a

1 chairperson from among its members. The board, with the approval <—
2 of the commissioner, shall select and fix the compensation of an
3 executive secretary who shall be responsible for the day to day
4 operation of the board and administration of the board's
5 activities.

6 (i) Expenses.--With the exception of the commissioner, each
7 member of the board shall receive \$60 per diem when actually
8 attending to the work of the board. A member shall also receive
9 the amount of reasonable traveling, hotel and other necessary
10 expenses incurred in the performance of the member's duties in
11 accordance with Commonwealth regulations.

12 (j) Forfeiture.--A professional or public member who fails
13 to attend three consecutive meetings shall forfeit the member's
14 seat unless the commissioner, upon written request from the
15 member, finds that the member should be excused from a meeting
16 because of illness or the death of a family member.

17 (k) Training seminars.--A public member who fails to attend
18 two consecutive statutorily mandated training seminars in
19 accordance with section 813(e) of the act of April 9, 1929
20 (P.L.177, No.175), known as The Administrative Code of 1929,
21 shall forfeit the member's seat unless the commissioner, upon
22 written request from the public member, finds that the public
23 member should be excused from a meeting because of illness or
24 the death of a family member.

25 (l) Frequency of meetings.--The board shall meet at least
26 four times a year in the City of Harrisburg and at such
27 additional times as may be necessary to conduct the business of
28 the board.

29 Section 302. Powers and duties of board.

30 The board shall have the following powers and duties:

1 (1) To provide for and regulate the licensing of
2 individuals engaged in operating a crane.

3 (2) To issue licenses, renew licenses, reinstate
4 licenses, ~~fail~~ REFUSE to renew, suspend and revoke licenses <—
5 as provided in this act.

6 (3) To administer and enforce the provisions of this
7 act.

8 (4) To investigate applications for licensure and to
9 determine the eligibility of an individual applying for
10 licensure.

11 (5) To promulgate and enforce regulations, not
12 inconsistent with this act, as necessary only to carry into
13 effect the provisions of this act. This paragraph includes
14 the setting of fees and the adoption of standards for
15 certification of crane operators. Regulations shall be
16 adopted in conformity with the provisions of the act of July
17 31, 1968 (P.L.769, No.240), referred to as the Commonwealth
18 Documents Law, and the act of June 25, 1982 (P.L.633,
19 No.181), known as the Regulatory Review Act.

20 (6) To keep minutes and records of all its transactions
21 and proceedings.

22 (7) To submit annually to the department an estimate of
23 financial requirements of the board for its administrative,
24 legal and other expenses.

25 (8) To submit annually a report to the Consumer
26 Protection and Professional Licensure Committee of the Senate
27 and the Professional Licensure Committee of the House of
28 Representatives. The report shall include a description of
29 the types of complaints received, status of cases, the action
30 which has been taken and the length of time from initial

1 complaint to final resolution.

2 (9) To submit annually to the Appropriations Committee
3 of the Senate and the Appropriations Committee of the House
4 of Representatives, 15 days after the Governor has submitted
5 a budget to the General Assembly, a copy of the budget
6 request for the upcoming fiscal year which the board
7 previously submitted to the department.

8 CHAPTER 5

9 LICENSURE

10 Section 501. Licensure.

11 (a) General rule.--Except as provided in subsection (c), an
12 individual may not operate a crane, offer himself for employment
13 as an individual who may operate a crane or hold himself out as
14 a crane operator unless licensed by the board.

15 (b) Business entities.--Except as provided in subsection
16 (c), an individual, corporation, partnership, firm or other
17 entity shall not employ an individual to operate a crane or
18 allow or direct an individual to operate a crane unless the
19 individual is licensed under this act.

