



MONTANA
ADMINISTRATIVE
REGISTER



DEPARTMENT OF LABOR AND INDUSTRY

NOTICE OF PROPOSED RULEMAKING

MAR NOTICE NO. 2026-135.1

Summary

Crane and Hoist Operating Engineers Program amendments to applicant physical requirements and implementation of House Bill 246 pertaining to substantial equivalency

Hearing Date and Time

Thursday, August 13, 2026, at 9:00 a.m.

Virtual Hearing Information

A public hearing will be held via remote conferencing to consider the proposed changes to the agency's rules. There will be no in-person hearing. Interested parties may access the remote conferencing platform in the following ways:

Join Zoom Meeting: <https://mt-gov.zoom.us/j/85481043943>

Meeting ID: 854 8104 3943; Password: 8306523100

Dial by Telephone: +1 646 558 8656

Meeting ID: 854 8104 3943; Password: 8306523100

Comments

Concerned persons may present their data, views, or arguments at the hearing. Written data, views, or arguments may also be submitted at dli.mt.gov/rules or P.O. Box 1728, Helena, Montana 59624. Comments must be received by Friday, August 21, 2026, at 5:00 p.m.

Accommodations

The agency will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. Requests must be made by Thursday, August 6, 2026, at 5:00 p.m.

Contact

Department of Labor and Industry
(406) 444-5466
laborlegal@mt.gov
Montana Relay: 711

General Reasonable Necessity Statement

The department has proposed NEW RULE 1 to comply with House Bill (HB) 246. In addition, the department has amended the license requirements for physicals for hoisting operators, crane hoisting operators, and mine hoisting operators to match requirements from the National Registry of Certified Medical Examiners and adhere to rules and regulations of the federal motor carrier safety administration for licensing these operators.

Rulemaking Actions

AMEND

The rules proposed to be amended are as follows, stricken matter interlined, new matter underlined:

24.135.501 HOISTING OPERATORS LICENSE REQUIREMENTS

- (1) No person shall operate any hoisting equipment except as listed under (8) ~~of this rule~~, without first obtaining a hoisting operator's license from the ~~bureau~~ department, unless meeting requirements of (6).
- (2) The following hoisting licenses are issued under 50-76-102, MCA, that are applicable to other than mine hoisting equipment:
 - (a) first-class hoisting license;
 - (b) second-class hoisting license.
- (3) A person applying for a hoisting operator's license under 50-76-102, MCA, shall meet the following requirements:

- (a) have passed their 18th birthday;
 - (b) have passed a physical examination within 180 days prior to a new application and present this report to the department, or present proof of passing an applicable physical examination; and
 - (c) pass a written examination as prescribed by the ~~bureau~~ department.
- (4) An applicant for a first-class hoisting operator's license shall have no less than one year of experience in the operation of hoisting equipment covered by this rule, at a minimum of 1000 hours per year. Applicants with less than one year of experience do not qualify for a first-class hoisting operator's license. Applicants with work experience acquired in states that have no licensing requirements will qualify if their ~~notarized~~ certificate of experience indicates they have the required work experience on the applicable equipment.
- (a) The holder of a first-class hoisting operator's license can operate types of hoists which include but are not limited to the following:
 - (i) elevators in buildings under construction with engines delivering unlimited brake horsepower;
 - (ii) multiple drum hoists with engines delivering unlimited brake horsepower;
 - (iii) single drum hoists with engines delivering unlimited brake horsepower; and
 - (iv) all hoists allowed by second-class hoisting operators' licenses.
- (5) An applicant for a second-class hoisting operator's license shall have no less than one year of experience in the operation of hoisting equipment covered by this rule, at a minimum of 1000 hours per year. Applicants with less than one year of experience do not qualify for a second-class hoisting operator's license. Applicants with work experience acquired in states that have no licensing requirements will qualify if their ~~notarized~~ certificate of experience indicates they have the required work experience on the applicable equipment.
- (a) The holder of a second-class hoisting operator's license can operate the following types of hoists:
 - (i) elevators in buildings under construction with engines delivering up to 100 brake horsepower; and
 - (ii) single drum and multiple drum hoists with engines delivering up to 100 brake horsepower.
- (6) Persons operating hoisting equipment listed in this rule who have less than one year of experience must work under the direct supervision of a licensed hoisting operator or participate in a certified apprenticeship training program.

