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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 647 Session of  
2007

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

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AS AMENDED ON THIRD CONSIDERATION, IN SENATE, OCTOBER 7, 2008

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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.

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) AND THE REQUIREMENTS SET FORTH IN EITHER <—  
27 PARAGRAPH (2) OR (3) OF THIS SUBSECTION;

28 (2) has passed a practical examination administered by  
29 NCCCO. Proof of successful completion of the practical  
30 examination shall be provided to the board; ~~and~~ OR <—

1 (3) can document five or more years' experience,  
2 immediately preceding the date of application for licensure  
3 to operate a crane as defined in this act. Licenses granted  
4 under this provision shall be issued only for the operation  
5 of cranes where documentation, acceptable to the board, has  
6 been provided. Licenses issued pursuant to this section shall  
7 only authorize the operation of a crane within the experience  
8 documented and accepted by the board.

9 (b) Renewal.--Licenses issued under this section are not  
10 required to obtain certification for purposes of biennial  
11 renewal under section 502(b).

## 12 CHAPTER 7

### 13 ADMINISTRATION AND ENFORCEMENT

14 Section 701. Fees, fines and civil penalties.

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

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

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

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

11 Section 702. Violation of act.

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

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

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

30 (2) An individual who operates a crane in violation of

1       this act.

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

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

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

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

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

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

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

1 evidence. A licensee affected under this paragraph shall at  
2 reasonable intervals be afforded the opportunity to  
3 demonstrate that the licensee can resume competent, safe and  
4 skillful operation of a crane.

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

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

9 (i) the operation of a crane; or

10 (ii) securing licensure or certification.

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

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

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

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

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



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

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

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

12 (1) Deny the application for a license.

13 (2) Administer a public reprimand.

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

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

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

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

25 Section 704. Suspensions and revocations.

26 Disciplinary action shall be imposed only ~~in accordance with~~ <—  
27 ~~the regulations of the board and only~~ by majority vote of the  
28 members of the board after a hearing. An action of the board  
29 shall be taken subject to the right of notice, hearing and  
30 adjudication, and the right of appeal, in accordance with 2

1 Pa.C.S. (relating to administrative law and procedure). The  
2 board, by majority action, may reissue a license which has been  
3 suspended. If a license has been revoked, the board shall  
4 reissue a license only in accordance with 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. Formal action to suspend, revoke or restrict the  
15 license of the crane operator shall be commenced as otherwise  
16 provided for in this act. All actions shall be taken promptly  
17 and without delay. Within 30 days following the issuance of an  
18 order temporarily suspending a license, the board shall conduct  
19 or cause to be conducted a preliminary hearing to determine that  
20 there is a prima facie case supporting the suspension. The crane  
21 operator whose license has been temporarily suspended may be  
22 present at the preliminary hearing and may be represented by  
23 counsel, cross-examine witnesses, inspect physical evidence,  
24 call witnesses, offer evidence and testimony and make a record  
25 of the proceedings. If it is determined that there is not a  
26 prima facie case, the suspended license shall be immediately  
27 restored. The temporary suspension shall remain in effect until  
28 vacated by the board, but in no event longer than 180 days.

29 (b) Commitment of crane operator.--A license issued under  
30 this act shall automatically be suspended upon the legal

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

13 Section 706. Reinstatement of license.

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

20 Section 707. Surrender of suspended or revoked license.

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

25 Section 708. Injunction.

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

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

6 Section 709. Subpoenas and oaths.

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

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

## 27 CHAPTER 21

### 28 MISCELLANEOUS PROVISIONS

29 Section 2101. Appropriation.

30 The sum of \$85,000, or as much thereof as may be necessary,

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

8 Section 2102. Regulations.

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

11 Section 2103. Effective date.

12 This act shall take effect as follows:

13 (1) This section shall take effect immediately.

14 (2) Sections 501, 503, 702 and 706 shall take effect in  
15 24 months.

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