

FIRST REGULAR SESSION

# SENATE BILL NO. 104

96TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR GREEN.

Read 1st time January 12, 2011, and ordered printed.

TERRY L. SPIELER, Secretary.

0442S.011

## AN ACT

To amend chapter 292, RSMo, by adding thereto fourteen new sections relating to crane safety.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Chapter 292, RSMo, is amended by adding thereto fourteen  
2 new sections, to be known as sections 292.700, 292.702, 292.704, 292.706,  
3 292.708, 292.710, 292.712, 292.714, 292.716, 292.718, 292.720, 292.722, 292.724,  
4 and 292.726, to read as follows:

**292.700. 1. Sections 292.700 to 292.726 apply to all cranes and  
2 crane operators, signal persons, riggers, and crane operator trainees,  
3 and to the erection, operation, and dismantling of cranes used in  
4 construction and demolition.**

**5 2. The department of labor and industrial relations shall  
6 promulgate rules and regulations necessary to implement the  
7 provisions of sections 292.700 to 292.726. Any rule or portion of a rule,  
8 as that term is defined in section 536.010, that is created under the  
9 authority delegated in sections 292.700 to 292.726 shall become effective  
10 only if it complies with and is subject to all of the provisions of chapter  
11 536, and, if applicable, section 536.028. Sections 292.700 to 292.726 and  
12 chapter 536, are nonseverable and if any of the powers vested with the  
13 general assembly pursuant to chapter 536, to review, to delay the  
14 effective date, or to disapprove and annul a rule are subsequently held  
15 unconstitutional, then the grant of rulemaking authority and any rule  
16 proposed or adopted after August 28, 2011, shall be invalid and void.**

**17 3. Sections 292.700 to 292.726 do not apply to:**

**18 (1) Power shovels, excavators, wheel loaders, backhoes, loader  
19 backhoes, and track loaders, when used with or without chains, slings,**

20 or other rigging to lift suspended loads;

21 (2) Automotive wreckers and tow trucks when used to clear  
22 wrecks and haul vehicles;

23 (3) Service trucks with mobile aerial lifting devices, cranes,  
24 digger derricks, power shovels, excavators, wheel loaders, backhoes, or  
25 any other equipment used to install or maintain power lines and other  
26 electric service and generating facilities by or on behalf of an electrical  
27 corporation, as defined in section 386.020, a municipal utility organized  
28 under chapter 91, or a rural electric cooperative organized under  
29 chapter 394;

30 (4) Equipment originally designed as vehicle-mounted aerial  
31 devices for lifting personnel and self-propelled elevating work  
32 platforms;

33 (5) Powered industrial trucks, such as forklifts;

34 (6) Mechanic's truck with a hoisting device when used in  
35 activities related to equipment maintenance and repair;

36 (7) Equipment that hoists by using a come-along or chainfall; and

37 (8) A crane while it has been converted or adapted for a  
38 nonhoisting or nonlifting use, including, but not limited to, use as a  
39 power shovel, an excavator, or a concrete pump.

40 4. Any employer who employs individuals as crane operators,  
41 signal persons, riggers, or crane operator trainees, or who employs  
42 individuals to erect, operate, or dismantle a crane used in construction  
43 or demolition, shall biennially register with the department of labor  
44 and industrial relations and pay a registration fee established by  
45 department rule. This fee shall be set at a level to produce revenue  
46 which shall not substantially exceed the cost and expense of  
47 administering sections 292.700 to 292.726.

