

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 647 Session of
2007

INTRODUCED BY CIVERA, ADOLPH, BARRAR, BELFANTI, CALTAGIRONE,
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YOUNGBLOOD, W. KELLER AND MURT, MARCH 6, 2007

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES,
JUNE 25, 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; IMPOSING PENALTIES; AND making an appropriation+ <—
5 ~~and imposing penalties.~~

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15 Section 2103. Effective date.

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." A certificate which:~~

29 ~~(1) is from the National Commission for the~~

30 ~~Certification of Crane Operators or another organization~~

1 ~~found by the State Board of Crane Operators; and~~

2 ~~(2) meets the requirements of the American Society of~~
3 ~~Mechanical Engineers ASME B30.5 and the accreditation~~
4 ~~requirements of the National Commission for Certifying~~
5 ~~Agencies or the American National Standards Institute.~~

6 "CERTIFICATION." CERTIFICATION FROM THE NATIONAL COMMISSION <—
7 FOR THE CERTIFICATION OF CRANE OPERATORS OR ANOTHER ORGANIZATION
8 FOUND BY THE STATE BOARD OF CRANE OPERATORS TO OFFER AN
9 EQUIVALENT TESTING AND CERTIFICATION PROGRAM MEETING THE
10 APPLICABLE REQUIREMENTS OF THE AMERICAN SOCIETY OF MECHANICAL
11 ENGINEERS ASME B30.5 AS RELATING TO MOBILE CRANES, ASME B30.3 OR
12 THE REQUIREMENTS OF ASME B30.4 AS RELATING TO TOWER CRANES, AND
13 THE ACCREDITATION REQUIREMENTS OF THE NATIONAL COMMISSION FOR
14 CERTIFYING AGENCIES OR THE AMERICAN NATIONAL STANDARDS
15 INSTITUTE.

16 "Commissioner." The Commissioner of Professional and
17 Occupational Affairs within the Department of State.

18 "Conviction." Includes a judgment, an admission of guilt or
19 a plea of nolo contendere.

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

30 "CRANE." A POWER-OPERATED HOISTING MACHINE THAT HAS A POWER- <—

1 OPERATED WINCH, LOAD LINE AND BOOM MOVING Laterally by the
2 ROTATION OF THE MACHINE ON A CARRIER OR BASE WHICH HAS A
3 MANUFACTURER'S RATED MAXIMUM LIFTING CAPACITY OF 15 TONS OR MORE
4 AS SPECIFIED IN ASME B30.5, AND INCLUDES A DERRICK, CRAWLER
5 CRANE AND WHEEL-MOUNTED CRANE OF BOTH TRUCK AND SELF-PROPELLED
6 WHEEL TYPE. THE TERM INCLUDES A TOWER CRANE, WHICH HAS A
7 MANUFACTURER'S RATED MAXIMUM LIFTING CAPACITY OF TEN METRIC TONS
8 OR MORE, AS SPECIFIED IN ASME B30.3 AND ASME B30.4. THE TERM
9 DOES NOT INCLUDE A CRANE OR DRAG LINE USED IN COAL MINING
10 OPERATIONS, FORKLIFT, DIGGER DERRICK TRUCK, AIRCRAFT, BUCKET
11 TRUCK, VEHICLE OR MACHINE NOT HAVING A POWER-OPERATED WINCH, TOW
12 TRUCK OR WRECKING CRANE WHEN USED FOR TOWING OR VEHICLE
13 RECOVERY, LOCOMOTIVE CRANE, LOAD LINE OR CRANE USED IN LONGSHORE
14 OR OTHER INTERMODAL OPERATIONS, OR A CRANE USED IN MANUFACTURING
15 APPLICATIONS.

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

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

19 "Immediate supervision." Circumstances in which the crane
20 operator is in the immediate area of the trainee, within visual
21 sighting distance and able to effectively communicate with the
22 trainee.

23 "Trainee." An individual who has not been issued a license
24 under this act or obtained certification but who is authorized
25 to operate a crane as set forth in this act when under the
26 immediate supervision of a crane operator.

