

1 friction cranes, derricks, jib hoists, gantry, bridge cranes,
2 floating cranes of any kind, and air-borne hoisting
3 equipment.

4 "Department" means the Department of Professional
5 Regulation.

6 "Director" means the Director of Professional Regulation.

7 "Hoist" includes but is not limited to a material hoist
8 (construction elevator), air tugger (one drum), multi-drum
9 hoist, overhead hoist, sideboom, A-frame boom truck, or
10 behind the cab truck mounted boom.

11 "Person" means an individual, partnership, corporation,
12 business trust, limited liability company, or other legal
13 entity.

14 Section 15. License required; application of Act.

15 (a) Beginning January 1, 2003, it shall be unlawful for
16 a person to operate a power-driven crane or hoist without
17 first obtaining a crane operator's license from the
18 Department.

19 (b) Beginning January 1, 2003, it shall be unlawful for
20 a person to assist in the operation of a power-driven crane
21 or hoist without first obtaining an apprentice crane
22 operator's license from the Department.

23 (c) The provisions of this Act do not apply to operators
24 of powered industrial forklift trucks, pallet trucks, rider
25 trucks, fork trucks, or lift trucks or to equipment involved
26 in grading, drainage, field tile, irrigation, or other
27 activity connected with agriculture or farming.

28 (d) The provisions of this Act do not apply to the
29 operation of a crane or a hoist under the jurisdiction of the
30 United States.

31 Section 20. Qualifications for original crane operator's
32 license. A person is qualified to obtain an original crane

1 operator's license under this Act if he or she meets all of
2 the following requirements:

3 (1) Is at least 18 years of age and has submitted a
4 certified record showing crane operation of at least 2000
5 hours in the 5-year period preceding his or her
6 application.

7 (2) Has not violated any of the provisions of this
8 Act for which disciplinary action could be taken.

9 (3) Has passed a written examination prescribed by
10 the Board.

11 (4) Has passed a practical examination prescribed
12 by the Board.

13 (5) Has taken a drug test prescribed by the Board.

14 (6) Does not have a crane operator's license or
15 crane operator's apprentice license that is currently
16 revoked or suspended by the Board or by the comparable
17 licensing body in another jurisdiction.

18 Section 25. Qualifications for crane operator's
19 apprentice license. A person is qualified to obtain a crane
20 operator's apprentice license under this Act if he or she
21 meets all of the following requirements:

22 (1) Is at least 18 years of age.

23 (2) Has passed a written examination as prescribed
24 by the Department.

25 (3) Has not violated any of the provisions of this
26 Act for which disciplinary action could be taken.

27 (4) Does not have a crane operator's license or
28 crane operator's apprentice license that is currently
29 revoked or suspended by the Board or by a comparable
30 licensing body in another jurisdiction.

31 Section 30. Application for original crane operator's
32 license.

1 (a) Applications for original licenses shall be made to
2 the Department in writing on forms prescribed by the Board
3 and shall be accompanied by the required fee, which shall not
4 be returnable. The application shall require the information
5 that, in the judgment of the Board, will enable the
6 Department to pass on the qualifications of the applicant for
7 a license.

8 (b) The Department may authorize the examination of
9 applicants at any time and place that it may determine. The
10 Department shall make reasonable efforts to provide testing
11 sites reflecting the geographical distribution of applicants'
12 residences. The examination of applicants shall be of a
13 character to give a fair test of the qualifications of the
14 applicant to practice. The Agency may employ consultants for
15 the purpose of preparing and conducting examinations.

16 (c) Applicants for examination shall be required to pay,
17 either to the Department or the designated testing service, a
18 fee covering the cost of providing the examination. If an
19 applicant neglects, fails, or refuses to take an examination
20 or fails to pass an examination for a license under this Act
21 within 3 years after filing his or her application, the
22 application is denied. However, the applicant may thereafter
23 make a new application accompanied by the required fee.

24 (d) Original crane operator's licenses shall be valid
25 for a period of 5 years.

26 Section 35. Testing. The Department shall conduct
27 examinations of applicants for crane operator's licenses and
28 for crane operator's apprentice licenses.

29 Section 40. Renewal of crane operator's license.

30 (a) At the expiration of an original crane operator's
31 license, a licensee may apply for a renewal crane operator's
32 license. A person is qualified to obtain a renewal crane

1 operator's license if he or she meets all of the following
2 requirements:

3 (1) Has submitted a certified record showing crane
4 operation of at least 2000 hours in the 5-year period of
5 the original crane operator's license, or has passed a
6 practical examination prescribed by the Board.

7 (2) Has not violated any of the provisions of this
8 Act for which disciplinary action could be taken.

9 (3) Has passed a written examination prescribed by
10 the Board.

11 (4) Has taken a drug test prescribed by the Board.

12 (5) Does not have a crane operator's license that
13 is currently revoked or suspended by the Board or by the
14 comparable licensing body in another jurisdiction.

15 (b) Renewal crane operator's licenses shall be valid for
16 a period of 5 years.

17 Section 45. Fees; Crane Operators Licensing Fund.

18 (a) The Department shall impose a fee established by the
19 Board for an original license and for a renewal license
20 issued under this Act.