292.702. For the purposes of sections 292.700 to 292.726, the  
2 following terms mean:

3 (1) "ANSI", the American National Standards Institute;

4 (2) "ASME", the American Society of Mechanical Engineers;

5 (3) "ASSE", the American Society of Safety Engineers;

6 (4) "Director", the director of the department of labor and  
7 industrial relations;

8 (5) "Competent person", one who is capable of identifying  
9 existing and predictable hazards in the surroundings, or working

10 conditions that are unsanitary, hazardous, or dangerous to employees,  
11 and who has the authority to take prompt corrective measures to  
12 eliminate them;

13 (6) "Crane", a machine for lifting and lowering a load and moving  
14 it horizontally, which has a hoisting mechanism that is an integral part  
15 of the machine;

16 (7) "Crane operator", an individual who operates a crane;

17 (8) "Crane operator trainee", an individual who is engaged in a  
18 structured training program under the direct supervision of a crane  
19 operator who meets the requirements of sections 292.700 to 292.726;

20 (9) "Direct supervision", the supervisor:

21 (a) Is in the immediate area of the operation;

22 (b) Is within visual sighting distance of the operation;

23 (c) Is able to effectively communicate with the persons engaged  
24 in the operation; and

25 (d) Has no duties other than to observe and supervise the crane  
26 operation;

27 (10) "Level I rigger", an individual who works under the  
28 supervision of a competent person and on a routine basis performs  
29 rigging work for the lifting of loads, other than rigging for special lifts,  
30 and the erection, dismantling, jumping, or reconfiguring of cranes;

31 (11) "Level II rigger", an individual who has accumulated two or  
32 more years of experience working as a level I rigger and performs  
33 rigging work engaged in lifting loads for special lifts, or the erection,  
34 dismantling, jumping, or reconfiguring of cranes, or all of these;

35 (12) "Master rigger", an individual who has accumulated five or  
36 more years of experience rigging loads and is authorized by the  
37 employer to take prompt corrective action to eliminate hazards;

38 (13) "NCCA", the National Commission for Certifying Agencies;

39 (14) "Qualified person", a person who, by possession of a  
40 recognized degree in an applicable field or certificate of professional  
41 standing, or who, by extensive knowledge, training, and experience, has  
42 successfully demonstrated the ability to solve problems relating to the  
43 subject crane operations;

44 (15) "Rigger", an individual who is engaged in the process of  
45 lifting, moving, and rigging loads with hardware and equipment used  
46 to attach a load to a crane;

47 (16) "Rigging", the hardware, equipment, and means used to  
48 safely attach a load to a crane by means of adequately rated and  
49 properly applied slings or other devices;

50 (17) "Safety sensitive position", a position subject to drug and  
51 alcohol testing because the nature of the employee's duties and  
52 responsibilities indicate a potential that impaired performance due to  
53 drugs or alcohol, or both, could result in injury or death to the  
54 employee or others;

55 (18) "Signal person", an individual who communicates guidance  
56 and direction to a crane operator in lifting, hoisting, moving, or  
57 releasing a load;

58 (19) "Special lift", a lift using multiple cranes or the erection,  
59 dismantling, or jumping of a tower crane;

60 (20) "Tower crane", a power-operated hoisting machine in which  
61 a boom, swing jib, or structural member is mounted upon a vertical  
62 mast or tower structure with the function of hoisting, lowering, and  
63 swinging loads at various radii.

292.704. 1. The director shall designate crane operators, signal  
2 persons, riggers, and crane operator trainees as safety sensitive  
3 positions. An employer may designate other employees who work with  
4 or around cranes as being safety sensitive positions.

5 2. An employer who employs individuals within a safety sensitive  
6 position shall have a drug and alcohol free workplace and substance  
7 abuse policy as required by this section.

8 3. An employer's drug and alcohol free workplace and substance  
9 abuse policy shall, at a minimum, require:

10 (1) Mandatory drug or controlled substance and alcohol testing  
11 for all safety sensitive positions:

12 (a) At the commencement of employment;

13 (b) When the employer has a reasonable suspicion that a person  
14 is under the influence of drugs, controlled substances, or alcohol;

15 (c) At least once each year on a random basis;

16 (d) Unless the medical condition of the employee does not permit  
17 it, immediately or not later than twenty-four hours following any  
18 incident for which crane operations were a direct or indirect cause and  
19 which involve property damage greater than five thousand dollars,  
20 bodily injury, or a fatality;

