



Promulgation Details for 1 RCNY 25-01

This rule amendment became effective on May, 25, 2017.

**NOTICE OF ADOPTION OF RULE**

**NOTICE IS HEREBY GIVEN**, pursuant to the authority vested in the Commissioner of the Department of Buildings by Section 643 of the New York City Charter and in accordance with Section 1043 of the Charter, that the Department of Buildings hereby adopts the amendments to its rules relating to reinstatement of license, continuing education requirements, and supervisory responsibilities of riggers and sign hangers and to repeal its rules regarding private elevator inspection agencies and climber or tower crane rigger licenses.

This rule was first published on March 14, 2017 and a public hearing thereon was held on April 14, 2017.

Dated: \_\_\_\_\_

4.18.17

New York, New York



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Rick D. Chandler, P.E.  
Commissioner

## Statement of Basis and Purpose

The Department of Buildings (DOB) is amending sections 104-05, 104-06, 104-20 and 104-21 of Title 1 of the Rules of the City of New York relating to reinstatement of license, continuing education requirements, and supervisory responsibilities of riggers and sign hangers and repealing sections 11-01 and 25-01 relating to elevator inspection agencies and climber and tower crane riggers.

The amendments to sections 104-05, 104-06, 104-20 and 104-21 more accurately reflect the current process for reinstatement of licenses as well as continuing education requirements. Applicants need to be able to demonstrate employment when not on the payroll of a licensee in order to be reinstated. The rule spells out what is necessary to provide as proof of employment and complies with a recent New York Supreme Court decision on the subject.

In addition, the rule requires Construction Superintendents to take an eight (8)-hour course for renewal. This brings the course requirements in line with section 3301-02 of Title 1 of the Rules of the City of New York. To keep requirements consistent across disciplines, the rule also requires Site Safety Managers and Site Safety Coordinators to take an eight (8)-hour refresher course.

Sections 11-01 and 25-01 are repealed because their provisions have been moved to Chapter 4 of the City Administrative Code.

The rule also includes minor plain language revisions.

DOB's authority for this rule is found in Sections 643 and 1043(a) of the New York City Charter, Sections 28-401.13 and 28-401.14, and Articles 404 and 415 of the City Administrative Code.

New material is underlined.

[Deleted material is in brackets.]

“Shall” and “must” denote mandatory requirements and may be used interchangeably in the rules of this department, unless otherwise specified or unless the context clearly indicates otherwise.

Section 1. Section 11-01 of Title 1 of the Rules of the City of New York, relating to the certification and qualification of private elevator inspection agencies and for the performance of inspections and filing of inspection reports for elevators and escalators by such agencies, and section 25-01 of Title 1 of the Rules of the City of New York, relating to licensing persons as climber or tower crane rigger, are REPEALED.

§2. Paragraph (1) of subdivision (b) and subdivision (d) of section 104-05 of Title 1 of the Rules of the City of New York are amended to read as follows:

(1) Continued competence shall be demonstrated by the applicant's full-time active and legal engagement in the trade for which the applicant's license was issued in accordance with the relevant provisions of Chapter 4 of Title 28 of the Administrative Code. The applicant [shall]must supply the Department with the following:

- (i) A [~~resume detailing~~]detailed employment history and the duties the applicant performed in each position during the time the license was expired;
- (ii) A signed and notarized statement from the applicant's employer stating the nature of the applicant's duties and the dates of such employment;
- (iii) For work in the trade requiring the direct and continuing supervision of a licensed person in accordance with Chapter 4 of Title 28 of the Administrative Code, a signed and notarized (or sealed) statement from the supervising licensee stating that he or she supervised the applicant, the dates of such supervision and the nature of the applicant's duties; and
- (iv) Proof of payment or compensation from employer during applicable time period.
- (v) For work in the trade that did not require direct and continuing supervision of a licensed person in accordance with Chapter 4 of Title 28 of the Administrative Code, applicants must provide a letter from their employer or supervisor and documentary proof of their business arrangement with the employer or supervisor. This may include contracts and proof of payment for services.
- (vi) Any other documentation the Department deems appropriate.

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(d) Exceptions to reinstatement provisions. If an application for renewal of a registration for Construction Superintendent, Concrete Safety Manager, General Contractor, Welder or Safety Registration is not filed within one (1) year of a registration's expiration, the applicant must reapply for a new registration and meet all applicable qualifications.

