

HOUSE No. 496

By Mr. Hogan of Everett, petition of William F. Hogan for legislation relative to licenses for operating hoisting machinery. Public Safety.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Seventy-Three.

AN ACT RELATIVE TO LICENSES FOR OPERATING HOISTING MACHINERY.

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

1 Chapter 146 of the General Laws is hereby amended by
2 striking out section 53, as most recently amended by chapter
3 684 of the Acts of 1972, and inserting in place thereof the
4 following section:

5 *Section 53.* No person shall operate hoisting machinery that
6 is power driven by internal combustion engines, electric or
7 compressed air motors that are either mechanically operated by
8 levers, switches or valves through a drum or drums with cable
9 or cables or is hydraulic liquid operated through levers,
10 switches or valves having power cylinders, with arms, rams, or
11 with arms and rams consisting of the following: derricks,
12 cranes, draglines, clamshells, orange peels. pile drivers, shovels,
13 backhoes, front end loaders, trenching machines, cableways,
14 temporary elevator cars used on construction or excavation
15 work, or extension lifts when used for hoisting building
16 materials on construction sites, unless he holds a license as
17 hereinafter provided. The owner of any such hoisting machine-
18 ry shall not operate or cause to be operated at any time such
19 machinery, unless the person operating such machinery has
20 been duly licensed by the department of public safety district
21 engineering inspector. The fee for each examination to operate
22 hoisting machinery covered by this section shall be twenty
23 dollars.

24 Whenever the commissioner finds that an emergency exists in
25 the commonwealth due to a disaster or an act of God and that
26 the number of persons in the commonwealth holding hoisting
27 licenses as described in this section is insufficient to cope with
28 the emergency, he may allow temporary licenses to be issued
29 to either residents or non-residents of the commonwealth that
30 have been certified by recognized hoisting equipment
31 companies doing business in the commonwealth or by the local
32 international union of operating engineers, hoisting section, as
33 qualified and competent, and furnish such proof of com-
34 petency as the division of inspection, engineering section,
35 acting for the commissioner, may require. Each such license
36 shall state that it is valid for a period of one week from the
37 date thereof, and shall entitle the licensee to all the rights and
38 privileges of a license issued in the regular form as prescribed
39 by this section. A temporary license may be renewed by the
40 department from week to week during the existence of the
41 emergency. No fee shall be charged for any such emergency or
42 temporary license or renewal thereof. No appeal shall lie from
43 any decision, finding or action by the commissioner or by the
44 district engineering inspectors under this section.

45 The machinery specified in this section shall be exempted
46 from the provisions thereof in the following cases: —

47 (a) When said machinery is being used exclusively for agri-
48 cultural, floricultural, or horticultural purposes;

49 (b) When said machinery is rated by the manufacturers at
50 less than twenty-five horse power or is not capable of develop-
51 ing twenty-five horsepower;

52 (c) When said machinery has a boom, spar, jib, dipper stick,
53 or other method of lifting a load, and is less than ten feet in
54 length, or has a bucket that contains less than one quarter of a
55 cubic yard, or that is unable to lift more than one quarter ton;

56 (d) When said machinery is used in the ordinary business of
57 an electric or gas company as defined in chapter one hundred
58 and sixty-four or a telephone company as defined in chapter
59 one hundred and sixty-six and the said utility has a formal
60 training program approved and audited annually by the engi-
61 neering section of the division of inspection within the depart-
62 ment of public safety;

63 (e) Fork lift trucks used in lumber yards or warehouses for
64 the movement, transportation or storage of material and their
65 loading platforms, docks and shipment centers;

66 (f) When said machinery is used for offloading or onloading
67 of any self-propelled cargo vessel within the commonwealth
68 which is under the control of the federal government.

69 (g) Bridge cranes, gantry cranes and fork lift trucks used in
70 industrial plants for in-plant purposes.

71 The following licenses relative to operating hoisting machine-
72 ry may be issued by the department: –

73 (a) Mechanical Other Than Steam: – to operate any hoisting
74 machine except that which is run by steam power.

75 (b) Internal Combustion Engine: – to operate any hoisting
76 machine having an internal combustion engine.

77 (c) Internal Combustion Hydraulic: – to operate any hoist-
78 ing machine having hydraulic power lifting devices only.

79 (d) Special to Operate: – specific machinery, either internal
80 combustion engine, hydraulic lift, electric motor or compressed
81 air, as described specifically by the numbers checked on the
82 license, or combination of the above description.