21           **(2) Testing requirements that are consistent with 49 CFR Part 40;**

22           **(3) A prohibition on employees working in a safety sensitive**  
23 **position while under the influence of alcohol, drugs, or a controlled**  
24 **substance, unless:**

25           **(a) An employee is using a controlled substance under the**  
26 **direction of a licensed physician who has advised the employee that the**  
27 **substance will not adversely affect the employee's ability to safely**  
28 **perform the duties assigned;**

29           **(b) The employee notifies their supervisor and provides written**  
30 **medical documentation from their physician; and**

31           **(c) The employer consents; and**

32           **(4) A prohibition on the use, possession, or manufacture of any**  
33 **unlawful drug or use of alcohol while at work.**

**292.706. 1. An employer shall ensure that an individual is**  
2 **trained and successfully meets the applicable requirements in**  
3 **subsection 2 of this section for a mobile crane, a tower crane, or a**  
4 **derrick, or all of these depending upon which of these types of cranes**  
5 **the individual will be operating.**

6           **2. Except for a crane operator trainee, an employer may not**  
7 **require or permit an individual to operate a crane unless the individual**  
8 **is trained and successfully meets the following requirements:**

9           **(1) The individual has participated in training and passed a**  
10 **written examination that is developed and administered in accordance**  
11 **with the Standards for Educational and Psychological Testing,**  
12 **published jointly by the Joint Committee of the American Educational**  
13 **Research Association, the American Psychological Association, and the**  
14 **National Council on Measurement in Education, and that tests**  
15 **knowledge and skills necessary for safe crane operation, including the**  
16 **following:**

17           **(a) Operational characteristics and controls, limitations and use,**  
18 **rated load capacities, and special hazards, including characteristic and**  
19 **performance questions appropriate to the crane type for which**  
20 **qualification is sought;**

21           **(b) Emergency control skills, such as a response to fire, power**  
22 **line contact, loss of stability, or control malfunction;**

23           **(c) Basic arithmetic skills necessary for crane operation;**

24           **(d) The ability to read and comprehend the crane manufacturer's**

25 operation and maintenance instruction materials, including load  
26 capacity information, such as load charts, for the crane for which  
27 certification is sought; and

28 (e) Depending upon the type of crane the operator intends to  
29 operate knowledge of safety standards for that type of crane as  
30 promulgated by department rule based on the latest ASME standards;

31 (2) The individual demonstrates proficiency in operating the  
32 specific type of crane;

33 (3) The individual passes a practical skills examination that  
34 includes pre-start and post-start inspection, maneuvering skills,  
35 shutdown, and securing procedures; and

36 (4) The individual demonstrates specific knowledge of crane  
37 operations, including:

38 (a) Voice and radio communications;

39 (b) Personal fall protection methods;

40 (c) Emergency procedures; and

41 (d) Hazards and restrictions associated with working adjacent  
42 to overhead electric lines and equipment;

43 (5) The individual provides the following current medical  
44 documentation every two years:

45 (a) Proof of successful completion of a physical examination  
46 conducted by a licensed physician that includes, at a minimum, the  
47 examination criteria specified in department rule based on industry  
48 standards; or

49 (b) A certificate of medical examination as required for a  
50 commercial driver's license that would be acceptable to the U.S.  
51 Department of Transportation, unless the employee provides  
52 documentation from a licensed physician that the failure to meet these  
53 qualifications will not affect the individual's operation of a crane; and

54 (6) The individual has successfully passed a substance abuse test  
55 pursuant to the employer's drug and alcohol free workplace and  
56 substance abuse policy.

57 3. In lieu of compliance with subdivisions (1) through (4) of  
58 subsection 2 of this section, an employer may accept a crane operator  
59 certification from a nationally recognized certification program  
60 accredited by the NCCA or ANSI that demonstrates that, depending  
61 upon the type of crane for which certification is sought, the individual

62 has acquired and maintains the knowledge, skill, and ability as  
63 required by department rule.

