

2001 DRAFTING REQUEST

Senate Amendment (SA-SSA1-SB55)

Received: 07/21/2001

Received By: **rmarchan**

Wanted: **Today**

Identical to LRB:

For: **Legislative Fiscal Bureau**

By/Representing: **Bonderud**

This file may be shown to any legislator: **NO**

Drafter: **rmarchan**

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Subject: **Buildings/Safety - misc.**

Extra Copies:

Submit via email: **NO**

Requester's email:

Pre Topic:

LFB:.....bonderud - Certification

Topic:

Certification of crane operators

Instructions:

Same as LRBb0983, minus the ironworker provisions.

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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SDC:.....Keckhaver - CN1123, Certification of crane operators and ironworkers

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS SENATE AMENDMENT

TO SENATE SUBSTITUTE AMENDMENT 1,

TO 2001 SENATE BILL 55

1 At the locations indicated, amend the substitute amendment as follows:

2 1. Page 890, line 25: after that line insert:

3 "SECTION 2447x. 101.02 (15) (a) of the statutes is amended to read:

4 101.02 (15) (a) The department has such supervision of every employment,
5 place of employment and public building in this state as is necessary adequately to
6 enforce and administer all laws and all lawful orders requiring such employment,
7 place of employment or public building to be safe, and requiring the protection of the
8 life, health, safety and welfare of every employe in such employment or place of
9 employment and every frequenter of such place of employment, and the safety of the
10 public or tenants in any such public building. ~~This~~ Except for the purposes of

1 enforcing and administering ^S ~~ss. 101.22, 101.23, and 101.25~~ this paragraph does not
 2 apply to occupational safety and health issues covered by standards established and
 3 enforced by the federal occupational safety and health administration. ”

4 **SECTION 2448f.** 101.02 (20) (a) of the statutes is amended to read:

5 101.02 (20) (a) For purposes of this subsection, “license” means a license,
 6 permit or certificate of certification or registration issued by the department under
 7 ss. 101.09 (3) (c), 101.122 (2) (c), 101.143 (2) (g), 101.15 (2) (e), 101.17, 101.177 (4) (a),
 8 101.178 (2) or (3) (a), 101.25 (3), 101.63 (2) or (2m), 101.653, 101.73 (5) or (6), 101.82
 9 (2), 101.87, 101.935, 101.95, 101.951, 101.952, 145.02 (4), 145.035, 145.045, 145.15,
 10 145.16, 145.165, 145.17, 145.175, 145.18 or 167.10 (6m).

11 **SECTION 2448h.** 101.02 (21) (a) of the statutes is amended to read:

12 101.02 (21) (a) In this subsection, “license” means a license, permit or
 13 certificate of certification or registration issued by the department under s. 101.09
 14 (3) (c), 101.122 (2) (c), 101.143 (2) (g), 101.15 (2) (e), 101.17, 101.177 (4) (a), 101.178
 15 (2) or (3) (a), 101.25 (3), 101.63 (2), 101.653, 101.73 (5) or (6), 101.82 (2), 101.87,
 16 101.935, 101.95, 101.951, 101.952, 145.02 (4), 145.035, 145.045, 145.15, 145.16,
 17 145.165, 145.17, 145.175, 145.18 or 167.10 (6m).”.

18 **2.** Page 898, line 25: after that line insert:

19 **“SECTION 2490b.** 101.19 (1) (ig) of the statutes is created to read:

20 101.19 (1) (ig) Authorizing crane operator certification programs under s.
 21 101.22 (2).

22 **SECTION 2490c.** 101.19 (1) (ir) of the statutes is created to read:

23 101.19 (1) (ir) Certifying master ironworkers and journeymen ironworkers
 24 under s. 101.25 (3).