27 CHAPTER 3

28 STATE BOARD OF CRANE OPERATORS

29 Section 301. Board.

30 (a) Establishment.--There is hereby established the State

1 Board of Crane Operators within the department.

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

3 (1) The commissioner.

4 (2) Two public members.

5 (3) Four professional members. Professional members
6 shall have been actively engaged in crane-related operations
7 in this Commonwealth for at least five years immediately
8 preceding appointment. Except as set forth in subsection (f),
9 professional members shall be licensed under this act as
10 crane operators.

11 (c) Meeting.--The board shall meet within 30 days after the
12 appointment of the initial members and shall:

13 (1) Establish procedures for the board's operation and
14 administration of this act.

15 (2) Develop application forms for licensure.

16 (3) Circulate application forms.

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

20 (d) Term of membership.--Professional and public members
21 shall be appointed by the Governor with the advice and consent
22 of the Senate. Professional and public members shall be citizens
23 of the United States and residents of this Commonwealth. Except
24 as provided in subsection (e), professional and public members
25 shall serve a term of four years, or until a successor has been
26 appointed and qualified but in no event longer than six months
27 beyond the four-year period. In the event that a member dies or
28 resigns or otherwise is disqualified during the term of office,
29 a successor shall be appointed in the same way and with the same
30 qualifications and shall hold office for an unexpired term. A

1 professional or public member shall not be eligible to hold more
2 than two consecutive terms.

3 (e) Initial appointments.--For professional and public
4 members first appointed to the board pursuant to this act, the
5 term of office shall be as follows:

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

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

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

9 (f) Professional members and initial appointments.--A
10 professional member initially appointed to the board pursuant to
11 this act need not be licensed at the time of appointment but at
12 the time of appointment must have satisfied eligibility
13 requirements for licensure, including holding current
14 certification, as a crane operator as provided in this act.

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

20 (h) Chairperson.--The board shall select annually a
21 chairperson from among its members.

22 (i) Expenses.--With the exception of the commissioner, each
23 member of the board shall receive \$60 per diem when actually
24 attending to the work of the board. A member shall also receive
25 the amount of reasonable traveling, hotel and other necessary
26 expenses incurred in the performance of the member's duties in
27 accordance with Commonwealth regulations.

28 (j) Forfeiture.--A professional or public member who fails
29 to attend three consecutive meetings shall forfeit the member's
30 seat unless the commissioner, upon written request from the

1 member, finds that the member should be excused from a meeting
2 because of illness or the death of a family member.

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

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

15 Section 302. Powers and duties of board.

16 The board shall have the following powers and duties:

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

19 (2) To issue licenses, renew licenses, reinstate
20 licenses, refuse to renew, suspend and revoke licenses as
21 provided in this act.

22 (3) To administer and enforce the provisions of this
23 act.

24 (4) To investigate applications for licensure and to
25 determine the eligibility of an individual applying for
26 licensure.

27 (5) To promulgate and enforce regulations, not
28 inconsistent with this act, as necessary only to carry into
29 effect the provisions of this act. This paragraph includes
30 the setting of fees and the adoption of standards for

1 certification of crane operators. Regulations shall be
2 adopted in conformity with the provisions of the act of July
3 31, 1968 (P.L.769, No.240), referred to as the Commonwealth
4 Documents Law, and the act of June 25, 1982 (P.L.633,
5 No.181), known as the Regulatory Review Act.

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

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

11 (8) To submit annually a report to the Consumer
12 Protection and Professional Licensure Committee of the Senate
13 and the Professional Licensure Committee of the House of
14 Representatives. The report shall include a description of
15 the types of complaints received, status of cases, the action
16 which has been taken and the length of time from initial
17 complaint to final resolution.

18 (9) To submit annually to the Appropriations Committee
19 of the Senate and the Appropriations Committee of the House
20 of Representatives, 15 days after the Governor has submitted
21 a budget to the General Assembly, a copy of the budget
22 request for the upcoming fiscal year which the board
23 previously submitted to the department.

