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TITLE 260 – DEPARTMENT OF LABOR AND TRAINING

CHAPTER 30 – WORKFORCE REGULATION AND SAFETY

SUBCHAPTER 15 – PROFESSIONAL REGULATION

PART 8 – Examining and Licensing of Hoisting Engineers

8.1 Authority

This Part is promulgated pursuant to R.I. Gen. Laws §§ 28-26-1.1, 28-26-4 and 28-26-6.

8.2 Purpose

The purpose of these rules and regulations is to provide standards for the examining and licensing of hoisting engineers.

8.3 Definitions

A. The following definitions shall apply:

1. "Agriculturist" as used within R.I. Gen. Laws § 28-26-14 means an individual engaged in the science, art, and business of cultivating soil, growing crops, and raising livestock. Their work includes activities such as planting, harvesting, fertilizing, irrigation, and farm maintenance. Agricultural operations may involve the use of tractors, plows, combines, and other machinery to support food production and land management. This definition does not include tree service companies. ~~"Department" means the Department of Labor and Training.~~
2. "Department" means the Department of Labor and Training.
3. "Division" means the Division of Workforce Regulation and Safety.
43. "Direct line of sight supervision" means that the Trainee is within the immediate proximity of the Trainer and can read hand signs.
54. "DOT medical card" means a card given after a Department of Transportation (DOT) physical examination conducted by a licensed medical examiner listed on the Federal Motor Carrier Safety Administration (FMCSA) National Registry.
65. "Horticulturist" as used within R.I. Gen. Laws § 28-26-14 means a professional who specialize in the cultivation, maintenance, and care of

plants, including fruits, vegetables, flowers, and ornamental trees. Horticulture is distinct from general agriculture in that it focuses more on plant sciences, greenhouse management, landscape design, and nursery cultivation rather than large-scale crop or livestock production. This definition does not include tree service companies.

7. “Multi-function equipment” means any equipment that is capable of performing different tasks based on the use of a manufacturer’s approved attachment design for such purposes.
86. “Operator training” means actual field instruction provided by a Trainer to a Trainee where the Trainee controls the Excavating Equipment.
97. “Trainee” means a person granted an Operator Trainee License by the Department.
108. “Trainer” means a person who holds a valid Rhode Island Excavating Equipment License for at least five years, or a Full License as defined by § 8.5 of this Part, and who is approved as a Trainer by the Division for Operator Training of a specific Trainee.
11. “Tree service company” means a business or individual engaged in the cutting, pruning, trimming, removal, bracing, or other structural maintenance of trees or tree limbs. This term does not include agriculturists or horticulturists as defined within this section.

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8.4 Types of Licenses

- A. UNRESTRICTED LICENSE - qualifies the person to operate the equipment specified on the license, in the category or categories designated in § 8.5 of this Part. This license is valid for work for multiple employers.
- B. RESTRICTED LICENSE – a restricted license is valid only for work performed in the employment of a single employer, within the premises owned and occupied by the employer, and is restricted to the type of equipment as specified on the license, in the category or categories designated in § 8.5 of this Part. Municipal, State, and Quasi-State employees, who hold a restricted license, must follow the same provisions as above stated restricted licensees.

8.5 Categories of Licenses

- A. FULL LICENSE -- This license allows the operation of all hoisting and excavating equipment. A full license shall be issued to any person, successfully completing an examination for the same, who previously qualified himself/herself under this chapter, as a hoisting engineer with a valid regular Rhode Island hoisting license for a period of at least two (2) years.