1 **SECTION 2490f.** 101.22 of the statutes is created to read:

2 **101.22 Crane operators. (1) DEFINITION.** In this section, “crane” means a
3 power-operated hoisting machine that is used in construction, demolition, or
4 excavation work, that has a power-operated winch and load line, and that has a
5 power-operated boom that moves laterally by the rotation of the machine on a
6 carrier. “Crane” does not include a forklift, a digger derrick truck, a bucket truck,
7 a boom truck used for sign erection, or a machine with a movable bridge carrying a
8 movable or fixed hoisting mechanism and traveling on an overhead, fixed, runway
9 structure.

10 **(2) CERTIFICATION.** (a) *Certification required.* Except as provided in sub. (5),
11 no individual may operate a crane with a lifting capacity of 15 tons or more in this
12 state without a valid crane operator certificate, received from a crane operator
13 certification program authorized by the department under sub. (3).

14 (b) *Employer liability.* No employer may permit an employee to perform work
15 in violation of par. (a).

16 (c) *Contractor and subcontractor liability.* No person who is under a contract
17 to construct an improvement to land may permit an agent of the person, or an
18 independent contractor under contract with the person, to perform work on the
19 improvement in violation of par. (a).

20 **(3) CERTIFICATION PROGRAMS.** (a) *Generally.* Except as provided in sub. (4), the
21 department shall administer a program under which the department authorizes
22 crane operator certification programs to grant certificates that satisfy sub. (2) (a).

23 (b) *Required components of certification programs.* The department may
24 authorize a crane operator certification program only if all of the following are
25 satisfied:

1 1. The program requires an individual who is applying for a certificate to
2 satisfactorily complete a written examination regarding safe crane operation.

3 2. The program requires an individual who is applying for a certificate to meet
4 physical standards necessary for safe crane operation, consistent with any national
5 standard that the department determines is appropriate.

6 3. The program requires an individual who is applying for a certificate to
7 satisfactorily complete a practical examination regarding safe crane operation,
8 unless the individual is applying for recertification and provides sufficient evidence
9 that the individual has safely completed at least 1,000 hours of crane operation
10 during the 5-year period before the date of the application for recertification.

11 4. The program is consistent with any applicable certification and
12 recertification requirements established by the federal occupational safety and
13 health administration and, to the extent feasible, the National Commission for the
14 Certification of Crane Operators.

15 5. The program issues a crane operator certificate that has a term of 5 years.

16 (c) *Rules.* The department shall promulgate rules to administer the program
17 established under par. (a).

18 (d) *List.* The department shall maintain a list of crane operator certification
19 programs authorized by the department.

20 (4) FEDERAL APPROVAL. The department shall submit to the federal secretary
21 of labor a plan for the certification of crane operators under this section, if required
22 to do so under 29 USC 667 (b), and shall request the federal secretary of labor to
23 approve the plan. The plan submitted by the department shall be consistent with
24 all of the provisions of this section. If no approval is required under 29 USC 667 (b)
25 or if an approval that is consistent with all of the provisions of this section is granted

1 and in effect, the department shall implement the program under this section. If
2 approval is required under 29 USC 667 (b), the department may not implement the
3 program under this section unless an approval that is consistent with all of the
4 provisions of this section is granted and in effect.

5 (5) EXCEPTIONS. (a) *Lack of federal approval.* Subsection (2) (a) does not apply
6 if approval of the department's plan for the certification of crane operators is required
7 under 29 USC 667 (b) but is not granted and in effect.

8 (b) *Other exceptions.* Subsection (2) (a) does not apply to any of the following:

9 1. An individual who is receiving training as a crane operator, if the individual
10 is under the direct supervision of a crane operator who holds a valid crane operator
11 certificate, received from a crane operator certification program authorized by the
12 department under sub. (3).

13 2. An individual who is a member of a uniformed service, as defined in s. 6.22
14 (1) (c), or who is a member of the U.S. merchant marine, if the individual is
15 performing work for the uniformed service of which the individual is a member or for
16 the U.S. merchant marine, respectively.

