

# 1 RCNY §104-09

## CHAPTER 100

### Subchapter D Licensing and Registration of Businesses, Trades and Occupations Engaged in Building Work

#### §104-09 Hoisting Machine Operators.

- (a) Qualifications. In addition to the qualification requirements set forth in the Administrative Code, an applicant for a Class A, B or C Hoisting Machine Operator license shall satisfy the following requirements:
- (1) An applicant for a Class A, B or C Hoisting Machine Operator license shall possess a valid driver's license effective for the term of the Hoisting Machine Operator license sought.
  - (2) An applicant for a Class A, B or C Hoisting Machine Operator license shall provide evidence on a form prescribed by the Commissioner that he or she has passed a physical exam that complies with the standards of ASME B 30.5-2007, or the most recent version approved by the Department, and that he or she has complied with the substance abuse testing provisions and standards of ASME B 30.5-2007, or the most recent version approved by the Department. Such evidence shall include the name, address and telephone number of the laboratory that performed the tests and consent to the release by such laboratory of the test results to the Department upon request of the Department.
  - (3) An applicant for a Class A, B or C Hoisting Machine Operator license shall satisfy the examination requirements of the Administrative Code by complying with the following requirements:
    - (i) For a Class A or C applicant, providing to the Department one or more certifications issued by an organization accredited to offer crane certifications by the National Commission for Certifying Agencies (NCCA) or the American National Standards Institute (ANSI) and acceptable to the Commissioner. The certification shall authorize operation of the type of equipment for which the applicant seeks a license. The applicant shall provide to the Department a copy of the certification, a copy of future re-certifications and documentation of new specialties acquired. The applicable certification shall be maintained continuously for the duration of the license term.
    - (ii) For a class B applicant, providing to the Department all crane operator certifications issued by an organization accredited to offer tower, mobile, and crawler crane operator certifications by the National Commission for Certifying Agencies (NCCA) or the American National Standards Institute (ANSI) and acceptable to the Commissioner. The applicant must have passed at least one of the certification exams on a friction crane. The applicant must provide to the Department a copy of the certifications, a copy of future re-certifications and documentation of new specialties acquired. The applicable certifications must be maintained continuously for the duration of the license term.
  - (4) An applicant for a Class A or C Hoisting Machine Operator license shall provide proof of experience demonstrating the years of experience required by the Administrative Code and compliance with the following requirements:
    - (i) For a Class A Hoisting Machine Operator license at least three (3) years of work within the five (5) years prior to application must have been under the direct and continuing supervision of a Hoisting Machine Operator licensed by the Department or by another jurisdiction within the United States that regulates crane operators.
      - (A) At least one (1) year of the qualifying experience must have been undertaken in the City of New York.
      - (B) Notwithstanding the above, in lieu of the one (1) year of qualifying experience undertaken in the City of New York, the applicant may have, for at least the past ten (10) years prior to application, held a Hoisting Machine Operator license issued by a jurisdiction within the United States, with at least five (5) years of experience within those (10) years having been in an urban area of comparable density within the United States, as determined by the Commissioner.