21 (b) All fees and fines received by the Department
22 pursuant to this Section shall be deposited into the Crane
23 Operators Licensing Fund, a special fund created in the State
24 Treasury. Moneys in the Fund may be used by the Department,
25 subject to appropriation, solely for the administration of
26 this Act.

27 Section 50. Board; crane inspector.

28 (a) The Crane Operators Licensing Board is created
29 within the Department and shall consist of the following
30 voting members appointed by the Director:

31 (1) Three members of the Board shall be members of
32 unions representing operating engineers. These members

1 shall serve 3-year terms, except that of the initial
2 members appointed, one shall be appointed for a term of
3 one year, one for a term of 2 years, and one for a term
4 of 3 years.

5 (2) One member of the Board shall be a
6 representative of the construction industry. This member
7 shall serve a 3-year term, except that the initial member
8 shall be appointed for a term of 2 years.

9 (3) One member of the Board shall be a
10 representative of the property and casualty insurance
11 industry. This member shall serve a 3-year term, except
12 that the initial member shall be appointed for a term of
13 one year.

14 (4) Two members of the Board shall be public
15 members. These members shall serve 3-year terms, except
16 that of the initial members appointed, one shall be
17 appointed for a term of 2 years and one shall be
18 appointed for a term of 3 years.

19 (b) Each member shall have experience, knowledge, and
20 expertise relating to the subject matter of this Act.

21 (c) Board members shall receive no compensation for
22 their services on the Board, but they may be reimbursed for
23 their actual expenses in serving on the Board.

24 (d) The Board shall annually elect one of its members as
25 chairperson, one as vice-chairperson, and one as secretary.
26 No officer of the Board shall be elected more than twice in
27 succession to a full term in the same office. Each officer
28 shall serve until his or her successor has been elected and
29 qualified. If there is a vacancy in an officer's position,
30 the remaining Board members shall promptly fill it by
31 appointing a member of the Board to the vacant position for
32 the unexpired portion of the term.

33 (e) Four members of the Board shall constitute a quorum.
34 A vacancy in the membership of the Board shall not impair the

1 right of a quorum to exercise all the rights and perform all
2 of the duties of the Board.

3 (f) The Director shall promptly appoint a person to fill
4 any vacancy on the Board for the unexpired portion of the
5 term.

6 (g) The Department shall employ and the Board shall
7 approve a crane inspector. The crane inspector shall have
8 all of the following powers and duties:

9 (1) To assist the Board in carrying out its duties
10 under this Act.

11 (2) To periodically inspect cranes.

12 (3) To investigate accidents involving cranes.

13 (4) To inspect job sites to ensure that all crane
14 and hoisting equipment personnel are duly licensed.

15 The Department may employ additional personnel to assist
16 in enforcing the provisions of this Act.

17 Section 55. Licensing penalties.

18 (a) The Board may refuse to issue or renew or may revoke
19 or suspend a license or place on probation, censure, or
20 reprimand a licensee, for one or any combination of the
21 following causes:

22 (1) The practice of any fraud or deceit in
23 obtaining or attempting to obtain a license.

24 (2) Any gross negligence, incompetence, or
25 misconduct in the operation of a crane or hoisting
26 equipment while under the influence of alcohol or another
27 drug.

28 (3) Any gross negligence, incompetence, or
29 misconduct as an apprentice assisting in the operation of
30 a crane or hoisting equipment while under the influence
31 of alcohol or another drug.

32 (4) The entry of any order by any circuit court
33 establishing that a person holding a license under this

1 Act is a person subject to involuntary admission under
2 the Mental Health and Developmental Disabilities Code.
3 The person may have his or her license restored only upon
4 the determination by a circuit court that he or she has
5 recovered from the mental illness that subjected him or
6 her to involuntary admission and upon the determination
7 of the Board that the license be restored. Where the
8 circumstances so indicate, the Board may require an
9 examination prior to restoring any license.

10 (5) Failure to comply with any of the provisions of
11 this Act or any rules adopted by the Department under
12 this Act.

13 (6) Revocation or suspension of a license as a
14 crane or hoist operator or apprentice in another
15 jurisdiction.

16 (7) Failure within 60 days to provide information
17 requested by the Board as a result of a formal or
18 informal complaint to the Department that would indicate
19 a violation of this Act.

20 (b) The Board shall refuse to issue or renew and shall
21 revoke the license of a licensee who has been determined by
22 the Board to have more than 3 violations of operating a crane
23 without possessing a crane operator's license under
24 subsection (a) of Section 75 or more than 3 violations of
25 assisting in operating a crane without possessing a
26 apprentice crane operator's license under subsection (c) of
27 Section 75.

28 Section 60. Hearing

29 (a) The Board may upon its own motion, and shall upon
30 the sworn complaint in writing of any person setting forth
31 charges that, if proved, would constitute grounds under
32 Section 55 for refusal, suspension, or revocation of a
33 license, investigate the actions of any person holding or

1 claiming to hold a license.

