



Licensing Reform Task Force

CONSTRUCTION SUBCOMMITTEE - RECOMMENDATION

CRANE AND HOISTING OPERATOR LICENSING REFORM

Recommendation

The Construction Subcommittee recommends that the full **Licensing Reform Task Force** support modernization of Montana's crane and hoist operator credentialing framework for consideration during the 2027 Montana Legislative Session. The purpose of the reform should be to reduce duplicative state credentialing costs and administrative burden for demonstrably qualified operators while preserving effective competency verification, public-safety oversight, and an affordable pathway for qualified workers who do not hold a national certification.

Current law requires a Department license to operate covered crane and hoist equipment and establishes first-, second-, and third-class licenses. § 50-76-103, MCA. Montana already recognizes a certification from the National Commission for the Certification of Crane Operators or another Department-approved substantially equivalent organization for first- and second-class licensure; however, the certified operator must still obtain a Montana license and remains subject to applicable state requirements and fees. § 50-76-113, MCA.

The Subcommittee recommends that staff develop legislative options to:

- convert the state credential for a nationally certified first- or second-class crane and hoist operator from a duplicative technical license to a streamlined Montana registration or comparable compliance credential, if a state-level mechanism remains necessary for verification, enforcement, inspections, or program funding;
- require the Department to verify that a national credential is current, in good standing, and issued by a certifying organization whose standards are substantially equivalent to Montana's requirements;
- preserve or develop a reasonable, lower-cost state examination and experience pathway for qualified operators who do not hold a national certification, including operators whose work setting or specialty has historically relied on the state pathway;
- maintain a clear and enforceable mechanism to investigate unlicensed operation, verify operator credentials, receive complaints, and enforce applicable Montana safety requirements;
- identify which functions of the current program involve operator credential verification, equipment inspection, or other compliance activity, and avoid duplicating safety oversight already performed under applicable federal or other regulatory programs; and
- establish a transition process that protects existing Montana licensees, minimizes interruption to active projects, and provides adequate notice of any credentialing change.

The recommendation does not assume that national certification should be mandatory for every crane and hoist operator. Rather, it supports a competency-based framework in which national certification may satisfy

the technical-competency component when substantially equivalent, while a viable state alternative remains available if national certification would be unnecessarily costly or otherwise inaccessible for a class of qualified operators.

Executive Order No. 1-2026 Report Elements Addressed

This recommendation addresses the following elements required for the Task Force's initial report under Executive Order No. 1-2026:

- **Public health, safety, or welfare hazard.** Crane and hoist operation presents an obvious safety risk to workers and the public. The recommendation retains competency verification and enforceable compliance mechanisms while evaluating whether separate state technical licensure adds protection beyond a substantially equivalent national credential.
- **Public benefit provided by licensure or registration.** The proposal distinguishes between the public benefit of verifying operator competency and the separate benefits, if any, of maintaining a Montana credential for enforcement, inspections, recordkeeping, and public accountability.
- **Specialized skill or training with nationally recognized standards.** Montana law already recognizes national certification for first- and second-class crane and hoist engineers when the certifying organization's qualifications are substantially equivalent to state requirements. § 50-76-113, MCA. The recommendation builds on that existing standard rather than presuming that any private credential is sufficient.
- **Justification for licensure qualifications.** The recommendation calls for an evidence-based review of the current class structure, examination, experience, physical examination, reexamination, inspection, and compliance requirements to identify which elements remain necessary to protect the public.
- **Unnecessary barriers to entry.** For nationally certified operators, a state license that does not independently assess competency may duplicate an existing credential and add fees or processing time. Conversely, requiring national certification as the sole route could create a new barrier for operators who can establish competency through a more affordable state examination and experience pathway.
- **Cost of service to the public.** Streamlining duplicative credentialing may reduce employer and operator compliance costs and support timely availability of qualified operators for construction, industrial, energy, and infrastructure projects.
- **Workforce shortages or access constraints in rural and frontier communities.** An affordable, portable, and clearly administered pathway can improve the availability of qualified operators for rural and remote projects without weakening competency requirements.
- **Licensure portability, reciprocity, or endorsement pathways.** Recognition of substantially equivalent national certification offers a portable pathway for qualified operators entering Montana. A streamlined registration can preserve Montana's ability to verify credentials without requiring a second technical licensure process.
- **Public support for continued licensure.** The recommendation preserves the State's role in ensuring that covered equipment is operated by qualified individuals, while asking whether a state license, as distinct from registration or another compliance mechanism, is necessary for every qualified operator.
- **Proposed legislation for the 2027 Montana Legislative Session.** Staff should develop legislation only after completing the program, safety, enforcement, fiscal, and stakeholder analysis described below.

Policy Assessment

Benefits

The proposed reform aligns Montana's credentialing structure with the principle that licensing requirements should be narrowly tailored to public protection. Under current law, a nationally certified applicant may obtain first- or second-class licensure without completing the ordinary state examination and experience requirements but still must obtain the Montana license and comply with state requirements. § 50-76-103, MCA; § 50-76-113, MCA. A streamlined registration may reduce redundancy while retaining a current record of operators authorized to work in Montana.

The recommendation also accounts for the Subcommittee's concern that eliminating the state pathway entirely could make national certification the sole option, even where it is more expensive or less accessible than a state examination and documented experience route. Preserving a state alternative avoids turning a reform intended to reduce burdens into a new barrier to entry.

Limitations and Safeguards

The Task Force should not recommend repeal of the state license without first determining what compliance and inspection functions would be lost, duplicated, or transferred. Staff should distinguish operator credential checks from equipment-safety inspections and identify the authority, personnel, frequency, and funding associated with each function.

The national-certification pathway should be limited to organizations that the Department determines have qualifications substantially equivalent to Montana's requirements. It should also include a reliable means to verify current certification and address suspension, revocation, expiration, or other loss of good standing. A registration fee, if retained, should be proportionate to the actual state services provided and should not shift the program's costs to unrelated licensing boards or programs.

Implementation and Staff Analysis

Before final legislative language is advanced, staff should report to the Task Force on:

- the number and type of active crane and hoist operator credentials, including the use of national-certification and state-examination pathways;
- current revenue, expenditures, appropriations, fee authority, and the fiscal effect of retaining or modifying a state registration or license;
- the nature and frequency of state compliance activities, including operator credential verification, equipment inspections, complaints, citations, and disciplinary actions;
- the scope of national-certifying-body standards, credential-verification practices, disciplinary procedures, and applicable federal safety oversight;
- the feasibility and cost of preserving or refining a state examination and experience pathway for operators who do not hold national certification;
- the statutory and rule changes necessary to implement a registration or alternative compliance model; and
- transition, notice, and grandfathering provisions for current licensees and applicants in process.

Motion

The Construction Subcommittee moves that the Licensing Reform Task Force advance this recommendation for staff analysis and development of potential 2027 legislation. Any proposal should recognize substantially equivalent national certification, preserve a practical state pathway for otherwise qualified operators, retain only the state compliance functions necessary to protect public safety, and avoid duplicative costs or unnecessary barriers to entry.