

# 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 Hoisting Machine Operator license shall satisfy the following requirements:

- (1) **Driver's license.** An applicant for a Hoisting Machine Operator license shall possess a valid driver's license, without conditions or restrictions which the Department has determined may impact the safe operation of hoisting machinery, effective for the term of the Hoisting Machine Operator license sought.
- (2) **Physical fitness.** An applicant for a Hoisting Machine Operator license shall provide evidence on a form prescribed by the Commissioner that he or she meets the physical qualifications of section 5-3.1.2(a) of ASME B 30.5-2021, and has passed a physical exam and a substance abuse test to verify such physical qualification. 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) **Certifications.** An applicant for a hoisting machine operator license must provide copies of certifications required by subdivision (d) of this section.
- (4) **Experience qualifications.** In order to satisfy the experience qualifications as set forth in Section 28-405.3 of the New York city administrative code, the experience must have been obtained in accordance with the following:
  - (i) **Class A license applicants.** An applicant for a Class A Hoisting Machine Operator license must provide proof demonstrating that the three (3) years of experience required by Section 28-405.3 of the New York city administrative code was acquired operating hoisting machines in New York City in the presence of and under the direct supervision of a licensed Class A or Class B Hoisting Machine Operator in accordance with section 104-23 of these rules. The experience must have been obtained on hoisting machines of a type, size, and capacity authorized to be operated by a Class A licensed hoisting machine operator. At least two (2) years of the required three (3) years of experience must have been in the operation of mobile cranes with a manufacturer's rated capacity in excess of 50 tons (45.36 t) or in the operation of tower cranes, other than self-erecting tower cranes. The remaining year of experience can be on any type of mobile or tower crane, derrick, or rotating telehandler authorized to be operated by a Class A HMO licensee; this includes but is not limited to cranes with a capacity under 50 tons (45.36 t).
  - (ii) **Class C and limited hoisting machine operator license applicants.** An applicant for a Class C or a Limited Hoisting Machine Operator license must provide proof demonstrating:
    - (A) That at least one (1) year of the two (2) years of experience required by Section 28-405.3 of the New York city administrative code was acquired in New York City in the operation of hoisting machines as specified for each license in Table 1, and that such operation was in connection with building or infrastructure construction, alteration, or demolition work, or the installation or removal of temporary structures or temporary construction installations, or the delivery or retrieval of materials, equipment, or other items to or from a building; but excluding work in industrial or commercial plants or yards;
    - (B) That all experience obtained in New York City was acquired operating mobile or tower cranes or rotating telehandlers in the presence of and under the direct supervision of a New York City licensed Hoisting Machine Operator in accordance with section 104-23 of these rules; and

- (C) That experience obtained outside of New York City was acquired in the United States operating mobile or tower cranes or rotating telehandlers in the presence of and under the direct supervision of a hoisting machine operator licensed, registered, or certified in good standing to operate such equipment within the relevant jurisdiction. Applicants who are duly licensed, registered, or certified in good standing to operate the equipment in the relevant jurisdiction for which the experience is being credited may credit self-supervision toward this requirement.

**Exceptions:**

1. Where the applicant already possesses a New York City Limited Hoisting Machine Operator license, such possession is deemed to satisfy one (1) year of the required two (2) years of experience. Such applicants need only comply with clauses (A) and (B) of this subparagraph.
2. Applicants for a Limited Hoisting Machine Operator license for an articulating boom crane, mini crane, or telehandler may credit experience earned in New York City operating the equipment for which such license is sought and obtained neither in the presence nor under the direct supervision of a New York City licensed Hoisting Machine Operator, provided, however, that such experience was earned prior to November 7, 2024 and no more than three (3) years prior to the date of application for licensure, and provided further that such operation was performed in connection with building or infrastructure construction, alteration, or demolition work, or the installation or removal of temporary structures or temporary construction installations, or the delivery or retrieval of materials, equipment, or other items to or from a building, but excluding work in industrial or commercial plants or yards. Such experience will be credited as satisfying the provisions of clause (A) of this subparagraph at a rate of 125 hours of operator experience equaling one month of experience. Where the operator has in excess of 1,500 hours of qualifying experience, the remainder of the experience will be credited towards satisfying the second year of experience required by section 28-405.3 of the New York city administrative code, also at a rate of 125 hours of operator experience equaling one month of experience. Proof of such experience shall be documented in the form of an affidavit provided by the department and signed by the applicant and the applicant's employer or union. However, the department may decline to credit such experience to any individual who defaulted on or has been found liable for unsafe operation of a crane or telehandler after proceedings before the environmental control board or in an adjudication in criminal court, if such default or judgment occurred within the five (5) years preceding such application. The department may also delay a determination under this exception for any applicant against whom there is an open violation for the unsafe operation of a crane or telehandler issued within the five (5) years preceding such application. Applicants subject to this exception may be asked by the department to submit proof, in addition to the affidavit described above, in support of their operating record.

