



**SENATE SUBSTITUTE AMENDMENT 1,
TO 2009 SENATE BILL 665**

April 16, 2010 – Offered by Senator COGGS.

1 **AN ACT** *to amend* 101.02 (20) (a) and 101.02 (21) (a); and *to create* 15.157 (16),
2 101.138 and 101.19 (1) (n) of the statutes; **relating to:** licensing of individuals
3 using cranes and heavy equipment, granting rule-making authority, requiring
4 the exercise of rule-making authority, and providing a penalty.

Analysis by the Legislative Reference Bureau

The Department of Commerce (Commerce) issues various licenses, permits, registrations, and other credentials to individuals engaged in the construction trades, such as to electricians and plumbers.

This substitute amendment requires Commerce to issue licenses for the operation of cranes and certain pieces of heavy equipment. The substitute amendment defines a piece of “heavy equipment” to be a piece of equipment that weighs at least 26,000 pounds and that is used to do certain construction activities. The substitute amendment requires that Commerce promulgate a rule that contains an initial listing of specific types of equipment for which a license is necessary (regulated heavy equipment). The substitute amendment establishes a crane and heavy equipment council (council) which may make recommendations to Commerce on specific types of equipment that may be added to the list by rule. The council may make other recommendations to Commerce for rules relating to the operation of cranes and heavy equipment. Certain types of cranes and specific pieces of heavy

equipment are totally exempt from licensure regulation and may not be added to the list promulgated by Commerce.

The substitute amendment creates four different licenses: a crane operator license, a heavy equipment operator license, an apprentice crane operator license, and an apprentice heavy equipment operator license. For all four of these licenses, an individual must be at least 18 years old at the time the license is issued and may not have had any license or other permission to operate a crane or any piece of heavy equipment suspended or revoked by Commerce or by another comparable licensing agency, and must meet certain training and experience requirements.

For the crane operator license, an individual must have obtained certification from an accredited program that certifies crane operators, and have successfully completed an apprenticeship program that is recognized by the U.S. Department of Labor. He or she must also have 1,000 hours of experience in the five-year period immediately preceding the date of application for the license or 5,000 hours of experience during his or her lifetime. The substitute amendment imposes requirements as to the maximum amount of hours that may be counted as “crane-related experience” as opposed to hours spent actually operating a crane. Under the substitute amendment, hours of “crane-related experience” includes hours spent in receiving or giving instruction through a recognized apprenticeship program and hours spent at a work site doing activities that increase an individual’s knowledge and skill in crane operation.

For a license to operate regulated heavy equipment, an individual must have completed an apprenticeship program that is recognized by the U.S. Department of Labor. He or she must also have 1,000 hours experience in the five-year period immediately preceding the date of application for the license or 5,000 hours of experience during his or her lifetime. The substitute amendment imposes requirements as to the maximum number of hours that may be counted as experience operating unregulated heavy equipment as opposed to hours spent operating regulated heavy equipment. Unregulated heavy equipment are pieces of heavy equipment for which a license is not necessary.

The crane operator and heavy equipment operator licenses are valid for five years and are renewable if an individual has operated cranes or regulated heavy equipment for at least 1,000 hours during the period of the license and has not had the license suspended or revoked and has not violated any law relating to the operation of cranes or heavy equipment.

For an apprentice crane operator license or apprentice heavy equipment operator license, the individual must be enrolled in a training program recognized by the U.S. Department of Labor. These two apprenticeship licenses are valid for four years.

The licensing requirements apply only to public works projects where prevailing wage requirements apply. Under the current prevailing wage law, certain laborers, workers, mechanics, and truck drivers employed on a state or local project of public works must be paid at the rate paid for a majority of the hours worked in the person’s trade or occupation in the county in which the project is located, as determined by the Department of Workforce Development.