64 4. An employer shall ensure, through testing every 5 years, that  
65 the crane operator maintains the knowledge, skills, and abilities as  
66 required by subdivision (1) through (4) of subsection 2 of this section.

292.708. 1. The employer may allow a crane operator trainee,  
2 who is engaged in a structured learning program, developed and  
3 documented by the employer and designed to give the crane operator  
4 trainee the training requirements specified for crane operators in  
5 section 292.706, to operate cranes under the following circumstances:

6 (1) The crane operator trainee is under the direct supervision of  
7 a crane operator for the type of crane operated by the trainee; and

8 (2) The crane operator trainee has demonstrated a basic  
9 understanding of crane operations, including:

10 (a) Crane limitations;

11 (b) Standard hand signals as defined in ASME B30.5-2007 Safety  
12 Standard for Cableways, Cranes, Derricks, Hoists, Hooks, Jacks, and  
13 Slings-Mobile and Locomotive Cranes;

14 (c) Voice and radio communications;

15 (d) Crane dynamics involved in swinging, controlling, and  
16 stopping loads;

17 (e) Boom deflection from hoisting loads;

18 (f) Personal fall protection methods; and

19 (g) Hazards and restrictions associated with working adjacent  
20 to overhead electric lines and equipment.

21 2. In lieu of compliance with subdivision (2) of subsection 1 of  
22 this section, an employer may accept proof of completion of training  
23 through an operating engineer apprenticeship program that has been  
24 approved by the director.

25 3. A crane operator trainee shall provide the following current  
26 medical documentation every two years:

27 (1) Proof of successful completion of a physical examination  
28 conducted by a licensed physician that includes, at a minimum, the  
29 examination criteria specified in department rule based on industry  
30 standards; or

31 (2) A certificate of medical examination as required for a  
32 commercial driver's license that would be acceptable to the U.S.

33 Department of Transportation, unless the employee provides  
34 documentation from a licensed physician that the failure to meet these  
35 qualifications will not affect the individual's operation of a crane.

36 4. A crane operator trainee shall successfully pass a substance  
37 abuse test pursuant to the employer's drug and alcohol free workplace  
38 and substance abuse policy before beginning work as a crane operator  
39 trainee.

292.710. 1. An employer shall ensure that no individual is  
2 permitted to provide hand or verbal signals to control crane operations  
3 unless the individual has received the following training:

4 (1) Proficiency in hand and verbal signals, including the  
5 standard method for hand signals, as required by department rule  
6 based on the latest ASME standard;

7 (2) In depth knowledge of crane operations and limitations,  
8 including the crane dynamics involved in swinging, controlling, and  
9 stopping loads, and boom deflection from hoisting loads; and

10 (3) Specific knowledge of crane operations, including:

11 (a) Voice and radio communications;

12 (b) Personal fall protection methods;

13 (c) Emergency procedures; and

14 (d) Hazards and restrictions associated with working adjacent  
15 to overhead electric lines and equipment.

16 2. In lieu of compliance with subsection 1 of this section, an  
17 employer may accept a certification from a nationally recognized  
18 certification program accredited by the NCCA or ANSI that  
19 demonstrates that the signal person has acquired and maintains the  
20 knowledge, skill, and ability required to provide competent hand or  
21 verbal signals to control crane operations.

292.712. 1. An employer shall ensure that all rigging used is in  
2 accordance with the rigging manufacturer's limitations and  
3 requirements and that no individual is permitted to rig loads to be  
4 lifted by a crane unless the individual has received training  
5 appropriate to the level of work to be performed as required by this  
6 section.

