
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 617 Session of
2005

INTRODUCED BY CIVERA, ADOLPH, MICOZZIE, BELFANTI, RAYMOND,
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YOUNGBLOOD, DENLINGER, GERBER AND GEORGE, FEBRUARY 16, 2005

SENATOR TOMLINSON, CONSUMER PROTECTION AND PROFESSIONAL
LICENSURE, IN SENATE, AS AMENDED, APRIL 26, 2006

AN ACT

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

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 CHAPTER 1

7 PRELIMINARY PROVISIONS

8 Section 101. Short title.

9 This act shall be known and may be cited as the Crane
10 Operator Licensure Act.

11 Section 102. Definitions.

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

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

1 ~~"Certification" or "certified."~~ Certification from the <—

2 "CERTIFICATION." A CERTIFICATION WHICH: <—

3 (1) IS FROM THE National Commission for the
4 Certification of Crane Operators or another organization
5 found by the State Board of Crane Operators ~~to offer an~~ <—
6 ~~equivalent testing and certification program meeting the~~
7 ~~requirements of the American Society of Mechanical Engineers~~
8 TO OFFER AN EQUIVALENT TESTING AND CERTIFICATION PROGRAM; AND <—

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

13 "Commissioner." The Commissioner of Professional and
14 Occupational Affairs within the Department of State.

15 "Conviction." Includes a judgment, an admission of guilt or
16 a plea of nolo contendere.

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

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

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

30 "Immediate supervision." Circumstances in which the crane

1 operator is in the immediate area of the trainee, within visual
2 sighting distance and able to effectively communicate with the
3 trainee.

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

8 CHAPTER 3

9 STATE BOARD OF CRANE OPERATORS

10 Section 301. Board.

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

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

14 (1) The commissioner.

15 (2) Two public members.

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

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

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

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

27 (2) Develop application forms for licensure.

28 (3) Circulate application forms.

29 (4) Educate the public regarding the requirements of
30 being licensed to operate a crane and to hold oneself out as

1 a crane operator in this Commonwealth.

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

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

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

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

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

21 (f) Professional members and first appointments.--A
22 professional member ~~first~~ INITIALLY appointed to the board <—
23 pursuant to this act need not be licensed at the time of
24 appointment but at the time of appointment must have satisfied
25 eligibility requirements for licensure, including holding
26 current certification, as a crane operator as provided in this
27 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. ~~The board, with the approval~~ ←
5 ~~of the commissioner, shall select and fix the compensation of an~~
6 ~~executive secretary who shall be responsible for the day to day~~
7 ~~operation of the board and administration of the board's~~
8 ~~activities.~~

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

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

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

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

1 the board.

2 Section 302. Powers and duties of board.

3 The board shall have the following powers and duties:

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

6 (2) To issue licenses, renew licenses, reinstate
7 licenses, ~~fail~~ REFUSE to renew, suspend and revoke licenses ←
8 as provided in this act.

9 (3) To administer and enforce the provisions of this
10 act.

11 (4) To investigate applications for licensure and to
12 determine the eligibility of an individual applying for
13 licensure.

14 (5) To promulgate and enforce regulations, not
15 inconsistent with this act, as necessary only to carry into
16 effect the provisions of this act. This paragraph includes
17 the setting of fees and the adoption of standards for
18 certification of crane operators. Regulations shall be
19 adopted in conformity with the provisions of the act of July
20 31, 1968 (P.L.769, No.240), referred to as the Commonwealth
21 Documents Law, and the act of June 25, 1982 (P.L.633,
22 No.181), known as the Regulatory Review Act.

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

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

28 (8) To submit annually a report to the Consumer
29 Protection and Professional Licensure Committee of the Senate
30 and the Professional Licensure Committee of the House of

1 Representatives. The report shall include a description of
2 the types of complaints received, status of cases, the action
3 which has been taken and the length of time from initial
4 complaint to final resolution.

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

11 CHAPTER 5

12 LICENSURE

13 Section 501. Licensure.

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

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

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

<—

1 satisfaction of the ~~entity~~ PERSON employing the crane operator, ←
2 that the trainee is physically capable of operating a crane.

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

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

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

18 (g) Specialties.--The board shall establish specialties for
19 ~~certification~~ LICENSURE. Specialties shall include: ←

- 20 (1) Tower crane.
- 21 (2) Lattice boom crawler.
- 22 (3) Lattice boom truck.
- 23 (4) Telescopic boom crane with a rotating control
24 station.
- 25 (5) Telescopic boom cranes with a fixed control station.
- 26 (6) Any other specialty deemed appropriate by the board.

27 Section 502. Qualifications.

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

- 30 (1) Be of good moral character.

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

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

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

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

23 (c) Convictions prohibited.--

24 (1) The board shall not issue a license to an individual
25 who has been convicted of a ~~felonious act prohibited by~~ ←
26 ~~FELONY UNDER~~ the act of April 14, 1972 (P.L.233, No.64), ←
27 known as The Controlled Substance, Drug, Device and Cosmetic
28 Act, or ~~convicted of a felony relating to a controlled~~ ←
29 ~~substance in a court of law of the United States or any other~~
30 ~~state, territory or country unless:~~ 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 ~~is~~ ←
23 ~~licensed~~ HAS LICENSURE OR ITS EQUIVALENT as a crane operator in ←
24 any other state or territory of the United States or the
25 Dominion of Canada, if all of the following requirements are
26 met:

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

29 (2) The individual meets the requirements ~~as to~~ ←
30 ~~character, age and absence of convictions,~~ as set forth in

1 section 502.

2 (3) The individual pays the required fee.