The substitute amendment provides that if there are standards established by the federal Occupational Safety and Health Administration (OSHA) that apply to licensing operators of cranes or heavy equipment, the licensing requirements created in this substitute amendment may not be implemented unless Commerce receives federal approval.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

- 1 **SECTION 1.** 15.157 (16) of the statutes is created to read:
- 2 15.157 (16) CRANE AND HEAVY EQUIPMENT COUNCIL. (a) There is created in the
3 department of commerce a crane and heavy equipment council consisting of the
4 following members appointed for 3-year terms:
- 5 1. Two members who represent an affiliation of local labor organizations, as
6 defined in s. 111.32 (9) (a), whose members are construction craft laborers working
7 across the state.
- 8 2. Two members who represent a labor organization, as defined in s. 111.32 (9)
9 (a), whose members have been historically and are regularly engaged in the
10 operation of cranes and of heavy equipment, each of whom is actively involved in
11 providing, or in administering the provision of, skills improvement and
12 apprenticeship training programs.
- 13 3. Two members who represent an association that is involved in the building
14 of transportation systems across the state and whose membership includes
15 employers of operators of cranes and of heavy equipment.
- 16 4. One member who represents an association that is involved in the building
17 construction industry throughout the state and whose membership includes persons
18 who employ operators of cranes and heavy equipment who are members of local labor
19 organizations, as defined in s. 111.32 (9) (a).

1 5. One member who represents an association that is involved in the building
2 construction industry throughout the state and whose membership includes persons
3 who employ operators of cranes and heavy equipment who are not members of local
4 labor organizations, as defined in s. 111.32 (9) (a).

5 6. The secretary of commerce or his or her designee.

6 (b) The council shall meet at least 2 times a year.

7 **SECTION 2.** 101.02 (20) (a) of the statutes, as affected by 2009 Wisconsin Act 28,
8 is amended to read:

9 101.02 **(20)** (a) For purposes of this subsection, “license” means a license,
10 permit, or certificate of certification or registration issued by the department under
11 ss. 101.09 (3) (c), 101.122 (2) (c), 101.136, 101.138, 101.143 (2) (g), 101.147, 101.15
12 (2) (e), 101.16 (3g), 101.17, 101.177 (4) (a), 101.178 (2) or (3) (a), 101.63 (2) or (2m),
13 101.653, 101.73 (5) or (6), 101.82 (1m), (1v), and (2), 101.935, 101.95, 101.951,
14 101.952, 101.985 (1) to (3), 145.02 (4), 145.035, 145.045, 145.15, 145.16, 145.165,
15 145.17, 145.175, 145.18, or 167.10 (6m).

16 **SECTION 3.** 101.02 (21) (a) of the statutes, as affected by 2009 Wisconsin Act 28,
17 is amended to read:

18 101.02 **(21)** (a) In this subsection, “license” means a license, permit, or
19 certificate of certification or registration issued by the department under s. 101.09
20 (3) (c), 101.122 (2) (c), 101.136, 101.138, 101.143 (2) (g), 101.147, 101.15 (2) (e), 101.16
21 (3g), 101.17, 101.177 (4) (a), 101.178 (2) or (3) (a), 101.63 (2), 101.653, 101.73 (5) or
22 (6), 101.82 (1m), (1v), and (2), 101.935, 101.95, 101.951, 101.952, 101.985 (1) to (3),
23 145.02 (4), 145.035, 145.045, 145.15, 145.16, 145.165, 145.17, 145.175, 145.18, or
24 167.10 (6m).

25 **SECTION 4.** 101.138 of the statutes is created to read:

101.138 Regulation of crane and heavy equipment operators. (1)

DEFINITIONS. In this section:

(ab) "Apprentice instruction" means receiving or giving instruction through a recognized apprenticeship program and includes classroom instruction, instruction in the field, and continuing education.

(ad) "Council" means the crane and heavy equipment council.

(ag) "Crane" means any power-operated hoisting machine that can lift, rotate, or move a suspended load horizontally or vertically, including a derrick, a jib hoist, and a gantry and any other type of power-operated hoisting machine designated by rule by the department.

(am) "Exempt entity" means a public utility, as defined in s. 196.01 (5), a cooperative association organized under ch. 185 for the purpose of producing or furnishing heat, light, power, or water to its members only, a telecommunications carrier, as defined in s. 196.01 (8m), a commercial mobile radio service provider, as defined in s. 196.01 (2g), or an alternative telecommunications utility, as defined in s. 196.01 (1d) (f).

