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HOUSE BILL 791

42ND LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 1996

INTRODUCED BY

W. C. "DUB" WILLIAMS

AN ACT

RELATING TO LICENSING; AMENDING THE HOISTING OPERATORS SAFETY
ACT TO EXEMPT CERTAIN EQUIPMENT FROM ITS COVERAGE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 60-15-3 NMSA 1978 (being Laws 1993,
Chapter 183, Section 3, as amended) is amended to read:

"60-15-3. DEFINITIONS. --As used in the Hoisting Operators
Safety Act:

A. "class I hoisting operator" means any person who
is authorized to operate a conventional crane, tower crane or
hydraulic crane of any size or weight;

B. "class II hoisting operator" means any person who
is authorized to operate:

(1) a hydraulic crane of up to one hundred tons
lifting capacity with a maximum boom length of one hundred fifty

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1 feet, regardless of mounting or means of mobility; and

2 (2) any other type or size of crane or hoisting
3 equipment under the direct supervision of a class I hoisting
4 operator;

5 C. "class III hoisting operator" means any person
6 who is authorized to work as an apprentice, trainee or crane
7 oiler or driver under the direct supervision of a class I or
8 class II hoisting operator;

9 D. "council" means the hoisting operators licensure
10 examining council;

11 E. "crane" means a tower crane used in construction,
12 demolition or excavation work; a hydraulic crane; a
13 power-operated derrick; or a mobile, carrier-mounted, track or
14 crawler type power-operated hoisting machine that utilizes a
15 power-operated boom capable of lateral movement by the rotation
16 of the machine on the carrier. "Crane" does not include a
17 crane, except as provided in Subsection M of this section;

18 F. "department" means the regulation and licensing
19 department;

20 G. "endorsement" means the authorization stamped on
21 a class I hoisting operator's license indicating authorization
22 to operate a conventional crane, a tower crane or a hydraulic
23 crane of any size or weight;

24 H. "hoisting equipment" means, except as provided in
25 Subsection M of this section:

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- 1 (1) a tower crane;
2 (2) a hydraulic crane with over two tons
3 lifting capacity;
4 (3) a derrick crane; or
5 (4) a mobile cable crane;

6 I. "licensee" means any person licensed under the
7 Hoisting Operators Safety Act;

8 J. "person" means an individual, firm, partnership,
9 corporation, association or other organization or any
10 combination thereof;

11 K. "seat time" means the actual hands-on operation
12 of a crane by a class II hoisting operator while under the
13 direct supervision of a licensed class I hoisting operator or by
14 a class III hoisting operator while under the direct supervision
15 of a licensed class I or II hoisting operator;

16 L. "superintendent" means the superintendent of
17 [~~the~~] regulation and licensing [~~department~~]; and

18 M "crane" or "hoisting equipment" does not include:

19 (1) any crane or hoisting equipment used in
20 construction, demolition or excavation associated with:

21 [~~(1)~~] (a) natural gas gather lines;

22 [~~(2)~~] (b) interstate transmission

23 facilities and interstate natural gas facilities subject to the
24 federal Natural Gas Pipeline Safety Act of 1968 and its
25 amendments;

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1 [~~3~~] (c) interstate pipeline facilities
2 and carbon dioxide pipeline facilities subject to the federal
3 Hazardous Liquid Pipeline Safety Act of 1979;

4 [~~4~~] (d) gas and oil pipeline facilities
5 subject to the Pipeline Safety Act;

6 [~~5~~] (e) mining, milling or smelting
7 operations subject to mine safety and health administration
8 regulations or occupational safety and health administration
9 regulations;

10 [~~6~~] (f) prefabricated control rooms of
11 natural gas, oil or carbon dioxide pipeline transmission
12 facilities;

13 [~~7~~] (g) oil and gas exploration,
14 production or drilling;

15 [~~8~~] (h) rural electric cooperative and
16 electric, gas and water utility operations;

17 [~~9~~] (i) commercial sign operations;

18 [~~10~~] (j) the construction or operation
19 of railroads; or

20 [~~11~~] (k) the installation and
21 maintenance of telephone or television cable; or

22 (2) a vehicle with a gross vehicle weight of
23 fifteen thousand pounds or less with a mounted boom, such as a
24 mechanic's heavy repair truck or a tire repair truck, not
25 directly involved in construction, demolition or excavation

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work. "

State of New Mexico
House of Representatives

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FORTY- SECOND LEGISLATURE
SECOND SESSION, 1996

February 11, 1996

Mr. Speaker:

Your BUSINESS AND INDUSTRY COMMITTEE, to whom has
been referred

HOUSE BILL 791

has had it under consideration and reports same with
recommendation that it DO PASS, and thence referred to the
JUDICIARY COMMITTEE.

State of New Mexico House of Representatives

FORTY-SECOND LEGISLATURE
SECOND SESSION, 1996

February 13, 1996

Mr. Speaker:

Your JUDICIARY COMMITTEE, to whom has been referred

HOUSE BILL 791

has had it under consideration and reports same with
recommendation that it DO PASS.

Respectfully submitted,

Cisco McSorley, Chairman

FORTY- SECOND LEGISLATURE
SECOND SESSION, 1996

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Adopted _____ Not Adopted _____

(Chief Clerk) (Chief Clerk)

Date _____

The roll call vote was 8 For 0 Against

Yes: 8

Excused: Sanchez, R. G.

Absent: Baca, King, Luna, Stewart

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