

<h2 style="margin: 0;">Regulatory Analysis Form</h2> <p style="margin: 0;">(Completed by Promulgating Agency)</p> <p style="margin: 0;"><small>(All Comments submitted on this regulation will appear on IRRC's website)</small></p>		<p style="margin: 0;">INDEPENDENT REGULATORY REVIEW COMMISSION RECEIVED</p> <p style="margin: 0;">MAR 10 2022</p> <p style="margin: 0;">Independent Regulatory Review Commission</p> <p style="margin: 0;">IRRC Number: 3338</p>
<p>(1) Agency Department of State, Bureau of Professional and Occupational Affairs, State Board Crane Operators</p>		
<p>(2) Agency Number: 16A Identification Number: 7104</p>		
<p>(3) PA Code Cite: 49 Pa. Code §§ 6.16, 6.17</p>		
<p>(4) Short Title: Licensure by Endorsement</p>		
<p>(5) Agency Contacts (List Telephone Number and Email Address):</p> <p>Primary Contact: Dean F. Picarella, Board Counsel, State Board of Crane Operators, P.O. Box 69523, Harrisburg, PA 17106-9523 (phone 717-783-7200) (fax 717-787-0251) (dpicarella@pa.gov).</p> <p>Secondary Contact: Jacqueline A. Wolfgang, Senior Regulatory Counsel, Department of State, P.O. Box 69523, Harrisburg, PA 17106-9523 (phone 717-783-7200) (fax 787-0251) jawolfgang@pa.gov.</p>		
<p>(6) Type of Rulemaking (check applicable box):</p> <p><input checked="" type="checkbox"/> Proposed Regulation <input type="checkbox"/> FINAL REGULATION <input type="checkbox"/> Final Omitted Regulation</p>		<p><input type="checkbox"/> Emergency Certification Regulation; <input type="checkbox"/> Certification by the Governor <input type="checkbox"/> Certification by the Attorney General</p>
<p>(7) Briefly explain the regulation in clear and nontechnical language. (100 words or less)</p> <p>Section 3111 of 63 Pa.C.S. (relating to licensure by endorsement) requires the State Board of Crane Operators (Board) to issue a license, certificate, registration or permit to an applicant to allow practice in this Commonwealth provided the applicant meets the following criteria: holds a current license, certificate, registration or permit from another state, territory or country whose licensing requirements are substantially equivalent to or exceed the requirements in this Commonwealth; demonstrates competency by methods determined by the Board; has not committed any act that constitutes grounds for refusal, suspension or revocation of a license, certificate, registration or permit to practice that profession or occupation in this Commonwealth, unless the Board determines such conduct is not an impediment to granting the license, certificate, registration or permit; is in good standing and has not been disciplined by the jurisdiction that issued the license, certificate, registration or permit, unless the Board determines such conduct is not an impediment to granting the license, certificate, registration or permit; and the applicant pays fees, as established by regulation. Additionally, 63 Pa.C.S. § 3111 authorizes boards and commissions to issue a provisional license, certificate, registration, or permit while an applicant is</p>		

satisfying remaining requirements for licensure by endorsement, for which the Board must set by regulation the terms of expiration.

The act of July 1, 2020, (P.L. 575, No. 53) added 63 Pa.C.S. § 3111 as part of the consolidation of the act of July 2, 1993 (P.L. 345, No. 48) (Act 48) into Title 63, Chapter 31 of the Pennsylvania Consolidated Statutes. The text of 63 Pa.C.S. § 3111 was originally added to Act 48 by the act of July 1, 2019 (P.L. 292, No. 41) (Act 41). This rulemaking effectuates Act 41.

(8) State the statutory authority for the regulation. Include specific statutory citation.

63 Pa.C.S. § 3111 requires licensing boards and commissions to issue a license, certificate, registration or permit to an applicant, who pays fees established by the Board by regulation, provided the applicant meets certain criteria for eligibility. 63 Pa.C.S. § 3111 also requires boards and commissions that issue provisional licenses, certificates, registration or permits to set the expiration of the provisional endorsement license by regulation.

(9) Is the regulation mandated by any federal or state law or court order, or federal regulation? Are there any relevant state or federal court decisions? If yes, cite the specific law, case or regulation as well as, any deadlines for action.

63 Pa.C.S. § 3111(a)(5) requires the Board to set the fee to be charged by regulation and subsection (b)(2) requires the Board to set an expiration of the provisional endorsement license. Otherwise, this rulemaking is not mandated by any Federal or state law or court order, or Federal regulation.

(10) State why the regulation is needed. Explain the compelling public interest that justifies the regulation. Describe who will benefit from the regulation. Quantify the benefits as completely as possible and approximate the number of people who will benefit.

The regulation is needed to implement 63 Pa.C.S. § 3111 to provide for licensure by endorsement to applicants from other states, territories and countries. Act 41 was enacted due to a recognition that licensed professionals from other jurisdictions have difficulty obtaining a license to practice in this Commonwealth. Licensure by endorsement under 63 Pa.C.S. § 3111 helps eliminate unnecessary barriers to licensure for citizens from other jurisdictions and for military personnel and their spouses while maintaining sufficient safeguards to ensure public protection. 63 Pa.C.S. § 3111 enables boards and commissions under the Bureau of Professional and Occupational Affairs (Bureau) to issue a license by endorsement, and further provides for a provisional endorsement license to quickly move these professionals into the workforce without unnecessary delays, which reduces the barriers to employment.

Since the effective date of Act 41 (August 30, 2019), the Board has neither received, nor has it considered any licensure by endorsement applications. Based upon the number of applications received, the Board estimates receiving less than 5 applications on an annual basis.

(11) Are there any provisions that are more stringent than federal standards? If yes, identify the specific provisions and the compelling Pennsylvania interest that demands stronger regulations.

There are no provisions that are more stringent than federal standards applicable to the subject matter of the regulation.

(12) How does this regulation compare with those of the other states? How will this affect Pennsylvania's ability to compete with other states?

This regulation will not adversely affect Pennsylvania's ability to compete with other states. The purpose of 63 Pa.C.S. § 3111 is to make it easier for out-of-state applicants, including military spouses, who have an out-of-state professional or occupational license to work in Pennsylvania. The purpose of 63 Pa.C.S. § 3111 is also to reduce barriers to employment, which will make Pennsylvania more competitive. 63 Pa.C.S. § 3111 and the Board's proposed regulations will encourage skilled workers and their families to move to Pennsylvania, which will enhance the workforce, provide more talent for businesses, and help grow Pennsylvania's economy. Surrounding states also have similar laws and regulations for licensure by endorsement in the crane operator field.

In comparing the proposed regulation to other states, the Board researched states in the Northeastern region of the United States. The Board identified one other State (New Jersey) that has a comprehensive license by endorsement law that is applicable to the various professional licensing boards in New Jersey. Similar to 63 Pa.C.S. § 3111, New Jersey requires its professional licensing boards to issue a license to any person who holds a current professional or occupational license in good standing whose licensure standards are substantially equivalent to the current standards of New Jersey. Unlike 63 Pa.C.S. § 3111, New Jersey does not require applicants to demonstrate competency and does not provide discretion to issue a discretionary provisional license. While Pennsylvania's competency requirement may be more stringent than New Jersey, demonstration of competency is statutorily required under 63 Pa.C.S. § 3111.

The Board also researched whether other crane operator state boards have similar licensure by endorsement laws and regulations applicable to the crane operator profession. For those states that have similar licensure by endorsement laws and regulations applicable to the crane operator profession, the Board compared the following criteria: eligibility requirements (substantial equivalence or other standard); competency methods; and provisional licenses, including expiration of the provisional license.

Delaware, Maine, New Hampshire, Ohio and Vermont do not license or certify crane operators. Maryland, Massachusetts, Rhode Island and West Virginia license or certify crane operators, but do not have any provisions for licensure by endorsement.