7 2. An employer shall ensure that a level I rigger has completed  
8 training in the safe application, use, and limitations of rigging  
9 equipment, as applicable to the work performed, and has a basic

10 **knowledge of the following:**

11 **(1) Voice and radio communications;**

12 **(2) Standard hand signals as defined in department rule based**  
13 **on the latest ASME Safety Standards;**

14 **(3) Rigging hardware, including hooks and similar attaching**  
15 **devices, shackles, clips, clamps, taglines, synthetic/wire rope slings, and**  
16 **common load configurations and positioning.**

17 **3. The level I rigger shall demonstrate specific knowledge of**  
18 **crane operations, including:**

19 **(1) Voice and radio communications;**

20 **(2) Personal fall protection methods;**

21 **(3) Emergency procedures; and**

22 **(4) Hazards and restrictions associated with working adjacent to**  
23 **overhead electric lines and equipment.**

24 **4. An employer shall ensure that in addition to the requirements**  
25 **of a level I rigger, a level II rigger has completed training in the safe**  
26 **application, use, and limitations of rigging equipment, as applicable to**  
27 **the work performed, including:**

28 **(1) Come-along/chain hoist operations;**

29 **(2) Rigging hitches and knots;**

30 **(3) Anchor points;**

31 **(4) Synthetic ropes for rigging;**

32 **(5) Wire rope;**

33 **(6) Chains;**

34 **(7) Reeving;**

35 **(8) Spreader bars and equalizing beams;**

36 **(9) Synthetic slings;**

37 **(10) Lifting points;**

38 **(11) Dollies;**

39 **(12) Trollies;**

40 **(13) Manual and power tuggers and winches;**

41 **(14) Bars and levers;**

42 **(15) Fiber rope for rigging jacks, jacking systems, and rams;**

43 **(16) Links and rings;**

44 **(17) Plate clamps;**

45 **(18) Softeners; and**

46 **(19) Cable dogs/grips.**

47           5. In lieu of compliance with subsection 3 of this section, an  
48 employer may accept proof of completion of training through an  
49 apprenticeship program for riggers that has been approved by the  
50 director.

51           6. An employer shall ensure that in addition to the requirements  
52 of a level II rigger, a master/lead rigger has completed training in the  
53 safe application, use, and limitations of rigging as applicable to the  
54 work performed, including:

- 55           (1) Blind hoists;
- 56           (2) Traveling with the load;
- 57           (3) Work in close quarters;
- 58           (4) Personnel lifting procedures;
- 59           (5) Load dynamics;
- 60           (6) Load weight estimation or determination;
- 61           (7) Specific criteria from the manufacturer or equipment  
62 representative in the safe and appropriate methods of erection,  
63 dismantling, jumping, and reconfiguring of cranes;
- 64           (8) Specific criteria for lifting a single load with multiple cranes;
- 65           (9) Load indicator devices;
- 66           (10) Capacity or load charts;
- 67           (11) Mechanical advantages;
- 68           (12) Center of gravity;
- 69           (13) Effects of angles or indirect pulling;
- 70           (14) Equipment capacity computations;
- 71           (15) Drum/diameter (D/d) ratios;
- 72           (16) Vectors and angles; and
- 73           (17) Boom angles and road radius.

74           7. In lieu of compliance with subsection 2, 4, or 6 of this section  
75 required for a level I rigger, level II rigger, and master/lead rigger, an  
76 employer may accept a certification from a nationally recognized  
77 certification program accredited by the NCCA or ANSI that  
78 demonstrates that the rigger has acquired and maintains the required  
79 knowledge, skills, and abilities.

80           8. An employer shall ensure that riggers receive refresher  
81 training under the following circumstances:

- 82           (1) If there are changes in the workplace or assigned duties and  
83 responsibilities that render the previous training obsolete;

84           **(2) If there are changes in the types of rigging systems or**  
85 **equipment to be used, rendering the previous training obsolete; or**

86           **(3) If a competent person observes or is aware of inadequacies**  
87 **in a rigger's knowledge, performance, use of rigging systems, or**  
88 **equipment that indicate that the rigger has not retained the requisite**  
89 **understanding or skill.**

90           **9. All riggers shall successfully pass a substance abuse test**  
91 **pursuant to the employer's drug and alcohol free workplace and**  
92 **substance abuse policy.**

