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Title 45.
Chapter 26. (New)
Crane Operators
§§1-17 -
C.45:26-1 to
45:26-17
§18 - Note to
§§1-17

P.L. 2003, CHAPTER 171, *approved September 4, 2003*
Senate, No. 581 (*First Reprint*)

1 AN ACT providing for the ¹[certification] licensure¹ of certain crane
2 operators and supplementing Title 45 of the Revised Statutes.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. This act shall be known and may be cited as the
8 "¹[Certification] Licensing¹ of Crane Operators Act."

9

10 2. As used in this act:

11 "Board" means the ¹[State Board of Professional Engineers and
12 Land Surveyors] Crane Operators License Advisory Board established
13 pursuant to section 3 of this act¹.

14 ¹["Committee" means the Crane Operators Certification Advisory
15 Committee established pursuant to section 3 of this act]

16 "Certification" means certification from the National Commission
17 for the Certification of Crane Operators or any other organization
18 found by the board to offer an equivalent testing and certification
19 program meeting the requirements of the American Society of
20 Mechanical Engineers ASME B30.5 and the accreditation
21 requirements of the National Commission for Certifying Agencies.

22 "Commissioner" means the Commissioner of Labor¹.

23 "Crane" means a power-operated hoisting machine used in
24 construction, demolition or excavation work that has a power-
25 operated winch, load line and boom moving laterally by the rotation of
26 the machine on a carrier and has a manufacturer-rated lifting capacity
27 of ¹[five] ten¹ tons or more. It shall not include a forklift, digger
28 derrick truck, aircraft, bucket truck ¹, knuckle boom, trolley boom¹ or
29 any vehicle or machine not having a power-operated winch and load
30 line.

31 "Crane operator" means an individual engaged in the operation of
32 a crane.

33 "Crane related experience" means operating, inspecting, training
34 and maintenance experience acceptable to the board.

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SCM committee amendments adopted May 15, 2003.

1 "Practical examination" means an examination demonstrating the
2 applicant's ability to safely operate a particular category or type of
3 crane. Practical examinations shall be conducted for the following
4 crane categories: the lattice boom crawler or truck cranes, telescopic
5 boom cranes having a capacity of less than 17.5 tons, and the
6 telescopic boom cranes having a capacity of more than 17.5 tons.¹

7
8 3. a. There is created within the ¹[Division of Consumer Affairs
9 in the]¹ Department of ¹[Law and Public Safety, under the State
10 Board of Professional Engineers and Land Surveyors] Labor¹, a Crane
11 Operators ¹[Certification] License¹ Advisory ¹[Committee] Board¹.
12 The ¹[committee] board¹ shall consist of ¹[five] seven¹ members who
13 are residents of the State ¹, consisting of the commissioner or his
14 designee, as the chairperson, serving ex-officio and representing the
15 Department of Labor, a heavy highway, utility or transportation
16 construction contractor representative, a building contractor
17 representative¹ and ¹[are certified] four licensed¹ crane operators who
18 have been actively engaged ¹[as] in¹ crane ¹[operators] related
19 operations¹ in this State for at least five years immediately preceding
20 their appointment.

21 b. For a period of one year after the effective date of this act, and
22 notwithstanding any other provisions of this act to the contrary, the
23 first ¹[five] four¹ crane operators appointed as members of the
24 ¹[committee] board¹ shall not be required, at the time of their first
25 appointment, to be ¹[certified] licensed¹ under the provisions of this
26 act as crane operators.

27 c. The Governor shall appoint each ¹[committee] board¹ member
28 for a term of three years, except that of the members first appointed,
29 two shall serve for terms of three years, two shall serve for terms of
30 two years and ¹[one] two¹ shall serve for ¹[a term] terms¹ of one
31 year. Each member shall hold office until his successor has been
32 qualified. Any vacancy in the membership of the ¹[committee] board¹
33 shall be filled for the unexpired term in the manner provided for the
34 original appointment. No member of the ¹[committee] board¹ may
35 serve more than two successive terms, in addition to any unexpired
36 term to which he has been appointed.

37
38 4. Members of the ¹[committee] board¹ shall be ¹[compensated
39 and]¹ reimbursed for expenses and provided with office and meeting
40 facilities and personnel required for the proper conduct of the
41 ¹[committee's] board's¹ business.

42
43 5. The ¹[committee] board¹ shall annually elect from among its
44 members a ¹[chairman and a vice-chairman] vice-chairperson¹ and
45 may appoint a secretary, who need not be a member of the

1 ¹[committee] board¹. The ¹[committee] board¹ shall meet at least
2 twice a year and may hold additional meetings as necessary to
3 discharge its duties.