Connecticut licenses crane operators and does have a licensure by endorsement provision. Connecticut requires that an applicant show competency by having at least two years of experience in the operation of a crane but does not limit that experience to having occurred within two of the past five years. New York certifies crane operators, and the Commissioner may issue a certificate of competence without examination to the holder of a license or certificate issued by another state or government entity that allows such holder to operate cranes when, in the opinion of the Commissioner, the standards used by such entity for the certification or licensing of crane operators are comparable to those of New York. New York has no requirement to show competency in the operation of a crane before issuing a license by endorsement.

None of the states surveyed issue provisional licenses for applicant's seeking licensure by endorsement.

Based on this information, the Board believes the amendments will not put Pennsylvania at a competitive disadvantage. To the contrary, by allowing applicants to become licensed through endorsement who can demonstrate competency by experience for at least two of the five years immediately preceding the date of application, and by providing for provisional licenses, which allows an applicant to hold a provisional license while the applicant is satisfying remaining requirements for licensure by endorsement, Pennsylvania will be at a competitive advantage over states that do not have licensure by endorsement.

Of the states that do license crane operators, and that have licensure by endorsement provisions, the requirements for licensure by endorsement in those states are similar to those of 63 Pa.C.S. § 3111.

(13) Will the regulation affect any other regulations of the promulgating agency or other state agencies? If yes, explain and provide specific citations.

This rulemaking does not affect other regulations of the Board or other state agencies.

(14) Describe the communications with and solicitation of input from the public, any advisory council/group, small businesses and groups representing small businesses in the development and drafting of the regulation. List the specific persons and/or groups who were involved. (“Small business” is defined in Section 3 of the Regulatory Review Act, Act 76 of 2012.)

In drafting the proposal, the Board solicited comments from stakeholders and interested parties in July of 2020. The Board considered input and information provided by Richard Thompson from the National Commission for the Certification of Crane Operators (NCCCO).

The first comment from NCCCO was a recommendation that the Board “[i]nclude OSHA’s language regarding government-issued licenses in 1926.1427(c) as a component of being considered *substantially equivalent*, including: a written exam, a practical (hands-on) exam, exams covering the topics in 1926.1427(j)(1) and (2), a determination by the entity overseeing the licensure program that it meets OSHA’s requirements, and an official statement from the other jurisdiction’s licensing body that it has been deemed compliance would be ideal in this regard.” Under the substantial equivalent requirement of section 6.16(b)(1) of the proposed rulemaking, the Board will review all the requirements for licensure in the jurisdiction from which the applicant has received licensure. The Board is aware of OSHA’s requirements and is required to implement Federal mandates when reviewing applications. As it currently does for all applications, the Board will ensure that all the necessary components of the original licensing jurisdictions certification, including a written and practical exam and other OSHA requirements are included as part of that certification.

The next comment recommended that the Board include additional language to assure that the Board only considers a “license, certification, registration or permit” issued in another jurisdiction as substantially equivalent if the certifying agency accepted in the jurisdiction that issued the licensee, certificate, registration or permit was “[a]ccredited by the American National Standards Institute (ANSI) or the National Commission for Certifying Agencies (NCCA) *at the time of the issuance of the certification.*” This suggestion has already been established in the definitional sections of section 102 of the act the Crane Operator Licensure Act (act), the act of October 9, 2008 (P.L. 1363, No. 100) (63 P.S. § 2400.102), and § 6.2 of the Board’s regulations, which are applicable to any applications made under this new provision. NCCCO also recommended that the Board “Include a reference to 29 CFR 1926.1427(c)(1) – (c)(4) “Operator certification or licensing”, within Section 6.16(b)(1)(i).” In response, the Board notes that the Board will be reviewing the requirements of the original licensing jurisdiction to ensure that the applicant is eligible to receive a license in Pennsylvania in accordance with the requirements of act and current regulations, and the licensure process of the other jurisdiction is substantially equivalent of that of the Commonwealth of Pennsylvania. The referenced CFR sections are included in the substantial equivalent standards referenced in 6.16 (b)(1). The Board is dutybound to enforce and implement Federal requirements that must be met and will continue to do so for all applications, including licensure by endorsement applications. Accordingly, the Board does not believe it is necessary to add these provisions as doing so would be duplicative.

(15) Identify the types and number of persons, businesses, small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012) and organizations which will be affected by the regulation. How are they affected?

For purposes of this rulemaking, the Board estimates that less than 5 individuals will apply for licensure by endorsement on an annual basis.

According to the Pennsylvania Department of Labor and Industry (L&I) 2019-2021 Short-Term Forecast, there were an estimated 3,350 crane & tower operators employed in Pennsylvania. Of those crane & tower operators, the majority worked for warehousing and storage (19%), wholesale trade (15%), temporary help services (9%), construction (7%) and food manufacturing (6%).

Based on their experience in the crane industry, the Board's professional board members estimate that currently approximately 70% of the mobile cranes in Pennsylvania are used in construction applications. About 15% are used for maintenance work at plant operations. These plants could be power generation plants and manufacturing plants. The other 15% are used by natural gas well service companies.

For the business entities listed above, small businesses are defined in Section 3 of Act 76 of 2012, which provides that a small business is defined by the U.S. Small Business Administration's (SBA) Small Business Size Regulations under 13 CFR Ch. 1 Part 121. Specifically, the SBA has established these size standards at 13 CFR § 121.201 for types of businesses under the North American Industry Classification System (NAICS). In applying the NAICS standards to the types of businesses where crane operators work, these companies are considered small businesses if the average annual receipts are \$39.5 million or less. For all specialty trade contractor categories and other building equipment contractors, small businesses are considered those with \$16.5 million or less in average annual receipts. For iron and steel mills and ferroalloy manufacturing, as well as iron and steel pipe and tube manufacturing from purchased steel, and nonferrous metal (except aluminum) smelting and refining, small businesses are considered those with 1,000 or fewer employees. For companies that provide support activities for rail transport, small businesses are considered those with 1,500 or fewer employees for line-haul railroads and 500 or fewer employees for short line railroads. For nonferrous metal (except copper and aluminum) rolling, drawing and extruding, as well as secondary smelting, refining and alloying of nonferrous metal (except for copper and aluminum), small businesses are considered those with 750 or fewer employees. Small businesses for miscellaneous durable goods merchant wholesalers are those with 100 or fewer employees.

Small businesses for electric power generation plants range from 750 or fewer employees to 250 employees. Fossil fuel electric power generation plants and nuclear electric power generation plants are considered small businesses if they have 750 or fewer employees. Hydroelectric power generation plants are small businesses if they have 500 or fewer employees. All other electric power generation plants are small businesses if they have 250 or fewer employees.

In considering all of these small business thresholds set by NAICS for the businesses in which crane operators work, it is probable that many of the licensed crane operators work in small businesses. Based on their experience in the crane industry, the Board's professional board members believe that approximately half of the licensed crane operators work in small businesses and the other half work for larger contracting companies, including power plants and manufacturing plants.

This rulemaking only affects individuals who apply for licensure by endorsement. These individuals would be impacted by the \$100 fee to apply for licensure. This fee is the same amount as applicants who apply by reciprocity under the act. Whether small businesses will be impacted by the regulations depends

on whether the businesses would pay the application fee for licensure by endorsement. Because the application fees are incurred by individuals applying for licensure, any business (small or otherwise) could avoid these costs by requiring employees to pay their own licensure costs. Moreover, the proposed rulemaking will have a positive impact in that it is implementing 63 Pa.C.S. § 3111, which provides an additional pathway to licensure that previously did not exist.

(16) List the persons, groups or entities, including small businesses, that will be required to comply with the regulation. Approximate the number that will be required to comply.

Applicants for licensure by endorsement as a crane operator will be required to comply with the proposed rulemaking. The Board estimates less than 5 licensure by endorsement applications a year for this profession. Small businesses will only be fiscally impacted to the extent they voluntarily pay licensure fees and other costs for applicants.