3 Section 504. Duration of license.

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

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

25 Section 505. Reporting of multiple licensure.

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

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

8 CHAPTER 7

9 ADMINISTRATION AND ENFORCEMENT

10 Section 701. Fees, fines and civil penalties.

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

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

27 (c) Deposit of fees.--All fees, fines and civil penalties
28 imposed in accordance with this act shall be paid into the
29 Professional Licensure Augmentation Account established pursuant
30 to, and for use in accordance with, the act of July 1, 1978

1 (P.L.700, No.124), known as the Bureau of Professional and
2 Occupational Affairs Fee Act.

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

7 Section 702. Violation of act.

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

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 DOES NOT APPLY TO A TRAINEE UNDER SECTION <—
4 501(C).

5 (4) ~~The responsible officers or employees of a~~ <—
6 ~~corporation, partnership, firm or other entity violating a~~
7 ~~provision of this act.~~ A PERSON THAT VIOLATES SECTION 501(B). <—

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

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

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

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

17 (2) The licensee is unable to operate a crane with
18 reasonable skill and safety by reason of mental or physical
19 illness or condition or physiological or psychological
20 dependence upon alcohol, hallucinogenic or narcotic drugs or
21 other drugs which tend to impair judgment or coordination, so
22 long as such dependence shall continue. In enforcing this
23 paragraph, the board shall, upon probable cause, have
24 authority to compel a licensee to submit to a mental or
25 physical examination as designated by the board. After
26 notice, hearing, adjudication and appeal failure of a
27 licensee to submit to such examination when directed shall
28 constitute an admission of the allegations unless failure is
29 due to circumstances beyond the licensee's control,
30 consequent upon which a default and final order may be

1 entered without the taking of testimony or presentation of
2 evidence. A licensee affected under this paragraph shall at
3 reasonable intervals be afforded the opportunity to
4 demonstrate that the licensee can resume competent, safe and
5 skillful operation of a crane.

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

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

10 (i) the operation of a crane; or

11 (ii) securing licensure or certification.

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

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

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

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

28 (9) The licensee has been found guilty of unprofessional
29 conduct. Unprofessional conduct shall include departure from
30 or failing to conform to operating practices or professional

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

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

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

13 (1) Deny the application for a license.

14 (2) Administer a public reprimand.

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

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

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

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

26 Section 704. Suspensions and revocations.

27 ~~A suspension or revocation shall be made~~ DISCIPLINARY ACTION <—
28 SHALL BE IMPOSED only in accordance with the regulations of the
29 board and only by majority vote of the members of the board
30 after a ~~full and fair~~ hearing. An action of the board shall be <—

1 taken subject to the right of notice, hearing and adjudication,
2 and the right of appeal, in accordance with 2 Pa.C.S. (relating
3 to administrative law and procedure). The board, by majority
4 action ~~and in accordance with its regulations~~, may reissue a ←
5 license which has been suspended. If a license has been revoked,
6 the board shall reissue a license only in accordance with
7 section 706.

8 Section 705. Temporary and automatic suspensions.

9 ~~(a) General rule.~~ A license issued under this act may be ←
10 temporarily suspended under circumstances determined by the
11 board to be an immediate and clear danger to public health or
12 safety. The board shall issue an order to that effect without a
13 hearing, but upon due notice, to the licensee concerned at the
14 licensee's last known address, which shall include a written
15 statement of all allegations against the licensee. The
16 provisions of section 704 shall not apply to temporary
17 suspension. ~~The board shall commence formal~~ FORMAL action to ←
18 suspend, revoke or restrict the license of the crane operator
19 SHALL BE COMMENCED as otherwise provided for in this act. All ←
20 actions shall be taken promptly and without delay. Within 30
21 days following the issuance of an order temporarily suspending a
22 license, the board shall conduct or cause to be conducted a
23 preliminary hearing to determine that there is a prima facie
24 case supporting the suspension. The crane operator whose license
25 has been temporarily suspended may be present at the preliminary
26 hearing and may be represented by counsel, cross-examine
27 witnesses, inspect physical evidence, call witnesses, offer
28 evidence and testimony and make a record of the proceedings. If
29 it is determined that there is not a prima facie case, the
30 suspended license shall be immediately restored. The temporary

1 suspension shall remain in effect until vacated by the board,
2 but in no event longer than 180 days.

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

17 Section 706. Reinstatement of license.

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

24 Section 707. Surrender of suspended or revoked license.

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

29 Section 708. Injunction.

30 Whenever in the judgment of the board a person has engaged in

1 an act or practice which constitutes or will constitute a
2 violation of this act, the board or its agents may make
3 application to the appropriate court for an order enjoining such
4 act or practice and, upon a showing by the board that the person
5 has engaged or is about to engage in such act or practice, an
6 injunction, restraining order or such order as may be
7 appropriate shall be granted by the court. The remedy by
8 injunction is in addition to any other civil or criminal
9 prosecution and punishment.

10 Section 709. Subpoenas and oaths.

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

25 (b) Disciplinary matters.--An attorney responsible for
26 representing the Commonwealth in disciplinary matters before the
27 board shall ~~notify the board immediately upon receiving~~ ←
28 ~~notification of an alleged violation of this act or a regulation~~
29 ~~of the board. The board shall~~ maintain current records of all
30 reported alleged violations and periodically review the records

1 for the purpose of determining that each alleged violation has
2 been resolved in a timely manner.

3 CHAPTER 21

4 MISCELLANEOUS PROVISIONS

5 Section 2101. Appropriation.

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

14 Section 2102. Regulations.

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

17 Section 2103. Effective date.

18 This act shall take effect as follows:

19 (1) This section shall take effect immediately.

20 (2) Sections 501, 503, 702 and 706 shall take effect in
21 24 months.

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