**292.714. 1. An employer shall ensure that an initial inspection to**  
2 **verify operational safety of the equipment is conducted prior to the use**  
3 **of all new and altered cranes by a qualified person consistent with the**  
4 **periodic inspection requirements contained in department rule based**  
5 **on the latest ASME safety standards.**

6           **2. Inspections shall be conducted by the employer on a regular**  
7 **basis as follows:**

8           **(1) Daily inspections shall be conducted by a competent person**  
9 **when a crane is in use in accordance with the manufacturer's**  
10 **specifications and department rule based on the latest ASME safety**  
11 **standards;**

12           **(2) Annual inspections shall be conducted by a qualified person**  
13 **on a twelve-month interval in accordance with department rule based**  
14 **on the latest ASME safety standards.**

15           **3. An employer shall maintain inspection records for all**  
16 **inspections conducted on cranes, including inspections of brakes, crane**  
17 **hooks, ropes, hydraulic and pneumatic cylinders, and hydraulic and**  
18 **pneumatic pressure valves.**

19           **4. An employer shall maintain copies of daily inspection records**  
20 **for one year and annual inspection records and maintenance records**  
21 **for three years.**

22           **5. An employer shall make all records available to the director**  
23 **or the director's representative for review upon request.**

**292.716. 1. An employer shall ensure that prior to the erection**  
2 **or modification of any tower crane or supporting structure, a qualified**  
3 **person shall determine the appropriate and safe method to integrate,**  
4 **assemble, and erect the tower crane for that site.**

5           **2. The employer shall ensure that when a tower crane is erected,**

6 dismantled, jumped, or reconfigured written instructions by the  
7 manufacturer or a qualified person and a list of the weights of each  
8 subassembly to be erected, dismantled, jumped, or reconfigured are  
9 maintained at the site where the work is performed.

10 3. Except when approved and documented by a qualified person,  
11 prior to the commencement of work on the tower crane, the employer  
12 shall establish procedures for the particular site for the erection,  
13 dismantling, jumping, or reconfiguration work.

14 4. An employer shall ensure that the erection, dismantling,  
15 jumping, or reconfiguring of a tower crane is performed under the  
16 direct supervision of a master/lead rigger.

17 5. An employer shall ensure that a daily job safety briefing is  
18 conducted before the commencement of work with all persons working  
19 on or around the crane:

20 (1) Prior to each jumping operation;

21 (2) Prior to when the boom, jib, or counter-jib is to be  
22 reconfigured; or

23 (3) Prior to when a tower crane is to be dismantled.

24 6. An employer shall ensure that the master/lead rigger discusses  
25 the following at the daily job safety briefing:

26 (1) The site-specific procedures;

27 (2) The manufacturer's recommendations and precautions;

28 (3) Any concerns related to the process that is to be undertaken;

29 (4) The communication methods and procedures to be used; and

30 (5) The process workload for the work shift, including the  
31 individual tasks to be performed by each person.

32 7. An employer shall ensure that erection, dismantling, and  
33 inspections shall be conducted in accordance with department rules  
34 based on the latest ASME safety standards.

292.718. An employer shall maintain a written record of the  
2 training for each crane operator, signal person, rigger, and crane  
3 operator trainee for five years in the employer's principal office of  
4 business in Missouri and make such records available to the director  
5 or the director's representative for examination and copying upon  
6 request.

292.720. 1. An employer shall ensure that each time a special lift  
2 occurs, it is under the direct supervision of a master/lead rigger and

3 that prior to the commencement of work, all rigging used in special  
4 lifts is inspected for compliance with all requirements by the  
5 master/lead rigger.

6 2. Except as provided in subsection 3 of this section, forty-eight  
7 hours prior to the commencement of any special lift, an employer shall  
8 notify the director, of the following information:

- 9 (1) Name of employer;
- 10 (2) General or managing contractor;
- 11 (3) Type of special lift;
- 12 (4) Site location;
- 13 (5) Specific site of special lift within the location;
- 14 (6) Site contact person and phone number;
- 15 (7) Equipment involved; and
- 16 (8) Scheduled time of special lift.