4

5 6. The ¹[committee] commissioner¹ shall have the following
6 powers and duties:

7 a. Administer and enforce the provisions of this act;

8 b. Issue and renew ¹[certifications] licenses¹ to crane operators
9 pursuant to the provisions of this act;

10 c. Suspend, revoke or fail to renew the ¹[certification] license¹ of
11 a crane operator pursuant to the provisions of P.L.1978, c.73
12 (C.45:1-14 et seq.);

13 d. Adopt standards for certification that are consistent with
14 applicable certification requirements of one or more established and
15 nationally recognized crane operator certification programs recognized
16 by the federal Occupational Safety and Health Administration;

17 e. Adopt and publish a code of ethics and standards of practice for
18 ¹[certified] licensed¹ crane operators; ¹[and] ¹

19 f. Prescribe ¹[or change the charges for] and charge reasonable
20 fees to support program costs associated with¹ examinations,
21 ¹[certifications] licenses¹, renewals and other services performed
22 pursuant to the act ¹;

23 g. Create any subcommittee the commissioner deems necessary to
24 assist in the performance of his duties; and

25 h. Implement a schedule establishing penalties for violations of this
26 act or any regulations hereunder¹.

27

28 7. ¹a.¹ No person shall engage in the operation of a crane, offer
29 himself for employment as a crane operator or otherwise act, attempt
30 to act, present or represent himself as a crane operator unless
31 ¹[certified] licensed¹ as such under the provisions of this act.

32 ¹b. A crane operator's license shall be valid only in conjunction
33 with a current certification and only in the specialty or specialties for
34 which the crane operator is certified. The specialties are lattice boom
35 crawler crane, lattice boom truck crane, telescopic boom cranes with
36 a capacity of more than 17.5 tons and telescopic boom cranes with a
37 capacity of less than 17.5 tons.¹

38

39 8. To be eligible for ¹[certification] a license¹ as a crane operator,
40 an applicant shall fulfill the following requirements:

41 a. ¹[Be of good moral character;

42 b.]¹ Be at least 18 years of age;

43 ¹[c. Have successfully completed high school or its equivalent]

44 b. Receive certification from the National Commission for the
45 Certification of Crane Operators or any other organization found by

1 the board to offer an equivalent testing and certification program
2 meeting the requirements of the American Society of Mechanical
3 Engineers ASME B30.5 and the accreditation requirements of the
4 National Commission for Certifying Agencies¹;

5 ¹[d.] c.¹ Have at least 1,000 hours of crane-related experience;
6 ¹and¹

7 ¹[e. Be medically and physically capable of performing the
8 responsibilities of operating a crane; and

9 f. Successfully complete both a written examination and an
10 examination demonstrating the applicant's ability to safely operate a
11 crane] d. Maintain a current medical examiner's certification card¹.

12
13 ¹[9. A person certified under the provisions of section 8 of this act
14 may apply for endorsements to that certification. Those endorsements
15 shall include, but not be limited to, the operation of the following
16 categories and types of cranes:

- 17 a. lattice boom truck cranes;
18 b. lattice boom crawler cranes;
19 c. telescopic boom cranes having a capacity of less than 17.5 tons;
20 and
21 d. telescopic boom cranes having a capacity of more than 17.5
22 tons.

23 An endorsement shall be awarded whenever an applicant
24 successfully completes the prescribed written examination and
25 examination demonstrating an ability to safely operate a particular
26 category or type of crane.]¹

27
28 ¹[10.] 9.¹ Upon payment to the ¹[board] commissioner¹ of a fee
29 and the submission of a ¹completed¹ written application provided by
30 the ¹[board] commissioner¹, the ¹[committee] commissioner¹ shall
31 issue a crane operator ¹[certification] license¹ to any person who
32 ¹[has a certification from or holds a valid license issued by another
33 state or possession of the United States or the District of Columbia
34 which has standards substantially equivalent to those of this State, as
35 determined by the committee] meets the eligibility requirements of
36 section 8 of this act¹.

37
38 ¹[11.] 10.¹ a. The ¹[board] commissioner ¹shall by rule or
39 regulation establish, prescribe or change the fees for ¹[certifications]
40 licenses¹, renewals of ¹[certifications] licenses¹ or other services
41 provided by the ¹commissioner or the¹ board ¹[or the committee] ¹
42 pursuant to the provisions of this act. ¹[Certifications] Licenses¹
43 shall be issued for a period of ¹[two] five¹ years and ¹may¹ be
44 ¹[biennially renewable] renewed when the applicant provides proof of
45 re-certification¹, except that the board may, in order to stagger the

1 expiration dates thereof, provide that those licenses first issued or
2 renewed after the effective date of this act shall expire or become void
3 on ¹[a date fixed by the board, not sooner than six months nor later
4 than 29 months after the date of issue] the expiration date of the
5 certification¹.

6 b. Fees shall be established, prescribed or changed by the
7 ¹[committee] commissioner, in consultation with the board,¹ to the
8 extent necessary to defray all proper expenses incurred by the board
9 ¹[or the committee]¹, and any staff employed to administer this act,
10 except that fees shall not be fixed at a level that will raise amounts in
11 excess of the amount estimated to ¹[be so required] support the
12 program costs¹.

13 c. All fees and any fines imposed by the ¹[board] commissioner¹
14 shall be paid to the ¹[board] Department of Labor ¹and shall be
15 ¹[forwarded to the State Treasurer and become part of the General
16 Fund] directly applied toward enforcement and administrative costs¹.

