
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 AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
JUNE 27, 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.

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17 The General Assembly of the Commonwealth of Pennsylvania
18 hereby enacts as follows:

19 CHAPTER 1

20 PRELIMINARY PROVISIONS

21 Section 101. Short title.

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

24 Section 102. Definitions.

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

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

29 "Certification." Certification from the National Commission
30 for the Certification of Crane Operators or another organization

1 found by the State Board of Crane Operators to offer an
2 equivalent testing and certification program meeting the
3 applicable requirements of the American Society of Mechanical
4 Engineers ASME B30.5 as relating to mobile cranes, ASME B30.3 or
5 the requirements of ASME B30.4 as relating to tower cranes, and
6 the accreditation requirements of the National Commission for
7 Certifying Agencies or the American National Standards
8 Institute.

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

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

13 "Crane." A power-operated hoisting machine that has a power-
14 operated winch, load line and boom moving laterally by the
15 rotation of the machine on a carrier or base which has a
16 manufacturer's rated maximum lifting capacity of 15 tons or more
17 as specified in ASME B30.5, and includes a derrick, crawler
18 crane and wheel-mounted crane of both truck and self-propelled
19 wheel type. The term includes a tower crane, which has a
20 manufacturer's rated maximum lifting capacity of ten meter tons
21 or more, as specified in ASME B30.3 and ASME B30.4. The term
22 does not include a crane or drag line used in coal mining
23 operations, forklift, digger derrick truck, aircraft, bucket
24 truck, vehicle or machine not having a power-operated winch, tow
25 truck or wrecking crane when used for towing or vehicle
26 recovery, locomotive crane, load line or crane used in longshore
27 or other intermodal operations, or a crane used in manufacturing
28 applications.

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

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

2 "Immediate supervision." Circumstances in which the crane
3 operator is in the immediate area of the trainee, within visual
4 sighting distance and able to effectively communicate with the
5 trainee.

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

10 CHAPTER 3

11 STATE BOARD OF CRANE OPERATORS

12 Section 301. Board.

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

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

16 (1) The commissioner.

17 (2) Two public members.

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

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

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

28 (2) Develop application forms for licensure.

29 (3) Circulate application forms.

30 (4) Educate the public regarding the requirements of

1 being licensed to operate a crane and to hold oneself out as
2 a crane operator in this Commonwealth.

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

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

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

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

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

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

28 (g) Quorum.--A majority of the members of the board shall
29 constitute a quorum. Except for temporary and automatic
30 suspensions under section 705, a member may not be counted as

1 part of a quorum or vote on any issue, unless the member is
2 physically in attendance at the meeting.

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

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

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

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

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

28 Section 302. Powers and duties of board.

29 The board shall have the following powers and duties:

30 (1) To provide for and regulate the licensing of

1 individuals engaged in operating a crane.

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

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

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

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

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

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

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

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

7 CHAPTER 5

8 LICENSURE

9 Section 501. Licensure.

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

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

19 (c) Trainee.--For purposes of acquiring the experience
20 necessary to obtain certification, a trainee who has passed a
21 written examination of the National Commission for the
22 Certification of Crane Operators or of a national association
23 deemed equivalent by the board may operate a crane when under
24 the immediate supervision of a crane operator. In order to
25 qualify as a trainee under this subsection, the individual must
26 be 18 years of age or older and have demonstrated, to the
27 satisfaction of the person employing the crane operator, that
28 the trainee is physically capable of operating a crane.

29 (d) Duty of crane operator.--When providing immediate
30 supervision to a trainee pursuant to subsection (c), the crane

1 operator shall have no other duties.

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

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

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

16 (1) Tower crane.

17 (2) Lattice boom crawler.

18 (3) Lattice boom truck.

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

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

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

23 Section 502. Qualifications.

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

26 (1) Be of good moral character.

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

28 (3) Hold current certification.

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

30 (b) Renewal of license.--In the case of a licensee applying

1 for renewal of license where certification will expire before
2 the biennial renewal cycle will expire, the licensee shall
3 submit evidence satisfactory to the board that the licensee has
4 renewed certification. Failure to maintain certification or to
5 submit evidence of renewal of certification shall subject the
6 licensee to disciplinary action. The board shall promulgate
7 regulations setting forth the evidence necessary to demonstrate
8 renewal of certification as provided in this subsection.

