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HOUSE BILL NO. 2253

Offered January 21, 1999

A BILL to amend the Code of Virginia by adding in Title 40.1 a chapter numbered 3.4, consisting of sections numbered 40.1-51.42 through 40.1-51.46, relating to the Crane Operators Safety Act; penalty.

Patrons—Woodrum, Almand, Armstrong, Barlow, Grayson, Hull, Phillips and Spruill; Senators: Marye and Ticer

Referred to Committee on General Laws

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 40.1 a chapter numbered 3.4, consisting of sections numbered 40.1-51.42 through 40.1-51.46 , as follows:

CHAPTER 3.4.**CRANE OPERATORS SAFETY ACT.****§ 40.1-51.42. Definitions.**

As used in the chapter, unless the context requires otherwise:

"Applicant" means a person who has applied to the Board to certify crane operators through a Board-approved crane operators certification program.

"Board" means the Safety and Health Codes Board.

"Commissioner" means the Commissioner of Labor and Industry. Except where the context clearly indicates the contrary, any reference to Commissioner shall include his authorized representatives.

"Commercial truck-mounted crane" means a crane consisting of a rotating superstructure, boom, operating machinery, and one or more operator's stations mounted on a frame attached to a commercial truck chassis, usually retaining a payload hauling capacity whose power source powers the crane.

"Crane" means any commercial truck-mounted crane, crawler crane, or wheel-mounted crane that lifts, lowers, and swings loads at various radii.

"Crawler crane" means a crane consisting of a rotating superstructure with a power plant, operating machinery, and boom, mounted on a base and equipped with crawler treads for travel.

"Wheel-mounted crane" means a crane consisting of a rotating superstructure, operating machinery, and boom, mounted on a crane carrier equipped with axles and rubber-tired wheels for travel; a power source; and either a single or multiple control station for driving and operating.

§ 40.1-51.43. Exemptions.

The provisions of this chapter shall not apply to persons operating side boom tractors and cranes designed for railway and automobile wreck clearance; digger derricks; cranes manufactured specifically for, or when used for, energized electrical line service; knuckle boom; trolley boom cranes; or cranes having a maximum rated capacity of one ton or less. Nor shall the provisions of this chapter apply to any person who is:

1. A member of the armed forces of the United States or an employee of the United States, when such member or employee is engaged in the work of a crane operator exclusively for such governmental unit;

2. Under the direct supervision of a certified crane operator and who is (i) enrolled in an industry-recognized in-house training program based on standards prescribed by the American National Standards Institute for crane operators and who is employed by the entity that either taught the training program or contracted to have the training program taught or (ii) enrolled in an apprenticeship program or training program for crane operators approved by the United States Department of Labor, Bureau of Apprenticeship and Training; or

3. Operating timbering or harvesting machinery associated with the production of timber and the manufacturing of wood products.

§ 40.1-51.44. Certification required; crane operator certification programs to be approved; penalty for violation.

A. Beginning January 1, 2000, no person shall operate a crane in the Commonwealth without a certificate issued from a nationally recognized crane operator certification program approved by the Board.

B. No person shall provide or offer to provide a crane operator certification program without the prior approval of the Commissioner.

C. Any person convicted of a violation of this section shall be guilty of a Class 1 misdemeanor.

§ 40.1-51.45. Powers of Board.

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60 A. The Board shall establish standards for the approval of crane operator certification programs for
61 the protection of human life and property from the unsafe or dangerous operation of cranes in the
62 Commonwealth and to ensure that certified crane operators pass written and practical examinations,
63 and possess the required knowledge and experience to safely operate the equipment identified on the
64 certificate. Such standards shall meet or exceed standards prescribed by the federal Occupational Safety
65 and Health Act of 1970 (P. L. 91-596) and nationally recognized standards for the development and
66 administration of crane operating examinations.

67 B. The Board may do all things necessary and convenient for carrying into effect the provisions of
68 this chapter and shall promulgate, in accordance with the Administrative Process Act (§ 9-6.14.1 et
69 seq.), necessary regulations to establish procedures and requirements for the approval of crane operator
70 certification programs.

71 § 40.1-51.46. Duties of the Commissioner; cost of administration.

72 A. In approving crane operator certification programs, the Commissioner shall consider whether the
73 applicant:

74 1. Applies standards which meet or exceed standards established by the Board;

75 2. Requires the presentation of a physician's certificate that the crane operator seeking certification
76 is physically qualified to drive a commercial motor vehicle as required by 49 CFR § 391.41 as effective
77 on January 1, 2000, or an equivalent physician's certificate as approved by the Board, which certificate
78 shall be updated at least every five years;

79 3. Meets standards and practices generally accepted by recognized engineering and safety authorities
80 and bodies;

81 4. Complies with all applicable federal, state, and local laws and regulation;

82 5. Has the personnel and financial resources necessary to carry out a Commissioner-approved crane
83 operator certification program; and

84 6. Meets any other requirements the Commissioner deems appropriate.

85 B. The Commissioner shall ensure that the costs of administering this chapter shall not exceed
86 revenues generated from fees collected pursuant to the provisions of this chapter.