17
18 ¹[12.] 11.¹ In addition to the provisions of section 8 of P.L.1978,
19 c.73 (C.45:1-21), the ¹[committee] commissioner¹ may refuse to
20 grant or may suspend or revoke a crane operator's ¹[certification]
21 license¹ upon proof to the satisfaction of the ¹[committee]
22 commissioner¹ that the holder thereof has:

- 23 a. Obtained a certification ¹or license¹ by fraud or deceit;
24 b. Fraudulently or deceitfully performed work for which
25 ¹[certification] a license¹ is required under this act;
26 c. Committed an act of gross negligence;
27 d. Falsely advertised; ¹[or]¹
28 e. Acted in a manner which demonstrates incompetence ¹; or
29 f. Caused or contributed in any manner that directly or indirectly
30 resulted in an injury to a person or damage to property.

31 Whenever the commissioner finds cause to refuse to grant, suspend
32 or revoke a crane operator's license pursuant to this act or impose an
33 administrative penalty, he shall notify the licensee of the reasons
34 therefor, in writing, and provide opportunity for a hearing in
35 accordance with the "Administrative Procedure Act," P.L.1968, c.410
36 (C.52:14B-1 et seq.)¹.

37
38 ¹[13.] 12.¹ No person ¹[certified] licensed¹ as a crane operator
39 pursuant to this act shall engage in the practice of professional
40 engineering ¹,unless licensed as a professional engineer¹.

41
42 ¹13. The commissioner shall enforce the provisions of this act,
43 make complaints against persons violating its provisions, and
44 prosecute violations of the same. The commissioner and any
45 authorized person acting under him shall have the authority to enter

1 and inspect any place or establishment covered by this act. If upon
2 inspection the commissioner discovers a condition which exists in
3 violation of the provisions of this act, he shall be authorized to order
4 such violation to cease. The order shall state the items which are in
5 violation of the provisions of the act, and shall provide a reasonable
6 specified time within which the required action shall be taken by the
7 person responsible. If the violation constitutes an imminent hazard
8 and the commissioner's order is not obeyed, the commissioner may
9 apply for an injunction in the Superior Court of New Jersey. Nothing
10 in this act shall be deemed to prevent the commissioner from
11 prosecuting any violation of this act, notwithstanding that the
12 violations are corrected in accordance with his order.¹

13
14 ¹14. It shall be unlawful for any person, partnership, firm
15 association or corporation, and any officer, agent or employee thereof,
16 to violate or proximately contribute to the violation of any of the
17 provisions of this act or of the regulations promulgated pursuant to
18 this act. Any violation of this act by an employee, acting within the
19 scope of his authority, of any person, partnership, firm, association, or
20 corporation shall be deemed also to be the violation of such person,
21 partnership, firm, association or corporation. Violations of the
22 provisions of this act or rules and regulations promulgated pursuant to
23 this act shall be punishable for the first offense by a penalty of not less
24 than \$100 nor more than \$10,000 and for a second or subsequent
25 offense by a penalty of not less than \$500 nor more than \$100,000.
26 The penalties shall be collected in accordance with "The Penalty
27 Enforcement Law of 1999," P.L. 1999, c. 274 (C. 2A:58-10 et seq.).
28 If the violation consists of refusal to obey an order of the
29 commissioner made under this act, each day during which the violation
30 continues shall constitute a separate and distinct offense except during
31 the time an appeal from that order may be taken or pending.¹

32
33 ¹15. The commissioner, in his discretion, is authorized and
34 empowered to compromise and settle any claim for a penalty under
35 this act for an amount that appears appropriate and equitable under all
36 of the circumstances.¹

37
38 ¹16. Crane operators, holding long boom licenses issued by the
39 State as of the effective date of this act, shall not be required to be
40 licensed pursuant to the provisions of this act until the expiration of
41 their long boom licenses issued by this State.¹

42
43 ¹[14.] 17.¹ The ¹[board] commissioner¹, after consultation with
44 the ¹[committee] board¹, shall adopt rules and regulations pursuant
45 to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1
46 et seq.) necessary to effectuate the purposes of this act.

1 ¹[15.] 18.¹ This act shall take effect on the first day of the seventh
2 month following enactment.

3

4

5

6

7 Provides for the licensure of certain crane operators.

SENATE, No. 581

STATE OF NEW JERSEY
210th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2002 SESSION

Sponsored by:

Senator RICHARD J. CODEY

District 27 (Essex)

Senator JOSEPH M. KYRILLOS, JR.

District 13 (Middlesex and Monmouth)

Co-Sponsored by:

Senator Furnari

SYNOPSIS

Provides for the certification of certain crane operators.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT providing for the certification of certain crane operators and
2 supplementing Title 45 of the Revised Statutes.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. This act shall be known and may be cited as the "Certification
8 of Crane Operators Act."

9
10 2. As used in this act:

11 "Board" means the State Board of Professional Engineers and Land
12 Surveyors.

13 "Committee" means the Crane Operators Certification Advisory
14 Committee established pursuant to section 3 of this act.