**Table 1: Specific experience requirements for HMO C and limited license applicants**

License Type	Required one (1) year of experience in NYC
Class C license	Wheel mounted cranes, other than telehandlers, with a telescoping boom, including jibs and any other extensions to the boom, not exceeding 200 feet (60.96 m) in length and with a manufacturer's rated capacity in excess of 3 tons (2.72 t).
Limited license for articulating boom cranes	An articulating boom crane, including jibs and any other extensions to the boom, not exceeding 200 feet (60.96 m) in length and with a manufacturer's rated capacity in excess of 1 ton (0.91 t) attached to a commercial truck chassis.

Limited license for boom trucks	Boom trucks with a telescoping boom, including jibs and any other extensions to the boom, not exceeding 200 feet (60.96 m) in length and with a manufacturer's rated capacity in excess of 3 tons (2.72 t).
Limited license for mini cranes	Mobile cranes, other than boom trucks or telehandlers, with a telescoping boom, including jibs and any other extensions to the boom, not exceeding 50 feet (15.240 m) in length and with a manufacturer's rated capacity of 3 tons (2.72 t) or less.
Limited license for sign hanging cranes	Boom trucks with a telescoping boom, including jibs and any other extensions to the boom, not exceeding 135 feet (41.148 m) in length and with a manufacturer's rated capacity of 3 tons (2.72 t) or less, used exclusively for the erection, maintenance, or removal of signs.
Limited license for telehandlers	Wheel mounted rotating telehandlers with a telescoping boom, including jibs and any other extensions to the boom, not exceeding 200 feet (60.96 m) in length and with a manufacturer's rated capacity in excess of 3 tons (2.72 t).

(iii) Limited license alternate pathway. Individuals who submit an application for a Limited Hoisting Machine Operator license for articulating boom cranes, mini cranes, or telehandlers on or before November 6, 2024, may, in lieu of the requirements set forth in subparagraph (ii) of this paragraph, provide proof in the form of an affidavit provided by the department and signed by the applicant and the applicant's employer or union, attesting that the applicant:

- (A) for a limited license for articulating boom cranes has obtained 1,500 hours of experience on or after January 1, 2019, operating, in New York City, articulating boom cranes attached to a commercial truck chassis, with the operation performed in connection with building or infrastructure construction, alteration, or demolition work, or the installation or removal of temporary structures or temporary construction installations, or the delivery or retrieval of materials, equipment, or other items to or from a building; but excluding work in industrial or commercial plants or yards;
- (B) for a limited license for mini cranes, has obtained 1,500 hours of experience on or after January 1, 2019, operating, in New York City, mobile cranes, other than boom trucks or telehandlers, with a telescoping boom, including jibs and any other extensions to the boom, not exceeding 50 feet (15.24 m) in length with a manufacturer's rated capacity of 3 tons (2.72 t) or less, with the operation performed in connection with building or infrastructure construction, alteration, or demolition work, or the installation or removal of temporary structures or temporary construction installations, or the delivery or retrieval of materials, equipment, or other items to or from a building; but excluding work in industrial or commercial plants or yards; or
- (C) for a limited license for a telehandler, has obtained 1,500 hours of experience on or after January 1, 2019, operating, in New York City, rotating telehandlers, with the operation performed in connection with building or infrastructure construction, alteration, or demolition work, or the installation or removal of temporary structures or temporary construction installations, or the delivery or retrieval of materials, equipment, or other items to or from a building; but excluding work in industrial or commercial plants or yards.