(17) Identify the financial, economic and social impact of the regulation on individuals, small businesses, businesses and labor communities and other public and private organizations. Evaluate the benefits expected as a result of the regulation.

The Commonwealth will benefit from licensure by endorsement under 63 Pa.C.S. § 3111. The purpose of 63 Pa.C.S. § 3111 is to make it easier for out-of-state applicants, including military spouses, who have an out-of-state professional or occupational license to work in Pennsylvania. The purpose of 63 Pa.C.S. § 3111 is also to reduce barriers to employment, which will make Pennsylvania more competitive. 63 Pa.C.S. § 3111 and the Board's regulations will encourage skilled workers and their families to move to Pennsylvania, which will enhance the workforce, provide more talent for businesses, and help grow Pennsylvania's economy.

The citizens of the Commonwealth will also benefit from the enhanced workforce and growth in economy while still having assurance of a level of competence similar to existing licensees in this Commonwealth. To show competence, the Board requires showing experience in the profession for at least two of the five years immediately preceding the date of the application. This method assures competency because it shows that the applicant has been actively engaged in the profession and possesses the skills needed to operate a crane in a safe and competent manner.

The financial impact of the regulation falls primarily on the applicants and the Board. Individuals seeking licensure by endorsement will incur costs associated with qualifying for and obtaining a license. As noted above, an applicant applying for licensure by endorsement under 63 Pa.C.S. § 3111 would be required to pay the \$100 application fee, which covers the costs of processing the application. This application fee is the same for other applicants applying by initial application or reciprocity authorized by the Crane Operators Licensing Act (act), 63 P.S. §§ 2400.101—2400.2102. For foreign applicants, if the other law, regulation or other rule is in a language other than English, § 6.16(a)(1)(ii) would require the applicant to have it professionally translated at the applicant's expense. The Board has not yet received any licensure by endorsement applications from foreign applicants.

The positive impact for applicants is that 63 Pa.C.S. § 3111 and the proposed regulation provides a new pathway to licensure that did not previously exist.

(18) Explain how the benefits of the regulation outweigh any cost and adverse effects.

As previously discussed, 63 Pa.C.S. § 3111 benefits this Commonwealth and its citizens and individual applicants wishing to obtain licensure. The costs associated with obtaining licensure are outweighed by the need of the Board to set fees to cover its costs for processing applications to maintain the fiscal integrity of the Board, and by the equity of assessing the costs of processing applications to the applicants themselves, as opposed to the existing licensee population bearing these costs through increased biennial renewal fees. The General Assembly contemplated and weighed the impact of imposing fees on applicants in 63 Pa.C.S. § 3111(a)(5) against the benefits of providing an additional pathway to licensure to individuals from other jurisdictions. While avoiding economic impact to applicants is always preferable, the General Assembly recognized that boards fees are necessary in order to pay for the costs associated with the filing of applications.

Regarding the cost of translating the law, regulation or other rule to English, this is a necessary part of the application process. If the Board is unable to understand the other jurisdiction's requirements, it will not be able to determine whether those requirements are substantially equivalent.

There are no costs associated with the requirement to demonstrate competency in the practice of the profession; therefore, demonstrating competency will not have an adverse effect on applicants.

(19) Provide a specific estimate of the costs and/or savings to the **regulated community** associated with compliance, including any legal, accounting or consulting procedures which may be required. Explain how the dollar estimates were derived.

An individual applying for licensure by endorsement under 63 Pa.C.S. § 3111 will incur an initial licensing application fee of \$100. Since the effective date of Act 41, the Board has not received any licensure by endorsement applications. During this period, the total costs incurred for application fees was \$0. Based upon this information, the Board anticipates less than 5 licensure by endorsement applications per year, which will result in approximate costs in the amount of \$500 annually.

(20) Provide a specific estimate of the costs and/or savings to the **local governments** associated with compliance, including any legal, accounting or consulting procedures which may be required. Explain how the dollar estimates were derived.

The regulation would not result in costs or savings to local governments.

(21) Provide a specific estimate of the costs and/or savings to the **state government** associated with the implementation of the regulation, including any legal, accounting, or consulting procedures which may be required. Explain how the dollar estimates were derived.

The Board will incur increased operational costs to implement the licensure by endorsement under Act 41 of 2019. The costs incurred by the Board should be recouped in the form of application fees paid by the applicants.

(22) For each of the groups and entities identified in items (19)-(21) above, submit a statement of legal, accounting or consulting procedures and additional reporting, recordkeeping or other paperwork, including copies of forms or reports, which will be required for implementation of the regulation and an explanation of measures which have been taken to minimize these requirements.

There should be no legal, accounting or consulting procedures associated with this rulemaking. Like all other applicants under the Board, affected individuals will be required to submit an application for licensure accompanied by required documentation.

(22a) Are forms required for implementation of the regulation?

Yes, applicants are required to submit an online application. An application can be submitted by using the Pennsylvania Licensing System (PALS) website, at www.pals.pa.gov. The applicant will create an account, and then will be guided through the application process by answering a series of questions. Any supporting documents may be uploaded directly to the system and will be part of the application packet.

(22b) If forms are required for implementation of the regulation, attach copies of the forms here. If your agency uses electronic forms, provide links to each form or a detailed description of the information required to be reported. Failure to attach forms, provide links, or provide a detailed description of the information to be reported will constitute a faulty delivery of the regulation.

The agency currently uses an online platform for the submission of applications for licensure through PALS, which also encompasses licensure by endorsement under 63 Pa.C.S. § 3111.

The Board has not yet developed an electronic application specifically for those applying for licensure through 63 Pa.C.S. § 3111. Applicants are asked to apply through the online platform for licensure and, to the extent necessary, this information is manually reviewed by Board counsel and the Board. Within the online platform, applicants are asked a series of questions. Applicants are asked if they are currently licensed in another jurisdiction and the type of license for which they are applying. Applicants currently licensed in another jurisdiction, which is defined in the final rulemaking as a state, territory, country or possession of the United States, are instructed to submit a copy of the current applicable law, regulation or other rule governing licensure, certification, registration or permit requirements and scope of practice in the jurisdiction that issued the license, translated into English if needed. Applicants are required to indicate whether they have been disciplined by the jurisdiction in which they are licensed. Applicants with disciplinary history must upload appropriate documentation related to the discipline. Applicants must provide a recent Criminal History Records Check (CHRC) from the state police or other state agency that is the official repository for criminal history record information for every state in which they have lived, worked, or completed professional training/studies for the past five years. Based upon the above, applications are forwarded to Board counsel, and to the Board, to determine eligibility under 63 Pa.C.S. § 3111. The Bureau is working towards creating a more detailed electronic application process specific to 63 Pa.C.S. § 3111 applications, which will decrease the need for manual review of applications. The Board has attached a paper application form which reflects the information currently being obtained through the existing online application process and the information that will be obtained through the online licensure by endorsement when it is developed. See Attachment "A."

(23) In the table below, provide an estimate of the fiscal savings and costs associated with implementation and compliance for the regulated community, local government, and state government for the current year and five subsequent years.

	Current FY 21-22	FY +1 22-23	FY +2 23-24	FY +3 24-25	FY +4 25-26	FY +5 26-27
SAVINGS:	\$	\$	\$	\$	\$	\$
Regulated Community						
Local Government						
State Government						
Total Savings	N/A	N/A	N/A	N/A	N/A	N/A
COSTS:						
Regulated Community	\$0	\$500.00	\$500.00	\$500.00	\$500.00	\$500.00
Local Government						
State Government						
Total Costs	\$0	\$500.00	\$500.00	\$500.00	\$500.00	\$500.00
REVENUE LOSSES:						
Regulated Community						
Local Government						
State Government						
Total Revenue Losses	N/A	N/A	N/A	N/A	N/A	N/A

(23a) Provide the past three year expenditure history for programs affected by the regulation.