9 (c) Convictions prohibited.--

10 (1) The board shall not issue a license to an individual
11 who has been convicted of a felony under the act of April 14,
12 1972 (P.L.233, No.64), known as The Controlled Substance,
13 Drug, Device and Cosmetic Act, or an offense under the laws
14 of another jurisdiction which if committed in this
15 Commonwealth would be a felony under the Controlled
16 Substance, Drug, Device and Cosmetic Act unless:

17 (i) at least ten years have elapsed from the date of
18 conviction;

19 (ii) the individual satisfactorily demonstrates to
20 the board that the individual has made significant
21 progress in personal rehabilitation since the conviction
22 such that licensure of the individual should not be
23 expected to create a substantial risk of harm to the
24 health and safety of crane operators, trainees or the
25 public or a substantial risk of further criminal
26 violations; and

27 (iii) the individual otherwise satisfies the
28 qualifications provided in this act.

29 (2) An individual's statement on the application
30 declaring the absence of a conviction shall be deemed

1 satisfactory evidence of the absence of a conviction, unless
2 the board has some evidence to the contrary.

3 Section 503. Crane operators in other states, territories or
4 Dominion of Canada.

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

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

11 (2) The individual meets the requirements set forth in
12 section 502.

13 (3) The individual pays the required fee.

14 Section 504. Duration of license.

15 (a) Duration of license.--A license issued pursuant to this
16 act shall be on a biennial basis. The biennial expiration date
17 shall be established by the board in consultation with the
18 commissioner. Application for renewal of a license shall
19 biennially be forwarded to an individual holding a current
20 license prior to the expiration date of the current renewal
21 biennium. The application form must indicate whether
22 certification will expire before the biennial renewal cycle will
23 expire.

24 (b) Inactive status.--An individual licensed under this act
25 may request an application for inactive status. The application
26 form may be completed and returned to the board. Upon receipt of
27 an application, the individual shall be maintained on inactive
28 status without fee and shall be entitled to apply for a
29 licensure renewal at any time. An individual who requests the
30 board to activate his license and who has been on inactive

1 status for a period of five consecutive years shall, prior to
2 receiving an active license, satisfy the requirements of the
3 board's regulations for ensuring continued competence, including
4 holding current certification and remitting the required fee.
5 The board shall promulgate regulations to carry into effect the
6 provisions of this subsection.

7 Section 505. Reporting of multiple licensure.

8 A crane operator who is also licensed to operate a crane in
9 any other state, territory, possession of the United States or
10 country shall report this information to the board on the
11 biennial registration application. A licensee shall report any
12 disciplinary action taken in another state, territory,
13 possession of the United States or country to the board on the
14 biennial registration application or within 90 days of final
15 disposition, whichever is sooner. Multiple licensure shall be
16 noted by the board on the crane operator's record, and the
17 state, territory, possession or country shall be notified of any
18 disciplinary actions taken by the board against the crane
19 operator in this Commonwealth.

20 SECTION 506. LICENSE WITHOUT CERTIFICATION.

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21 (A) ELIGIBILITY.--FOR A PERIOD OF ONE YEAR FOLLOWING THE
22 EFFECTIVE DATE OF THIS SECTION, AN INDIVIDUAL SHALL BE ELIGIBLE
23 FOR LICENSURE WITHOUT CERTIFICATION, AS REQUIRED BY THIS ACT, IF
24 THE INDIVIDUAL:

25 (1) MEETS THE QUALIFICATIONS UNDER SECTION 502, EXCEPT
26 SECTION 502(A)(3);

27 (2) HAS PASSED A PRACTICAL EXAMINATION ADMINISTERED BY
28 NCCCO. PROOF OF SUCCESSFUL COMPLETION OF THE PRACTICAL
29 EXAMINATION SHALL BE PROVIDED TO THE BOARD; AND

30 (3) CAN DOCUMENT FIVE OR MORE YEARS' EXPERIENCE,

1 IMMEDIATELY PRECEDING THE DATE OF APPLICATION FOR LICENSURE
2 TO OPERATE A CRANE AS DEFINED IN THIS ACT. LICENSES GRANTED
3 UNDER THIS PROVISION SHALL BE ISSUED ONLY FOR THE OPERATION
4 OF CRANES WHERE DOCUMENTATION, ACCEPTABLE TO THE BOARD, HAS
5 BEEN PROVIDED. LICENSES ISSUED PURSUANT TO THIS SECTION SHALL
6 ONLY AUTHORIZE THE OPERATION OF A CRANE WITHIN THE EXPERIENCE
7 DOCUMENTED AND ACCEPTED BY THE BOARD.