(b) "Heavy equipment" means a piece of equipment that is not a crane, that has a dry weight, as determined by the manufacturer of the equipment, of 26,000 pounds or more, and that is used to move, compact, break, place, or grade construction materials, earth, or other heavy materials, that is used to clear or grade land, that is used to excavate or dig earth or other heavy materials, or that is used to drive vertically into the earth.

(d) "Operate" means to operate, assemble, maintain, or disassemble.

(e) "Public works project" means a project to which s. 66.0903, 103.49, or 103.50 applies.

1 (eg) “Recognized apprenticeship program” means an apprenticeship program
2 in the heavy equipment operating engineer program that is recognized by the U.S.
3 department of labor.

4 (er) “Registered training employer” means any person who is registered as a
5 heavy equipment operating engineer trainer with the department of workforce
6 development for the purpose of a recognized apprenticeship program.

7 (f) “Regulated heavy equipment” means the types of heavy equipment that are
8 designated by rule by the department under sub. (10) (b).

9 (g) “Unregulated heavy equipment” means types of heavy equipment that are
10 not designated by rule by the department under sub. (10) (b).

11 **(2) LICENSES REQUIRED.** (a) Beginning on the first day of the 24th month
12 beginning after the effective date of this paragraph ... [LRB inserts date], no
13 individual may operate a crane for construction, renovation, grading, or demolition
14 purposes unless the individual holds a valid license issued under sub. (4) or (6) or
15 renewal under sub. (9). If an individual holds an apprentice license issued under sub.
16 (6), he or she may not operate the crane unless he or she is being supervised by
17 another individual who holds a valid crane operator license issued under sub. (4).

18 (b) Beginning on the first day of the 24th month beginning after the effective
19 date of this paragraph ... [LRB inserts date], no individual may operate a piece of
20 regulated heavy equipment for construction, renovation, grading, or demolition
21 purposes unless the individual holds a valid license issued under sub. (7) or (8) or
22 renewal under sub. (9). If an individual holds an apprentice license issued under sub.
23 (8), he or she may not operate the piece of regulated heavy equipment unless he or
24 she is being supervised by another individual who holds a valid heavy equipment
25 operator license issued under sub. (7).

1 (c) The licensing requirements under this section apply only to individuals
2 operating cranes or regulated heavy equipment as part of a public works project.

3 **(3) EXEMPTIONS FROM LICENSING REQUIREMENTS.** (a) An individual is exempt
4 from all of the licensing requirements under subs. (4) to (8) while operating any of
5 the following:

6 1. A crane or a piece of heavy equipment if the individual is an employee or is
7 a subcontractor of an exempt entity and the individual is acting within the scope of
8 his or her employment or of the applicable contract.

9 2. A crane or a piece of heavy equipment that is being used in the construction,
10 maintenance, or running of an electric substation.

11 3. A crane or a piece of heavy equipment that is being used in the construction,
12 maintenance, or running of lighting or signals for railroads, airports, and public
13 thoroughfares.

14 4. A piece of heavy equipment used for tunneling horizontally underground.

15 5. A piece of heavy equipment used to remove snow.

16 5m. A piece of heavy equipment to perform minor service or maintenance work,
17 as defined in s. 66.0903 (1) (dr).

18 6. A forklift or telehandler.

19 7. A piece of heavy equipment that is being used to erect a sheltered enclosure
20 or to place, at the same time the sheltered enclosure is being erected, private on-site
21 underground utilities or holding tanks to service the enclosed structure. This
22 exemption does not apply to a piece of heavy equipment that is being used for
23 excavation or backfilling for erecting the sheltered enclosure.

24 8. A vehicle with a hoisting boom that is used to load, unload, deliver, place, or
25 remove goods or materials at a work site that has a sheltered enclosure.

1 9. A piece of heavy equipment that is used for drilling into the earth for a
2 groundwater well that is intended to provide water for human consumption if the
3 individual operating the piece of heavy equipment is a well driller licensed under s.
4 280.15 (2m), a drilling rig operator registered under s. 280.15 (3g), or an individual
5 supervised, as required under s. 280.15 (3r), by a licensed well driller or drilling rig
6 operator.

7 10. A truck with a hoisting boom with a lifting capacity of not more than 10,000
8 pounds that is used to assist in loading, unloading, delivering, placing, or removing
9 large items that are necessary to service heavy equipment.