Program	FY -3 2018-2019 (actual)	FY -2 2019-2020 (actual)	FY -1 2020-2021 (actual)	Current FY 2021-2022 (budgeted)
State Board of Crane Operators	(actual) \$217,649.27	(actual) \$210,347.02	(actual) \$292,117.84	(budget) \$275,000.00

(24) For any regulation that may have an adverse impact on small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012), provide an economic impact statement that includes the following:

- (a) An identification and estimate of the number of small businesses subject to the regulation.
- (b) The projected reporting, recordkeeping and other administrative costs required for compliance with the proposed regulation, including the type of professional skills necessary for preparation of the report or record.
- (c) A statement of probable effect on impacted small businesses.
- (d) A description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed regulation.

- (a) This rulemaking will not have an adverse impact on small businesses unless small businesses voluntarily pay application fees or other costs relating to establishing competency. Because these fees are incurred by individuals applying for initial licensure, any business (small or otherwise) could avoid these costs by requiring employees to pay their own licensure costs.
- (b) This rulemaking will not impose additional reporting, recordkeeping or other administrative costs on small businesses.
- (c) The probable effect on impacted small businesses would be positive because 63 Pa.C.S. § 3111 and the Board's regulations will encourage skilled workers and their families to move to Pennsylvania, which will enhance the workforce, provide more talent for businesses, and help grow Pennsylvania's economy.
- (d) The Board could discern no less costly or less intrusive alternative methods to effectuate the purpose of 63 Pa.C.S. § 3111 that would be consistent with the Board's mandate to produce enough revenue to cover its costs of operations and to administer the act in the public interest. As the Board does not have any continuing education requirements, and uses experience obtained while practicing the profession as its method of determining competency, there is no less costly or intrusive alternative methods of effectuating this regulation.

(25) List any special provisions which have been developed to meet the particular needs of affected groups or persons including, but not limited to, minorities, the elderly, small businesses, and farmers.

No special provisions have been developed for any affected groups or persons.

(26) Include a description of any alternative regulatory provisions which have been considered and rejected and a statement that the least burdensome acceptable alternative has been selected.

No alternative regulatory provisions were considered and rejected. The Board believes this proposal represents the least burdensome acceptable alternative.

(27) In conducting a regulatory flexibility analysis, explain whether regulatory methods were considered that will minimize any adverse impact on small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012), including:

- a) The establishment of less stringent compliance or reporting requirements for small businesses;
- b) The establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses;
- c) The consolidation or simplification of compliance or reporting requirements for small businesses;
- d) The establishment of performing standards for small businesses to replace design or operational standards required in the regulation; and
- e) The exemption of small businesses from all or any part of the requirements contained in the regulation.

- a) & b) The Board did not consider less stringent reporting requirements or deadlines for small businesses or for applicants that intend to work for small businesses. All applicants for licensure are treated equally.
- c) There are no compliance or reporting requirements that could be consolidated or simplified. The application process is the same whether a particular licensee is employed by a small business or a large business.
- d) The regulations do not contain design or operational standards that need to be altered for small businesses.
- e) To exclude any applicant from the requirements contained in the regulation based on the size of their employers would not be consistent with 63 Pa.C.S. § 3111.

(28) If data is the basis for this regulation, please provide a description of the data, explain in detail how the data was obtained, and how it meets the acceptability standard for empirical, replicable and testable data that is supported by documentation, statistics, reports, studies or research. Please submit data or supporting materials with the regulatory package. If the material exceeds 50 pages, please provide it in a searchable electronic format or provide a list of citations and internet links that, where possible, can be accessed in a searchable format in lieu of the actual material. If other data was considered but not used, please explain why that data was determined not to be acceptable.

No data, studies or references were used to justify the regulation.

(29) Include a schedule for review of the regulation including:

- A. The length of the public comment period: 30 days.
- B. The date or dates on which any public meetings or hearings will be held:

No public hearings were scheduled or held. The Board discusses its regulatory proposals at regularly scheduled meetings. This rulemaking was discussed at public board meetings in September 2019, November 2019, January 2020, May 2020, July 2020 and September 2020.
- C. The expected date of the final-form regulation: Summer of 2022.
- D. The expected effective date of the final-form regulation: Upon publication as final.
- E. The expected date by which compliance with the final-form regulation will be required: Upon publication as final.
- F. The expected date by which required permits, licenses or other approvals must be obtained: N/A

(30) Describe the plan developed for evaluating the continuing effectiveness of the regulations after its implementation.

The Board continually reviews the efficacy of its regulations, as part of its annual review process under Executive Order 1996-1. The Board reviews its regulatory proposals at regularly scheduled public meetings. The Board will meet on the following dates in 2021: November 22. More information can be found on the Board website (linked under boards and commissions from professional licensing on the Department's website at www.dos.pa.gov).

ATTACHMENT “A”

STATE BOARD OF CRANE OPERATORS

P.O. Box 2649
Harrisburg, PA 17105-2649

Telephone: (717) 783-1404

Fax: (717) 783-1404

Website: <https://www.dos.pa.gov/ProfessionalLicensing/BoardsCommissions/CraneOperators>

E-Mail: ra-craneoperators@pa.gov

Courier Address:

2601 North Third Street

Harrisburg, PA 17110

APPLICATION FOR LICENSURE BY ENDORSEMENT UNDER 63 PA.C.S. § 3111

PLEASE NOTE: If a pending application is older than one year from the date submitted and the applicant wishes to continue the application process, the State Board of Crane Operators (Board) shall require the applicant to submit a new application including the required fee.

In order to complete the application process, many of the supporting documents associated with the application cannot be more than six months from the date of issuance. All background check documents cannot be older than 90 days from the date of issuance.

1. REQUIREMENTS

- A. Hold a current license, certificate, registration or permit to practice as a crane operator in good standing to practice as a crane operator in a jurisdiction whose standards are substantially equivalent to or exceed those of the Board.
- B. Demonstrates competency by one of the following:
 - Experience in the practice of crane operation by demonstrating, at a minimum, that the applicant has actively engaged in the practice of crane operation the jurisdiction that issued the license, certificate, registration or permit for at least 2 of the last 5 years immediately preceding the filing of the application with the Board.
- C. Has not committed any act that constitutes grounds for refusal, suspension or revocation of a license, certification, registration or permit to practice crane operation under the act 63 P.S. 24000.101-2400.2102 or Board regulations 49 Pa. Code Chapter 6 and has not been disciplined by the jurisdiction that issued the license, certificate, registration or permit.
- D. Has paid the \$100 certification, licensure or registration fee.
- E. Provides a copy of the current applicable law, regulation or other rule governing licensure, certification, registration or permit requirements and scope of practice in the jurisdiction that issued the license. The copy of the applicable law, regulation or other rule must include the enactment date. If the applicable law, regulation or other rule is in a language other than English, at the applicant's expense, the applicable law, regulation or other rule shall be translated by a professional translation service and verified to be complete and accurate.

2. APPLICATION CHECKLIST

Persons licensed in other jurisdictions who possess a current license, license, certificate or permit in good standing:

- Complete pages 1, 2 and 3 of the application.

If any documentation submitted in connection with this application will be received in a name other than the name under which you are applying, you must submit a copy of the legal document(s) indicating the name change (i.e., marriage certificate, divorce decree which indicates the retaking of your maiden name; legal document indicating the retaking of a maiden name, or court order).

- \$100 Application Fee – Check or money order made payable to the Commonwealth of Pennsylvania. Fees are not refundable or transferable. If you do not receive the Board's approval to sit for the examination within one year from the date your application is received, you will be required to submit another application fee. A processing fee of \$20.00 will be charged for any check or money order returned unpaid by your bank, regardless of the reason for non-payment.
- Have the out-of-state licensing authorities in which you hold or have held a license to practice as a crane operator submit a letter of good standing directly to the State Board of Crane Operators with a state seal affixed to the letter.