- (7) Application for any license must be accompanied by the following:
- (a) A ~~notarized~~ certificate of experience provided by the ~~bureau~~ department and signed by a person having actual knowledge of the applicant's past work experience.
 - (b) A report of a physical examination filled out and signed by the physician, physician assistant, ~~or~~ advanced practice registered nurse, or chiropractor ~~having given the examination. The form is provided by the bureau. An alternate form may be used if approved by the bureau. Only the medical professional who conducted the physical examination may sign the report. The department will accept the applicant using either a copy of department's form, located at the department's Crane/Hoisting Operator Program website, or a Department of Transportation (DOT) or Commercial Driver's License (CDL) physical and accompanying Medical Examiner's Certificate (ME Certificate or exam card).~~ The physical examination may not be dated more than 180 days from the date the application is received by the ~~bureau~~ department.
 - (c) A qualification and experience information form provided by the ~~bureau~~ department.
 - (d) The license fee provided by ARM 24.135.402.
- (8) Hoisting operators' licenses need not be obtained to operate the following types of equipment:
- (a) stiff legs;
 - (b) front-end and rear-end loaders;
 - (c) forklifts;
 - (d) hoists and elevators in completed private and public buildings;
 - (e) hydraulic man lifts.

Authorizing statute(s): 50-76-112, MCA

Implementing statute(s): 50-76-102, 50-76-103, 50-76-104, MCA

Reasonable Necessity Statement

The department has amended the license requirements for physicals for hoisting operators to match requirements from the National Registry of Certified Medical Examiners and adhere to rules and regulations of the federal motor carrier safety administration for licensing these operators. The proposed changes clarify acceptable documentation and align the rules for

hoisting operators with those of crane and mine hoisting operators. The requirement that a certificate be notarized was removed as the notarized certificate is not required by statute. In addition, the word “bureau” was replaced with “department” to reflect current terminology.

24.135.516 CRANE HOISTING OPERATORS LICENSE REQUIREMENTS

- (1) No person shall operate any crane hoisting equipment except as listed in (9) ~~of this rule~~ without first obtaining a crane hoisting operator's license from the ~~bureau~~ department, unless meeting requirements of (7).
- (2) The following crane hoisting operator's licenses are issued under 50-76-103, MCA:
 - (a) first-class crane hoisting;
 - (b) first-class crane hydraulic hoisting;
 - (c) first-class crane gantry and trolley;
 - (d) second-class crane hoisting;
 - (e) second-class hydraulic and boom truck;
 - (f) third-class crane oiler;
 - (g) first-class tower crane;
 - (h) second-class tower crane; and
 - (i) air tugger.
- (3) A person applying for a crane hoisting operator's license under 50-76-103, MCA, shall meet the following requirements:
 - (a) have passed their 18th birthday;
 - (b) have passed a physical examination within 180 days prior to a new application and present this report to the department, or present proof of passing an applicable physical examination; and
 - (c) pass a written examination as prescribed by the ~~bureau~~ department.
- (4) An applicant for a first-class crane hoisting license, first-class crane hydraulic license, first-class tower crane license or a first-class gantry and trolley license shall have no less than one year of experience in the operation of crane hoist equipment covered by this rule, at a minimum of 1000 hours per year. Applicants with less than one year of experience do not qualify for a first-class crane hoisting license. Applicants with work experience acquired in states that have no licensing requirements will qualify if their ~~notarized~~ certificate of experience indicates they have the required work experience on the applicable equipment.

- (a) The holder of a first-class crane hoisting license can operate all classes of cranes and hoists except mine hoists.
 - (b) The holder of a first-class crane hydraulic hoisting license can operate all classes of hydraulic cranes, hydraulic boom trucks and hydraulic hoist equipment only.
 - (c) The holder of a first-class crane license for gantry and trolley cranes can operate gantry and trolley cranes only.
 - (d) The holder of a first-class tower crane license can operate all types of tower cranes only.
 - (e) The holder of an air tugger winch license can operate all types of air tugger winches, other than air tugger winches on equipment used to drill oil, natural gas, or water wells.
- (5) An applicant for a second-class crane hoisting license, second-class tower crane license or second-class hydraulic and boom truck license shall have no less than one year of experience in the operation of crane hoisting equipment covered by this rule, at a minimum of 1000 hours per year. Applicants with less than one year of experience do not qualify for second-class crane hoisting licenses. Applicants with work experience acquired in states that have no licensing requirements will qualify if their ~~notarized~~ certificate of experience indicates they have the required work experience on the applicable equipment.
- (a) The holder of a second-class crane hoist license can operate cranes with a manufacturer's load chart rating up to 17.5 tons, except mine hoists, or a tower crane of any capacity.
 - (b) The holder of a second-class hydraulic license can operate hydraulic cranes or boom trucks with a manufacturer's load chart rating up to 17.5 tons.
 - (c) The holder of a second-class tower crane license can operate tower cranes up to 17.5 tons.
- (6) A third-class crane operator's license requires no experience or physical examination. A third-class crane license authorizes the holder to move truck cranes only.
- (7) Persons operating crane hoisting equipment listed in this rule who have less than one year of experience must work under the direct supervision of a qualified crane hoisting operator or participate in a certified apprenticeship training program.
- (8) Application for a license must be accompanied by the following:
- (a) A ~~notarized~~ certificate of experience signed by a person having actual knowledge of the applicant's past work experience.
 - (b) A report of a physical examination filled out and signed by the physician, physician assistant, ~~or~~ advanced practice registered nurse, or chiropractor