10 11. An excavator that is used solely as part of the manufacturing process at a
11 permanent manufacturing facility.

12 12. A piece of heavy equipment that is being used to deliver and unload concrete
13 road barriers or dividers to a public works site involving roadway construction,
14 repair, or maintenance. This exemption does not apply to a piece of heavy equipment
15 that is being used to load such barriers or dividers or to place or remove such barriers
16 or dividers on or from a roadway.

17 (b) An individual is exempt from all of the licensing requirements under subs.
18 (4) to (6) while assembling or disassembling a mobile crane or a tower crane if any
19 of the following apply:

20 1. He or she is under the supervision of an individual licensed under sub. (4).

21 2. He or she is performing maintenance on the crane that does not require the
22 crane to move and he or she is under the supervision of maintenance personnel who
23 are working at the work site.

1 (4) LICENSING QUALIFICATIONS; CRANE OPERATORS. The department shall issue a
2 crane operator license to each individual who meets all of the following
3 requirements:

4 (a) The individual is at least 18 years old.

5 (b) The individual has one of the following:

6 1. Successfully completed a recognized apprenticeship program during which,
7 as part of the program, the individual has at least a total of 500 verifiable hours with
8 at least 250 hours in actually operating a crane and not more than 250 hours in
9 crane-related experience.

10 1m. At least 1,000 verifiable hours relating to operating a crane in the 5-year
11 period immediately preceding his or her application for the license, with at least 400
12 hours in actually operating a crane and not more than 600 hours in crane-related
13 experience. Of the hours in crane-related experience, not more than 300 hours may
14 be hours spent in apprentice instruction related to operating cranes. If any of the
15 verifiable hours in crane-related experience is not obtained in the employment of a
16 registered training employer, at least 40 hours must be obtained through apprentice
17 instruction relating to operating cranes.

18 2. At least 5,000 verifiable hours related to operating a crane in his or her
19 lifetime, with at least 2,500 hours in actually operating a crane and not more than
20 2,500 hours in crane-related experience. Of the hours in crane-related experience,
21 not more than 1,250 hours may be hours spent in apprentice instruction related to
22 operating cranes. If any of the verifiable hours in crane-related experience is not
23 obtained in the employment of a registered training employer, at least 40 hours must
24 be obtained through apprentice instruction relating to operating cranes.

1 (c) The individual has obtained certification from a program of certification of
2 crane operators that is accredited by the National Commission for Certifying
3 Agencies or from an equivalent accrediting body approved by the department. The
4 certification process shall require passing both a written and practical examination.

5 (e) The individual does not have a license, certification, or other permission to
6 operate a crane or heavy equipment issued by the department or by a comparable
7 licensing agency in another jurisdiction that is suspended or revoked at the time of
8 application.

9 **(5) ENDORSEMENT QUALIFICATIONS; TOWER CRANE OPERATORS.** The department
10 shall issue a tower crane operator endorsement to each individual who holds a valid
11 license issued under sub. (4) and who has obtained certification from a program of
12 certification for operating tower cranes that is accredited by the National
13 Commission for Certifying Agencies or from an equivalent accrediting body
14 approved by the department.

15 **(6) LICENSING QUALIFICATIONS; APPRENTICE CRANE OPERATORS.** The department
16 shall issue an apprentice crane operator license to each individual who meets all of
17 the following requirements:

18 (a) The individual is at least 18 years old.

19 (b) The individual is enrolled in a recognized apprenticeship program.

20 (c) The individual does not have a license, certification, or other permission to
21 operate a crane or heavy equipment issued by the department or by a comparable
22 licensing agency in another jurisdiction that is suspended or revoked at the time of
23 application.

1 **(7) LICENSING QUALIFICATIONS; HEAVY EQUIPMENT OPERATORS.** The department
2 shall issue a heavy equipment license to each individual who meets all of the
3 following requirements:

4 (a) The individual is at least 18 years old.

5 (b) The individual has one of the following:

6 1. Successfully completed a recognized apprenticeship program.

7 1m. At least a total of 1,000 verifiable hours of experience in operating heavy
8 equipment in the 5-year period immediately preceding his or her application for the
9 license, with at least 500 hours in operating regulated heavy equipment and not
10 more than 500 hours in operating unregulated heavy equipment. Of the hours spent
11 in operating unregulated heavy equipment, not more than 250 hours may be hours
12 spent in apprentice instruction related to operating heavy equipment.