17 3. An individual who is operating a crane for personal use on a premises that
18 is owned or leased by the individual.

19 4. An individual who is operating a crane in an attempt to remedy an
20 emergency.

21 5. An individual who is an employee or subcontractor of a public utility, as
22 defined in s. 196.01 (5), a cooperative association organized under ch. 185 for the
23 purpose of producing or furnishing heat, light, power, or water to its members only,
24 a telecommunications carrier, as defined in s. 196.01 (8m), a commercial mobile radio
25 service provider, as defined in s. 196.01 (2g), or an alternative telecommunications

1 utility under s. 196.01 (1d) (f), and who is operating a crane within the scope of his
2 or her employment or contract.

3 6. An individual who is operating a crane in the construction, operation, or
4 maintenance of an electric substation.

5 7. An individual who is affected by a collective bargaining agreement that
6 contains provisions that are inconsistent with sub. (2) (a).

7 (6) PENALTIES. Any person who violates sub. (2) may be fined not more than
8 \$500 or imprisoned for not more than 3 months or both. .

9 SECTION 2490h. 101.25 of the statutes is created to read:

10 101.25 Master and journeymen ironworkers. (1) DEFINITION. In this
11 section, "ironworker" means an individual who does any of the following:

12 (a) Raises, places, or unites girders, columns, and other structural steel
13 members.

14 (b) Positions and secures reinforcing rods or post tensioning cables during
15 on-site construction of buildings or bridges.

16 (c) Installs prefabricated, ornamental metalwork.

17 (d) Erects precast girders during on-site construction of bridges.

18 (2) CERTIFICATION. (a) *Certificate required.* Except as provided in sub. (5), no
19 individual may perform work as an ironworker in this state without a master
20 ironworker or journeyman ironworker certificate obtained from the department.
21 Except as provided in sub. (5), an individual with a master ironworker or journeyman
22 ironworker certificate shall perform work as an ironworker consistent with the rules
23 promulgated under sub. (3) (d).

24 (b) *Employer liability.* No employer may permit an employee to perform work
25 in violation of par. (a).

1 (c) *Contractor and subcontractor liability.* No person who is under a contract
2 to construct an improvement to land may permit an agent of the person, or an
3 independent contractor under contract with the person, to perform work on the
4 improvement in violation of par. (a).

5 (3) ADMINISTRATION. (a) *Master ironworkers.* Except as provided in sub. (4),
6 the department shall administer a program for the certification of master
7 ironworkers. The department may certify an individual as a master ironworker only
8 if all of the following apply:

9 1. The individual satisfactorily completes a written examination regarding
10 ironworking, unless the individual applies for recertification and provides sufficient
11 evidence that the individual has safely completed at least 5,000 hours of work as a
12 master ironworker or journeyman ironworker during the 5-year period before the
13 date of the application for recertification and has successfully completed at least 30
14 hours of training approved by the department during the 5-year period before the
15 date of the application for recertification.

16 2. The individual holds a valid journeyman ironworker certificate for at least
17 one year before the date of the individual's application for certification as a master
18 ironworker, unless the individual has successfully completed an ironworker
19 apprenticeship program that is approved by the department of commerce and the
20 department of workforce development.

21 (b) *Journeyman ironworkers.* Except as provided in sub. (4), the department
22 shall administer a program for the certification of journeymen ironworkers. The
23 department may certify an individual as a journeyman ironworker only if all of the
24 following apply:

1 1. The individual satisfactorily completes a written examination regarding
2 ironworking, unless the individual applies for recertification and provides sufficient
3 evidence that the individual has safely completed at least 5,000 hours of work as a
4 journeyman ironworker during the 5-year period before the date of the application
5 for recertification and has successfully completed at least 15 hours of training
6 approved by the department during the 5-year period before the date of the
7 application for recertification.