- B. LATTICE CRANE LICENSE -- This license allows the operation of all lattice boom cranes, derricks, stiff legs, Chicago booms, gin poles, and tower cranes.
- C. HYDRAULIC CRANE LICENSE -- This license allows the operation of cranes and other machines in which the main boom is hydraulically telescopic. This includes personnel and/or material hoists (as defined in the Rhode Island Elevator Safety Code §§ [10-1.7 and 1.8 of this Chapter](#), manipulators, winches, spider cranes, vibratory hammers, hydraulic hoists.
- D. AERIAL LIFT LICENSE -- This license allows the operation of a boom type personnel lift that is hydraulically operated enabling the worker to lift himself/herself into an elevated working position, while lifting material.
- E. OVERHEAD ELECTRIC CRANE LICENSE -- This license allows the operation of machinery which is electrically operated, that moves along an overhead rail that supports a trolley enabling material to be hoisted from one location to another.
- F. CONVEYOR BELT LICENSE -- This license allows the operation of a self-propelled crushing and/or reclaiming equipment, and portable conveyors used to move materials.
- G. CONCRETE PUMP / SCREEDING EQUIPMENT LICENSE -- This license allows the operation of hydraulic pumps which pumps cement products from one location to another, and machines used for screeding freshly poured concrete.
- H. CONSTRUCTION FORKLIFT/ TELEHANDLER LICENSE -- This license allows the operation of a hydraulic equipment, that does not have a cable winch, but has forks and/or attachments to lift and/or transport material from one location to another, with an extendable boom for height and reach.
- I. EXCAVATING EQUIPMENT LICENSE -- This license allows the operation of rubber tired, crawler, or robotic equipment (whose primary function is not designed for hoisting) machinery for excavating, grading, demolition, crushing, grinding, reclaiming, paving and compaction of earth or asphalt.
- J. DRILLING RIG LICENSE -- This license allows the operation of truck or track mounted, rotary type machine used to test and/or excavate the earth.
- K. HYDRAULIC DELIVERY TRUCK-- This license allows the operator of a supply, delivery, or equipment rental company to only unload their product or equipment at their delivery destination by whatever hydraulic means that is on the transport vehicle.
- L. SIGN CRANE -- This license allows sign contractors to perform installation and removal of signs only.

- M. SEGMENTAL LIFT HOIST OR SEGMENTAL ERECTING ARM -- This license allows operation of machinery that is used for hoisting and setting precast concrete segments underground in tunnel construction only.

8.6 License Requirements

- A. The Division of Professional Regulation shall conduct examinations every thirty (30) days, or sooner, as the Director deems necessary. The passing score shall be 70 percent.
- B. Any person holding a Restricted License may at any time apply for examination to qualify for operation of additional types of machinery. If applicant passes such examination, applicant's license shall indicate equipment for which he/she qualifies.
- C. Licenses shall show the date of issuance and shall expire on the licensee's birthday every two (2) years. Licenses may be renewed on or after that date, within a two (2) year period, upon payment of the appropriate renewal fees, plus a twelve-dollar (\$12.00) per month administrative assessment fee for the delinquency period. No re-examination shall be permitted during the 24 month delinquency period.
 - 1. If licenses are not renewed in two (2) years, the applicant will be subjected to re-examination.
 - 2. Any person with a pending violation will not be permitted to take a hoisting engineer examination, until such time as the fine and/or violation has been settled.
 - 3. Any license expiring while the holder thereof is in the active military, naval, or air service of the United States shall be renewed without further examination, upon payment of the prescribed fee, at any time within four (4) months after the person's discharge from the service.
- D. Every person shall have his/her license in his/her possession and on his/her person at all times while engaged in actual operation of hoisting machinery. No person shall transfer his/her license to another person. No licensee shall voluntarily give up possession of his/her license or place it beyond his/her personal control by pledging or depositing it with another person. Failure to comply with the above shall subject the holder to revocation of his/her license and any other penalties prescribed by law.
- E. All applications for a license must be accompanied by a Medical Certification (DOT medical card), affidavit detailing work history, one (1) photo of applicant, and a non-refundable fee of seventy-five (\$75.00) dollars.
- F. The Board of Examiners has the power to disregard any of the above rules and regulations if necessary, during a governmentally declared state of emergency.

