
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 647 Session of
2007

INTRODUCED BY CIVERA, ADOLPH, BARRAR, BELFANTI, CALTAGIRONE,
CAPPELLI, DALEY, DeLUCA, FABRIZIO, GINGRICH, JAMES, KENNEY,
KILLION, MARSHALL, PETRI, SIPTROTH, STEIL, WATSON,
YOUNGBLOOD, W. KELLER AND MURT, MARCH 6, 2007

SENATOR TOMLINSON, CONSUMER PROTECTION AND PROFESSIONAL
LICENSURE, AS AMENDED, SEPTEMBER 18, 2007

AN ACT

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

5 TABLE OF CONTENTS

6 Chapter 1. Preliminary Provisions

7 Section 101. Short title.

8 Section 102. Definitions.

9 Chapter 3. State Board of Crane Operators

10 Section 301. Board.

11 Section 302. Powers and duties of board.

12 Chapter 5. Licensure

13 Section 501. Licensure.

14 Section 502. Qualifications.

15 Section 503. Crane operators in other states, territories or

16 Dominion of Canada.

1 Section 504. Duration of license.
2 Section 505. Reporting of multiple licensure.
3 Section 506. License without certification.
4 Chapter 7. Administration and Enforcement
5 Section 701. Fees, fines and civil penalties.
6 Section 702. Violation of act.
7 Section 703. Refusal, suspension or revocation of license.
8 Section 704. Suspensions and revocations.
9 Section 705. Temporary and automatic suspensions.
10 Section 706. Reinstatement of license.
11 Section 707. Surrender of suspend or revoked license.
12 Section 708. Injunction.
13 Section 709. Subpoenas and oaths.
14 Chapter 21. Miscellaneous Provisions
15 Section 2101. Appropriation.
16 Section 2102. Regulations.
17 Section 2103. Effective date.

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

20 CHAPTER 1
21 PRELIMINARY PROVISIONS

22 Section 101. Short title.

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

25 Section 102. Definitions.

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

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

30 "Certification." Certification from the National Commission

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

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

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

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

30 "Crane operator." An individual licensed by the State Board

1 of Crane Operators to operate a crane.

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

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

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

11 CHAPTER 3

12 STATE BOARD OF CRANE OPERATORS

13 Section 301. Board.

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

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

17 (1) The commissioner.

18 (2) Two public members.

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

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

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

29 (2) Develop application forms for licensure.

30 (3) Circulate application forms.

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

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

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

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

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

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

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

29 (g) Quorum.--A majority of the members of the board shall
30 constitute a quorum. Except for temporary and automatic

1 suspensions under section 705, a member may not be counted as
2 part of a quorum or vote on any issue, unless the member is
3 physically in attendance at the meeting.

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

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

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

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

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

29 Section 302. Powers and duties of board.

30 The board shall have the following powers and duties:

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

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

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

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

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

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

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

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

1 complaint to final resolution.

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

8 CHAPTER 5

9 LICENSURE

10 Section 501. Licensure.

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

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

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

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

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

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

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

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

17 (1) Tower crane.

18 (2) Lattice boom crawler.

19 (3) Lattice boom truck.

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

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

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

24 Section 502. Qualifications.

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

27 (1) Be of good moral character.

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

29 (3) Hold current certification.

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

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

10 (c) Convictions prohibited.--

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

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

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

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

30 (2) An individual's statement on the application

1 declaring the absence of a conviction shall be deemed
2 satisfactory evidence of the absence of a conviction, unless
3 the board has some evidence to the contrary.

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

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

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

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

14 (3) The individual pays the required fee.

15 Section 504. Duration of license.

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

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

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

8 Section 505. Reporting of multiple licensure.

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

21 Section 506. License without certification.

22 (a) Eligibility.--For a period of one year following the
23 effective date of this section, an individual shall be eligible
24 for licensure without certification, as required by this act, if
25 the individual:

26 (1) meets the qualifications under section 502, except
27 section 502(a)(3);

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

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.