8 2. The individual successfully completes an ironworker apprenticeship
9 program that is approved by the department of commerce and the department of
10 workforce development, or safely completes at least 8,000 hours of work in the
11 ironworking trade, before the date of the individual's application for certification as
12 a journeyman ironworker.

13 (c) *Term.* A master ironworker certificate or journeyman ironworker certificate
14 issued by the department has a term of 5 years.

15 (d) *Rules.* The department shall promulgate rules to administer the program
16 established under this subsection. The rules shall specify the tasks related to
17 ironworking that an individual certified as a master ironworker may perform and
18 that an individual certified as a journeyman ironworker may perform. To the extent
19 feasible, the rules shall be consistent with national standards applicable to
20 ironworkers. The department of commerce shall promulgate any rules with regard
21 to approved ironworker apprenticeship programs in consultation with the
22 department of workforce development.

23 (4) FEDERAL APPROVAL. The department shall submit to the federal secretary
24 of labor a plan for the certification of ironworkers under this section, if required to
25 do so under 29 USC 667 (b), and shall request the federal secretary of labor to approve

1 the plan. The plan submitted by the department shall be consistent with all of the
2 provisions of this section. If no approval is required under 29 USC 667 (b) or if an
3 approval that is consistent with all of the provisions of this section is granted and in
4 effect, the department shall implement the program under this section. If approval
5 is required under 29 USC 667 (b), the department may not implement the program
6 under this section unless an approval that is consistent with all of the provisions of
7 this section is granted and in effect.

8 (5) EXCEPTIONS. (a) *Lack of federal approval.* Subsection (2) (a) does not apply
9 if approval of the department's plan for the certification of ironworkers is required
10 under 29 USC 667 (b) but is not granted and in effect.

11 (b) *Other exceptions.* Subsection (2) (a) does not apply to any of the following:

12 1. An individual who is receiving training as an ironworker, if the individual
13 is under the direct supervision of an ironworker who holds a valid master ironworker
14 certificate received from the department.

15 2. An individual who is enrolled in and performing tasks that are within the
16 scope of an ironworker apprenticeship program that is approved by the department
17 of commerce and by the department of workforce development.

18 3. An individual who is a member of a uniformed service, as defined in s. 6.22
19 (1) (c), or who is a member of the U.S. merchant marine, if the individual is
20 performing work for the uniformed service of which the individual is a member or for
21 the U.S. merchant marine, respectively.

22 4. An individual who is performing ironwork on a premises that is owned or
23 leased by the individual.

24 5. An individual who is performing ironwork in an attempt to remedy an
25 emergency.

1 6. An individual who is positioning and securing reinforcing rods during the
2 construction of a road, sidewalk, or parking lot. Under this subdivision, the
3 construction of a bridge is not the construction of a road.

4 7. An individual who is performing ironwork within the scope of his or her
5 employment, if the individual is employed to do primarily any of the following:

- 6 a. Install, assemble, construct, or repair electrical work.
- 7 b. Install, adjust, repair, or dismantle fire protection and fire control systems.
- 8 c. Erect, install, or repair transmission poles, fabricated metal transmission
9 towers, outdoor substations, switch racks, or similar electrical structures, electric
10 cables, and related auxiliary equipment for high-voltage transmission and
11 distribution power lines that are used to conduct energy between generating
12 stations, substations, and consumers.

13 d. Install, repair, alter, or recondition gas distribution pipeline.

14 e. Install or repair residential potable water lines, gravity waste disposal
15 systems inside curb or fence lines, plumbing fixtures, and plumbing appliances such
16 as dishwashers and water heaters.

17 f. Lay out, assemble, install, or maintain pipe systems, pipe supports, and
18 related hydraulic and pneumatic equipment for steam, hot water, heating, cooling,
19 lubricating, or industrial production and processing systems.

20 8. An individual who is affected by a collective bargaining agreement that
21 contains provisions that are inconsistent with sub. (2) (a).