- A Criminal Background Check from the state in which you reside must be submitted. The criminal background check must be completed within 90 days of submission of this application to the Board. Pennsylvania background checks may be obtained at <https://epatch.state.pa.us> or from the Pennsylvania State Police Central Repository, 1800 Elmerton Ave., Harrisburg, PA 17110-9758, (717) 783-5593. (If you reside outside of Pennsylvania, you must contact the State Police from your jurisdiction.)

3. INFORMATION

- A. Any change in disciplinary status between the date of submission of the application and the date of passing the examination must be reported to the Board in writing.

STATE BOARD OF CRANE OPERATORS

Mailing Address:
P.O. Box 2649
Harrisburg, PA 17105-2649
Telephone: (717) 783-1404
E-Mail: ra-craneoperators@pa.gov

Courier Address (if using a mailing service that requires a street address):
2601 North Third Street
Harrisburg, PA 17110
Fax: (717) 705-5540

APPLICATION FOR LICENSURE BY ENDORSEMENT UNDER 63 PA.C.S. § 3111

INITIAL APPLICATION FEE: \$100 PAYABLE TO THE COMMONWEALTH OF PENNSYLVANIA. FEES ARE NOT REFUNDABLE OR TRANSFERABLE. IF YOU DO NOT RECEIVE THE BOARD'S APPROVAL TO SIT FOR THE EXAMINATION WITHIN ONE YEAR FROM THE DATE YOUR APPLICATION IS RECEIVED, YOU WILL BE REQUIRED TO SUBMIT ANOTHER APPLICATION FEE. A PROCESSING FEE OF \$20.00 WILL BE CHARGED FOR ANY CHECK OR MONEY ORDER RETURNED UNPAID BY YOUR BANK, REGARDLESS OF THE REASON FOR NON-PAYMENT.

1. Name _____ (Last) (First) (Middle)
2. Will any documentation submitted in connection with this application be received in a name other than the name under which you are applying? YES <input type="checkbox"/> NO <input type="checkbox"/> If yes, please provide the other name or names: _____
3. Address _____ (Street) _____ (City) (State) (Zip Code) <i>The address you provide is the address that will be associated with this application to which all correspondence will be mailed. Please note that licenses are not forwardable.</i>
4. Telephone _____ Fax _____
5. E-Mail Address _____
6. Date of Birth _____ Social Security Number: _____
7. Crane Specialties – check all that apply: <input type="checkbox"/> Lattice Boom Crawler <input type="checkbox"/> Lattice Boom Truck <input type="checkbox"/> Telescopic Boom Crane W/Rotating Control Station <input type="checkbox"/> Telescopic Boom Crane W/Fixed Control Station <input type="checkbox"/> Tower

8. Competency Requirement

Experience:

Have you actively engaged in the practice of Crane Operation in the jurisdiction that issued the license, certificate, registration or permit for at least 2 of the last 5 years immediately preceding the filing of this application?

Provide a curriculum vitae demonstrating this experience.

9. Name state where initial license to practice as a crane operator was issued.

Date initial license was issued _____.

List any other state, territory or country where you hold or have held a license/certificate to practice as a crane operator

Have the licensing authority listed above submit a letter of good standing (verification of licensure) directly to the Board with state seal affixed to the letter. Provide a copy of the current applicable law, regulation or other rule governing licensure, certification, registration or permit requirements and scope of practice in the jurisdiction that issued the license.

		YES	NO
10.	<p>Do you hold, or have you ever held, a license, certificate, permit, registration or other authorization to practice any other profession in any state or jurisdiction?</p> <p>If you answered YES to the above question, please provide the profession and state or jurisdiction. Please do not abbreviate the profession.</p> <p>_____</p> <p>_____</p> <p>The Board must receive verification of any license, certificate, permit, registration or other authorization to practice any other profession directly from the state or jurisdiction. <i>PLEASE NOTE: The Board does NOT need to receive verification for licenses issued by one of the licensing boards within the Pennsylvania Bureau of Professional and Occupational Affairs.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>If you answer YES to any of the following questions, provide complete details as well as copies of relevant documents to the Board office.</p>		YES	NO
11.	<p>Have you had disciplinary action taken against a professional or occupational license, certificate, permit, registration or other authorization to practice a profession or occupation issued to you in any state or jurisdiction or have you agreed to voluntary surrender in lieu of discipline?</p>	<input type="checkbox"/>	<input type="checkbox"/>
12.	<p>Do you currently have any disciplinary charges pending against your professional or occupational license, certificate, permit or registration in any state or jurisdiction?</p>	<input type="checkbox"/>	<input type="checkbox"/>
13.	<p>Have you withdrawn an application for a professional or occupational license, certificate, permit or registration, had an application denied or refused, or for disciplinary reasons agreed not to apply or reapply for a professional or occupational license, certificate, permit or registration in any state or jurisdiction?</p>	<input type="checkbox"/>	<input type="checkbox"/>
14.	<p>Do you currently have any criminal charges pending and unresolved in any state or jurisdiction?</p>	<input type="checkbox"/>	<input type="checkbox"/>
15.	<p>Do you currently engage in, or have you ever engaged in, the intemperate or habitual use of alcohol or narcotics, hallucinogenic or other drugs or substances that may impair judgement or coordination?</p>	<input type="checkbox"/>	<input type="checkbox"/>
16.	<p>Have you been examined by a physician and determined to be physically capable of operating a</p>	<input type="checkbox"/>	<input type="checkbox"/>

crane? If so, attach a Commercial Driver's License (CDL) physical form approved by the United States Department of Transportation or an equivalent form.		
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NOTICE: Disclosing your Social Security Number on this application is mandatory in order for the State Boards to comply with the requirements of the Federal Social Security Act pertaining to Child Support Enforcement, as implemented in the Commonwealth of Pennsylvania at 23 Pa.C.S. § 4304.1(a). At the request of the Department of Human Services (DHS), the licensing boards must provide to DHS information prescribed by DHS about the licensee, including the social security number.

Applicant's Statement:

I verify that this application is in the original format as supplied by the Department of State and has not been altered or otherwise modified in any way. I am aware of the criminal penalties for tampering with public records or information under 18 Pa.C.S. § 4911.

I verify that the statements in this application are true and correct to the best of my knowledge, information and belief. I understand that false statements are made subject to the penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities) and may result in the suspension, revocation or denial of my license, certificate, permit or registration.

Applicant's Signature

Date

FACE SHEET
FOR FILING DOCUMENTS
WITH THE LEGISLATIVE REFERENCE BUREAU
(Pursuant to Commonwealth Documents Law)

RECEIVED

MAR 10 2022

Independent Regulatory
Review Commission

DO NOT WRITE IN THIS SPACE

<p>Copy below is hereby approved as to form and legality. Attorney General</p> <p><small>Digitally signed by Amy M Elliott DN: cn Amy M Elliott o Pennsylvania Office of Attorney General ou Chief Deputy Attorney General email elliotam@attorneygeneral.gov c US Date: 2022.02.28 11:53:07 -0500</small></p> <p>BY: <u>Amy M. Elliott</u> (DEPUTY ATTORNEY GENERAL)</p> <p><u>2/28/22</u> DATE OF APPROVAL</p> <p><input type="checkbox"/> Check if applicable Copy not approved. Objections attached</p>	<p>Copy below is here by certified to be a true and correct copy of a document issued, prescribed or promulgated by:</p> <p><u>State Board of Crane Operators</u> (AGENCY)</p> <p>DOCUMENT/FISCAL NOTE NO. <u>16A-7104</u></p> <p>DATE OF ADOPTION: _____</p> <p>BY: <u>Frank A. Mauger, Jr.</u> CHAIRPERSON</p> <p>TITLE _____ (EXECUTIVE OFFICER, CHAIRMAN OR SECRETARY)</p>	<p>Copy below is hereby approved as to form and legality. Executive or Independent Agencies.</p> <p>BY: <u>[Signature]</u> (Deputy General Counsel) (Chief Counsel, Independent Agency) (Strike inapplicable title)</p> <p><u>January 31, 2022</u> DATE OF APPROVAL</p> <p><input type="checkbox"/> Check if applicable. No Attorney General approval or objection within 30 days after submission.</p>
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NOTICE OF PROPOSED RULEMAKING

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS
STATE BOARD OF CRANE OPERATORS

49 PA. CODE CHAPTER 6

§§ 6.16, 6.17 LICENSURE BY ENDORSEMENT-CRANE OPERATORS

The State Board of Crane Operators (Board) proposes to amend Title 49 Pennsylvania Code, Chapter 6, by adding §§ 6.16 and 6.17 (relating to licensure by endorsement; and provisional endorsement license) to read as set forth in Annex A.

