



ADMINISTRATIVE RULES OF MONTANA



24.135.410 PROCEDURE TO PROHIBIT USE OF EQUIPMENT IN VIOLATION OF TITLE 50, CHAPTER 76 CONCERNING HOISTING ENGINES AND CRANE OPERATORS

- (1) The bureau, upon finding the use of equipment without a licensed operator, as defined in ARM 24.135.301, 24.135.401, 24.135.501, 24.135.516, or 24.135.530, shall attach to such equipment notice of violation under 50-71-325 , MCA, and shall prohibit the further use of the machine until a licensed operator is available to operate the machine. The bureau may also proceed under 50-76-109 , MCA, if there is not compliance under 50-71-325 , MCA.
- (2) Any person aggrieved by an order prohibiting the use of a machine under these rules or any other order affecting the licensing of an operator may request an administrative review before the bureau in Helena. The review may be by telephone and shall be governed by ARM 1.3.212 through 1.3.225 and 1.3.233. Following the review, the bureau shall affirm, modify or revoke the order.
- (3) All rehearing and appeal rights shall be as stated in 50-71-331 , 50-71-332 , 50-71-333 and 50-71-334 , MCA.
- (4) In addition to all other remedies, the bureau may bring an action in an appropriate court to enjoin any violation of Title 50, chapter 76, Hoisting Engines, as provided in 50-71-326 , MCA.

Authorizing statute(s): 50-71-301, MCA

Implementing statute(s): 50-71-325, 50-76-109, MCA

History: NEW, 1983 MAR p. 1300, Eff. 11/26/83; TRANS, from Dept. of Labor and Industry, 1995 MAR p. 1133, Eff. 7/1/95; TRANS, from Commerce, 2005 MAR p. 581.