22 (6) PENALTIES. Any person who violates sub. (2) may be fined not more than
23 \$500 or imprisoned for not more than 3 months or both.

24 **SECTION 2490j.** 101.255 of the statutes is created to read:

25 **101.255 Ironworker ratios.** (1) DEFINITIONS. In this section:

1 (a) "Apprentice ironworker" means an individual who is enrolled in an
2 ironworker apprenticeship program that is approved by the department of commerce
3 and by the department of workforce development.

4 (b) "Master ironworker" means an individual who is certified as a master
5 ironworker by the department of commerce under s. 101.25.

6 (2) RULES. Except as provided in sub. (3), the department shall promulgate
7 rules specifying a minimum number of master ironworkers that are required to
8 provide work at a construction site, and a maximum number of apprentice
9 ironworkers and individuals training as ironworkers that are permitted to provide
10 work at a construction site, in order to provide for the safety of individuals at the
11 construction site. The department may vary the minimum and maximum numbers
12 established under the rules based upon the type of work being performed at the
13 construction site. The rules do not apply to an individual who is affected by a
14 collective bargaining agreement that contains provisions that are inconsistent with
15 the rules.

16 (3) FEDERAL APPROVAL. The department shall submit to the federal secretary
17 of labor a plan for enforcing the minimum and maximum numbers established under
18 sub. (2), if required to do so under 29 USC 667 (b), and shall request the federal
19 secretary of labor to approve the plan. The plan submitted by the department shall
20 be consistent with all of the provisions of sub. (2). If no approval is required under
21 29 USC 667 (b) or if an approval that is consistent with all of the provisions of sub.
22 (2) is granted and in effect, the department shall promulgate and enforce the rules
23 required under sub. (2). If approval is required under 29 USC 667 (b), the
24 department may not promulgate or enforce the rules required under sub. (2) unless

1 an approval that is consistent with all of the provisions of sub. (2) is granted and in
2 effect.”

3 **3.** Page 1326, line 5: after that line insert:

4 “(9q) FEDERAL APPROVAL OF CRANE OPERATOR PROGRAM. No later than the first day
5 of the 3rd month beginning after the effective date of this subsection, the department
6 of commerce shall submit to the federal secretary of labor the plans required under
7 section 101.22 (4) of the statutes, as created by this act, if required to do so under 29
8 USC 667 (b).

9 (9qq) SUBMISSION OF PROPOSED CRANE OPERATOR RULES. No later than the first
10 day of the 9th month beginning after the effective date of this subsection, the
11 department of commerce shall submit in proposed form the rules governing certified
12 crane operator programs under section 101.22 (3) of the statutes, as created by this
13 act, and the fees permitted under section 101.19 (1) (ig) of the statutes, as created by
14 this act, to the legislative council staff under section 227.15 (1) of the statutes.

15 (9qr) SHORT-TERM CRANE OPERATOR CERTIFICATES PENDING PRACTICAL
16 EXAMINATION. Notwithstanding section 101.22 (3) (b) 5. of the statutes and except as
17 otherwise provided in this subsection, the department of commerce may authorize
18 a crane operator certification program only if a crane operator certificate issued by
19 the program before the first day of the 12th month beginning after the effective date
20 of this subsection has a term that expires on the first day of the 12th month beginning
21 after the effective date of this subsection. This subsection does not apply to a crane
22 operator certificate issued to an individual who satisfactorily completes a practical
23 examination regarding safe crane operation that is approved by the department of
24 commerce. •

1 (9qs) FEDERAL APPROVAL OF IRONWORKER PROGRAM. No later than the first day
2 of the 3rd month beginning after the effective date of this subsection, the department
3 of commerce shall submit to the federal secretary of labor the plans required under
4 sections 101.25 (4) and 101.255 (3) of the statutes, as created by this act, if required
5 to do so under 29 USC 667 (b).