Effective date

The amendments will be effective upon publication of the final-form rulemaking in the *Pennsylvania Bulletin*.

Statutory Authority

The provisions of 63 Pa.C.S. § 3111 (relating to licensure by endorsement) require licensing boards to issue a license, certificate, registration or permit to an applicant to allow practice in this Commonwealth provided the applicant meets the following criteria: holds a current license, certificate, registration or permit from another state, territory or country whose licensing requirements are substantially equivalent to or exceed the requirements in this Commonwealth; demonstrates competency; has not committed any act that constitutes grounds for refusal, suspension or revocation of a license, certificate, registration or permit to practice that profession or occupation in this Commonwealth, unless the Board determines such conduct is not an impediment to granting the license, certificate, registration or permit; is in good standing and has not been disciplined by the jurisdiction that issued the license, certificate, registration or permit, unless the board or commission determines such conduct is not an impediment to granting the license, certificate, registration or permit; and the applicant pays fees, as established by regulation. Additionally, 63 Pa.C.S. § 3111 authorizes boards to issue a provisional license, certificate, registration, or permit while an applicant is satisfying remaining requirements for licensure by endorsement, for which the Board must set by regulation the terms of expiration.

The act of July 1, 2020 (P.L. 575, No. 53) added 63 Pa.C.S. § 3111 as part of the consolidation of the act of July 2, 1993 (P.L. 345, No. 48) (Act 48) into Title 63 Pa.C.S. Chapter 31 (relating to powers and duties). The text of 63 Pa.C.S. § 3111 was originally added to Act 48 by the act of July 1, 2019 (P.L. 292, No. 41).

Background and Need for the Amendments

This proposed rulemaking is needed to effectuate 63 Pa.C.S. § 3111, which requires the Board to issue a license to applicants who meet the requirements for licensure by endorsement as set forth in 63 Pa.C.S. § 3111. Under 63 Pa.C.S. § 3111, the Board must determine whether standards for licensure are substantially equivalent to or exceed those established by the Board. Additionally, 63 Pa.C.S. § 3111 requires the Board to determine the methods of competency, including completion of continuing education or experience in the profession or occupation for at least 2 of the 5 years immediately preceding the filing of the application, and must establish, by regulation, the expiration of a provisional endorsement license. This proposed rulemaking sets forth the criteria for eligibility for licensure by endorsement, including the specific methods required for an applicant to demonstrate competency as well as requirements for granting a provisional endorsement license. The fee for submission of an application for licensure by endorsement is the same fee set for the initial licensing application fee under 49 Pa. Code § 6.4(a).

An exposure draft of the proposed annex was sent out to stakeholders on July 8, 2020. On August 7, 2020, comments were received from the National Commission for the Certification of Crane Operators (NCCCO). NCCCO recommended that the Board include the Occupational Safety and Health Administration’s (OSHA) language regarding government-issued licenses in 1926.1427(c) as a component of being considered *substantially equivalent*, including: A written exam, a practical (hands-on) exam, exams covering the topics in 1926.1427(j)(1) and (2), a determination by the entity overseeing the licensure program that it meets OSHA’s requirements, and an official statement from the other jurisdiction’s licensing body that it has been deemed compliance would be ideal in this regard. Under the substantial equivalent requirement of section 6.16(b)(1) of the proposed rulemaking, the Board will review all the requirements for licensure in the jurisdiction from which the applicant has received licensure. The Board is aware of OSHA’s requirements and is required to implement Federal mandates when reviewing applications. As it currently does for all applications, the Board will ensure that all the necessary components of the original licensing jurisdictions certification, including a written and practical exam and other OSHA requirements, are included as part of that certification.

The next comment recommended that the Board include additional language to assure that the Board only considers a “license, certification, registration or permit” issued in another jurisdiction as substantially equivalent if the certifying agency accepted in the jurisdiction that issued the licensee, certificate, registration or permit was “[a]ccredited by the American National Standards Institute (ANSI) or the National Commission for Certifying Agencies (NCCA) *at the time of the issuance of the certification.*” This suggestion has already been established in the definitional sections of section 102 of the act the Crane Operator Licensure Act (act), the act of October 9, 2008 (P.L. 1363, No. 100) (63 P.S. § 2400.102), and § 6.2 of the Board’s regulations, which are applicable to any applications made under this new provision. NCCCO also recommended that the Board “[i]nclude a reference to 29 CFR 1926.1427(c)(1) – (c)(4) ‘Operator certification or licensing,’ within Section 6.16(b)(1)(i).” In response, the Board notes that the Board will be reviewing the requirements of the original licensing jurisdiction to ensure that the applicant is eligible to receive a license in Pennsylvania in accordance with the requirements of the act and current regulations, and the licensure process of the other jurisdiction is substantially equivalent of that of the Commonwealth of Pennsylvania. The referenced CFR sections are included in the substantial equivalent standards referenced in 6.16(b)(1). The Board is duty-bound to enforce and implement Federal requirements that must be met and will continue to do so for all applications, including licensure by endorsement applications. Accordingly, the Board does not believe it is necessary to add these provisions as doing so would be duplicative.

Description of the Proposed Amendments

The Board also proposes to add §§ 6.16 (relating to licensure by endorsement) and 6.17 (relating to provisional endorsement license) to Chapter 6. Section 6.16 (relating to licensure by endorsement) establishes the definition of “jurisdiction” as to be applied in any applications made under this new section and requires an applicant to satisfy six criteria required for licensure by endorsement. The first criterion, as set forth in § 6.16(b)(1), requires an applicant to provide proof of a current license, certification, registration or permit in good standing to practice in another jurisdiction whose standards are substantially equivalent to or exceed standards under § 502 of the act (relating to qualifications for licensure) and § 6.11 (relating to general requirements). Section

6.16(b)(1)(i) further requires an applicant to submit a copy of the current applicable law, regulation or other rule governing licensure, certification, registration or permit requirements and scope of practice in the jurisdiction that issued the license, certificate, registration or permit. This proposed rulemaking would also require that the copy of the applicable law, regulation or other rule include the enactment date. Additionally, because 63 Pa.C.S. § 3111 is applicable to territories and other countries that use languages other than English, where the applicable law, regulation or other rule is in a language other than English, the Board would require, at the applicant's expense, translation of the applicable law, regulation or other rule by a professional translation service.

Proposed subsection (b)(2) requires demonstration of competency. Under this provision, an applicant must provide proof of competency by demonstrating experience in the practice of the profession. To demonstrate competency by experience, an applicant must demonstrate active engagement in the practice of crane operation for at least 2 of the 5 years immediately preceding the filing of the application in the jurisdiction that issued the license, certificate, registration or permit.

Proposed subsections (b)(3) and (4) incorporate the statutory prohibitions in 63 Pa.C.S. § 3111 pertaining to conduct that would constitute grounds for refusal, suspension or revocation of a license, certificate, registration or permit to practice the profession or occupation and prior discipline by the jurisdiction that issued the license.