13 2. At least a total of 5,000 verifiable hours of experience in operating heavy
14 equipment in his or her lifetime, with at least 2,500 hours in operating regulated
15 heavy equipment and no more than 2,500 hours in operating unregulated heavy
16 equipment. Of the hours spent in operating unregulated heavy equipment, not more
17 than 1,250 hours may be hours spent in apprentice instruction related to operating
18 heavy equipment.

19 (d) The individual does not have a license, certification, or other permission to
20 operate a crane or heavy equipment issued by the department or by a comparable
21 licensing agency in another jurisdiction that is suspended or revoked at the time of
22 application.

23 **(8) LICENSING QUALIFICATIONS; APPRENTICE HEAVY EQUIPMENT OPERATORS.** The
24 department shall issue an apprentice heavy equipment operator license to each
25 individual who meets all of the following requirements:

1 (a) The individual is at least 18 years old.

2 (b) The individual is enrolled in a training program on the operation of heavy
3 equipment recognized by the U.S. department of labor.

4 (c) The individual does not have a license, certification, or other permission to
5 operate a crane or heavy equipment issued by the department or by a comparable
6 licensing agency in another jurisdiction that is suspended or revoked at the time of
7 application.

8 **(9) PERIOD OF VALIDITY; RENEWALS.** (a) A license issued under sub. (4) or (7) shall
9 be valid for a period of 5 years. A license issued under sub. (6) or (8) shall be valid
10 for a period of 4 years.

11 (b) The department shall renew a crane operator license if all of the following
12 apply:

13 1. The holder of the license has at least 1,000 verifiable hours of experience in
14 operating a crane in the 5-year period immediately preceding his or her application
15 for renewal. If more than 500 of these verifiable hours are not obtained in the
16 employment of a registered training employer, at least 40 hours must be obtained
17 through apprentice instruction relating to operating cranes.

18 2. The holder's license issued under sub. (4) has not been suspended or revoked.

19 3. The holder of the license has not violated any provision under this section,
20 or rules promulgated under this section.

21 (c) The department shall renew a heavy equipment operator license if all of the
22 following apply:

23 1. The holder of the license has at least 1,000 verifiable hours of experience in
24 operating heavy equipment in the 5-year period immediately preceding his or her
25 application for renewal. Of these verifiable hours, at least 200 hours must be hours

1 spent in operating regulated heavy equipment. If more than 500 of these verifiable
2 hours are not obtained in the employment of a registered training employer, at least
3 40 hours must be obtained through apprentice instruction relating to operating
4 heavy equipment.

5 2. The holder's license issued under sub. (7) has not been suspended or revoked.

6 3. The holder of the license has not violated any provision under this section,
7 or rules promulgated under this section.

8 **(9m) FEDERAL APPROVAL.** The department shall submit to the federal secretary
9 of labor a plan for the licensing under this section of individuals operating cranes and
10 heavy equipment, if required to do so under 29 USC 667 (b), and shall request the
11 federal secretary of labor to approve the plan. The plan submitted by the department
12 shall be consistent with all of the provisions of this section. If no approval is required
13 under 29 USC 667 (b) or if an approval is granted and in effect, the department shall
14 implement the licensing requirements under this section. If approval is required
15 under 29 USC 667 (b), the department may not implement the licensing
16 requirements under this section unless an approval is granted and in effect. The
17 licensing requirements under this section do not apply if approval of the
18 department's plan is required under 29 USC 667 (b) but is not granted and in effect.

19 **(10) RULES.** (a) The department shall promulgate rules that do all of the
20 following:

21 1. Establish criteria for purposes of approving accrediting bodies under sub. (4)

22 (c).

23 2. Establish procedures and requirements for verifying hours under sub. (11).

24 3. Establish standards for suspending and revoking licenses issued under this
25 section.

1 (b) 1. The department shall promulgate a rule that establishes a listing of the
2 types of heavy equipment that are regulated under this section and may amend the
3 rule to add to or remove from the listing types of heavy equipment.