- (C) In addition to the requirements of either (A) or (B), above, the other two (2) required years of qualifying experience must have been undertaken either in the City of New York or in an urban area of comparable density within the United States, as determined by the Commissioner.
    - (ii) For a Class C Hoisting Machine Operator license at least two (2) years of work within the three (3) years prior to application must have been under the direct and continuing supervision of a Hoisting Machine Operator licensed by the Department or by another jurisdiction within the United States that regulates crane operators. At least one (1) year of the qualifying work must have been undertaken in the City of New York or in an urban area of comparable density within the United States, as determined by the Commissioner.
  - (5) For a Class A or C Hoisting Machine Operator license, the qualifying work shall include outrigger placement incorporating at least one hundred (100) crane set-ups. For a Class A Hoisting Machine Operator license, at least 25 of the set-ups must have occurred on machinery for which a Class A license is required. Where an applicant for a Class A Hoisting Machine Operator license already possesses a Class C Hoisting Machine Operator license, the requirement for the remaining 75 set-ups on non Class A machinery is waived.
  - (6) Additional qualification requirements. In addition to the qualification requirements set forth in the Administrative Code and in this subdivision (a), all Hoisting Machine Operator Class A, B, and C license applicants shall complete a forty- (40) hour training course, approved by the Department, covering those provisions of local law and regulation that are unique to New York City for the operation of a hoisting machine and the unique hazards of operating a hoisting machine within New York City.
- (b) Fitness requirements for renewal and reinstatement. As a condition of license renewal or reinstatement, a licensed or previously licensed Class A, B or C Hoisting Machine Operator shall provide evidence of fitness to perform the work authorized to be performed by a holder of the license held or once held by the applicant. Such evidence shall consist of:
  - (1) For Class A, B and C Hoisting Machine Operators, evidence on a form prescribed by the Commissioner that the licensee has passed a physical exam that complies with the standards of ASME B 30.5-2007, or the most recent version approved by the Department, and that the licensee has complied with the substance abuse testing provisions and standards of ASME B 30.5-2007, or the most recent version approved by the Department. Such evidence shall include the name, address and telephone number of the laboratory that performed the tests and consent to the release by such laboratory of the test results to the Department upon request of the Department.
  - (2) Valid national certification(s) as follows:
    - (i) For Class A Hoisting Machine Operators whose license is renewed or reinstated on or after July 1, 2015, one or more valid certification(s) issued by an organization accredited to offer crane operator certifications by the National Commission for Certifying Agencies (NCCA) or the American National Standards Institute (ANSI) and acceptable to the Commissioner. For Class A Hoisting Machine Operators with licenses renewed or reinstated prior to July 1, 2015, such certification must be obtained within one year of renewal. The certification(s) shall authorize the operation of the type of equipment for which the license is held or sought and the licensee shall provide to the Department a copy of the certification(s), a copy of future re-certifications and documentation of new specialties acquired. The applicable certification(s) must be maintained continuously for the duration of the license term.
    - (ii) For Class B Hoisting Machine Operators whose license is renewed or reinstated on or after July 1, 2015, all crane operator certifications issued by an organization accredited to offer tower, mobile and crawler crane operator certifications by the National Commission for Certifying Agencies (NCCA) or the American National Standards Institute (ANSI) and acceptable to the Commissioner. For Class B Hoisting Machine Operators with licenses renewed or reinstated prior to July 1, 2015, such certification must be obtained within one year of renewal. The applicant must have passed at least one of the certification exams on a friction crane. The licensee must provide to the Department a copy of the certifications, a copy of future re-certifications and documentation of new

specialties acquired. The applicable certifications must be maintained continuously for the duration of the license term.

- (iii) For Class C Hoisting Machine Operators, one or more valid certification(s) issued by an organization accredited to offer crane operator certifications by the National Commission for Certifying Agencies (NCCA) or the American National Standards Institute (ANSI) and acceptable to the Commissioner. The certification(s) shall authorize the operation of the type of equipment for which the license is held or sought and the licensee shall provide to the Department a copy of the certification(s), a copy of future re-certifications and documentation of new specialties acquired. The applicable certification(s) must be maintained continuously for the duration of the license term.
  - (3) A renewal applicant shall possess a valid driver's license effective for the term of the renewal sought.
  - (4) A renewal applicant shall satisfy the requirements of this rule at every subsequent renewal.
- (c) Hoisting Machine Operator Class A and B licensees shall provide to the Department no later than six months after the effective date of this section, or upon application, renewal, or reinstatement, as applicable, the information required in paragraph (1) of subdivision (b) of this section. The Commissioner may for cause, following notice and an opportunity to be heard, accelerate the date by which holders of Hoisting Machine Operator Class A and B licenses must satisfy the requirements of this subdivision and in such case, upon failure to satisfy such condition, the license shall lapse.
- (d) A Class A, B or C Hoisting Machine Operator license issued following compliance with this rule shall authorize the operation of only that type of crane for which Department records indicate the licensee is qualified or certified. For a Class A or C Hoisting Machine Operator license, where the applicant or licensee wishes to operate a friction crane, the applicant must have passed at least one of the certification exams on a friction crane.
- (e) The provisions of this rule shall be in addition to the qualification, renewal and reinstatement requirements prescribed by articles 401 and 405 of title 28 of the Administrative Code.
- (f) In addition to any other documents required to be maintained on site by a licensed Class A, B or C Hoisting Machine Operator, such Operator shall have on site at all times the following documents:
- (1) The certification(s) issued to him or her by an organization accredited by the National Commission for Certifying Agencies (NCCA) or the American National Standards Institute (ANSI) and acceptable to the Commissioner; and
  - (2) The hoisting machine operator license issued to him or her by the Department.
- (g) Additional powers of the commissioner. The commissioner may, upon a determination of good cause, extend the dates and deadlines set forth in this rule.