
From: James Venetr
Sent: Monday, September 26, 2016 9:01 AM
To: Carley, Stephen (DPS)
Subject: Changes to 520 CMR 6
Attachments: 1A HE Continuing Education (MA)-5.pdf; ATT00001.htm; LogoForSignature.jpg; ATT00002.htm

Follow Up Flag: Follow up
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Regulatory and Industry Standard Training versus Equipment Specific Training

It may be worth while to define these. On the surface, it may be obvious to the people who do this every day (inspectors, instructors, etc.), but I can certainly see this drumming up questions by the public. Ask me if you would like me to elaborate, however, its going to be especially important to the stipulation regarding Multiple Classes, where a licensee holding multiple classes only needs to complete two hours of regulatory and industry standard training.

Multiple Classes

This is a little unclear the way its currently written. Currently, its reads:

Multiple Classes. A Licensee who holds a Hoisting License with multiple classes shall complete only two classroom hours of regulatory and industry standard training and the equipment specific training for each class applicable to their Hoisting License.

This may create some confusion. Suggest something along the lines of the following:

Multiple Classes. A Licensee who holds a Hoisting License with multiple classes shall complete only two classroom hours of regulatory and industry standard training. The Licensee must then complete the additional equipment specific training requirements for each class applicable to their Hoisting License, as listed in 520 CMR 6.04(b)(6).

Example...

A Licensee holding a 1C, 2A, 4G hoisting license would need to complete:

- Two hours of regulatory and industry standard training*
- Two hours of equipment specific training for the 1C*
- Two hours of equipment specific training for the 2A*
- One hour of equipment specific training for the 4G*

Certificates of Completion

I have already spoken directly with Chief Ed Kawa, but this seems like an appropriate place to mention it again. The following has been copied and pasted directly from an email sent.

A few weeks ago, I had a conversation with him surrounding the topic of submitting certificates electronically for our customers. In this conversation, I made him aware that it would be very easy for people to double dip with their continuing education certificates. I just hung up with someone who put me over the edge and irritated me enough to send this email.

Being on the front lines of people looking for certificates, it has become abundantly clear that word is out on the street that you are able to reuse continuing education certificates when renewing your license. Between public records, and a users registration date on our site, I am sometimes able to call someone's bluff, but I can't tell you how many phone calls we get from a person who "forgot to print their certificate" and need us to produce it for them since they can no longer access their account.

With this knowledge, we have built our site to keep people honest. I have attached a copy of our certificate below. We combat this in two ways:

- The date on the certificate is the date of course completion, NOT the date of printing. Knowing how a lot of this programming works, I would bet a lot of the other companies out there are producing certificates with today's date, not the date of completion. This means I could print my certificate today, use it, then reprint it in a month and say I did it twice.*
- In the lower right corner of our certificate, we have a Certificate Number. This certificate number is randomly generated, and holds true for that specific certificate. So if a person prints his certificate today, then again tomorrow, it will hold the same Certificate Number. As I explained to Ed in our conversation, perception is reality, so hopefully people see this and assume it means something to the Department of Public Safety. The best way to combat this problem would be to implement an actual certificate number field with the Department of Public Safety's software, which would draw a red flag if someone were to use the same certificate number twice.*

Anyway, sorry to be a pest; figured it was worth an email to point it out because I can guarantee you there are a lot of people who are cheating the system.

Attached to this email is a sample of a certificate.

Driver's License

During the public hearing, one of the gentlemen who spoke had made mention of a "Massachusetts" Drivers License being required. I am of the opinion he meant to just say "Driver's License", however, I want to make sure that I am not missing something that says it must be a MA Driver's License; it just needs to be a valid driver's license from any state?

In-Service Licenses

In 520 CMR 6.06(b)(3) it shows you have eliminated the need for a company license??? Then in 520 CMR 6.07(5) it still shows the requirements for an In-Service License still existing. Maybe I'm going cross-eyed from reading this so many times, so maybe I've misunderstood what is being said.

Manufacturer Approved Attachments

Currently, if you are operating a skid steer with an auger attachment, it does not require a license. Under the new Classification of Licenses, 520 CMR 6:10, some classes now read "with Manufacturer Approved Attachments". Does this mean all attachments, or just attachments meeting provisions as defined in Hoisting Machinery under 520 CMR 6.01(2)?

Municipal License

I think this is going to create a lot of problems. To name a few...

- Many municipalities operate equipment outside the 1C, 2B and 4G. This will become a liability nightmare.
- If/when someone gets fired from a municipality, they will undoubtedly complain that their license should be valid for the Municipal License restrictions as an unlimited license.
- Studying for this exam and completing the continuing education will leave a lot of gray area.

Class 4F License

I struggle with this class of a license. If you should shed some light, it might help me to better understand what this actually licenses a person to operate. How is it different from a 1B?

Temporary Permits

Not sure if this topic is up for discussion, but as the facilitator for the majority of temporary permits in MA, I hear the most from customers/rental facilities.

- Is it possible to have the machine capacity raised from 8,000 lbs to 10,000 lbs?
- Is it possible to allow forks on the front of a loader?