

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 30.5-2014, 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 under the supervision of a licensed Class A or Class B Hoisting Machine Operator. 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. For applications submitted on or after July 1, 2019, 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.
 - (ii) **Class C license applicants.** An applicant for a Class C Hoisting Machine Operator license must provide proof demonstrating that the two (2) years of experience required by Section 28-405.3 of the New York city administrative code was acquired operating hoisting machines under the supervision of a Hoisting Machine Operator licensed by the Department or by another jurisdiction within the United States that regulates crane operators. The experience must have been obtained on hoisting machines of a type, size, and capacity authorized to be operated by the Class C Hoisting Machine Operator license sought. At least one (1) year of the experience 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, and, for applications for a Class C1 Hoisting Machine Operator license submitted on or after July 1, 2019, have been in the operation of wheel mounted cranes with a manufacturer's rated capacity in excess of 3 tons (2.72 t).
 - (5) **Outrigger setup.** For a Class A or C Hoisting Machine Operator license, the qualifying experience as specified in paragraph (4) of this subdivision shall include outrigger placement incorporating at least one hundred (100) crane set-ups. Such set-ups must occur at a jobsite, crane yard, training center, or other location acceptable to the commissioner. 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 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 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 30.5-2014, 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) Reserved.

(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 1 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 1 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 1 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 1 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 1 of this subdivision, be on a friction crane.
- (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 (not self-erecting), and such certification has been listed on the hoisting machine operator's license by the department.

Table 1: Certifications by licensing class

| Certification name | Hoisting machine operator licensing class | | | | |
|---|---|------------|------------|-----------------------|-----------------------|
| | A | B | C1 | C2 | C3 |
| Fix cab telescopic boom mobile crane ¹ | Required | Required | Required | | |
| Swing cab telescopic boom mobile crane | Required | Required | Required | | |
| Lattice boom truck crane ² | Required | Required | | | |
| Lattice boom crawler crane ² | Required | Required | | | |
| Tower crane ³ | Additional | Required | | | |
| Self-erecting tower crane ⁴ | Additional | Additional | | | |
| Articulating boom mobile crane ⁵ | Additional | Additional | Additional | | |
| Dedicated pile driver | Additional | Additional | Additional | | |
| Boom truck ¹ | | | | Required ⁶ | Required ⁶ |

Legend to Table 1:

- “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, except where otherwise indicated by footnote 1.

Footnotes to Table 1:

- ¹ Individuals who hold a “Fix cab telescopic boom mobile crane” certification can also operate “boom trucks” and do not need a separate certification.
- ² For a Hoisting Machine Operator Class B applicant, the practical certification exam for either the lattice boom truck crane or the lattice boom crawler crane must be on a friction crane.
- ³ The practical certification exam cannot be on a self-erecting tower crane.
- ⁴ The practical certification exam must be on a self-erecting tower crane.
- ⁵ The certification exam must include a component on the operation of an articulating boom crane with a winch.
- ⁶ Licensees who prior to the effective date of this section hold a certification for a “Fix cab telescopic boom mobile crane” must provide a certification for “Boom truck” upon renewal or reinstatement of their license.

- (e) **Additional requirements.** 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) **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, 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.** Beginning July 1, 2019, ratings must be renewed at the same time the underlying hoisting machine operator 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 paragraph (1) of this subdivision, or as applicable, with paragraph (2) of this subdivision.