20 (c) Trainee.--For purposes of acquiring the experience
21 necessary to obtain certification, a trainee WHO HAS PASSED A <—
22 WRITTEN EXAMINATION OF THE NATIONAL COMMISSION FOR THE
23 CERTIFICATION OF CRANE OPERATORS OR OF A NATIONAL ASSOCIATION
24 DEEMED EQUIVALENT BY THE BOARD may operate a crane when under
25 the immediate supervision of a crane operator. In order to
26 qualify as a trainee under this subsection, the individual must
27 be 18 years of age or older and have demonstrated, to the
28 satisfaction of the ~~entity~~ PERSON employing the crane operator, <—
29 that the trainee is physically capable of operating a crane.

30 (d) Duty of crane operator.--When providing immediate

1 supervision to a trainee pursuant to subsection (c), the crane
2 operator shall have no other duties.

3 (e) Title.--An individual who holds a license as a crane
4 operator or is maintained on inactive status pursuant to section
5 504(b) shall have the right to use the title "licensed crane
6 operator" and the abbreviation "L.C.O." No other individual
7 shall use the title "licensed crane operator" or the
8 abbreviation "L.C.O." Except as provided in subsection (c), no
9 other individual shall hold himself out as being able to operate
10 a crane or being authorized to operate a crane.

11 (f) Additional requirement.--A license to operate a crane
12 shall be valid only in conjunction with certification ~~and only~~ <—
13 IF THE LICENSEE MAINTAINS A CURRENT CERTIFICATION in the <—
14 specialty for which the crane operator is certified.

15 (g) Specialties.--The board shall establish specialties for
16 ~~certification~~ LICENSURE. Specialties shall include: <—

17 (1) Tower crane.

18 (2) Lattice boom crawler.

19 (3) Lattice boom truck.

20 (4) Telescopic boom crane with a rotating control
21 station.

22 (5) Telescopic boom crane with a fixed control station.

23 (6) Any other specialty deemed appropriate by the board.

24 Section 502. Qualifications.

25 (a) General rule.--To be eligible to apply for licensure, an
26 applicant must fulfill the following requirements:

27 (1) Be of good moral character.

28 (2) Be 18 years of age or older.

29 (3) Hold current certification. ~~from the National~~ <—

30 ~~Commission for the Certification of Crane Operators or~~

1 ~~another organization recognized by the board to offer an~~
2 ~~equivalent program and testing as the National Commission for~~
3 ~~the Certification of Crane Operators. In no case shall the~~
4 ~~board recognize an organization unless the organization meets~~
5 ~~the requirements of the American Society of Mechanical~~
6 ~~Engineers ASME B30.5 and the accreditation requirements of~~
7 ~~the National Commission for Certifying Agencies or the~~
8 ~~American National Standards Institute.~~

9 (4) Pay the fee set by the board.

10 (b) Renewal of license.--In the case of a licensee applying
11 for renewal of license where certification will expire before
12 the biennial renewal cycle will expire, the licensee shall
13 submit evidence satisfactory to the board that the licensee has
14 renewed certification. Failure to maintain certification or to
15 submit evidence of renewal of certification shall subject the
16 licensee to disciplinary action. The board shall promulgate
17 regulations setting forth the evidence necessary to demonstrate
18 renewal of certification as provided in this subsection.

19 (c) Convictions prohibited.--

20 (1) The board shall not issue a license to an individual
21 who has been convicted of a ~~felonious act prohibited by the~~ <—
22 FELONY UNDER THE act of April 14, 1972 (P.L.233, No.64), <—
23 known as The Controlled Substance, Drug, Device and Cosmetic
24 Act, or ~~convicted of a felony relating to a controlled~~ <—
25 ~~substance in a court of law of the United States or any other~~
26 ~~state, territory or country unless:~~ AN OFFENSE UNDER THE LAWS <—
27 OF ANOTHER JURISDICTION WHICH IF COMMITTED IN THIS
28 COMMONWEALTH WOULD BE A FELONY UNDER THE CONTROLLED
29 SUBSTANCE, DRUG, DEVICE AND COSMETIC ACT UNLESS:

30 (i) at least ten years have elapsed from the date of

1 conviction;

2 (ii) the individual satisfactorily demonstrates to
3 the board that the individual has made significant
4 progress in personal rehabilitation since the conviction
5 such that licensure of the individual should not be
6 expected to create a substantial risk of harm to the
7 health and safety of crane operators, trainees or the
8 public or a substantial risk of further criminal
9 violations; and

10 (iii) the individual otherwise satisfies the
11 qualifications provided in this act.