**Exception:** The department may decline to issue a Limited Hoisting Machine Operator pursuant to this subparagraph to any individual who defaulted on or has been found liable for unsafe operation of a crane or telehandler after proceedings before the environmental control board or in an adjudication in criminal court, if such default or judgment occurred within the five (5) years

preceding such application. The department may also delay a determination under this subparagraph for any applicant against whom there is an open violation for the unsafe operation of a crane or telehandler issued within the five (5) years preceding such application. Applicants subject to this exception may be asked by the department to submit proof, in addition to the affidavit described above, in support of their operating record.

(5) **Outrigger setup.** For a Class A, Class C, or Limited Hoisting Machine Operator license, the qualifying experience as specified in subparagraphs (i) and (ii) of paragraph (4) of this subdivision shall include outrigger placement incorporating at least one hundred (100) crane set-ups. In no case shall qualifying set-ups be obtained on a crane that has a boom, including jibs and any other extensions to the boom, exceeding 200 feet (60.96 m) in length, unless the boom and all its attachments are fully retracted or stowed according to the manufacturer's specifications. Such set-ups must occur at a jobsite, crane yard, training center, or other location acceptable to the commissioner, and must be witnessed by a New York City licensed Hoisting Machine Operator. However, the witnessing licensee may only witness outrigger placement on equipment which their New York City license authorizes them to operate.

(i) **Class A license applicants.** For a Class A Hoisting Machine Operator license, at least 25 of the set-ups must have occurred on mobile cranes with a manufacturer's rated capacity in excess of 50 tons (45.36t). 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 is waived.

(ii) **Class C license applicants.** For a Class C Hoisting Machine Operator license, at least 25 of the set-ups must have occurred on the type of machinery specified Table 1 for the Class C license. Where an applicant for a Class C Hoisting Machine Operator license already possesses a Limited Hoisting Machine Operator license, the requirement for the remaining 75 set-ups is waived.

(iii) **Limited license applicants.** For a Limited Hoisting Machine Operator license, at least 25 of the set-ups must have occurred on the type of machinery specified Table 1 for the type of limited license sought. Where an applicant for a Limited Hoisting Machine Operator license already possesses a different Limited Hoisting Machine Operator license, the requirement for the remaining 75 set-ups 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 license applicants must, during the one (1) year immediately prior to application, complete a training course that is at least forty (40) hours in length, 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.

**Exception:** Individuals who submit an application for a Limited Hoisting Machine Operator license for articulating boom cranes, mini cranes, or telehandlers on or before November 6, 2024, need only complete a training course that is at least eight (8) hours in length, 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. Such course must have been completed during the two (2) years immediately prior to application.

(b) **Fitness requirements for renewal.** As a condition of license renewal, a licensed or previously licensed 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) **Physical Fitness.** Evidence on a form prescribed by the Commissioner that the licensee meets the physical qualifications of section 5-3.1.2(a) of ASME B 30.5-2021, and has passed a physical exam and a substance abuse test to verify such physical qualification. 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) **Certifications.** Copies of certifications as required by subdivision (d) of this section.

- (3) **Driver's license.** A renewal applicant shall possess a valid driver's license, without conditions or restrictions which the Department has determined may impact the safe operation of hoisting machinery, effective for the term of the renewal sought.
- (4) **Renewal.** A renewal applicant shall satisfy the requirements of this rule at every subsequent renewal.
- (c) **Additional limited hosting machine operator licenses.** The following additional Limited Hoisting Machine Operator licenses are hereby established.
- (1) **Limited license for telehandlers.** Limited license to operate wheel mounted telehandlers (non-rotating ("fixed") or rotating) with a telescoping boom, including jibs and any other extensions to the boom, not exceeding 200 feet (60.96 m) in length with a manufacturer's rated capacity of 50 tons (45.36 t) or less.
- (d) **Certifications for a hoisting machine operator license.** Where a certification for the operation of a type of hoisting machine has been established by Table 2 of this subdivision, no licensed hoisting machine operator may operate such type of machinery until the licensee possesses a certification for that type of hoisting machine and such certification has been listed on the hoisting machine operator's license by the department.

**Exception:** The licensee is operating the hoisting machine as a learner in accordance with section 104-23 of these rules.