Proposed subsection (b)(5) provides for payment of an application fee, as required under 63 Pa.C.S. § 3111(a)(5). The applicable fee for licensure by endorsement under 63 Pa.C.S. § 3111 is the same fee set for the initial licensing application fee under § 6.4(a) (relating to fees) of the Board's current fee schedule (\$100).

Next, proposed subsection (b)(6) requires the applicant to apply for licensure in accordance with the act and Chapter 6 in the manner and format prescribed by the Board.

In proposed § 6.16(c), the Board may require a personal interview or additional information to assist the Board in determining eligibility and competency. When a personal interview is necessary, the applicant may request the interview to be conducted by video teleconference for good cause shown.

As authorized by 63 Pa.C.S. § 3111(a)(3) and (4), § 6.16(d) gives the Board the discretion to determine that an act prohibited by § 6.16(b)(3) or (4) are not impediments to the granting of a license, certification, registration or a permit.

Consistent with section 63 Pa.C.S. § 3111(b), § 6.17 (relating to provisional endorsement license) provides that the Board, in its discretion, may issue a provisional endorsement license while an applicant is satisfying remaining requirements of 63 Pa.C.S. § 3111 and proposed § 6.16. Section 6.17(b) sets the expiration of a provisional endorsement license at 1 year, unless the Board determines that an expiration date of less than 1 year is appropriate. Additionally, upon a written request, the Board may extend the term of the license upon a showing of good cause. Section 6.17(c) sets forth reasons for which a provisional endorsement license will be terminated by the Board, including when the Board denies or grants a license, or the provisional endorsement

licensee fails to comply with the terms of a provisional endorsement license. Finally, § 6.17(d) clarifies that while an individual may reapply for a license by endorsement under § 6.16, the Board will not issue a subsequent provisional endorsement license to an applicant who previously held a provisional endorsement license that expired or was terminated.

Fiscal Impact and Paperwork Requirements

This proposed rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The costs to the Board related to processing applications for licensure by endorsement will be recouped through fees paid by applicants. Applicants who apply for licensure by endorsement will be impacted by the \$100 application fee in § 6.4(a).

Sunset Date

The Board continuously monitors the cost effectiveness of the Board's regulations. Therefore, no sunset date has been assigned.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on March 10, 2022, the Board submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the Senate Consumer Protection and Professional Licensure Committee and the House Professional Licensure Committee. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections shall specify the regulatory review criteria which have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Board, the General Assembly and the Governor.

Public Comment

Interested persons are invited to submit written comments, recommendations or objections regarding this proposed rulemaking to Dean F. Picarella, Board Counsel, at P.O. Box 69523, Harrisburg, PA 17106-9523 or by e-mail at RA-STRegulatoryCounsel@pa.gov within 30 days of publication of this proposed rulemaking in the *Pennsylvania Bulletin*. Reference 16A-7104 (Licensure by Endorsement), when submitting comments.

Andrew S. Goulet
Chair
State Board of Crane Operators

ANNEX A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 6. STATE BOARD OF CRANE OPERATORS

* * * * *

LICENSURE

* * * * *

§ 6.16. Licensure by endorsement.

(a) Definitions. The following word and term, when used in § 6.16, has the following meaning, unless the context clearly indicates otherwise:

Jurisdiction—a state, territory, or country.

(b) Requirements for issuance. To be issued a license by endorsement under 63 Pa.C.S. § 3111 (relating to licensure by endorsement) as a professional crane operator, an applicant shall provide proof satisfactory to the Board, that the applicant has met all of the following conditions:

(1) Have a current license, certification, registration or permit in good standing to practice as a professional crane operator in another jurisdiction whose standards are substantially equivalent to those established by the Board under § 502 of the act (63 P.S. § 2400.502) and § 6.11 (relating to general requirements).

(i) An applicant must submit a copy of the current applicable law, regulation or other rule governing licensure, certification, registration or permit requirements and scope of practice in the jurisdiction that issued the license, certificate, registration or permit.

(ii) If the applicable law, regulation or other rule is in a language other than English, at the applicant's expense, the applicable law, regulation or other rule shall be translated by a professional translation service and verified to be complete and accurate.

(iii) The copy of the applicable law, regulation or other rule must include enactment date of law, regulation or other rule.

(2) Demonstrates competency by the following:

Experience in the profession of crane operating by demonstrating, at a minimum, that the applicant has actively engaged in the practice of crane operating under a license, certification, registration or permit in a substantially equivalent jurisdiction, or jurisdictions, for at least two of the five years immediately preceding the filing of the application with the Board.

(3) Have not committed any act that constitutes grounds for refusal, suspension or revocation of a license, certification, registration or permit to practice crane operating under section 703(a) of the act (63 P.S. § 2400.703(a)) or § 6.41—6.44 (relating to disciplinary actions).

(4) Have not been disciplined by the jurisdiction that issued the license, certificate, registration or permit.

(5) Have paid the initial licensing application fee as required by § 6.4(a) of the act.

(6) Have applied for licensure in accordance with this chapter in the manner and format prescribed by the Board.

(c) Interview and additional information. An applicant may be required to appear before the Board for a personal interview and may be required to submit additional information, including

supporting documentation relating to competency and experience. The applicant may request an interview by video teleconference for good cause shown.

(d) *Prohibited acts.* Notwithstanding subsections (a)(3) and (4), the Board may, in its discretion, determine that an act prohibited under subsection (a)(3) or disciplinary action by a jurisdiction is not impediment to licensure under 63 Pa.C.S. § 3111.

§ 6.17. Provisional Endorsement License

(a) *Provisional Endorsement License.* The Board may, in its discretion, issue a provisional endorsement license to an applicant while the applicant is satisfying remaining requirements for licensure by endorsement under 63 Pa.C.S. § 3111 and § 6.16 (relating to licensure by endorsement).

(b) *Expiration of a provisional endorsement license.*

(1) An individual holding a provisional endorsement license may practice for up to 1 year after issuance of the provisional endorsement license. The Board, in its discretion, may determine that an expiration date of less than 1 year is appropriate.

(2) Upon a written request and a showing of good cause, the Board may grant an extension of no longer than 1 year from the expiration date of the provisional endorsement license.

(c) *Termination of a provisional endorsement license.* A provisional endorsement license terminates if any of the following occurs:

(1) When the Board completes its assessment of the applicant and either denies or grants the license.

(2) When the holder of the provisional license fails to comply with the terms of the provisional endorsement license.

(d) *Reapplication.* An individual may reapply for licensure by endorsement under § 6.16 after expiration or termination of a provisional endorsement license; however, the individual may not be issued a subsequent provisional endorsement license.



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS
STATE BOARD OF CRANE OPERATORS

Post Office Box 2649
Harrisburg, Pennsylvania 17105-2649
(717) 783-3397

March 10, 2022

The Honorable George D. Bedwick, Chairman
INDEPENDENT REGULATORY REVIEW COMMISSION
14th Floor, Harrisstown 2, 333 Market Street
Harrisburg, Pennsylvania 17101

Re: Proposed Regulation
State Board of Crane Operators
16A-7104: Licensure by Endorsement

Dear Chairman Bedwick:

Enclosed is a copy of a proposed rulemaking package of the State Board of Crane Operators pertaining to Licensure by Endorsement.

The Board will be pleased to provide whatever information the Commission may require during the course of its review of the rulemaking.

Sincerely,

A handwritten signature in black ink, appearing to read "Andrew S. Goulet".

Andrew S. Goulet, Chairperson
State Board of Crane Operators

ASG/dfp:bmz
Enclosure

cc: Arion R. Claggett, Acting Commissioner of Professional and Occupational Affairs
Pamela Iovino, Deputy Secretary of Regulatory Programs
Marc Farrell, Deputy Director of Policy, Department of State
Cynthia Montgomery, Deputy Chief Counsel, Department of State
Jacqueline A. Wolfgang, Senior Regulatory Counsel, Department of State
Dean F. Picarella, Board Counsel, State Board of Crane Operators
State Board of Crane Operators

From: Bulletin
To: Zappasodi, Brittany
Subject: [External] RE: DELIVERY: Regulations 16A-7104, 16A-6411 & 16A-5726
Date: Thursday, March 10, 2022 8:49:13 AM

ATTENTION: This email message is from an external sender. Do not open links or attachments from unknown sources. To report suspicious email, forward the message as an attachment to CWOPA_SPAM@pa.gov.

