

routinely inspect any hospital without the authorization of the commissioner. The commissioner shall coordinate, insofar as is possible, routine inspections conducted by state agencies, so as to minimize the number of inspections to which hospitals are subject.

Presented to the governor May 20, 2005

Signed by the governor May 24, 2005, 2:55 p.m.

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### CHAPTER 86—S.F.No. 1405

*An act relating to occupational safety and health; modifying standard industrial classification list rulemaking provisions; amending Minnesota Statutes 2004, section 182.653, subdivision 9.*

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 2004, section 182.653, subdivision 9, is amended to read:

Subd. 9. **STANDARD INDUSTRIAL CLASSIFICATION LIST.** The commissioner shall adopt, in accordance with section 182.655, a rule specifying a list of either standard industrial classifications of employers or North American industry classifications of employers who must comply with subdivision 8. The commissioner shall demonstrate the need to include each industrial classification on the basis of the safety record or workers' compensation record of that industry segment. An employer must comply with subdivision 8 six months following the date the standard industrial classification or North American industry classification that applies to the employee is placed on the list. An employer having less than 51 employees must comply with subdivision 8 six months following the date the standard industrial classification or North American industry classification that applies to the employee is placed on the list or by July 1, 1993, whichever is later. The list shall be updated every two years.

Presented to the governor May 20, 2005

Signed by the governor May 24, 2005, 3:00 p.m.

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### CHAPTER 87—S.F.No. 1485

*An act relating to labor; requiring the certification and regulation of crane operators; authorizing civil penalties; amending Minnesota Statutes 2004, section 182.659, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 182.*

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

New language is indicated by underline, deletions by ~~strikeout~~.

**Section 1. [182.6525] CRANE OPERATION.**

**Subdivision 1. CERTIFICATION REQUIRED.** An individual may not operate a crane with a lifting capacity of five tons or more on a construction site unless the individual has a valid crane operator certificate received from a nationally recognized and accredited certification program. No employer, and no person who is under a contract to construct an improvement to land, may permit any employee, agent, or independent contractor to perform work in violation of this section. A crane operator certification required under this subdivision must be renewed by an accredited certification program every five years.

**Subd. 2. EXCEPTIONS.** The requirements of subdivision 1 do not apply to:

(1) a crane operator trainee or apprentice, if the individual is under the direct supervision of a crane operator who holds a valid crane operator certificate as required in subdivision 1;

(2) a person directly employed by a class 1 or 2 railroad who is qualified by the employing railroad as a crane operator or boom truck operator while performing work on property owned, leased, or controlled by the employing railroad;

(3) a person who is employed by or performing work for a public utility, rural electric cooperative, municipality, telephone company, or industrial manufacturing plant;

(4) a person who is subject to inspection and regulation under the Mine Safety and Health Act, United States Code, title 30, sections 801 through 962;

(5) a person engaged in boating, fishing, agriculture, or arboriculture;

(6) a person who is a member of and performing work for a uniformed service or who is a member of and performing work for the United States Merchant Marines;

(7) a person who is operating a crane for personal use on premises owned or leased by that person; and

(8) a person who is operating a crane in an emergency situation.

**Subd. 3. PENALTIES.** An employer or general contractor may be cited by the commissioner for a violation of the certification requirements in this section. A citation is punishable as a serious violation under section 182.666.

Sec. 2. Minnesota Statutes 2004, section 182.659, is amended by adding a subdivision to read:

**Subd. 1a. PROOF OF CRANE OPERATOR CERTIFICATION.** An individual who is operating a crane on a worksite shall provide proof of certification required under section 182.6525 upon request by an investigator.

**Sec. 3. EFFECTIVE DATE.**

Sections 1 and 2 are effective July 1, 2007.

Presented to the governor May 20, 2005

Signed by the governor May 24, 2005, 3:10 p.m.

New language is indicated by underline, deletions by ~~strikeout~~.