having given the physical examination. The form is provided by the bureau upon request. An alternate form may be used if approved by the bureau. This physical examination form must also be filled out and submitted for license renewals. Only the medical professional who conducted the physical examination may sign the report. The department will accept the applicant using either a copy of the department's form, located at the department's Crane/Hoisting Operator Program website, or a Department of Transportation (DOT) or Commercial Driver's License (CDL) physical and accompanying Medical Examiner's Certificate (ME Certificate or exam card). The physical examination may not be dated more than 180 days from the date the application is received by the department.

- (c) A qualification and experience information form provided by the ~~bureau~~ department.
 - (d) The license fee provided by ARM 24.135.402.
- (9) Crane hoisting operator's licenses need not be obtained to operate the following types of equipment:
- (a) crane hoisting equipment that has a manufacturer's rating of six tons or less;
 - (b) overhead trolley cranes of any size not used in construction;
 - (c) equipment with excavation attachments or log loading equipment; or
 - (d) line trucks and bucket trucks.

Authorizing statute(s): 50-76-112, MCA

Implementing statute(s): 50-76-103, 50-76-104, MCA

Reasonable Necessity Statement

The department has amended the license requirements for physicals for crane hoisting operators to match requirements from the National Registry of Certified Medical Examiners and adhere to rules and regulations of the federal motor carrier safety administration for licensing these operators. The proposed changes clarify acceptable documentation and align the rules for crane hoisting operators with those of hoisting operators and mine hoisting operators. The requirement that a certificate be notarized was removed as the notarized certificate is not required by statute. In addition, the word "bureau" was replaced with "department" to reflect current terminology.

24.135.530 MINE HOISTING OPERATORS LICENSE REQUIREMENTS

- (1) No person shall operate mine hoisting equipment when used in raising or lowering persons or materials in underground mines without first obtaining a mine hoisting operator's license from the ~~bureau~~ department, unless meeting requirements of (8).
- (2) The following hoisting licenses are issued under 50-76-102, MCA, that are applicable to mine hoisting equipment:
 - (a) first-class mine hoisting operator's license;
 - (b) second-class mine hoisting operator's license.
- (3) A person applying for a mine hoisting operator's license shall meet the following requirements:
 - (a) have passed their 18th birthday;
 - (b) have passed a physical examination within 180 days prior to a new application and present this report to the department, or present proof of passing an applicable physical examination; and
 - (c) pass a written examination as prescribed by the ~~bureau~~ department.
- (4) An applicant for a first-class mine hoisting operator's license shall have no less than one year of experience in the operation of mine hoisting equipment, at a minimum of 1000 hours per year. An applicant with less than one year of experience in the operation of mine hoisting equipment does not qualify for a mine hoisting operator's license. Applicants with work experience acquired in states that have no licensing requirements will qualify if their ~~notarized~~ certificate of experience indicates they have the required work experience on the applicable equipment.
- (5) The holder of a first-class mine hoisting operator's license can operate all classes of mine hoists.
- (6) An applicant for a second-class mine hoisting operator's license shall have no less than one year of experience in the operation of mine hoisting equipment covered by this rule, at a minimum of 1000 hours per year. Applicants with less than one year of experience do not qualify for a second-class mine hoisting operator's license. Applicants with experience acquired in states that have no licensing requirements will qualify if their ~~notarized~~ certificate of experience indicates they have the required work experience on the applicable equipment.
- (7) The holder of a second-class mine hoisting operator's license can operate mine hoists with engines delivering up to 100 brake horsepower.