24 CHAPTER 5

25 LICENSURE

26 Section 501. Licensure.

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

1 (b) Business entities.--Except as provided in subsection
2 (c), an individual, corporation, partnership, firm or other
3 entity shall not employ an individual to operate a crane or
4 allow or direct an individual to operate a crane unless the
5 individual is licensed under this act.

6 (c) Trainee.--For purposes of acquiring the experience
7 necessary to obtain certification, a trainee who has passed a
8 written examination of the National Commission for the
9 Certification of Crane Operators or of a national association
10 deemed equivalent by the board may operate a crane when under
11 the immediate supervision of a crane operator. In order to
12 qualify as a trainee under this subsection, the individual must
13 be 18 years of age or older and have demonstrated, to the
14 satisfaction of the person employing the crane operator, that
15 the trainee is physically capable of operating a crane.

16 (d) Duty of crane operator.--When providing immediate
17 supervision to a trainee pursuant to subsection (c), the crane
18 operator shall have no other duties.

19 (e) Title.--An individual who holds a license as a crane
20 operator or is maintained on inactive status pursuant to section
21 504(b) shall have the right to use the title "licensed crane
22 operator" and the abbreviation "L.C.O." No other individual
23 shall use the title "licensed crane operator" or the
24 abbreviation "L.C.O." Except as provided in subsection (c), no
25 other individual shall hold himself out as being able to operate
26 a crane or being authorized to operate a crane.

27 (f) Additional requirement.--A license to operate a crane
28 shall be valid only in conjunction with certification if the
29 licensee maintains a current certification in the specialty for
30 which the crane operator is certified.

(g) Specialties.--The board shall establish specialties for licensure. Specialties shall include:

- (1) Tower crane.
- (2) Lattice boom crawler.
- (3) Lattice boom truck.
- (4) Telescopic boom crane with a rotating control station.
- (5) Telescopic boom crane with a fixed control station.
- (6) Any other specialty deemed appropriate by the board.

Section 502. Qualifications.

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

- (1) Be of good moral character.
- (2) Be 18 years of age or older.
- (3) Hold current certification.
- (4) Pay the fee set by the board.

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

(c) Convictions prohibited.--

- (1) The board shall not issue a license to an individual who has been convicted of a felony under the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, or an offense under the laws

1 of another jurisdiction which if committed in this
2 Commonwealth would be a felony under the Controlled
3 Substance, Drug, Device and Cosmetic Act unless:

4 (i) at least ten years have elapsed from the date of
5 conviction;

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

14 (iii) the individual otherwise satisfies the
15 qualifications provided in this act.

16 (2) An individual's statement on the application
17 declaring the absence of a conviction shall be deemed
18 satisfactory evidence of the absence of a conviction, unless
19 the board has some evidence to the contrary.

20 Section 503. Crane operators in other states, territories or
21 Dominion of Canada.

22 The board may issue a license to an individual who has
23 licensure or its equivalent as a crane operator in any other
24 state or territory of the United States or the Dominion of
25 Canada, if all of the following requirements are met:

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

28 (2) The individual meets the requirements set forth in
29 section 502.

30 (3) The individual pays the required fee.

1 Section 504. Duration of license.

2 (a) Duration of license.--A license issued pursuant to this
3 act shall be on a biennial basis. The biennial expiration date
4 shall be established by the board IN CONSULTATION WITH THE <—
5 COMMISSIONER. Application for renewal of a license shall
6 biennially be forwarded to an individual holding a current
7 license prior to the expiration date of the current renewal
8 biennium. The application form must indicate whether
9 certification will expire before the biennial renewal cycle will
10 expire.

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

24 Section 505. Reporting of multiple licensure.

25 A crane operator who is also licensed to operate a crane in
26 any other state, territory, possession of the United States or
27 country shall report this information to the board on the
28 biennial registration application. A licensee shall report any
29 disciplinary action taken in another state, territory,
30 possession of the United States or country to the board on the

1 biennial registration application or within 90 days of final
2 disposition, whichever is sooner. Multiple licensure shall be
3 noted by the board on the crane operator's record, and the
4 state, territory, possession or country shall be notified of any
5 disciplinary actions taken by the board against the crane
6 operator in this Commonwealth.