4 2. The council may make a recommendation to the department to include in the
5 listing under subd. 1. certain types of heavy equipment.

6 (c) The council may make recommendations to the department for rules
7 relating to crane safety standards established by the American Society of Mechanical
8 Engineers or relating to other crane safety standards.

9 (d) The council may make recommendations regarding other rules that are
10 promulgated under this section.

11 (e) Upon receipt of a recommendation for a rule received from the council under
12 par. (b) 2., (c), or (d) 2. or 3., the department may adopt the recommendation and
13 promulgate a rule that implements the recommendation.

14 (f) The council may make recommendations to the department of workforce
15 development regarding the necessary requirements for qualifying as a registered
16 training employer.

17 **(11) CALCULATION OF VERIFIABLE HOURS.** (a) For purposes of subs. (4) (b) 1., 1m.,
18 and 2. and (9) (b) 1., any of the following hours shall be counted as verifiable hours
19 of actually operating a crane for meeting requirements for a crane operator license
20 issued under sub. (4) or renewed under sub. (9):

21 1. Hours spent working at the controls of a crane.

22 2. Hours spent working in direct control of a crane, including hours assembling
23 or disassembling the crane or the crane's boom or boom attachments, extending or
24 retracting the crane's outriggers or stabilizers, leveling the crane, or replacing the
25 hoisting ropes.

1 3. Hours spent working directly supervising, instructing, or directing another
2 individual who is carrying out an activity described in subd. 1. or 2.

3 (am) For purposes of sub. (4) (b) 1., 1m., and 2., any of the following hours shall
4 be counted as verifiable hours of crane-related experience for meeting requirements
5 for a crane operator license issued under sub. (4):

6 1. Hours spent in apprentice instruction related to operating cranes.

7 2. Hours spent at a work site engaged in activities that increase the individual's
8 knowledge and skill in operating a crane. These activities include working as an
9 oiler, performing maintenance on cranes, setting up and dismantling cranes, rigging
10 cranes for hoisting, and performing signals to guide the movements of cranes.

11 (ar) Notwithstanding pars. (a) and (am), hours may not be counted as verifiable
12 hours for purposes of subs. (4) (b) 1., 1m., and 2. and (9) (b) 1., if the hours are any
13 of the following:

14 1. Hours spent operating a crane to which an exemption under sub. (3) applies.

15 2. Hours spent in crane-related experience where the crane is one to which an
16 exemption under sub. (3) applies.

17 (b) For purposes of subs. (7) (b) 1m. and 2. and (9) (c) 1., any of the following
18 hours shall be counted as verifiable hours for meeting requirements for a heavy
19 equipment license issued under sub. (7) or renewed under sub. (9):

20 1. Hours spent operating any piece of heavy equipment except as provided in
21 par. (bn).

22 2. Hours spent in an apprenticeship program in the operation of heavy
23 equipment that is recognized by the U.S. department of labor or in a training
24 program recognized by the U.S. department of labor.

1 3. Hours spent directly supervising or directing the operation of a piece of heavy
2 equipment by another individual.

3 (bn) Hours spent operating a piece of heavy equipment to which an exemption
4 under sub. (3) applies may not be counted as verifiable hours for purposes of subs.
5 (7) (b) 1m. and 2. and (9) (c) 1.

6 **(12) APPLICATION PROCEDURES.** An individual shall apply for a license under this
7 section by submitting an application on a form provided by the department together
8 with the applicable fee established under s. 101.19 (1) (n). The fee shall be
9 nonrefundable.

10 **(13) DISCLOSURES; POSTING.** (a) Each contract for a public works project shall
11 contain a statement setting forth the requirements of this section. The department
12 shall promulgate a rule that contains the required wording for the statement.

13 (b) The department shall promulgate rules to ensure that a copy of the license
14 of each individual working at a work site of a public works project is posted at that
15 work site. The notice shall be posted in at least one conspicuous and easily accessible
16 place on the work site and shall remain posted during the full time any individual
17 is employed at the work site.

18 **(14) OVERSIGHT.** The department shall conduct periodic reviews of any program
19 of certification or accrediting body specified under sub. (4) (c) to monitor and ensure
20 compliance with the rules promulgated under sub. (10) (a) 1. The department may
21 cease to use any program of certification under sub. (4) (c) if it determines that the
22 program or entity is not in compliance with the applicable rules.