Good morning Brittany,

Thank you for sending these three proposed rulemakings. Someone from our office will contact you regarding publication in the Pennsylvania Bulletin.

Take care,

Ernest L. Engvall | Legal Assistant
eengvall@palrb.us | 717.783.1531
Legislative Reference Bureau
Code and Bulletin Office

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MAR 10 2022

**Independent Regulatory
Review Commission**

From: Zappasodi, Brittany <bzappasodi@pa.gov>
Sent: Thursday, March 10, 2022 8:40 AM
To: Bulletin <bulletin@palrb.us>
Subject: DELIVERY: Regulations 16A-7104, 16A-6411 & 16A-5726
Importance: High

Please provide written (email) confirmation of receipt of the delivery of the attached rulemakings.

Please be advised that the State Board of Crane Operators, the State Board of Auctioneer Examiners and the State Board of Veterinary Medicine are delivering the following proposed rulemakings:

- 16A-7104 Licensure by Endorsement
- 16A-6411 Fees
- 16A-5726 Euthanasia

Brittany Zappasodi | Legal Assistant II
Office of Chief Counsel | Department of State
Governor's Office of General Counsel
P.O. Box 69523 | Harrisburg, PA 17106-9523
Phone 717.783.7200 | Fax 717.787.0251
bzappasodi@pa.gov | www.dos.pa.gov
PRIVILEGED AND CONFIDENTIAL COMMUNICATION

From: Orchard, Kari L.
To: Zappasodi, Brittany
Subject: RE: DELIVERY: Regulations 16A-7104, 16A-6411 & 16A-5726
Date: Thursday, March 10, 2022 3:34:10 PM

Good afternoon, Brittany,

Thank you for sharing all three of these proposed rulemakings. We are in receipt of them and look forward to reviewing them.

Sincerely,
Kari

Kari Orchard
Executive Director (D) | House Professional Licensure Committee
Chairman Frank Burns, 72nd Legislative District

RECEIVED

MAR 10 2022

**Independent Regulatory
Review Commission**

From: Zappasodi, Brittany <bzappasodi@pa.gov>
Sent: Thursday, March 10, 2022 3:28 PM
To: Orchard, Kari L. <KOrchard@pahouse.net>
Subject: DELIVERY: Regulations 16A-7104, 16A-6411 & 16A-5726
Importance: High

Please provide written (email) confirmation of receipt of the delivery of the attached rulemakings.

Please be advised that the State Board of Crane Operators, the State Board of Auctioneer Examiners and the State Board of Veterinary Medicine are delivering the following proposed rulemakings:

- 16A-7104 Licensure by Endorsement
- 16A-6411 Fees
- 16A-5726 Euthanasia

Brittany Zappasodi | Legal Assistant II
Office of Chief Counsel | Department of State
Governor's Office of General Counsel
P.O. Box 69523 | Harrisburg, PA 17106-9523
Phone 717.783.7200 | Fax 717.787.0251
bzappasodi@pa.gov | www.dos.pa.gov

PRIVILEGED AND CONFIDENTIAL COMMUNICATION

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From: Emily Hackman
To: Zappasodi, Brittany
Cc: Nicole Sidle
Subject: RE: DELIVERY: Regulations 16A-7104, 16A-6411 & 16A-5726
Date: Thursday, March 10, 2022 9:15:13 AM

Received.

EMILY EPLER HACKMAN | ADMINISTRATIVE ASSISTANT II

David S. Hickernell, Majority Chairman

Professional Licensure Committee

98th Legislative District

Room 43, East Wing

Harrisburg, PA 17120-2098

717-783-2076

Representative Mindy Fee

37th Legislative District

Room 47, East Wing

Harrisburg, PA 17120-2037

717-772-5290

RECEIVED

MAR 10 2022

**Independent Regulatory
Review Commission**

From: Zappasodi, Brittany <bzappasodi@pa.gov>

Sent: Thursday, March 10, 2022 8:38 AM

To: Nicole Sidle <Nsidle@pahousegop.com>; Emily Hackman <Eepler@pahousegop.com>

Subject: DELIVERY: Regulations 16A-7104, 16A-6411 & 16A-5726

Importance: High

Please provide written (email) confirmation of receipt of the delivery of the attached rulemakings.

Please be advised that the State Board of Crane Operators, the State Board of Auctioneer Examiners and the State Board of Veterinary Medicine are delivering the following proposed rulemakings:

- 16A-7104 Licensure by Endorsement
- 16A-6411 Fees
- 16A-5726 Euthanasia

Brittany Zappasodi | Legal Assistant II

Office of Chief Counsel | Department of State

Governor's Office of General Counsel

P.O. Box 69523 | Harrisburg, PA 17106-9523

Phone 717.783.7200 | Fax 717.787.0251

From: [Livingston, Jerry](#)
To: [Zappasodi, Brittany](#); [Vazquez, Enid](#)
Subject: Re: DELIVERY: Regulations 16A-7104, 16A-6411 & 16A-5726
Date: Thursday, March 10, 2022 4:31:39 PM

I have received them, apologies I was off today and not checking emails diligently. Thank you!

J.J. Livingston

Executive Director
Office of Senator Lisa Boscola

Phone 717-787-4236
Jerry.Livingston@pasenate.com

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MAR 10 2022

**Independent Regulatory
Review Commission**

Sent via mobile device. Please excuse any typing or grammatical errors.

From: Zappasodi, Brittany <bzappasodi@pa.gov>
Sent: Thursday, March 10, 2022 4:06:35 PM
To: Livingston, Jerry <Jerry.Livingston@pasenate.com>; Vazquez, Enid <Enid.Vazquez@pasenate.com>
Subject: RE: DELIVERY: Regulations 16A-7104, 16A-6411 & 16A-5726

■ EXTERNAL EMAIL ■

We haven't receive a reply that you received these regulations so I am following up on confirmation of delivery.

Thank you,

Brittany Zappasodi | Legal Assistant II
Office of Chief Counsel | Department of State
Governor's Office of General Counsel
P.O. Box 69523 | Harrisburg, PA 17106-9523
Phone 717.783.7200 | Fax 717.787.0251
bzappasodi@pa.gov | www.dos.pa.gov

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From: Zappasodi, Brittany
Sent: Thursday, March 10, 2022 8:39 AM
To: Livingston, Jerry <Jerry.Livingston@pasenate.com>; Vazquez, Enid

<Enid.Vazquez@pasenate.com>

Subject: DELIVERY: Regulations 16A-7104, 16A-6411 & 16A-5726

Importance: High

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From: [Blauch, Tammy](#)
To: [Zappasodi, Brittany](#); [Smeltz, Jennifer](#)
Subject: RE: DELIVERY: Regulations 16A-7104 & 16A-6411
Date: Thursday, March 10, 2022 9:10:28 AM

Good morning,
Confirming your email.

Have a great day.

Tammy Blauch
Executive Secretary
Office of Senator Robert M. Tomlinson
Room 286 Main Capitol Building
Harrisburg, PA 17120
(717)-787-5072
Fax: (717)772-2991
tblauch@pasen.gov

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From: Zappasodi, Brittany <bzappasodi@pa.gov>
Sent: Thursday, March 10, 2022 8:37 AM
To: Smeltz, Jennifer <jmsmeltz@pasen.gov>; Blauch, Tammy <tblauch@pasen.gov>
Subject: DELIVERY: Regulations 16A-7104 & 16A-6411
Importance: High

Ⓞ CAUTION : External Email Ⓞ

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