12 (2) An individual's statement on the application
13 declaring the absence of a conviction shall be deemed
14 satisfactory evidence of the absence of a conviction, unless
15 the board has some evidence to the contrary.

16 Section 503. Crane operators in other states, territories or
17 Dominion of Canada.

18 The board may issue a license to an individual who ~~is~~ <—
19 ~~licensed~~ HAS LICENSURE OR ITS EQUIVALENT as a crane operator in <—
20 any other state or territory of the United States or the
21 Dominion of Canada, if all of the following requirements are
22 met:

23 (1) The individual is currently certified by the
24 National Commission for the Certification of Crane Operators.

25 (2) The individual meets the requirements ~~as to~~ <—
26 ~~character, age and absence of convictions,~~ as set forth in
27 section 502.

28 (3) The individual pays the required fee.

29 Section 504. Duration of license.

30 (a) Duration of license.--A license issued pursuant to this

1 act shall be on a biennial basis. The biennial expiration date
2 shall be established by ~~regulation of~~ the board. Application for <—
3 renewal of a license shall biennially be forwarded to an
4 individual holding a current license prior to the expiration
5 date of the current renewal biennium. The application form must
6 indicate whether certification will expire before the biennial
7 renewal cycle will expire.

8 (b) Inactive status.--An individual licensed under this act
9 may request an application for inactive status. The application
10 form may be completed and returned to the board. Upon receipt of
11 an application, the individual shall be maintained on inactive
12 status without fee and shall be entitled to apply for a
13 licensure renewal at any time. An individual who requests the
14 board to activate his license and who has been on inactive
15 status for a period of five consecutive years shall, prior to
16 receiving an active license, satisfy the requirements of the
17 board's regulations for ensuring continued competence, including
18 holding current certification and remitting the required fee.
19 The board shall promulgate regulations to carry into effect the
20 provisions of this subsection.

21 Section 505. Reporting of multiple licensure.

22 A crane operator who is also licensed to operate a crane in
23 any other state, territory, possession of the United States or
24 country shall report this information to the board on the
25 biennial registration application. ~~Any~~ A LICENSEE SHALL REPORT <—
26 ANY disciplinary action taken in another state, territory,
27 possession of the United States or country ~~shall be reported to~~ <—
28 the board on the biennial registration application or within 90
29 days of final disposition, whichever is sooner. Multiple
30 licensure shall be noted by the board on the crane operator's

1 record, and the state, territory, possession or country shall be
2 notified ~~by the board~~ of any disciplinary actions taken BY THE <—
3 BOARD against the crane operator in this Commonwealth.

4 CHAPTER 7
5 ADMINISTRATION AND ENFORCEMENT

6 Section 701. Fees, fines and civil penalties.

7 (a) Fees.--All fees required under this act shall be fixed
8 by the board by regulation and shall be subject to the act of
9 June 25, 1982 (P.L.633, No.181), known as the Regulatory Review
10 Act. If the revenues raised by the fees, fines and civil
11 penalties imposed under this act are not sufficient to meet
12 expenditures over a two-year period, the board shall increase
13 those fees by regulation so that projected revenues will meet or
14 exceed projected expenditures.

15 (b) Fee increase.--If the Bureau of Professional and
16 Occupational Affairs determines that the fees established by the
17 board under subsection (a) are inadequate to meet the minimum
18 enforcement efforts required by this act, then the bureau, after
19 consultation with the board and subject to the Regulatory Review
20 Act, shall increase the fees by regulation in an amount such
21 that adequate revenues are raised to meet the required
22 enforcement effort.