6 (9qt) SUBMISSION OF PROPOSED IRONWORKER RULES. No later than the first day
7 of the 9th month beginning after the effective date of this subsection, the department
8 of commerce shall submit in proposed form the rules governing master ironworkers,
9 journeymen ironworkers, ironworker apprentices, and individuals training as
10 ironworkers under sections 101.25 (3) and 101.255 (2) of the statutes, as created by
11 this act, and the fees permitted under section 101.19 (1) (ir) of the statutes, as created
12 by this act, to the legislative council staff under section 227.15 (1) of the statutes.

13 (9qu) GRANDFATHER PROVISION; CERTIFICATION OF CERTAIN MASTER IRONWORKERS.
14 Except as provided in section 101.02 (20) (b) and (21) (b) of the statutes and
15 notwithstanding section 101.25 (3) (a) of the statutes, as created by this act, if
16 approval of the department of commerce's plan to certify ironworkers under section
17 101.25 (4) of the statutes, as created by this act, is not required under 29 USC 667
18 (b) or if an approval that is consistent with all of the provisions of section 101.25 of
19 the statutes, as created by this act, is granted and in effect, the department shall
20 certify as a master ironworker any individual who applies for a master ironworker
21 certification within one year after the effective date of this subsection and who
22 provides the department with sufficient evidence that the individual safely
23 completed at least 15,000 hours of work in the ironworking trade during the 15-year
24 period before the date of the application for certification.

1 (9r) GRANDFATHER PROVISION; CERTIFICATION OF CERTAIN JOURNEYMEN
2 IRONWORKERS. Except as provided in section 101.02 (20) (b) and (21) (b) of the statutes
3 and notwithstanding section 101.25 (3) (b) of the statutes, as created by this act, if
4 approval of the department of commerce's plan to certify ironworkers under section
5 101.25 (4) of the statutes, as created by this act, is not required under 29 USC 667
6 (b) or if an approval that is consistent with all of the provisions of section 101.25 of
7 the statutes, as created by this act, is granted and in effect, the department shall
8 certify as a journeyman ironworker any individual who applies for a journeyman
9 ironworker certification within one year after the effective date of this subsection
10 and who provides the department with sufficient evidence of any of the following:

11 (a) That the individual, before the date of the application for certification,
12 successfully completed an apprenticeship program for ironworking that is approved
13 by the department of workforce development.

14 (b) That the individual safely completed at least 8,000 hours of work in the
15 ironworking trade during the 8-year period before the date of the application for
16 certification.”

17 **4.** Page 1396, line 10: after that line insert:

18 “(2q) PRACTICAL EXAMINATION OF CRANE OPERATORS. Notwithstanding section
19 101.22 (3) (b) (intro.) of the statutes, the treatment of section 101.22 (3) (b) 3. of the
20 statutes first applies to a crane operator certification program that issues a crane
21 operator certificate on the first day of the 12th month beginning after the effective
22 date of this subsection.”

23 **5.** Page 1418, line 3: after that line insert:

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~~“(2q) CRANE OPERATORS AND IRONWORKERS.”~~ The treatment of sections 101.02 (15)
(a) ~~101.20 (a), and 101.21 (a)~~, 101.19 (1) (ig) ~~and (iv)~~, ^{and} 101.22, ~~101.25, and 101.26~~ of the
statutes and SECTION 9110 (9qr) ~~and (9r)~~ of this act take effect on the first day
of the 12th month beginning after publication.”.

(END)



LFB:.....Bonderud – Certification of crane operators

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

SENATE AMENDMENT

TO SENATE SUBSTITUTE AMENDMENT 1,

TO 2001 SENATE BILL 55

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 890, line 25: after that line insert:

3 **“SECTION 2447x.** 101.02 (15) (a) of the statutes is amended to read:

4 101.02 (15) (a) The department has such supervision of every employment,
5 place of employment and public building in this state as is necessary adequately to
6 enforce and administer all laws and all lawful orders requiring such employment,
7 place of employment or public building to be safe, and requiring the protection of the
8 life, health, safety and welfare of every employe in such employment or place of
9 employment and every frequenter of such place of employment, and the safety of the
10 public or tenants in any such public building. ~~This~~ Except for the purposes of

1 enforcing and administering s. 101.22, this paragraph does not apply to occupational
2 safety and health issues covered by standards established and enforced by the
3 federal occupational safety and health administration.”.