- (8) Persons operating mine hoisting equipment listed in this rule who have less than one year of experience must work under the direct supervision of a licensed mine hoisting operator or participate in a certified apprenticeship training program.
- (9) Mines using automatic hoists must have a licensed mine hoisting operator readily available.
- (10) Application for a license must be accompanied by the following:
 - (a) A ~~notarized~~ certificate of experience signed by a person having actual knowledge of the applicant's past work experience.
 - (b) A report of a physical examination filled out and signed by the physician, physician assistant, or advanced practice registered nurse, or chiropractor having given the examination. The form is provided by the bureau upon request. An alternate form may be used if approved by the bureau. Only the medical professional who conducted the physical examination may sign the report. The department will accept the applicant using either a copy of the department's form, located at the department's Crane/Hoisting Operator Program website, or a Department of Transportation (DOT) or Commercial Driver's License (CDL) physical and accompanying Medical Examiner's Certificate (ME Certificate or exam card). The physical may not be dated more than 180 days from the date the application is received by the ~~bureau~~ department.
 - (c) A qualification and experience information form provided by the ~~bureau~~ department.
 - (d) The license fee provided by ARM 24.135.402.

Authorizing statute(s): 50-73-103, 50-76-112, MCA

Implementing statute(s): 50-73-302, 50-76-102, 50-76-104, MCA

Reasonable Necessity Statement

The department has amended the license requirements for physicals for mine hoisting operators to match requirements from the National Registry of Certified Medical Examiners and adhere to rules and regulations of the federal motor carrier safety administration for licensing these operators. The proposed changes clarify acceptable documentation and align the rules for mine hoisting operators with those of crane hoisting operators and hoisting operators. The requirement that a certificate be notarized was removed as the notarized certificate is not required by statute. In addition, the word "bureau" was replaced with "department" to reflect current terminology.

ADOPT

The rule proposed to be adopted is as follows:

NEW RULE 1 SUBSTANTIAL EQUIVALENCY

- (1) The department adopts and incorporates by reference the 2026 substantial equivalency list for the Crane and Hoist Operating Engineers Program publication. The publication is available on the department's website.
- (2) The department intends to review the publication annually. However, failure to review or adopt a new list does not change the effectiveness of the adoption in this rule.
- (3) License applications from individuals licensed in substantially equivalent states are routine applications as to the education, examination, and experience requirements for licensure. Applications may be nonroutine on other bases.

Authorizing statute(s): 50-76-112, MCA

Implementing statute(s): 37-1-304, MCA

Reasonable Necessity Statement

The 2025 Montana Legislature passed HB 246 which was signed by the Governor April 3, 2025, and became effective October 1, 2025. The bill standardizes substantial equivalency determinations in professional licensing and eliminates duplicative statutory sections regarding equivalency and reciprocity.

While historically available to applicants licensed in other states or jurisdictions, licensure by substantial equivalency has never been consistent among the professional licensing boards and programs. HB 246 creates a standard definition for determining substantial equivalency to be uniformly utilized by all the boards and programs when processing endorsement applications. This will create overall efficiencies in processing endorsement applications and reduce licensing wait times for applicants and employers.

To implement the legislation and further the endorsement licensing process, the department is proposing to adopt NEW RULE 1 as it pertains to the Crane and Hoist Operating Engineers Program. The department has compared current licensure standards of the fifty United States for crane and hoist operator licensees and determined those that are substantially equivalent per the definition in 37-1-302, MCA. This new rule will adopt and incorporate by reference the department's initial approved list of states having substantially equivalent licensing standards. The list will be published on the department's website. The department will analyze other states' licensing standards annually, and update the published list as needed.

Small Business Impact

Pursuant to 2-4-111, MCA, the Montana small businesses that will probably be affected by the proposed rule changes are crane operators. The department has determined that the proposed rule changes will not create a negative significant and direct impact on these small businesses. The department has determined that the proposed rule changes will have a positive impact on small businesses by encouraging individuals to enter Montana and join the Montana workforce.

Bill Sponsor Notification

The primary bill sponsor was notified by email on June 3, 2026.

Interested Persons

The agency maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by the agency. Persons wishing to have their name added to the list may sign up at dli.mt.gov/rules or by sending a letter to P.O. Box 1728, Helena, Montana 59624 and indicating the program or programs about which they wish to receive notices.

Rule Reviewer

Jennifer Stallkamp

Approval

Sarah Swanson, Commissioner