8 (B) RENEWAL.--LICENSES ISSUED UNDER THIS SECTION ARE NOT
9 REQUIRED TO OBTAIN CERTIFICATION FOR PURPOSES OF BIENNIAL
10 RENEWAL UNDER SECTION 502(B).

11 CHAPTER 7

12 ADMINISTRATION AND ENFORCEMENT

13 Section 701. Fees, fines and civil penalties.

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

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

30 (c) Deposit of fees.--All fees, fines and civil penalties

1 imposed in accordance with this act shall be paid into the
2 Professional Licensure Augmentation Account established pursuant
3 to, and for use in accordance with, the act of July 1, 1978
4 (P.L.700, No.124), known as the Bureau of Professional and
5 Occupational Affairs Fee Act.

6 (d) Permitted fees.--The board may charge a fee, as set by
7 the board by regulation, for licensure, for renewing licensure
8 and for other services of the board as permitted by this act or
9 by regulation.

10 Section 702. Violation of act.

11 (a) Criminal penalty.--Violating a provision of this act or
12 a regulation of the board commits a misdemeanor of the third
13 degree and shall, upon conviction, be sentenced to pay a fine of
14 not more than \$1,000 or to imprisonment for not more than six
15 months for the first violation. For the second and each
16 subsequent conviction, the person, upon conviction, shall be
17 sentenced to pay a fine of not more than \$2,000 or to
18 imprisonment for not less than six months or more than one year,
19 or both.

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

27 (1) A crane operator who violates a provision of this
28 act.

29 (2) An individual who operates a crane in violation of
30 this act.

1 (3) An individual who holds himself out as a crane
2 operator without being properly licensed as provided in this
3 act. This paragraph shall not apply to a trainee under
4 section 501(c).

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

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

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

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

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

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

1 reasonable intervals be afforded the opportunity to
2 demonstrate that the licensee can resume competent, safe and
3 skillful operation of a crane.

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

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

8 (i) the operation of a crane; or

9 (ii) securing licensure or certification.

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

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

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

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

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

1 Mechanical Engineers ASME B30.5 and an agency of the Federal
2 Government. In a proceeding based on this paragraph, actual
3 injury to a person or damage to property need not be
4 established.

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

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

11 (1) Deny the application for a license.

12 (2) Administer a public reprimand.

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

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

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

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

24 Section 704. Suspensions and revocations.

25 Disciplinary action shall be imposed only in accordance with
26 the regulations of the board and only by majority vote of the
27 members of the board after a hearing. An action of the board
28 shall be taken subject to the right of notice, hearing and
29 adjudication, and the right of appeal, in accordance with 2
30 Pa.C.S. (relating to administrative law and procedure). The

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

4 Section 705. Temporary and automatic suspensions.

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

28 (b) Commitment of crane operator.--A license issued under
29 this act shall automatically be suspended upon the legal
30 commitment of a crane operator to an institution because of

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

12 Section 706. Reinstatement of license.

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

19 Section 707. Surrender of suspended or revoked license.

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

24 Section 708. Injunction.

25 Whenever in the judgment of the board a person has engaged in
26 an act or practice which constitutes or will constitute a
27 violation of this act, the board or its agents may make
28 application to the appropriate court for an order enjoining such
29 act or practice and, upon a showing by the board that the person
30 has engaged or is about to engage in such act or practice, an

1 injunction, restraining order or such order as may be
2 appropriate shall be granted by the court. The remedy by
3 injunction is in addition to any other civil or criminal
4 prosecution and punishment.

5 Section 709. Subpoenas and oaths.

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

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

26 CHAPTER 21

27 MISCELLANEOUS PROVISIONS

28 Section 2101. Appropriation.

29 The sum of \$85,000, or as much thereof as may be necessary,
30 is hereby appropriated from the Professional Licensure

1 Augmentation Account to the department for the payment of costs
2 associated with processing licenses and renewing licenses, for
3 the operation of the board and for other costs associated with
4 this act. The appropriation shall be repaid by the board within
5 three years of the beginning of issuance of licenses by the
6 board.

7 Section 2102. Regulations.

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

10 Section 2103. Effective date.

11 This act shall take effect as follows:

12 (1) This section shall take effect immediately.

13 (2) Sections 501, 503, 702 and 706 shall take effect in
14 24 months.

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