4 **2.** Page 898, line 25: after that line insert:

5 **“SECTION 2490b.** 101.19 (1) (ig) of the statutes is created to read:

6 101.19 (1) (ig) Authorizing crane operator certification programs under s.
7 101.22 (2).

8 **SECTION 2490f.** 101.22 of the statutes is created to read:

9 **101.22 Crane operators. (1) DEFINITION.** In this section, “crane” means a
10 power-operated hoisting machine that is used in construction, demolition, or
11 excavation work, that has a power-operated winch and load line, and that has a
12 power-operated boom that moves laterally by the rotation of the machine on a
13 carrier. “Crane” does not include a forklift, a digger derrick truck, a bucket truck,
14 a boom truck used for sign erection, or a machine with a movable bridge carrying a
15 movable or fixed hoisting mechanism and traveling on an overhead, fixed, runway
16 structure.

17 **(2) CERTIFICATION. (a) *Certification required.*** Except as provided in sub. (5),
18 no individual may operate a crane with a lifting capacity of 15 tons or more in this
19 state without a valid crane operator certificate, received from a crane operator
20 certification program authorized by the department under sub. (3).

21 **(b) *Employer liability.*** No employer may permit an employee to perform work
22 in violation of par. (a).

23 **(c) *Contractor and subcontractor liability.*** No person who is under a contract
24 to construct an improvement to land may permit an agent of the person, or an

1 independent contractor under contract with the person, to perform work on the
2 improvement in violation of par. (a).

3 (3) CERTIFICATION PROGRAMS. (a) *Generally.* Except as provided in sub. (4), the
4 department shall administer a program under which the department authorizes
5 crane operator certification programs to grant certificates that satisfy sub. (2) (a).

6 (b) *Required components of certification programs.* The department may
7 authorize a crane operator certification program only if all of the following are
8 satisfied:

9 1. The program requires an individual who is applying for a certificate to
10 satisfactorily complete a written examination regarding safe crane operation.

11 2. The program requires an individual who is applying for a certificate to meet
12 physical standards necessary for safe crane operation, consistent with any national
13 standard that the department determines is appropriate.

14 3. The program requires an individual who is applying for a certificate to
15 satisfactorily complete a practical examination regarding safe crane operation,
16 unless the individual is applying for recertification and provides sufficient evidence
17 that the individual has safely completed at least 1,000 hours of crane operation
18 during the 5-year period before the date of the application for recertification.

19 4. The program is consistent with any applicable certification and
20 recertification requirements established by the federal occupational safety and
21 health administration and, to the extent feasible, the National Commission for the
22 Certification of Crane Operators.

23 5. The program issues a crane operator certificate that has a term of 5 years.

24 (c) *Rules.* The department shall promulgate rules to administer the program
25 established under par. (a).

1 (d) *List*. The department shall maintain a list of crane operator certification
2 programs authorized by the department.

3 (4) FEDERAL APPROVAL. The department shall submit to the federal secretary
4 of labor a plan for the certification of crane operators under this section, if required
5 to do so under 29 USC 667 (b), and shall request the federal secretary of labor to
6 approve the plan. The plan submitted by the department shall be consistent with
7 all of the provisions of this section. If no approval is required under 29 USC 667 (b)
8 or if an approval that is consistent with all of the provisions of this section is granted
9 and in effect, the department shall implement the program under this section. If
10 approval is required under 29 USC 667 (b), the department may not implement the
11 program under this section unless an approval that is consistent with all of the
12 provisions of this section is granted and in effect.