23 (c) Deposit of fees.--All fees, fines and civil penalties
24 imposed in accordance with this act shall be paid into the
25 Professional Licensure Augmentation Account established pursuant
26 to, and for use in accordance with, the act of July 1, 1978
27 (P.L.700, No.124), known as the Bureau of Professional and
28 Occupational Affairs Fee Act.

29 (d) Permitted fees.--The board may charge a fee, as set by
30 the board by regulation, for licensure, for renewing licensure

1 and for other services of the board as permitted by this act or
2 by regulation.

3 Section 702. Violation of act.

4 ~~(a) General rule. An individual or the responsible officers~~ <—
5 ~~or employees of a corporation, partnership, firm or other entity~~
6 ~~violating~~

7 (A) CRIMINAL PENALTY.--VIOLATING a provision of this act or <—
8 a regulation of the board commits a misdemeanor of the third
9 degree and shall, upon conviction, be sentenced to pay a fine of
10 not more than \$1,000 or to imprisonment for not more than six
11 months for the first violation. For the second and each
12 subsequent conviction, the person, upon conviction, shall be
13 sentenced to pay a fine of not more than \$2,000 or to
14 imprisonment for not less than six months or more than one year,
15 or both.

16 (b) Civil penalty.--In addition to any other civil remedy or
17 criminal penalty provided for in this act, the board, by a vote
18 of the majority of the maximum number of the authorized
19 membership of the board as provided by law or by a vote of the
20 majority of the duly qualified and confirmed membership or a
21 minimum of five members, whichever is greater, may levy a civil
22 penalty of up to \$1,000 on any of the following:

23 (1) A crane operator who violates a provision of this
24 act.

25 (2) An individual who operates a crane in violation of
26 this act.

27 (3) An individual who holds himself out as a crane
28 operator without being properly licensed as provided in this
29 act. <—

30 ~~(4) The responsible officers or employees of a~~

1 ~~corporation, partnership, firm or other entity violating a~~
2 ~~provision of this act.~~ ACT. THIS PARAGRAPH SHALL NOT APPLY TO <—
3 A TRAINEE UNDER SECTION 501(C).

4 (4) A PERSON THAT VIOLATES SECTION 501(B).

5 (c) Procedure.--The board shall levy the civil penalty set
6 forth in subsection (b) only after affording the accused the
7 opportunity for a hearing as provided in 2 Pa.C.S. (relating to
8 administrative law and procedure).

9 Section 703. Refusal, suspension or revocation of license.

10 (a) General rule.--The board may refuse, suspend or revoke a
11 license in a case where the board finds:

12 (1) The licensee is negligent or incompetent in
13 operating a crane.

14 (2) The licensee is unable to operate a crane with
15 reasonable skill and safety by reason of mental or physical
16 illness or condition or physiological or psychological
17 dependence upon alcohol, hallucinogenic or narcotic drugs or
18 other drugs which tend to impair judgment or coordination, so
19 long as such dependence shall continue. In enforcing this
20 paragraph, the board shall, upon probable cause, have
21 authority to compel a licensee to submit to a mental or
22 physical examination as designated by the board. After
23 notice, hearing, adjudication and appeal failure of a
24 licensee to submit to such examination when directed shall
25 constitute an admission of the allegations unless failure is
26 due to circumstances beyond the licensee's control,
27 consequent upon which a default and final order may be
28 entered without the taking of testimony or presentation of
29 evidence. A licensee affected under this paragraph shall at
30 reasonable intervals be afforded the opportunity to

1 demonstrate that the licensee can resume competent, safe and
2 skillful operation of a crane.

3 (3) The licensee has willfully or repeatedly violated
4 any of the provisions of this act or a regulation of the
5 board.

