

**2015 -- H 5132 SUBSTITUTE A**

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LC000521/SUB A  
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**STATE OF RHODE ISLAND**

**IN GENERAL ASSEMBLY**

**JANUARY SESSION, A.D. 2015**

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A N A C T

RELATING TO LABOR AND LABOR RELATIONS -- HOISTING ENGINEERS

Introduced By: Representatives Carnevale, O'Brien, Ucci, McKiernan, and Slater

Date Introduced: January 15, 2015

Referred To: House Labor

It is enacted by the General Assembly as follows:

1           SECTION 1. Section 28-26-11 of the General Laws in Chapter 28-26 entitled "Hoisting  
2 Engineers" is hereby amended to read as follows:

3           **28-26-11. Penalty for violations.** -- Whoever, being an engineer or user or agent of  
4 steam, internal combustion engines, electric, or compressed air hoisting machinery described in  
5 this chapter, violates any provision of this chapter shall be fined not less than ~~three hundred~~  
6 ~~dollars (\$300)~~ one thousand five hundred dollars (\$1,500) nor more than ~~one thousand one~~  
7 ~~hundred fifty dollars (\$1,150)~~ two thousand dollars (\$2,000) per offense. Each day in which a  
8 violation occurs shall be deemed a separate offense.

9           SECTION 2. Section 28-26-14 of the General Laws in Chapter 28-26 entitled "Hoisting  
10 Engineers" is hereby amended to read as follows:

11           **28-26-14. Persons and machinery exempt from chapter.** -- (a) The provisions of this  
12 chapter shall not apply to engineers under the jurisdiction of the United States, or engineers or  
13 operators employed by public utilities, and shall not apply to agriculturists, fishers, ~~and~~  
14 horticulturists, and individuals utilizing their personal farm equipment performing volunteer  
15 services on land trust property. or to any engine except one which operates a hoist, shovel, crane,  
16 or excavator.

17           (b) The provisions of this chapter shall not apply to powered industrial forklift trucks  
18 commonly referenced as forklifts, pallet trucks, rider trucks, fork trucks, or lift trucks. Operators  
19 of powered industrial forklift trucks (forklifts, pallet trucks, rider trucks, fork trucks, lift trucks)

1 shall be required to possess employer certification or third party certification in general industry  
2 only. This does not apply to the construction field. Operators of powered industrial forklift trucks,  
3 in the construction field, shall be required to possess a Rhode Island State Hoisting Engineer's  
4 License along with an operator's certification.

5 SECTION 3. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

A N A C T

RELATING TO LABOR AND LABOR RELATIONS -- HOISTING ENGINEERS

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- 1           This act would increase the fines for violations of chapters regulating hoisting engineers.
- 2       This act would also exempt individuals utilizing their personal farm equipment and performing
- 3       volunteer services on land trust property from the provisions of this chapter.
- 4           This act would take effect upon passage.

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