

SENATE No. 1345

The Commonwealth of Massachusetts

PRESENTED BY:

Michael O. Moore

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act establishing a board of hoisting machinery regulations.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Michael O. Moore</i>	<i>Second Worcester</i>	
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	<i>2/3/2017</i>

SENATE No. 1345

By Mr. Moore, a petition (accompanied by bill, Senate, No. 1345) of Michael O. Moore and Jason M. Lewis for legislation to establish a board of hoisting machinery regulations. Public Safety and Homeland Security.

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act establishing a board of hoisting machinery regulations.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Section 1. Chapter 146 of the Massachusetts General Laws, as appearing in the 2014
2 Official Edition, is hereby amended, by striking section 53A in its entirety, and replacing it with
3 the following new section:-

4 "Section 53A. There shall be in the department a board to be known as the board of
5 hoisting machinery regulations, which shall consist of six members to be appointed by the
6 governor, with the advice and consent of the council, for terms of four years each. One such
7 member shall be the chief inspector in said department, who shall serve as chair and act as a
8 nonvoting member of said board, except in the case of a tie vote, one shall be a an employee of a
9 public utility who is actively engaged in hoisting machinery operations in the Commonwealth,
10 one shall be a member from a private construction contractor who is actively engaged in hoisting
11 machinery operations in the Commonwealth, one shall be a safety trainer who is authorized by
12 the department to do continuing education classes for hoisting licenses in Massachusetts, one

13 shall be an expert in the Occupational Safety and Health Administration who is actively involved
14 in hoisting machinery related operations, and one shall be from the International Union of
15 Operating engineers Local with jurisdictions in Massachusetts who has been actively engaged in
16 hoisting machinery related operations in the commonwealth for not less than five years
17 immediately preceding appointment.

18 Said board shall promulgate rules and regulations, pursuant to chapter 30A, embodying
19 the classifications of hoisting machinery and establishing criteria and procedures for the
20 issuance, denial, renewal, suspension and revocation of licenses of apprentice operators of such
21 machinery. However, a final adjudication that there has been a violation of federal or state
22 occupational safety and health regulations, or any rule or regulation adopted by the department,
23 shall be cause for the denial, revocation or suspension of any license issued under this section.
24 Criteria for issuance of such licenses shall include, but not be limited to, training and experience
25 requirements appropriate to the categories of machinery for which the license is intended, and
26 registration with the apprenticeship council within the department of labor standards. A holder of
27 such apprentice license may operate hoisting machinery only under the guidance and supervision
28 of a holder of a license to operate for the category of hoisting machinery to be operated by the
29 apprentice

30 A majority of said board, constituted as above provided, may transact business, but a
31 lesser number may adjourn from time to time.

32 The board may, subject to appropriation and with the approval of the commissioner,
33 employ an executive secretary who shall not be subject to the provisions of chapter thirty-one
34 and may employ such clerical, technical and other assistants as may be required by said board.