7 CHAPTER 7

8 ADMINISTRATION AND ENFORCEMENT

9 Section 701. Fees, fines and civil penalties.

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

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

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

1 Occupational Affairs Fee Act.

2 (d) Permitted fees.--The board may charge a fee, as set by
3 the board by regulation, for licensure, for renewing licensure
4 and for other services of the board as permitted by this act or
5 by regulation.

6 Section 702. Violation of act.

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. This paragraph shall not apply to a trainee under
30 section 501(c).

1 (4) A person that violates section 501(b).

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

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

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

9 (1) The licensee is negligent or incompetent in
10 operating a crane.

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

30 (3) The licensee has willfully or repeatedly violated

1 any of the provisions of this act or a regulation of the
2 board.

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

4 (i) the operation of a crane; or

5 (ii) securing licensure or certification.

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

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

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

20 (8) The licensee possessed, used, acquired or
21 distributed a controlled substance.

22 (9) The licensee has been found guilty of unprofessional
23 conduct. Unprofessional conduct shall include departure from
24 or failing to conform to operating practices or professional
25 standards embraced by the crane operating profession,
26 including those recognized by the American Society of
27 Mechanical Engineers ASME B30.5 and an agency of the Federal
28 Government. In a proceeding based on this paragraph, actual
29 injury to a person or damage to property need not be
30 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.

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 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 action, may reissue a license which has been suspended. If a license has been revoked, the board shall reissue a license only in accordance with section 706.

Section 705. Temporary and automatic suspensions.

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

24 (b) Commitment of crane operator.--A license issued under
25 this act shall automatically be suspended upon the legal
26 commitment of a crane operator to an institution because of
27 mental incompetency from any cause upon filing with the board a
28 certified copy of such commitment, conviction of a felony under
29 the act of April 14, 1972 (P.L.233, No.64), known as The
30 Controlled Substance, Drug, Device and Cosmetic Act, or

1 conviction of an offense under the laws of another jurisdiction,
2 which, if committed in Pennsylvania, would be a felony under The
3 Controlled Substance, Drug, Device and Cosmetic Act. Automatic
4 suspension under this subsection shall not be stayed pending an
5 appeal of a conviction. Restoration of the license shall be made
6 as provided in the case of revocation or suspension of a
7 license.

8 Section 706. Reinstatement of license.

9 Unless ordered to do so by the Commonwealth Court or an
10 appeal therefrom, the board shall not reinstate the license of
11 an individual which has been revoked. An individual whose
12 license has been revoked may reapply for a license after a
13 period of at least five years, but must meet all of the
14 licensing requirements of this act.

15 Section 707. Surrender of suspended or revoked license.

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

20 Section 708. Injunction.

21 Whenever in the judgment of the board a person has engaged in
22 an act or practice which constitutes or will constitute a
23 violation of this act, the board or its agents may make
24 application to the appropriate court for an order enjoining such
25 act or practice and, upon a showing by the board that the person
26 has engaged or is about to engage in such act or practice, an
27 injunction, restraining order or such order as may be
28 appropriate shall be granted by the court. The remedy by
29 injunction is in addition to any other civil or criminal
30 prosecution and punishment.

1 Section 709. Subpoenas and oaths.

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

16 (b) Disciplinary matters.--An attorney responsible for
17 representing the Commonwealth in disciplinary matters before the
18 board shall maintain current records of all reported alleged
19 violations and periodically review the records for the purpose
20 of determining that each alleged violation has been resolved in
21 a timely manner.

22 CHAPTER 21

23 MISCELLANEOUS PROVISIONS

24 Section 2101. Appropriation.

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

1 three years of the beginning of issuance of licenses by the
2 board.

3 Section 2102. Regulations.

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

6 Section 2103. Effective date.

7 This act shall take effect as follows:

8 (1) This section shall take effect immediately.

9 (2) Sections 501, 503, 702 and 706 shall take effect in
10 24 months.

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