G. In accordance with the Federal Regulations, 29 C.F.R. §§ 570.58 and 570.68 of the Fair Labor Standards Act, no license shall be granted to a person less than eighteen (18) years of age.

H. Any person operating Multi-functional equipment is required to possess the appropriate license as defined in § 8.5 of this Part, "Categories of Licenses," for the task that is being performed when operating the equipment with an attachment.

I. The operator shall operate hoisting machinery only when fully attentive. The operator shall not operate the equipment erratically and/or under the influence of alcohol or drugs. When an operator is physically or mentally unfit, the operator shall not operate hoisting machinery.

8.7 Operator Trainee License

A. The Operator Trainee License shall allow a Trainer to provide Operator Training to a Trainee in the proper and safe use of Excavating Equipment, as defined in § 8.5(l) of this Part, and shall be valid for a two (2) year period or until such time as the Trainer notifies the Division that he/she is no longer providing Operator Training to the Trainee;

B. A Trainee is required to sit for the Hoisting Engineer's examination before the expiration of the two-year term of the Operator Trainee License;

C. Applicants who hold an Operator Trainee License and sit for a Hoisting Engineer examination and fail may sit for a second Hoisting Engineer examination after a thirty-day period;

D. A Trainee holding an Operator's Trainee License and who has failed the Hoisting Engineer's examination may request to come before the Board of Examiners of Hoisting Engineers to request an additional one (1) year extension of his/her Operator Trainee License;

8.8 Operator Trainee Application Process

A. Persons seeking an Operator Trainee License must submit an application to the Division;

B. The Division shall approve applications from persons over the age of eighteen (18) upon submission of a complete application for an Operator Trainee License;

C. The application for Operator Trainee Licenses shall include:

1. A notarized letter or statement from the owner/lessee of the proposed Excavating Equipment upon which the applicant will receive Operator Training in which the owner/lessee grants the applicant and proposed

Trainer permission to perform Operator Training on his/her Excavating Equipment;

2. A notarized letter from the proposed Trainer stating that he/she will provide the applicant with Operator Training in compliance with the rules stated herein and that the applicant possesses the competency to train to run Excavation Equipment;
3. The applicant's name, address and telephone number;
4. The proposed Trainer's name, business name, address and his/her Rhode Island Hoisting Engineer License number; and
5. A \$75 application fee.

8.9 Trainer's Responsibilities

- A. Provide Operator Training to only one (1) Trainee at any given time;
- B. Remain in the Trainee's Direct Line of Sight Supervision at all times in which the Trainee receives Operator Training;
- C. Directly supervise the Trainee's Operator Training at all times, a Trainee shall cease operation of excavating equipment when the designated Trainer is not in the immediate proximity;
- D. Insure that the Trainee performs Operator Training only within the Trainee's scope of operational competence and only on the Excavating Equipment, as defined in § 8.54(l) of this Part;
- E. Notify the Division in writing, within three (3) business days from the date when the Trainer ceases providing Operator Training to the Trainee;
- F. Operator Trainer shall maintain a valid Hoisting Engineer License during the training period;

8.10 Penalty for Violations

- A. Whoever violates any provision of this Rule shall be fined pursuant to R.I. Gen. Laws § 28-26-11.
- B. Persons aggrieved by any proposed penalty for violation of this rule may appeal imposition of said penalty pursuant to R.I. Gen. Laws § 28-26-16.

8.11 Exemptions

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A. Pursuant to R.I. Gen. Laws § 28-26-14, the following professions are exempt from hoisting license requirements when performing duties within the scope of their profession:

1. Engineers under the jurisdiction of the United States;

2. Engineers or operators employed by public utilities;

3. Agriculturists;

4. Fishers;

5. Horticulturists;

6. Individuals utilizing their personal farm equipment performing volunteer services on land trust property; and

7. Powered industrial forklift trucks commonly referenced as forklifts, pallet trucks, rider trucks, fork trucks, or lift trucks unless operated in the construction field.

B. Tree service companies and individuals are not exempt from hoisting license requirements.

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