17 3. If an employer is unable to provide forty-eight hours notice to  
18 the director prior to the commencement of any special lift, the  
19 employer shall provide the director with notice as soon as practical and  
20 a written explanation why forty-eight hours notice was not provided,  
21 along with the required information in subsection 2 of this section no  
22 later than twenty-four hours after the special lift.

292.722. 1. Any employer of persons engaged in crane operations  
2 that violates any provision of sections 292.700 to 292.726 shall be liable  
3 for damages of not less than fifty dollars, but no more than two  
4 hundred dollars for each violation. Each day a violation continues  
5 shall constitute a separate violation.

6 2. The director of the department of labor and industrial  
7 relations, or the director's designee, shall notify, by certified mail, the  
8 person charged with any violations. The notice of violation shall  
9 include the nature of the violation, the date of the violation, the  
10 amount of damages the director is requesting, the terms and conditions  
11 for any settlement agreement, and the right to contest the director's  
12 decision to seek damages.

13 3. The director, or the director's designee, shall determine the  
14 amount of civil damages to request based on the nature and gravity of  
15 the violation. This determination shall be based on factors as set forth  
16 in departmental rules.

17 4. Any violation determination shall be final, unless within

18 twenty calendar days after the director or the director's designee  
19 mailed the violation determination, the person charged with the  
20 violation notifies the director in writing that the violation  
21 determination is being contested.

22 5. If contested, the director, or the director's designee, shall set  
23 a meeting with the person contesting the findings in order to review  
24 the findings of the department. After review of the findings, the  
25 director, or the director's designee, may hold that the findings support  
26 the violation determination or may issue a revised violation  
27 determination or may retract the violation determination.

28 6. The determination of the director, or the director's designee,  
29 shall be the final determination pertaining to the violation  
30 determination, unless judicial review is sought pursuant to chapter 536.

292.724. 1. Upon proper application by the department, a court  
2 of competent jurisdiction may grant an injunction, restraining order,  
3 or other order as may be appropriate to enjoin a person from:

4 (1) Erecting, operating, or dismantling a crane used in  
5 construction or demolition if the employer is in violation of the  
6 requirements of sections 292.700 to 292.726; or

7 (2) Engaging in any practice or business regulated by sections  
8 292.700 to 292.726 upon a showing that the holder presents a  
9 probability of serious danger to the health, safety, or welfare of any  
10 resident of the state.

11 2. Any such actions shall be commenced either in the county in  
12 which such conduct occurred or in the county in which the defendant  
13 resides.

14 3. Any action brought pursuant to this section shall be in  
15 addition to and not in lieu of any penalty provided by law and may be  
16 brought concurrently with other actions to enforce sections 292.700 to  
17 292.726.

18 4. An action seeking civil damages may be joined with any action  
19 brought pursuant to this section.

292.726. 1. There is hereby created in the state treasury a fund  
2 to be known as the "Crane Safety Enforcement Fund". All fees collected  
3 under section 292.700, all moneys awarded by any court for civil  
4 damages for violations of sections 292.700 to 292.726 and all moneys  
5 collected in settlements from persons who violate the provisions of

6 sections 292.700 to 292.726 shall be transmitted to the department of  
7 revenue for deposit in the crane safety enforcement fund. Subject to  
8 appropriations, the money in this fund shall be used by the department  
9 of labor and industrial relations for investigations and enforcement of  
10 the provisions of sections 292.700 to 292.726.

11 2. Notwithstanding the provisions of section 33.080 to the  
12 contrary, money in this fund shall not be transferred and placed to the  
13 credit of general revenue until the amount in the fund at the end of the  
14 biennium exceeds two times the amount of the appropriations from the  
15 fund for the preceding fiscal year. The amount, if any, in the fund  
16 which shall lapse is that amount in the fund which exceeds the  
17 appropriate multiple of the appropriations from the fund for the  
18 preceding fiscal years.

✓

Bill

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