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## **OLR Bill Analysis**

### **sHB 5405**

#### ***AN ACT CONCERNING OWNERS, OPERATORS AND LESSEES OF CRANES AND HOISTING EQUIPMENT.***

#### **SUMMARY**

This bill makes several changes to the state's laws on cranes and hoisting equipment, including how they are regulated by the Department of Administrative Services (DAS) and the Examining Board for Crane Operators. Generally, it:

1. expands the size of the board by two members, from five to seven;
2. eliminates licensure and registration exemptions for people engaged in arboriculture (i.e. cultivating trees and shrubs); and
3. changes the department's and board's investigative and enforcement authority, such as by allowing stop work orders to be issued, increasing the maximum civil penalty for violations, and expanding who the penalty can be applied against to include equipment owners' lessees and contractors.

The bill also makes conforming and technical changes, including specifying that notices and hearings must be done according to the Uniform Administrative Procedure Act (UAPA).

EFFECTIVE DATE: October 1, 2026

#### **EXAMINING BOARD FOR CRANE OPERATORS MEMBERSHIP EXPANSION (§ 2)**

Under current law, the Examining Board for Crane Operators in DAS has five members, of which one must be a DAS employee, one must be a crane operator with at least 10 years of experience, one must represent crane owners' interests, and two must be public members. The bill

expands the board's size by two members by adding a second crane operator who has the requisite experience and a second crane owners' representative. By law and under the bill, all board members are appointed by the governor and must be Connecticut residents.

**LICENSURE AND REGISTRATION REQUIREMENTS FOR ARBORICULTURISTS (§§ 3 & 4)**

Current law exempts several classes of people from the state's crane and hoisting equipment licensure and registration requirements. The bill eliminates these exemptions for people engaged in arboriculture. Consequently, they will need to obtain the respective licenses or certificates of registration issued by the Examining Board for Crane Operators in order to (1) operate or permit the operation of a crane they own or (2) engage in, practice, or offer to perform the work of a hoisting equipment operator, hoisting equipment operator apprentice, crane operator, or crane operator apprentice (CGS §§ 29-223a(a) & 29-224(a)).

**CHANGES TO INVESTIGATING AND ENFORCING THE STATE'S CRANE AND HOISTING EQUIPMENT LAWS (§§ 1 & 5-7)**

The bill makes several changes to the investigative and enforcement authority of DAS and the Examining Board for Crane Operators, including to explicitly encompass lessees. Under the bill, a "lessee" is any individual or other legal entity that rents or leases a crane or hoisting equipment (§ 1).

***Right of Entry for Investigation and Inspection (§ 5)***

Current law allows the DAS commissioner and its employees, while performing their duties and at all reasonable hours, to enter any premises where a crane or hoisting equipment is located to enforce the laws applicable to them. The bill limits this right of entry to premises where they have reason to believe a crane or hoisting equipment is located. It also specifies that they may require:

1. crane and hoisting equipment operators to produce their licenses for verification;
2. crane owners to produce their crane's certificate of registration for verification; and

3. crane and hoisting equipment operators, owners, and lessees to produce any document establishing an agreement they have with an individual or other legal entity to perform crane or hoisting work on the premises.

(Existing law already requires (1) crane and hoisting equipment operators to carry their licenses when operating their respective equipment and (2) cranes' certificates of registration to be affixed to them in their principal operating location (CGS §§ 29-223a(a) & 29-224(a); Conn. Agencies Regs., § 29-223-5a(d)).)

### ***Stop Work Orders (§§ 6 & 7)***

The bill allows the DAS commissioner and its employees to issue a stop work order against a crane or hoisting equipment owner, operator, or lessee, or their contractors performing crane or hoisting work, if either determines the owner, operator, lessee, or contractor has committed one or more of the following violations: (1) demonstrating incompetence or negligence; (2) permitting the operation of the owner's, operator's, or lessee's crane in an unsafe manner; or (3) failing to comply with the state's crane and hoisting equipment licensure and registration requirements.

Under the bill, a stop work order:

1. must require that the owner's, operator's, or lessee's crane, hoisting equipment, or related lifting operations stop at the place or premises where the violation was determined to have occurred;
2. must not require unrelated construction activities at the place or premises to stop unless they present an immediate danger to an individual or property;
3. is effective when served upon the owner, operator, or lessee and contractor by posting notice of the stop work order in a conspicuous location at the place or premises; and
4. remains in effect until the commissioner determines that the

owner, operator, lessee, or contractor has resolved the violation and issues an order releasing the stop work order.

The bill allows anyone served with a stop work order to request an administrative hearing to contest it. The request must be made in writing to the commissioner within 10 days after being served, and the hearing must be conducted according to the UAPA.

Additionally, the bill requires the commissioner to (1) adopt regulations to carry out the bill's stop work order provisions and (2) notify the Examining Board for Crane Operators of each stop work order issued and any violation of an issued order. If the board, after notice and hearing, finds that a crane or hoisting equipment owner or operator, lessee, or contractor violated a stop work order, the bill requires it to impose a fine of \$5,000 per day for each day the order was violated.

### ***Suspensions, Revocations, and Penalties (§ 7)***

The bill modifies one of the circumstances when the Examining Board for Crane Operators may suspend or revoke a crane or hoisting equipment operator's license or an apprentice's certificate. Current law allows the board to do so after notice and hearing and a finding that the holder has been guilty of negligence in performing his or her work. The bill instead only requires a finding that the holder has demonstrated negligence in his or her work performance.

Additionally, the bill increases the existing maximum civil penalty against crane and hoisting equipment owners and operators for violating the state's crane and hoisting equipment laws from a fine of up to \$3,000 per violation to a fine of up to \$5,000 per violation per day. It also expands who this penalty may be applied against to include lessees and contractors. The bill specifies that penalties may only be imposed after notice and hearing and a finding that the owner, operator, or lessee violated the crane and hoisting equipment laws.

The bill also allows the board to impose a civil penalty of up to \$1,000 per violation per day on any crane or hoisting equipment owner, operator, or lessee after notice and hearing and upon a finding that the

owner, operator, or lessee has operated, or allowed the operation of, his or her crane or hoisting equipment without a valid license or certificate of registration.

At any time after issuing a notice alleging a violation, the bill allows the board to accept an agreement instead of holding a hearing. It makes agreement negotiations confidential and exempt from disclosure under the state's Freedom of Information Act but makes the agreement itself a public record under the act.

Lastly, the bill allows the DAS commissioner to apply to Hartford Superior Court for the enforcement of any civil penalty imposed against any person who is not licensed as a crane or hoisting equipment operator or who has not obtained a registration of any crane for an order (1) directing payment in full of any unpaid balance of the civil penalty, or (2) temporarily and permanently restraining and enjoining the person from performing or allowing the performance of the work of a crane or hoisting equipment operator. The application for an order, and for any other appropriate decree or process, must be brought, and the proceedings conducted, by the attorney general.

## **BACKGROUND**

### ***Related Bill***

sHB 5003, §§ 26-32, favorably reported by the Labor and Public Employees Committee, has identical provisions.

## **COMMITTEE ACTION**

Public Safety and Security Committee

Joint Favorable Substitute

Yea 29    Nay 0    (03/17/2026)