15 "Crane" means a power-operated hoisting machine used in
16 construction, demolition or excavation work that has a power-
17 operated winch, load line and boom moving laterally by the rotation of
18 the machine on a carrier and has a manufacturer-rated lifting capacity
19 of five tons or more. It shall not include a forklift, digger derrick
20 truck, aircraft, bucket truck or any vehicle or machine not having a
21 power-operated winch and load line.

22 "Crane operator" means an individual engaged in the operation of
23 a crane.

24 "Crane related experience" means operating, inspecting, training
25 and maintenance experience acceptable to the board.

26
27 3. a. There is created within the Division of Consumer Affairs in
28 the Department of Law and Public Safety, under the State Board of
29 Professional Engineers and Land Surveyors, a Crane Operators
30 Certification Advisory Committee. The committee shall consist of five
31 members who are residents of the State and are certified crane
32 operators who have been actively engaged as crane operators in this
33 State for at least five years immediately preceding their appointment.

34 b. For a period of one year after the effective date of this act, and
35 notwithstanding any other provisions of this act to the contrary, the
36 first five crane operators appointed as members of the committee shall
37 not be required, at the time of their first appointment, to be certified
38 under the provisions of this act as crane operators.

39 c. The Governor shall appoint each committee member for a term
40 of three years, except that of the members first appointed, two shall
41 serve for terms of three years, two shall serve for terms of two years
42 and one shall serve for a term of one year. Each member shall hold
43 office until his successor has been qualified. Any vacancy in the
44 membership of the committee shall be filled for the unexpired term in
45 the manner provided for the original appointment. No member of the

1 committee may serve more than two successive terms, in addition to
2 any unexpired term to which he has been appointed.

3

4 4. Members of the committee shall be compensated and reimbursed
5 for expenses and provided with office and meeting facilities and
6 personnel required for the proper conduct of the committee's business.

7

8 5. The committee shall annually elect from among its members a
9 chairman and a vice-chairman and may appoint a secretary, who need
10 not be a member of the committee. The committee shall meet at least
11 twice a year and may hold additional meetings as necessary to
12 discharge its duties.

13

14 6. The committee shall have the following powers and duties:

15 a. Administer and enforce the provisions of this act;

16 b. Issue and renew certifications to crane operators pursuant to
17 the provisions of this act;

18 c. Suspend, revoke or fail to renew the certification of a crane
19 operator pursuant to the provisions of P.L.1978, c.73 (C.45:1-14 et
20 seq.);

21 d. Adopt standards for certification that are consistent with
22 applicable certification requirements of one or more established and
23 nationally recognized crane operator certification programs recognized
24 by the federal Occupational Safety and Health Administration;

25 e. Adopt and publish a code of ethics and standards of practice
26 for certified crane operators; and

27 f. Prescribe or change the charges for examinations,
28 certifications, renewals and other services performed pursuant to the
29 act.

30

31 7. No person shall engage in the operation of a crane, offer
32 himself for employment as a crane operator or otherwise act, attempt
33 to act, present or represent himself as a crane operator unless certified
34 as such under the provisions of this act.

35

36 8. To be eligible for certification as a crane operator, an applicant
37 shall fulfill the following requirements:

38 a. Be of good moral character;

39 b. Be at least 18 years of age;

40 c. Have successfully completed high school or its equivalent;

41 d. Have at least 1,000 hours of crane-related experience;

42 e. Be medically and physically capable of performing the
43 responsibilities of operating a crane; and

1 f. Successfully complete both a written examination and an
2 examination demonstrating the applicant's ability to safely operate a
3 crane.

4
5 9. A person certified under the provisions of section 8 of this act
6 may apply for endorsements to that certification. Those endorsements
7 shall include, but not be limited to, the operation of the following
8 categories and types of cranes:

- 9 a. lattice boom truck cranes;
10 b. lattice boom crawler cranes;
11 c. telescopic boom cranes having a capacity of less than 17.5 tons;
12 and
13 d. telescopic boom cranes having a capacity of more than 17.5
14 tons.

15 An endorsement shall be awarded whenever an applicant
16 successfully completes the prescribed written examination and
17 examination demonstrating an ability to safely operate a particular
18 category or type of crane.

19
20 10. Upon payment to the board of a fee and the submission of a
21 written application provided by the board, the committee shall issue a
22 crane operator certification to any person who has a certification from
23 or holds a valid license issued by another state or possession of the
24 United States or the District of Columbia which has standards
25 substantially equivalent to those of this State, as determined by the
26 committee.

27
28 11. a. The board shall by rule or regulation establish, prescribe or
29 change the fees for certifications, renewals of certifications or other
30 services provided by the board or the committee pursuant to the
31 provisions of this act. Certifications shall be issued for a period of two
32 years and be biennially renewable, except that the board may, in order
33 to stagger the expiration dates thereof, provide that those licenses first
34 issued or renewed after the effective date of this act shall expire or
35 become void on a date fixed by the board, not sooner than six months
36 nor later than 29 months after the date of issue.

37 b. Fees shall be established, prescribed or changed by the
38 committee to the extent necessary to defray all proper expenses
39 incurred by the board or the committee, and any staff employed to
40 administer this act, except that fees shall not be fixed at a level that
41 will raise amounts in excess of the amount estimated to be so required.

42 c. All fees and any fines imposed by the board shall be paid to the
43 board and shall be forwarded to the State Treasurer and become part
44 of the General Fund.

1 12. In addition to the provisions of section 8 of P.L.1978, c.73
2 (C.45:1-21), the committee may refuse to grant or may suspend or
3 revoke a crane operator's certification upon proof to the satisfaction
4 of the committee that the holder thereof has:

- 5 a. Obtained a certification by fraud or deceit;
6 b. Fraudulently or deceitfully performed work for which
7 certification is required under this act;
8 c. Committed an act of gross negligence;
9 d. Falsely advertised; or
10 e. Acted in a manner which demonstrates incompetence.

11
12 13. No person certified as a crane operator pursuant to this act
13 shall engage in the practice of professional engineering.

14
15 14. The board, after consultation with the committee, shall adopt
16 rules and regulations pursuant to the "Administrative Procedure Act,"
17 P.L.1968, c.410 (C.52:14B-1 et seq.) necessary to effectuate the
18 purposes of this act.

19
20 15. This act shall take effect on the first day of the seventh month
21 following enactment.

22
23
24 STATEMENT

25
26 This bill provides for the certification of certain crane operators.
27 It establishes a five-member "Crane Operators Certification Advisory
28 Committee" under the jurisdiction of the State Board of Professional
29 Engineers and Land Surveyors in the Division of Consumer Affairs in
30 the Department of Law and Public Safety. The committee is to consist
31 of five members who are residents of the State and are certified crane
32 operators. The committee will establish standards of practice,
33 certification qualifications and education programs.

34 To be eligible for certification as a crane operator, an applicant
35 must: be of good moral character; be at least 18 years of age; have
36 successfully completed high school or its equivalent; have at least
37 1,000 hours of crane-related experience; be medically and physically
38 capable of performing the responsibility of operating a crane and
39 successfully complete both a written examination and an examination
40 demonstrating the applicant's ability to safely operate a crane.

41 In addition to this general certification, applicants may apply for
42 endorsements involving specific types and categories of cranes,
43 including, but not limited to: lattice boom truck cranes; lattice boom
44 crawler cranes; telescopic boom cranes having a capacity of less than
45 17.5 tons and telescopic boom cranes having a capacity of more than
46 17.5 tons.

1 The certification provided under the bill applies to persons
2 operating cranes that are power-operated hoisting machines used in
3 construction, demolition or excavation work that have a power-
4 operated winch, load line, and boom moving laterally by the rotation
5 of the machine on a carrier and have a manufacturer-rated capacity of
6 five tons or more. The certification does not apply to the operation of
7 forklifts, digger derrick trucks, aircraft, bucket trucks or any vehicles
8 or machines not having a power-operated winch and load line.

9 The bill stipulates that no person shall engage in the operation of a
10 crane, offer himself for employment as a crane operator or otherwise
11 act, attempt to act, present or represent himself as a crane operator
12 unless certified as such under the bill.

13 The provisions of this bill are modeled on the certification program
14 proposed by the National Commission for the Certification of Crane
15 Operators (CCO). By advocating a thorough, independent assessment
16 of operator knowledge and skills, the CCO aims to enhance lifting
17 equipment safety, reduce workplace risk, improve performance
18 records, stimulate training and give appropriate recognition to the
19 professional skill of crane operation. Since 1995, more than 13,000
20 crane operators in 45 states have participated in the CCO testing
21 program. Increasingly, construction companies, crane rental
22 companies and insurance companies are requiring crane operators to
23 hold CCO certification. In 1999, the federal Occupational Safety and
24 Health Administration (OSHA) recognized the CCO program.

ASSEMBLY REGULATED PROFESSIONS AND
INDEPENDENT AUTHORITIES COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 581

STATE OF NEW JERSEY

DATED: JUNE 16, 2003

The Assembly Regulated Professions and Independent Authorities Committee reports favorably Senate Bill No. 581 (1R).

This bill provides for the licensing of certain crane operators. It establishes a seven-member "Crane Operators License Advisory Board" under the jurisdiction of the Department of Labor. The board consists of seven members who are residents of the State and shall include the Commissioner of Labor or his designee, serving ex-officio, as chairperson representing the Department of Labor, one heavy highway, utility or transportation construction contractor representative, one building contractor representative, and four licensed crane operators who have been actively engaged in crane operations in this State for at least five years immediately preceding their appointment. The commissioner shall establish standards for practice, certification qualifications and education programs.

To be eligible for a license as a crane operator, an applicant must: be at least 18 years of age; have at least 1,000 hours of crane-related experience; have received certification from the National Commission for the Certification of Crane Operators or any other organization found by the board to offer an equivalent testing and certification program meeting the requirements of the American Society of Mechanical Engineers ASME B30.5 and the accreditation requirements of the National Commission for Certifying Agencies; and maintain a current medical examiner's certification card.

A crane operator's license shall be valid only in conjunction with a current certification and only in the specialty or specialties for which the crane operator is certified. The specialties are lattice boom crawler crane, lattice boom truck crane, telescopic boom cranes with a capacity of more than 17.5 tons and telescopic boom cranes with a capacity of less than 17.5 tons.

The license provided under the bill applies to persons operating cranes that are power-operated hoisting machines used in construction, demolition or excavation work that have a power-operated winch, load line and boom moving laterally by the rotation of the machine on a

carrier and have a manufacturer-rated capacity of ten tons or more. The license does not apply to the operation of forklifts, digger derrick trucks, aircraft, bucket trucks, knuckle booms, trolley booms or any vehicles or machines not having a power-operated winch and load line.

Licenses are issued for five years and may be renewed when the applicant provides proof of re-certification.

The bill stipulates that no person shall engage in the operation of a crane, offer himself for employment as a crane operator or otherwise act, attempt to act, present or represent himself as a crane operator unless licensed as such under the bill.

The bill prohibits a person licensed as a crane operator to engage in the practice of professional engineering unless licensed as a professional engineer.

The commissioner shall enforce the provisions of the bill and may enter and inspect any place or establishment covered by the bill and may issue cease orders, seek injunctive relief, and levy monetary penalties for violations.

Crane operators holding long boom licenses issued by the State are not required to become licensed under this bill until their current license expires.

SENATE COMMERCE COMMITTEE

STATEMENT TO

SENATE, No. 581

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 15, 2003

The Senate Commerce Committee reports favorably and with committee amendments Senate Bill No. 581.

This bill, as amended by the committee, provides for the licensing of certain crane operators. It establishes a seven-member "Crane Operators License Advisory Board" under the jurisdiction of the Department of Labor. The board consists of seven members who are residents of the State and shall include the Commissioner of Labor or his designee, serving ex-officio, as chairperson representing the Department of Labor, one heavy highway, utility or transportation construction contractor representative, one building contractor representative, and four licensed crane operators who have been actively engaged in crane operations in this State for at least five years immediately preceding their appointment. The board shall establish standards for practice, certification qualifications and education programs.

To be eligible for a license as a crane operator, an applicant must: be at least 18 years of age; have at least 1,000 hours of crane-related experience; have received certification from the National Commission for the Certification of Crane Operators or any other organization found by the board to offer an equivalent testing and certification program meeting the requirements of the American Society of Mechanical Engineers ASME B30.5 and the accreditation requirements of the National Commission for Certifying Agencies; and maintain a current medical examiner's certification card.

A crane operator's license shall be valid only in conjunction with a current certification and only in the specialty or specialties for which the crane operator is certified. The specialties are lattice boom crawler crane, lattice boom truck crane, telescopic boom cranes with a capacity of more than 17.5 tons and telescopic boom cranes with a capacity of less than 17.5 tons.

The license provided under the bill applies to persons operating cranes that are power-operated hoisting machines used in construction, demolition or excavation work that have a power-operated winch, load line, and boom moving laterally by the rotation of the machine on a

carrier and have a manufacturer-rated capacity of ten tons or more. The license does not apply to the operation of forklifts, digger derrick trucks, aircraft, bucket trucks, knuckle booms, trolley booms or any vehicles or machines not having a power-operated winch and load line.

Licenses are issued for five years and may be renewed when the applicant provides proof of re-certification.

The bill stipulates that no person shall engage in the operation of a crane, offer himself for employment as a crane operator or otherwise act, attempt to act, present or represent himself as a crane operator unless licensed as such under the bill.

The bill prohibits a person licensed as a crane operator to engage in the practice of professional engineering unless licensed as a professional engineer.

The commissioner shall enforce the provisions of the bill and may enter and inspect any place or establishment covered by the bill and may issue cease orders, seek injunctive relief, and levy monetary penalties for violations.

Crane operators holding long boom licenses issued by the State are not required to become licensed under this bill until their current license expires.

This bill was pre-filed for introduction in the 2002-2003 session pending technical review. As reported, the bill includes the changes required by technical review which has been performed.

The committee amendments add two categories of membership to the board and provide the board will license, rather than certify, crane operators. The amendments change licensing jurisdiction from the Division of Consumer Affairs in the Department of Law and Public Safety to the Department of Labor. The amendments also create certain specialties related to crane operator licensing, revise the licensing eligibility requirements, and further specify the powers of the Commissioner of Labor to enforce the act.

ASSEMBLY, No. 2231

STATE OF NEW JERSEY 210th LEGISLATURE

INTRODUCED MAY 9, 2002

Sponsored by:

Assemblywoman ELBA PEREZ-CINCIARELLI

District 31 (Hudson)

Assemblyman JOSEPH V. DORIA, JR.

District 31 (Hudson)

SYNOPSIS

Provides for the certification of certain crane operators.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT providing for the certification of certain crane operators and
2 supplementing Title 45 of the Revised Statutes.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. This act shall be known and may be cited as the "Certification
8 of Crane Operators Act."

9

10 2. As used in this act:

11 "Board" means the State Board of Professional Engineers and Land
12 Surveyors.

13 "Committee" means the Crane Operators Certification Advisory
14 Committee established pursuant to section 3 of this act.

15 "Crane" means a power-operated hoisting machine used in
16 construction, demolition or excavation work that has a power-
17 operated winch, load line and boom moving laterally by the rotation of
18 the machine on a carrier and has a manufacturer-rated lifting capacity
19 of five tons or more. It shall not include a forklift, digger derrick
20 truck, aircraft, bucket truck or any vehicle or machine not having a
21 power-operated winch and load line.

22 "Crane operator" means an individual engaged in the operation of
23 a crane.

24 "Crane related experience" means operating, inspecting, training
25 and maintenance experience acceptable to the board.

26

27 3. a. There is created within the Division of Consumer Affairs in
28 the Department of Law and Public Safety, under the State Board of
29 Professional Engineers and Land Surveyors, a Crane Operators
30 Certification Advisory Committee. The committee shall consist of five
31 members who are residents of the State and are certified crane
32 operators who have been actively engaged as crane operators in this
33 State for at least five years immediately preceding their appointment.

34 b. For a period of one year after the effective date of this act, and
35 notwithstanding any other provisions of this act to the contrary, the
36 first five crane operators appointed as members of the committee shall
37 not be required, at the time of their first appointment, to be certified
38 under the provisions of this act as crane operators.

39 c. The Governor shall appoint each committee member for a term
40 of three years, except that of the members first appointed, two shall
41 serve for terms of three years, two shall serve for terms of two years
42 and one shall serve for a term of one year. Each member shall hold
43 office until his successor has been qualified. Any vacancy in the
44 membership of the committee shall be filled for the unexpired term in
45 the manner provided for the original appointment. No member of the
46 committee may serve more than two successive terms, in addition to
47 any unexpired term to which he has been appointed.

1 4. Members of the committee shall be compensated and reimbursed
2 for expenses and provided with office and meeting facilities and
3 personnel required for the proper conduct of the committee's business.
4

5 5. The committee shall annually elect from among its members a
6 chairman and a vice-chairman and may appoint a secretary, who need
7 not be a member of the committee. The committee shall meet at least
8 twice a year and may hold additional meetings as necessary to
9 discharge its duties.
10

11 6. The committee shall have the following powers and duties:

12 a. Administer and enforce the provisions of this act;

13 b. Issue and renew certifications to crane operators pursuant to the
14 provisions of this act;

15 c. Suspend, revoke or fail to renew the certification of a crane
16 operator pursuant to the provisions of P.L.1978, c.73 (C.45:1-14 et
17 seq.);

18 d. Adopt standards for certification that are consistent with
19 applicable certification requirements of one or more established and
20 nationally recognized crane operator certification programs recognized
21 by the federal Occupational Safety and Health Administration;

22 e. Adopt and publish a code of ethics and standards of practice for
23 certified crane operators; and

24 f. Prescribe or change the charges for examinations, certifications,
25 renewals and other services performed pursuant to the act.
26

27 7. No person shall engage in the operation of a crane, offer himself
28 for employment as a crane operator or otherwise act, attempt to act,
29 present or represent himself as a crane operator unless certified as
30 such under the provisions of this act.
31

32 8. To be eligible for certification as a crane operator, an applicant
33 shall fulfill the following requirements:

34 a. Be of good moral character;

35 b. Be at least 18 years of age;

36 c. Have successfully completed high school or its equivalent;

37 d. Have at least 1,000 hours of crane-related experience;

38 e. Be medically and physically capable of performing the
39 responsibilities of operating a crane; and

40 f. Successfully complete both a written examination and an
41 examination demonstrating the applicant's ability to safely operate a
42 crane.
43

44 9. A person certified under the provisions of section 8 of this act
45 may apply for endorsements to that certification. Those endorsements
46 shall include, but not be limited to, the operation of the following

1 categories and types of cranes:

- 2 a. lattice boom truck cranes;
- 3 b. lattice boom crawler cranes;
- 4 c. telescopic boom cranes having a capacity of less than 17.5 tons;
- 5 and
- 6 d. telescopic boom cranes having a capacity of more than 17.5
- 7 tons.

8 An endorsement shall be awarded whenever an applicant
9 successfully completes the prescribed written examination and
10 examination demonstrating an ability to safely operate a particular
11 category or type of crane.

12

13 10. Upon payment to the board of a fee and the submission of a
14 written application provided by the board, the committee shall issue a
15 crane operator certification to any person who has a certification from
16 or holds a valid license issued by another state or possession of the
17 United States or the District of Columbia which has standards
18 substantially equivalent to those of this State, as determined by the
19 committee.

20

21 11. a. The board shall by rule or regulation establish, prescribe or
22 change the fees for certifications, renewals of certifications or other
23 services provided by the board or the committee pursuant to the
24 provisions of this act. Certifications shall be issued for a period of two
25 years and be biennially renewable, except that the board may, in order
26 to stagger the expiration dates thereof, provide that those licenses first
27 issued or renewed after the effective date of this act shall expire or
28 become void on a date fixed by the board, not sooner than six months
29 nor later than 29 months after the date of issue.

30 b. Fees shall be established, prescribed or changed by the
31 committee to the extent necessary to defray all proper expenses
32 incurred by the board or the committee, and any staff employed to
33 administer this act, except that fees shall not be fixed at a level that
34 will raise amounts in excess of the amount estimated to be so required.

35 c. All fees and any fines imposed by the board shall be paid to the
36 board and shall be forwarded to the State Treasurer and become part
37 of the General Fund.

38

39 12. In addition to the provisions of section 8 of P.L.1978, c.73
40 (C.45:1-21), the committee may refuse to grant or may suspend or
41 revoke a crane operator's certification upon proof to the satisfaction
42 of the committee that the holder thereof has:

- 43 a. Obtained a certification by fraud or deceit;
- 44 b. Fraudulently or deceitfully performed work for which
- 45 certification is required under this act;

- 1 c. Committed an act of gross negligence;
- 2 d. Falsely advertised; or
- 3 e. Acted in a manner which demonstrates incompetence.

4

5 13. No person certified as a crane operator pursuant to this act
6 shall engage in the practice of professional engineering.

7

8 14. The board, after consultation with the committee, shall adopt
9 rules and regulations pursuant to the "Administrative Procedure Act,"
10 P.L.1968, c.410 (C.52:14B-1 et seq.) necessary to effectuate the
11 purposes of this act.

12

13 15. This act shall take effect on the first day of the seventh month
14 following enactment.

15

16

17

STATEMENT

18

19 This bill provides for the certification of certain crane operators.
20 It establishes a five-member "Crane Operators Certification Advisory
21 Committee" under the jurisdiction of the State Board of Professional
22 Engineers and Land Surveyors in the Division of Consumer Affairs in
23 the Department of Law and Public Safety. The committee is to consist
24 of five members who are residents of the State and are certified crane
25 operators. The committee will establish standards of practice,
26 certification qualifications and education programs.

27 To be eligible for certification as a crane operator, an applicant
28 must: be of good moral character; be at least 18 years of age; have
29 successfully completed high school or its equivalent; have at least
30 1,000 hours of crane-related experience; be medically and physically
31 capable of performing the responsibility of operating a crane and
32 successfully complete both a written examination and an examination
33 demonstrating the applicant's ability to safely operate a crane.

34 In addition to this general certification, applicants may apply for
35 endorsements involving specific types and categories of cranes,
36 including, but not limited to: lattice boom truck cranes; lattice boom
37 crawler cranes; telescopic boom cranes having a capacity of less than
38 17.5 tons and telescopic boom cranes having a capacity of more than
39 17.5 tons.

40 The certification provided under the bill applies to persons
41 operating cranes that are power-operated hoisting machines used in
42 construction, demolition or excavation work that have a power-
43 operated winch, load line, and boom moving laterally by the rotation
44 of the machine on a carrier and have a manufacturer-rated capacity of
45 five tons or more. The certification does not apply to the operation of
46 forklifts, digger derrick trucks, aircraft, bucket trucks or any vehicles

1 or machines not having a power-operated winch and load line.

2 The bill stipulates that no person shall engage in the operation of a
3 crane, offer himself for employment as a crane operator or otherwise
4 act, attempt to act, present or represent himself as a crane operator
5 unless certified as such under the bill.

6 The provisions of this bill are modeled on the certification program
7 proposed by the National Commission for the Certification of Crane
8 Operators (CCO). By advocating a thorough, independent assessment
9 of operator knowledge and skills, the CCO aims to enhance lifting
10 equipment safety, reduce workplace risk, improve performance
11 records, stimulate training and give appropriate recognition to the
12 professional skill of crane operation. Since 1995, more than 13,000
13 crane operators in 45 states have participated in the CCO testing
14 program. Increasingly, construction companies, crane rental
15 companies and insurance companies are requiring crane operators to
16 hold CCO certification. In 1999, the federal Occupational Safety and
17 Health Administration (OSHA) recognized the CCO program.

ASSEMBLY REGULATED PROFESSIONS AND
INDEPENDENT AUTHORITIES COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2231

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 16, 2003

The Assembly Regulated Professions and Independent Authorities Committee reports favorably, and with committee amendments, Assembly Bill No. 2231.

This bill, as amended by the committee, provides for the licensing of certain crane operators. It establishes a seven-member "Crane Operators License Advisory Board" under the jurisdiction of the Department of Labor. The board consists of seven members who are residents of the State and shall include the Commissioner of Labor or his designee, serving ex-officio, as chairperson representing the Department of Labor, one heavy highway, utility or transportation construction contractor representative, one building contractor representative, and four licensed crane operators who have been actively engaged in crane operations in this State for at least five years immediately preceding their appointment. The commissioner shall establish standards for practice, certification qualifications and education programs.

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COMMITTEE AMENDMENTS

The committee amendments add two categories of membership to the board and provide the board will license, rather than certify, crane operators. The amendments change licensing jurisdiction from the Division of Consumer Affairs in the Department of Law and Public Safety to the Department of Labor. The amendments also create certain specialties related to crane operator licensing, revise the licensing eligibility requirements, and further specify the powers of the Commissioner of Labor to enforce the bill's provisions.

The amendments make this bill identical to Senate Bill No. 581 (1R), also reported today.