2 (b) The Board shall, at least 10 days prior to the date
3 set for the hearing and before refusing to issue, suspend, or
4 revoke any license, notify the applicant or holder of the
5 license, in writing, of any charges made, and shall afford
6 him or her an opportunity to be heard in person or by
7 counsel. The notice may be served by personal delivery to the
8 accused person or by registered mail to the last place of
9 business specified by the accused person in the notification
10 to the Agency.

11 (c) At the time and place fixed in the notice, the Board
12 shall proceed to the hearing of the charges and both the
13 accused person and the complainant shall be accorded ample
14 opportunity to present, in person or by counsel, any
15 statement, testimony, evidence, or argument that may be
16 pertinent to the charges or to any defense against the
17 charges. The Board may continue the hearing from time to
18 time. If the Board is not sitting at the time and place to
19 which the hearing has been continued, the Department may
20 continue the hearing for a period not to exceed 30 days, and
21 all parties in interest shall be given notice in writing of
22 the date and hour to which the hearing has been continued and
23 the place at which it is to be held.

24 Section 65. Review.

25 (a) All final administrative decisions of the Department
26 shall be subject to judicial review pursuant to the
27 provisions of the Administrative Review Law, and all
28 amendments and modifications thereof, and the rules adopted
29 pursuant thereto. The term "administrative decision" is
30 defined as in Section 3-101 of the Code of Civil Procedure.
31 The proceedings for judicial review shall be commenced in the
32 circuit court of the county in which the party applying for
33 review resides. If the party is not a resident of this

1 State, the venue shall be in Sangamon County.

2 (b) The Department shall not be required to certify any
3 record to the court or file any answer in court or otherwise
4 appear in any court in a judicial review proceeding unless
5 there is filed in the court with the complaint a receipt from
6 the Department acknowledging payment of the costs of
7 furnishing and certifying the record, which costs shall be
8 computed at the rate of 20 cents per page of the record.
9 Exhibits shall be certified without cost. Failure on the part
10 of the plaintiff to file the receipt with the court shall be
11 grounds for dismissal of the action.

12 Section 70. Injunction.

13 (a) Operating or assisting in the operation of a crane
14 in this State or offering to operate, assist, or use or to
15 advertise or otherwise represent to the public any title or
16 description implying that the person is a crane or hoisting
17 equipment operator or apprentice by a person who does not
18 possess a valid and current license under this Act is
19 declared to be against the public welfare and to constitute a
20 public nuisance.

21 (b) The Attorney General, the Director, the State's
22 Attorney for any county in the State, or any resident citizen
23 may maintain an action in the name of the people of the State
24 of Illinois to perpetually enjoin any person from unlawfully
25 operating as a crane or hoisting equipment operator or
26 apprentice and from committing or continuing any such
27 unlawful act.

28 (c) In all proceedings, the court, in its discretion,
29 may apportion the costs among the parties interested in the
30 suit, including the costs of filing the complaint, service of
31 process, witness fees and expenses, court reporter charges,
32 and reasonable attorneys' fees. This proceeding is in
33 addition to and not in lieu of criminal prosecution.

1 Section 75. Penalties.

2 (a) Any person who operates a crane or a hoist in this
3 State without obtaining an operator's license under this Act
4 from the Agency shall be guilty of a business offense and for
5 the first violation shall be fined not more than \$1,000, for
6 a second violation shall be fined not more than \$3,000, and
7 for a third or subsequent conviction shall be fined not more
8 than \$5,000.

9 (b) Any employer, contractor or agent who knowingly
10 permits any individual to operate a crane or a hoist in this
11 State without the individual possessing a valid operator's
12 license issued under this Act shall be guilty of a Class A
13 misdemeanor and may be fined not more than \$1,000 for the
14 first offense, not more than \$3,000 for the second offense,
15 and not more than \$5,000 for a third or subsequent offense.

16 (c) Any person who assists in the operation of a crane
17 or hoist in this State without obtaining an apprentice's
18 license under this Act from the Board shall be guilty of a
19 business offense and for the first violation shall be fined
20 not more than \$1,000, for a second violation shall be fined
21 not more than \$3,000, and for a third or subsequent
22 conviction shall be fined not more than \$5,000.

23 (d) Any employer, contractor or agent who knowingly
24 permits any individual to assist in the operation of a crane
25 or hoist in this State without the individual possessing a
26 valid apprentice's license issued under this Act shall be
27 guilty of a Class A misdemeanor and may be fined not more
28 than \$1,000 for the first offense, not more than \$3,000 for
29 the second offense, and not more than \$5,000 for a third or
30 subsequent offense.

31 Section 80. Rules.

32 (a) The Department shall exercise the power and duties
33 prescribed by the Civil Administrative Code of Illinois for

1 the administration of licensing Acts and shall exercise any
2 other powers and duties invested by this Act.

3 (b) The Board may promulgate rules consistent with the
4 provisions of this Act, for the administration and
5 enforcement thereof and may prescribe forms that shall be
6 issued in connection therewith.

7 Section 900. The State Finance Act is amended by adding
8 Section 5.570 as follows:

9 (30 ILCS 105/5.570 new)

10 Sec. 5.570. The Crane Operators Licensing Fund."