23 **(15) ENFORCEMENT.** (a) On its own motion or upon a complaint filed by any
24 individual, the department shall issue an order or commence a civil action to enforce
25 this section.

1 (b) Whoever violates sub. (2) (a) or (b) shall be fined not more than \$250 for the
2 first violation, not more than \$500 for a 2nd violation, and not more than \$1,000 for
3 each subsequent violation. Each day of continued violation constitutes a separate
4 violation.

5 **SECTION 5.** 101.19 (1) (n) of the statutes is created to read:

6 101.19 (1) (n) Issuing licenses and administering examinations to crane
7 operators and heavy equipment operators under s. 101.138.

8 **SECTION 6. Nonstatutory provisions.**

9 (1) RULES; INITIAL LISTING.

10 (a) In this subsection, “regulated heavy equipment” has the meaning given in
11 section 101.138 (1) (f) of the statutes, as created by this act.

12 (b) The initial listing of types of regulated heavy equipment that is required to
13 be established by rule under section 101.38 (10) (b) 1. of the statutes, as created by
14 this act, shall consist of, and shall be limited to, all of the following:

- 15 1. Excavators.
- 16 2. Grinders.
- 17 3. Shouldering machines.
- 18 4. Milling machines.
- 19 5. Planers.
- 20 6. Graders.
- 21 7. Scrapers.

22 (2) RULES; SUBMISSION OF INITIAL LISTING. No later than the first day of the 3rd
23 month beginning after the effective date of this subsection, the department of
24 commerce shall submit in proposed form the rules being promulgated under section

1 101.138 (10) (b) 1. of the statutes, as created by this act, and SECTION 6 (1) of this act
2 to the legislative council staff under section 227.15 (1) of the statutes.

3 (3) RULES; SUBMISSION OF OTHER RULES. No later than the first day of the 9th
4 month beginning after the effective date of this subsection, the department of
5 commerce shall submit in proposed form the rules being promulgated under section
6 101.138 (10) (a) of the statutes, as created by this act, to the legislative council staff
7 under section 227.15 (1) of the statutes.

8 (4) ECONOMIC IMPACT REPORT. Notwithstanding section 227.137 (2) of the
9 statutes, the secretary of administration may not require the department of
10 commerce to prepare an economic impact report for the rules being promulgated
11 under section 101.138 (10) (a) and (b) 1. of the statutes, as created by this act, and
12 under subsection (1).

13 (5) COUNCIL. Notwithstanding the length of terms of the members of the crane
14 and heavy equipment council under section 15.157 (16) (a) 1. to 5. of the statutes, as
15 created by this act, the initial members shall be appointed for the following terms:

16 (a) One member appointed under section 15.157 (16) (a) 1. of the statutes, as
17 created by this act, one member appointed under section 15.157 (16) (a) 2. of the
18 statutes, as created by this act, and one member appointed under section 15.157 (16)
19 (a) 3. of the statutes, as created by this act, for terms that expire on July 1, 2013.

20 (b) One member appointed under section 15.157 (16) (a) 1. of the statutes, as
21 created by this act, one member appointed under section 15.157 (16) (a) 2. of the
22 statutes, as created by this act, and the member appointed under section 15.157 (16)
23 (a) 4. of the statutes, as created by this act, for terms that expire on July 1, 2014.

1 (c) One member appointed under section 15.157 (16) (a) 3. of the statutes, as
2 created by this act and the member appointed under section 15.157 (16) (a) 5. of the
3 statutes, as created by this act, for terms that expire on July 1, 2015.

4 (6) FEDERAL APPROVAL. No later than the first day of the 4th month beginning
5 after the effective date of this subsection, the department of commerce shall submit
6 to the federal secretary of labor the plan required under section 101.138 (9m) of the
7 statutes, as created by this act, if required to do so under 29 USC 667 (b).

8 **SECTION 7. Initial applicability.**

9 (1) This act first applies to a proposal for a public works project, as defined in
10 section 101.138 (1) (e) of the statutes, as created by this act, that is submitted to a
11 state agency or a local governmental unit for approval on the effective date of this
12 subsection.

13 (END)