13 (5) EXCEPTIONS. (a) *Lack of federal approval*. Subsection (2) (a) does not apply
14 if approval of the department's plan for the certification of crane operators is required
15 under 29 USC 667 (b) but is not granted and in effect.

16 (b) *Other exceptions*. Subsection (2) (a) does not apply to any of the following:

17 1. An individual who is receiving training as a crane operator, if the individual
18 is under the direct supervision of a crane operator who holds a valid crane operator
19 certificate, received from a crane operator certification program authorized by the
20 department under sub. (3).

21 2. An individual who is a member of a uniformed service, as defined in s. 6.22
22 (1) (c), or who is a member of the U.S. merchant marine, if the individual is
23 performing work for the uniformed service of which the individual is a member or for
24 the U.S. merchant marine, respectively.

1 3. An individual who is operating a crane for personal use on a premises that
2 is owned or leased by the individual.

3 4. An individual who is operating a crane in an attempt to remedy an
4 emergency.

5 5. An individual who is an employee or subcontractor of a public utility, as
6 defined in s. 196.01 (5), a cooperative association organized under ch. 185 for the
7 purpose of producing or furnishing heat, light, power, or water to its members only,
8 a telecommunications carrier, as defined in s. 196.01 (8m), a commercial mobile radio
9 service provider, as defined in s. 196.01 (2g), or an alternative telecommunications
10 utility under s. 196.01 (1d) (f), and who is operating a crane within the scope of his
11 or her employment or contract.

12 6. An individual who is operating a crane in the construction, operation, or
13 maintenance of an electric substation.

14 7. An individual who is affected by a collective bargaining agreement that
15 contains provisions that are inconsistent with sub. (2) (a).

16 (6) PENALTIES. Any person who violates sub. (2) may be fined not more than
17 \$500 or imprisoned for not more than 3 months or both.”.

18 **3.** Page 1326, line 5: after that line insert:

19 “(9q) FEDERAL APPROVAL OF CRANE OPERATOR PROGRAM. No later than the first day
20 of the 3rd month beginning after the effective date of this subsection, the department
21 of commerce shall submit to the federal secretary of labor the plans required under
22 section 101.22 (4) of the statutes, as created by this act, if required to do so under 29
23 USC 667 (b).

1 (9qq) SUBMISSION OF PROPOSED CRANE OPERATOR RULES. No later than the first
2 day of the 9th month beginning after the effective date of this subsection, the
3 department of commerce shall submit in proposed form the rules governing certified
4 crane operator programs under section 101.22 (3) of the statutes, as created by this
5 act, and the fees permitted under section 101.19 (1) (ig) of the statutes, as created by
6 this act, to the legislative council staff under section 227.15 (1) of the statutes.

7 (9qr) SHORT-TERM CRANE OPERATOR CERTIFICATES PENDING PRACTICAL
8 EXAMINATION. Notwithstanding section 101.22 (3) (b) 5. of the statutes and except as
9 otherwise provided in this subsection, the department of commerce may authorize
10 a crane operator certification program only if a crane operator certificate issued by
11 the program before the first day of the 12th month beginning after the effective date
12 of this subsection has a term that expires on the first day of the 12th month beginning
13 after the effective date of this subsection. This subsection does not apply to a crane
14 operator certificate issued to an individual who satisfactorily completes a practical
15 examination regarding safe crane operation that is approved by the department of
16 commerce.”.

17 **4.** Page 1396, line 10: after that line insert:

18 “(2q) PRACTICAL EXAMINATION OF CRANE OPERATORS. Notwithstanding section
19 101.22 (3) (b) (intro.) of the statutes, the treatment of section 101.22 (3) (b) 3. of the
20 statutes first applies to a crane operator certification program that issues a crane
21 operator certificate on the first day of the 12th month beginning after the effective
22 date of this subsection.”.

23 **5.** Page 1418, line 3: after that line insert:

