



Pacific Maritime Association

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SAFETY BULLETIN 00-4

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Crane Operator Certification

INFORMATION

A Senate Bill (SB 1999) has been introduced into the California legislature that would require California crane operators to be certified by the California Department of Industrial Relations (The Department.) The bill defines "crane" to mean a **machine for hoisting or lowering heavy weights or transporting heavy weights limited distances**, used in the construction, alteration, excavation, maintenance, repair or demolition of a building, structure, road, **or other work**. The bill gives the "the Department" authority to designate the specific cranes which will be subject to the certification requirements.

The bill provides that the Department will

"investigate, classify, and qualify applicants for a certificate to operate a crane by written and practical examinations. The examination shall require an applicant to show a degree of knowledge, skill and experience in the classification applied for, and specific knowledge of crane safety practices and requirements, including but not limited to, knowledge of occupational safety standards, as necessary for the safety and protection of the public."

The Bill provides for an exemption for the operator to **exclusively operate** a crane owned or leased by the operator's employer on a **permanent site owned** by the employer. As most of the PMA employers do not own their own permanent sites, this exclusion will not be applicable. The Cal-OSHA Standards board will develop the state regulations that will implement the law when passed. While the Cal-OSHA standards board can affect how the regulations are written, they cannot change the "legislative intent" of the bill if and once it has passed into law.

The Bill has additional grandfathering and apprenticeship provisions that might expedite certification.

This bill was introduced February 25th 2000 and was sent to the Senate Committee on Industrial Relations. **A hearing date has been set for April 26th 2000.**

The Cal-OSHA Standards board is initiating a Crane Advisory Committee on May 23 and 24 to receive industry input and consider the provisions for crane operator certification. This advisory committee was initiated by petitions that were submitted by the Associated General Contractors of California, as well as the North American Crane Bureau. Proposals received so far generally follow the ASME B-30.5a requirements and include provisions for physical and drug and alcohol testing as well as reading, knowledge and skill qualifications.

ACTION

Employers should take note of this proposed legislation. Although primarily intended for tower cranes, the bill contains a broad definition for a crane and leaves it up to "the Department" to decide on the final definition. The bill contains an exemption clause that is too narrow to shield the marine cargo handling industry from regulation. Without modification and more succinct wording, this bill will require the licensing of marine cargo handling (longshore) crane operators.

Employers should **also take note** that the Cal-OSHA Standards Board is initiating an advisory committee to consider petitions for certification of crane operators. **This is a separate regulatory process that is proceeding simultaneously.** The Cal-OSHA Standards board is reacting to petitions directly to their agency rather than to the passage of SB 1999 by the legislature. However, if the law is passed, the Standards Board must implement regulations that follow the intent of the law. The only way that the marine cargo handling industry will be exempt from the regulations is if it is exempted by the law.

Employers should note the requirements of the bill and take action as deemed appropriate.

Attached is an annotated copy of the Senate Bill 1999. TAPD Supervisors in Long Beach and Oakland have copies of the crane operator certification petitions that are being considered.

BILL NUMBER: SB 1999(INTRODUCED BILL TEXTINTRODUCED BY **Senators Karnette and Burton** FEBRUARY 25, 2000

An act to amend Section 7371 of, to amend and renumber the heading of Article 1 (commencing with Section 7370) and Article 2 (commencing with Section 7375) of Chapter 5 of Part 3 of Division 5 of, and to add Article 1 (commencing with Section 7360) to Chapter 5 of Part 3 of Division 5 of, the Labor Code, relating to crane operators, and making an appropriation therefor.LEGISLATIVE COUNSEL'S DIGESTSB 1999, as introduced, Karnette. **Certification of crane operators.**

Existing law provides for the certification of all cranes and derricks used in lifting service, exceeding 3 tons rated capacity, and for the licensure by the Division of Occupational Safety and Health of the Department of Industrial Relations of crane or derrick certifiers. Existing law also prohibits a tower crane, as defined, from being operated at any worksite unless an employer obtains a permit from the division. This bill would add provisions requiring the certification of crane operators by the department. This bill would also make it a crime to operate a

crane, unless exempted, without a certificate of operation issued under the bill's provisions. **THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:SECTION 1.** Article 1 (commencing with Section 7360) to read: **Article 1. Certification of Crane Operators** 7360. As used in this article:

(a) "Crane" means a **machine for hoisting or lowering heavy weights or transporting heavy weights limited distances**, used in the construction, alteration, excavation, maintenance, repair, or demolition of a building, structure, road, or other work. The department shall designate the specific types of cranes, the operation of

which are subject to the certification requirements of this article.

(b) "Department" means the Department of Industrial Relations.

7360.1. The department shall have all of the following general duties in connection with the implementation of this article:

(a) It shall establish by rule minimum standards for the competency and training of crane operators through a system of testing and certification consistent with Section 7360.5.

(b) It shall establish by rule an advisory committee and advisory panels, which shall include contractor representation from apprenticeship programs administered by joint apprenticeship committees under Chapter 4 (commencing with Section 3070) of Division 3, as necessary to carry out the duties of the department under this article.

(c) It shall establish by rule certification fees and other appropriate fees and adopt any other rules necessary to implement this article.

7360.2. Unless exempted from the requirements of this article, no person shall engage in or carry on the occupation

of crane operator without first procuring a certificate of operation from the department under this article.7360.3. It is a misdemeanor for any person to operate a crane within the state without having a valid certificate of operation, unless the person is exempt from this article. Any violation of this section shall be punishable by

imprisonment in a county jail not exceeding six months or by a fine not exceeding one thousand dollars (\$1,000), or

by both that fine and imprisonment.7360.4. When it appears that a person is engaging in, or is carrying on, the occupation of crane operator in

violation of this article, the director of the department, his or her authorized representative, or any member of the public may apply to the superior court for an injunction restraining the person from acting in the capacity of a crane operator without a certificate of operation in violation of this article.

7360.5.

(a) The department shall investigate, classify, and qualify applicants for a certificate to operate a crane by written and practical examinations. The examinations shall require an applicant to show a degree of knowledge, skill, and experience in the classification applied for, and specific knowledge of crane safety practices and requirements, including, but not limited to, knowledge of occupational safety standards, as necessary for the safety and protection of the public.

(b) Notwithstanding subdivision (a), the department shall issue a certificate of operation to operate a particular class of crane, without examination, if any of the following conditions are met:

(1) The applicant has three or more years' experience in the state prior to January 1, 2001, in operating a crane of the type or classification for which a certificate of operation is being sought.

(2) The applicant has successfully completed an apprenticeship program as a crane operator pursuant to Chapter 4 (commencing with Section 3070) of Division 3.

(3) The applicant has been issued a certificate of competency in the operation of a crane by a certified joint apprenticeship committee, as defined in Section 3076.

(c) Statements made by, or on behalf of, an applicant regarding the applicant's experience in the operation of the crane classification applied for shall be verified by a qualified and responsible person.7360.6. (a) All certificates of operation issued pursuant to this article shall expire three years from the date of issue.

(b) A person may renew a certificate of operation that has not expired for an additional three-year period, and for three-year periods thereafter, by applying for renewal on a form prescribed by the department and paying the required renewal fee not less than 60 days prior to the expiration date of the certificate.

(c) A certificate of operation may be reactivated at any time within three years after its expiration upon the filing of an application for reactivation on a form prescribed by the department and the payment of the required reactivation fee and delinquency fee. If a certificate of operation is not reactivated within three years after it has expired, the person shall be required to apply for an original certificate of operation.7360.7. The department may collect fees as fixed by the department for the examination and certification of crane

operators, including appropriate certificate renewal fees, reactivation fees, and delinquency fees, as necessary to cover the actual costs, including administrative costs, of the crane operators certification program. All fees collected by the department under this article shall be paid into the Crane Operators Certification Fund, which is hereby created and, notwithstanding Section 13340 of the Government Code, is continuously appropriated to the

department for the administration of the crane operators certification program. 7360.8. The department may, upon its own motion, and shall, upon the verified written complaint of any person,

investigate the actions of any applicant or certificate holder within the state and may deny a certificate of operation or the renewal of a certificate of operation, or temporarily suspend or permanently revoke any certificate of operation, if the applicant or certificate holder is guilty of, or commits, any one or more of the acts or

omissions constituting causes for disciplinary action specified in Section7360.11.7360.09. All accusations against certificate holders shall be filed with the department within one year after the

act or omission alleged as grounds for disciplinary action. The proceedings under this article shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government

Code, and the department shall have all the powers granted in that chapter.7360.10. When any certificate of operation has been revoked following a hearing under this article, any other

certificate of operation issued pursuant to this article in the name of the certificate holder may be revoked by the

department without further notice.7360.11. The following acts or omissions constitute a cause for disciplinary action under this article:(a) Gross negligence or gross incompetency in the operation of a crane operate a crane owned or leased by the operator's employer on a permanent site owned by the employer or for any person to operate a crane as an employee of a public agency or of an electric, gas, or telephone corporation as

defined in Sections 218, 222, and 234, respectively, of the Public Utilities Code.SEC. 2. The heading of Article 1 (commencing with Section 7370) ofChapter 5 of Part 3 of Division 5 of the Labor Code is amended

(a) "Crane" means a machine for lifting or lowering a load and moving it horizontally, in which the hoisting mechanism is an integral part of the machine. It may be driven manually or by power and may be a fixed or a mobile machine, but does not include stackers, lift trucks, power shovels, backhoes, excavators, concrete pumping equipment, or straddle type mobile boat hoists.

(b) "Straddle type mobile boat hoist" means a straddle type carrier supported by four wheels with pneumatic tires capable of straddling and carrying boats with high masts and superstructure.

(c) "Tower crane" means a crane in which a boom, swinging jib, or other structural member is mounted on a vertical mast or tower.

(d) "Mobile tower crane" means a tower crane which is mounted on a crawler, truck, or similar carrier for travel or transit.

(e) "Crane employer" means an employer who is responsible for the maintenance and operation of a tower crane.

(f) "Certificating agency" shall have the same definition as in Section 4885 of Title 8 of the California Code of Regulations. SEC. 4. The heading of Article 2 (commencing with Section 7375) of Chapter 5 of Part 3 of Division 5 of the Labor

Code is amended and renumbered to read: ~~Article 2. Certification~~ **Article 3. Licensure of Certifiers** SEC. 5. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the C

Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of crime within the meaning of Section 6 of Article XIII B of the California Constitution.