- (1) **Certifications to be acceptable and accredited.** The certification must be acceptable to the commissioner and be issued by a hoisting machine operator certification program that is accredited by the National Commission for Certifying Agencies (NCCA) or the American National Standards Institute (ANSI) for the specific type of hoisting machine to be operated.
- (2) **Licensee to inform department of changes to certification.** The licensed hoisting machine operator must immediately notify the department if a certification identified in Table 2 of this subdivision and held by the licensee is suspended, revoked, not renewed, or otherwise lapses. The licensed hoisting machine operator must provide a copy of re-certifications and new certifications identified in Table 2 of this subdivision to the department within 30 days.
- (3) **Friction cranes or derricks.** No person who holds a Class A or Class C hoisting machine operator license may operate a friction crane or a friction derrick, or supervise the operation of a learner on a friction crane or a friction derrick, until the licensee has passed at least one of the practical certification exams listed in Table 2 on a friction crane, and such authorization to operate a friction crane or a friction derrick has been listed on the hoisting machine operator's license by the department. For a Hoisting Machine Operator Class B applicant, one of the practical certification exams must, in accordance with the requirements of Table 2 of this subdivision, be on a friction crane. In addition, no person who holds a Limited Hoisting Machine Operator License may operate a friction crane or friction derrick, or supervise the operation of a learner on a friction crane or a friction derrick.
- (4) **Derricks.** No licensed hoisting machine operator may operate a derrick, or supervise the operation of a learner on a derrick, unless the licensee possesses a tower crane certification, and such certification has been listed on the hoisting machine operator's license by the department.

**Table 2: Certifications by licensing class<sup>1</sup>**

Certification	Hoisting machine operator licensing class		
	A	B	C
NCCCO Telescopic Boom Crane - Fixed Cab	Required	Required	Required
NCCCO Telescopic Boom Crane - Swing Cab	Required	Required	Required
NCCCO Lattice Boom Crane <sup>2</sup>	Required	Required	

NCCCO Tower Crane	Additional	Required	
NCCCO Articulating Boom Crane - or - NCCCO Boom Crane w/Winch - or - NCCCO Articulating Boom Loader <sup>3</sup>	Additional	Additional	Additional
NCCCO Dedicated Pile Driver	Additional	Additional	Additional
NCCCO Rotating Telehandler <sup>4</sup>	Additional	Additional	Additional

**Table 2 (cont.): Certifications by licensing class<sup>1</sup>**

Certification	Hoisting machine operator licensing class				Limited telehandler
	Limited articulating boom crane	Limited boom truck	Limited mini crane	Limited sign hanger	
NCCCO Telescopic Boom Crane - Fixed Cab		Required <sup>5</sup>	Required <sup>6</sup>	Required <sup>5</sup>	
NCCCO Telescopic Boom Crane - Swing Cab					
NCCCO Lattice Boom Crane <sup>2</sup>					
NCCCO Tower Crane					
NCCCO Articulating Boom Crane - or - NCCCO Boom Crane w/Winch - or - NCCCO Articulating Boom Loader <sup>3</sup>	Required	Additional	Additional	Additional	
NCCCO Dedicated Pile Driver					
NCCCO Rotating Telehandler <sup>4</sup>		Additional			Required

**Legend to Table 2:**

- “NCCCO” means “National Commission for the Certification of Crane Operators.”
- “Required” means must possess.
- “Additional” means not mandated, but required if licensee intends to operate listed type of hoisting machinery.
- Blank indicates not authorized for the class of license.

**Footnotes to Table 2:**

- <sup>1</sup> Individuals may only operate equipment within the scope of their license, even if a certification authorizes operation of a broader class of equipment.
- <sup>2</sup> For a Hoisting Machine Operator Class B applicant, the practical certification exam for the lattice boom crane must be on a friction crane.

- <sup>3</sup> Individuals are not permitted to operate machinery exceeding the scope of their certification, even if such machinery is within the scope of their license.
- <sup>4</sup> Individuals who hold a “Rotating Telehandler” certification are authorized to operate a non-rotating (“fixed”) telehandler and need not separately hold a “Fixed Telehandler” certification.
- <sup>5</sup> Licensees who prior to the effective date of this subdivision hold a certification for a “Boom truck” must provide a certification for “NCCCO Telescopic Boom Crane - Fixed Cab upon renewal of their license.
- <sup>6</sup> For a Limited Hoisting Machine Operator License for a mini crane, a certification from the National Center for Construction Education and Research (“NCCER”) that authorizes the operation of a telescopic boom is acceptable in lieu of a NCCCO certification for a “Telescopic Boom Crane - Fixed Cab.”

(e) **Additional requirements.** The provisions of this rule shall be in addition to the qualification and renewal requirements prescribed by articles 401 and 405 of title 28 of the Administrative Code.