6 (4) The licensee has committed fraud or deceit in:

7 (i) the operation of a crane; or

8 (ii) securing licensure or certification.

9 (5) The licensee has been convicted of a felony or a
10 crime of moral turpitude, or received probation without
11 verdict, disposition in lieu of trial or an Accelerated
12 Rehabilitative Disposition in the disposition of felony
13 charges in the courts of this Commonwealth, the United States
14 or any other state, territory, possession of the United
15 States or any other country.

16 (6) The licensee has had the licensee's license
17 suspended or revoked or has received other disciplinary
18 action by the proper licensing authority in another state,
19 territory, possession of the United States or country.

20 (7) With respect to the operation of a crane, the
21 licensee has acted in such a manner as to present an
22 immediate and clear danger to health, safety or property.

23 (8) The licensee possessed, used, acquired or
24 distributed a controlled substance.

25 (9) The licensee has been found guilty of unprofessional
26 conduct. Unprofessional conduct shall include departure from
27 or failing to conform to operating practices or professional
28 standards embraced by the crane operating profession,
29 including those recognized by the American Society of
30 Mechanical Engineers ASME B30.5 and an agency of the Federal

Government. In a proceeding based on this paragraph, actual injury to a person or damage to property need not be established.

(10) The licensee falsely advertised or made misleading, deceptive, untrue or fraudulent material representations regarding licensure, certification or operation of a crane.

(b) Acts authorized.--When the board finds that the license of crane operator may be refused, revoked or suspended pursuant to subsection (a), the board may:

(1) Deny the application for a license.

(2) Administer a public reprimand.

(3) Revoke, suspend, limit or otherwise restrict a license.

(4) Require a licensee to submit to the care, counseling or treatment of a physician or a psychologist designated by the board.

(5) Suspend enforcement of its finding and place a licensee on probation with the right to vacate the probationary order for noncompliance.

(6) Restore or reissue, in its discretion, a suspended license and impose any disciplinary or corrective measure which it might originally have imposed.

Section 704. Suspensions and revocations.

~~A suspension or revocation shall be made~~ DISCIPLINARY ACTION
SHALL BE IMPOSED only in accordance with the regulations of the board and only by majority vote of the members of the board after a ~~full and fair~~ hearing. An action of the board shall be taken subject to the right of notice, hearing and adjudication, and the right of appeal, in accordance with 2 Pa.C.S. (relating to administrative law and procedure). The board, by majority

1 ~~action and in accordance with its regulations~~, may reissue a <—
2 license which has been suspended. If a license has been revoked,
3 the board shall reissue a license only in accordance with
4 section 706.

5 Section 705. Temporary and automatic suspensions.

6 (a) General rule.--A license issued under this act may be
7 temporarily suspended under circumstances determined by the
8 board to be an immediate and clear danger to public health or
9 safety. The board shall issue an order to that effect without a
10 hearing, but upon due notice, to the licensee concerned at the
11 licensee's last known address, which shall include a written
12 statement of all allegations against the licensee. The
13 provisions of section 704 shall not apply to temporary
14 suspension. ~~The board shall commence formal~~ FORMAL action to <—
15 suspend, revoke or restrict the license of the crane operator
16 SHALL BE COMMENCED as otherwise provided for in this act. All <—
17 actions shall be taken promptly and without delay. Within 30
18 days following the issuance of an order temporarily suspending a
19 license, the board shall conduct or cause to be conducted a
20 preliminary hearing to determine that there is a prima facie
21 case supporting the suspension. The crane operator whose license
22 has been temporarily suspended may be present at the preliminary
23 hearing and may be represented by counsel, cross-examine
24 witnesses, inspect physical evidence, call witnesses, offer
25 evidence and testimony and make a record of the proceedings. If
26 it is determined that there is not a prima facie case, the
27 suspended license shall be immediately restored. The temporary
28 suspension shall remain in effect until vacated by the board,
29 but in no event longer than 180 days.

