

BEFORE THE DEPARTMENT OF LABOR AND INDUSTRY  
STATE OF MONTANA

In the matter of the proposed ) NOTICE OF PUBLIC HEARING  
adoption of NEW RULE I pertaining ) ON PROPOSED ADOPTION  
to incorporation by reference of )  
ANSI B30.5 ) (Crane and Hoist Operator Engineer  
 ) Licensing Program)

TO: All Concerned Persons

1. On July 19, 2006, at 9:00 a.m., a public hearing will be held in room 489, of the Park Avenue Building, 301 South Park Avenue, Helena, Montana to consider the proposed adoption of the above-stated rule.

2. The Department of Labor and Industry (department) will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the Crane and Hoist Operator Engineer Licensing Program no later than 5:00 p.m., on July 14, 2006, to advise us of the nature of the accommodation that you need. Please contact Dan Bernhardt, Crane and Hoist Operator Engineer Licensing Program, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2350; Montana Relay 1-800-253-4091; TDD (406) 444-2978; facsimile (406) 841-2309; e-mail dlibsdcra@mt.gov.

3. The proposed new rule provides as follows:

NEW RULE I INCORPORATION BY REFERENCE OF AMERICAN NATIONAL STANDARDS INSTITUTE B30.5 (1) The Department of Labor and Industry adopts and incorporates by reference the following sections of the American National Standards Institute (ANSI) B30.5, 2004 edition which sets forth standards for mobile and locomotive cranes:

- (a) Section 5-2.1 Inspection – General;
- (b) Section 5-2.3 Maintenance;
- (c) Section 5-3.1.3 Conduct of Operators;
- (d) Section 5-3.2 Operating Practices;
- (e) Section 5-3.3 Signals; and
- (f) Section 5-3.4.5 Operating Near Electric Power Lines.

(2) The purpose of this incorporation is to provide minimum requirements and standards for the operation of crane and hoist equipment as specified in 50-76-102, and 50-76-103, MCA, for the protection of the public health, safety, and welfare. The American National Standards Institute is a nationally recognized model code setting forth minimum standards and requirements for crane and hoist operation.

(3) A copy of the ANSI B30.5 may be viewed at the Department of Labor and Industry, Crane and Hoist Operator Engineer Licensing Program, 301 South Park Avenue, Helena, MT 59620-0513.

(4) A copy of the ANSI B30.5 can be purchased directly from ANSI, 1819 L Street NW, Suite 600, Washington, DC 20036.

AUTH: 50-76-110, 50-76-112, MCA

IMP: 50-76-109, 50-76-110, MCA

REASON: It is reasonable and necessary to adopt NEW RULE I in the continuing effort of the department to update and clarify the rules pertaining to the Crane and Hoist Operator Engineer Licensing Program. Section 50-76-110(2), MCA, authorizes the department to adopt by rule applicable operating and safety standards established by the American National Standards Institute. Chapter 93, L. of 2005 (House Bill 401) authorized the department to adopt by rule applicable operating and safety standards established by the American National Standards Institute.

4. Concerned persons may present their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to the Crane and Hoist Operator Engineer Licensing Program, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2309, or by e-mail to [dlibsdcra@mt.gov](mailto:dlibsdcra@mt.gov), and must be received no later than 5:00 p.m., July 27, 2006.

5. An electronic copy of this Notice of Public Hearing is available through the department and program's site on the World Wide Web at [www.craneoperator.mt.gov](http://www.craneoperator.mt.gov). The department strives to make the electronic copy of this Notice conform to the official version of the Notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the Notice and the electronic version of the Notice, only the official printed text will be considered. In addition, although the department strives to keep its website accessible at all times, concerned persons should be aware that the website may be unavailable during some periods, due to system maintenance or technical problems, and that technical difficulties in accessing or posting to the e-mail address do not excuse late submission of comments.

6. The Crane and Hoist Operator Engineer Licensing Program maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this program. Persons who wish to have their name added to the list shall make a written request which includes the name and mailing address of the person to receive notices and specifies that the person wishes to receive notices regarding all Crane and Hoist Operator Engineer Licensing Program administrative rulemaking proceedings or other administrative proceedings. Such written request may be mailed or delivered to Crane and Hoist Operator Engineer Licensing Program, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, faxed to the office at (406) 841-2309, e-mailed to [dlibsdcra@mt.gov](mailto:dlibsdcra@mt.gov), or made by completing a request form at any rules hearing held by the agency.

7. The bill sponsor notice requirements of 2-4-302, MCA, apply and have been fulfilled.

8. Lon Mitchell, attorney, has been designated to preside over and conduct this hearing.

DEPARTMENT OF LABOR AND INDUSTRY

/s/ MARK CADWALLADER  
Mark Cadwallader  
Alternate Rule Reviewer

/s/ KEITH KELLY  
Keith Kelly, Commissioner  
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State June 12, 2006