(f) **Obligation to keep documents.** In addition to any other documents required to be maintained on site by a licensed 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 the certifying entity; 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.

(h) **Ratings for class B licensed hoisting machine operators.** In addition to satisfying the requirements as set forth in subdivisions (a) through (g) of this section, Class B Licensed Hoisting Machine Operators must possess one or more ratings when required by Section 28-405.2 of the Administrative Code.

- (1) **Prerequisites to obtain rating.** To apply for a rating the Class B Licensed Hoisting Machine Operator must demonstrate to the satisfaction of the Commissioner that he or she has successfully completed, during the one (1) year immediately prior to the application to add such rating, for the make and model of hoisting machine for which the rating is sought, the following:

(i) A course of at least 8 hours in length that meets the following requirements:

(A) The course must be conducted by the manufacturer of the hoisting machine, an entity authorized by the manufacturer of the hoisting machine, a registered New York State Department of Labor apprenticeship training program, an educational institution or school chartered by the New York State Department of Education, or an entity acceptable to the Commissioner.

(B) The course must be presented by an instructor who has been trained by the manufacturer of the hoisting machine.

(C) The course must, at a minimum, include instruction on the following topics:

1. The controls of the hoisting machine, including differences in controls based on operation mode;
2. The computer systems of the hoisting machine, including setup of the computer to match the configuration of the hoisting machine;
3. Operational aids and safety devices of the hoisting machine;
4. Wind and weather restrictions for the hoisting machine, including differences based on configuration, with emphasis on requirements when set up in configurations with a boom or boom/jib combination greater than 300 feet (91.44 m) in length; and
5. The procedures to boom-up, jackknife, and laydown the boom or boom/jib combination of the hoisting machine, including differences based on configuration, with emphasis on requirements when set up in configurations with a boom or boom/jib combination greater than 300 feet (91.44 m) in length.

(D) Instruction on makes and models of hoisting machines deemed by the Commissioner to be substantially equivalent may be included in the course.

(ii) A practical exam that meets the following requirements:

(A) The practical exam must be witnessed by a Class B Licensed Hoisting Machine Operator who must attest to the department that the hoisting machine operator who took the exam successfully passed the exam.

(B) The practical exam must be visually recorded. The record must be made available to the department upon request and must be maintained for a period of three (3) years by the entity that conducted the course required by subparagraph (i) of this paragraph, or, where such entity does not conduct the exam, by the Class B Licensed Hoisting Machine Operator who witnessed the exam.

(C) The exam must be conducted on one of the following:

1. On the hoisting machine configured with a boom or boom/jib combination greater than 300 feet (91.44 m) in length, and with the hoisting machine set back from all areas accessible to the public; or
2. On a simulator acceptable to the Commissioner. At a minimum, the simulator must be capable of recreating the controls and operating characteristics of the hoisting machine. During the exam, the simulator must recreate the hoisting machine in a configuration with a boom or boom/jib combination greater than 300 feet (91.44 m) in length.

(D) The practical exam must assess the candidate on the following:

1. Knowledge of the hoisting machine's controls, including operational modes where the controls may be reversed; and
2. For a crane with a luffing jib, ability to raise, jackknife, and laydown the boom with the luffing jib attached; or
3. For a crane with a telescoping boom, ability to extend or retract the boom with an attached jib.

(2) **Substantially equivalent hoisting machines.** A hoisting machine operator who already possesses a rating may, in lieu of satisfying the requirements of paragraph (1) of this subdivision, receive additional ratings if the commissioner deems the additional makes and models of hoisting machines to be substantially equivalent to a hoisting machine for which the hoisting machine operator already possesses a rating. For a hoisting machine to be deemed substantially equivalent, it must, at a minimum, be manufactured by the same manufacturer and possess the same carrier type.

(3) **Renewal of ratings.** Ratings expire at the same time as the underlying Class B Hoisting Machine Operator license unless they are renewed at the same time the underlying license is renewed. A rating will be considered to be renewed if the licensee demonstrates to the satisfaction of the Commissioner that he or she has successfully complied, during the preceding term of the license, with the course and examination requirements of paragraph (1) of this subdivision, or as applicable, with paragraph (2) of this subdivision.

(i) **Multiple limited licenses.** An individual may possess multiple Limited Hoisting Machine Operator licenses.