30 (b) Commitment of crane operator.--A license issued under

1 this act shall automatically be suspended upon the legal
2 commitment of a crane operator to an institution because of
3 mental incompetency from any cause upon filing with the board a
4 certified copy of such commitment, conviction of a felony under
5 the act of April 14, 1972 (P.L.233, No.64), known as The
6 Controlled Substance, Drug, Device and Cosmetic Act, or
7 conviction of an offense under the laws of another jurisdiction,
8 which, if committed in Pennsylvania, would be a felony under The
9 Controlled Substance, Drug, Device and Cosmetic Act. Automatic
10 suspension under this subsection shall not be stayed pending an
11 appeal of a conviction. Restoration of the license shall be made
12 as provided in the case of revocation or suspension of a
13 license.

14 Section 706. Reinstatement of license.

15 Unless ordered to do so by the Commonwealth Court or an
16 appeal therefrom, the board shall not reinstate the license of
17 an individual which has been revoked. An individual whose
18 license has been revoked may reapply for a license after a
19 period of at least five years, but must meet all of the
20 licensing requirements of this act.

21 Section 707. Surrender of suspended or revoked license.

22 The board shall require an individual whose license has been
23 suspended or revoked to return the license in such manner as the
24 board directs. Failure to do so, upon conviction thereof, shall
25 be a misdemeanor of the third degree.

26 Section 708. Injunction.

27 Whenever in the judgment of the board a person has engaged in
28 an act or practice which constitutes or will constitute a
29 violation of this act, the board or its agents may make
30 application to the appropriate court for an order enjoining such

1 act or practice and, upon a showing by the board that the person
2 has engaged or is about to engage in such act or practice, an
3 injunction, restraining order or such order as may be
4 appropriate shall be granted by the court. The remedy by
5 injunction is in addition to any other civil or criminal
6 prosecution and punishment.

7 Section 709. Subpoenas and oaths.

8 (a) Authority granted.--The board shall have the authority
9 to issue subpoenas, upon application of an attorney responsible
10 for representing the Commonwealth in disciplinary matters before
11 the board, for the purpose of investigating alleged violations
12 of the act or regulation of the board. The board shall have the
13 power to subpoena witnesses, to administer oaths, to examine
14 witnesses and to take such testimony or compel the production of
15 such books, records, papers and documents as it may deem
16 necessary or proper in and pertinent to any proceeding,
17 investigation or hearing held or had by the board. The board is
18 authorized to apply to the Commonwealth Court to enforce its
19 subpoenas. The court may impose limitations on the scope of the
20 subpoena as is necessary to prevent unnecessary intrusion into
21 client confidential information.

22 (b) Disciplinary matters.--An attorney responsible for
23 representing the Commonwealth in disciplinary matters before the
24 board shall ~~notify the board immediately upon receiving~~ <—
25 ~~notification of an alleged violation of this act or a regulation~~
26 ~~of the board. The board shall~~ maintain current records of all
27 reported alleged violations and periodically review the records
28 for the purpose of determining that each alleged violation has
29 been resolved in a timely manner.

MISCELLANEOUS PROVISIONS

Section 2101. Appropriation.

The sum of \$85,000, or as much thereof as may be necessary, is hereby appropriated from the Professional Licensure Augmentation Account to the department for the payment of costs associated with processing licenses and renewing licenses, for the operation of the board and for other costs associated with this act. The appropriation shall be repaid by the board within three years of the beginning of issuance of licenses by the board.

Section 2102. Regulations.

Within 18 months of the effective date of this section, the board shall promulgate regulations to carry out this act.

Section 2103. Effective date.

This act shall take effect as follows:

(1) This section shall take effect immediately.

(2) Sections 501, 503, 702 and 706 shall take effect in 24 months.

(3) The remainder of this act shall take effect in 60 days.