§3. Paragraphs (2), (3), (6), (7), (8), (9), (10) and (11) of subdivision (b) of section 104-06 of Title 1 of the Rules of the City of New York are amended to read as follows:

- (2) Construction Superintendent. During the one (1) year immediately prior to renewal, the licensee [shall]must have successfully completed [a seven- (7) hour Site Safety Manager refresher] an eight- (8) hour Site Safety Coordinator course approved by the Department or any equivalent course(s) approved by the Department, including those in electronic format.
- (3) Electrician (Master/Special). [Beginning July 1, 2015, during]During the one (1) year immediately prior to renewal, the licensee must have successfully completed a course approved by the Department of at least eight (8) hours, [at least four (4) hours of] which must focus on the New York City Electrical Code and other requirements pursuant to section 105-03 of subchapter E of this chapter. [The Department will accept for each license year up to four (4) credit hours earned from an electrical continuing education course offered in another jurisdiction as part of a licensed electrician renewal process in that jurisdiction, provided that the course is at least eight (8) credit hours per license year in that jurisdiction, the credits were earned during the three (3) years immediately prior to renewal and:
- (i) the jurisdiction follows the National Electrical Code/NFPA 70;
  - (ii) the course provider is a certified provider within that jurisdiction; and
  - (iii) the course is taught by an instructor with experience in the electrical field who is certified as an electrical course provider in jurisdictions following the National Electrical Code/NFPA 70.

Credit hours earned in another jurisdiction will not count toward the at least four (4) hours that must focus on the New York City Electrical Code and other requirements pursuant to section 105-03.]

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- (6) Master Fire Suppression Piping Contractor and Master Plumber. During the [two (2) years]one (1) year immediately prior to renewal, the licensee must have successfully completed a one- (1) day (seven- (7) hour) continuing education course approved by the Department.
- (7) Master Rigger. [Beginning July 1, 2015, during the three (3) years]During the one (1) year immediately prior to renewal, the licensee must have successfully completed a Department-approved eight- (8) hour re-certification course including instruction on inspection, maintenance, repair, use, installation, hazards associated with, and the relevant sections of the building code and industry

practice with regards to:

- (i) Rigging methods, hardware, and equipment;
  - (ii) Hoisting machines, including cranes and derricks;
  - (iii) Climber/tower crane assembly, jumping, and disassembly;
  - (iv) Suspended scaffolds;
  - (v) Critical picks; and
  - (vi) Fall hazards and fall protection.
- (8) Special Rigger. [Beginning July 1, 2015, during the three (3) years]During the one (1) year immediately prior to renewal, the licensee must have successfully completed a Department-approved eight- (8) hour re-certification course including instruction on inspection, maintenance, repair, use, installation, hazards associated with, and the relevant sections of the building code and industry practice with regards to:
- (i) Rigging methods, hardware, and equipment;
  - (ii) Hoisting machines with a manufacturer's rated capacity of one ton or less;
  - (iii) Suspended scaffolds;
  - (iv) Critical picks; and
  - (v) Fall hazards and fall protection.
- (9) Climber or Tower Crane Rigger. During the [three (3) years]one (1) year immediately prior to renewal, the licensee must have successfully completed a Department-approved eight- (8) hour re-certification course including instruction on inspection, maintenance, repair, use, installation, hazards associated with, and the relevant sections of the building code and industry practice with regards to:
- (i) Climber/tower crane assembly, jumping, and disassembly; and
  - (ii) Fall hazards and fall protection.
- (10) Site Safety Coordinator. During the [two (2) years]one (1) year immediately prior to renewal, the licensee [shall]must have successfully completed [a]an eight- (8) hour Site Safety Manager refresher course approved by the Department.
- (11) Site Safety Manager. During the one (1) year immediately prior to renewal, the licensee [shall]must have successfully completed [a seven- (7)]an eight- (8) hour Site Safety Manager refresher course approved by the Department.

§4. Paragraph (3) of subdivision (i) of section 104-20 of Title 1 of the Rules of the City of

New York is amended to read as follows:

- (3) The list must be updated [within two weeks of any change in the reported information relating to current designated foremen or] within one week of the termination of a designation. When a list is updated, the licensee must file a new notification listing all rigging foremen designated by the licensee[ shall be filed]. The new notification [shall]must be filed in a manner required by the department and [shall]must contain the information set forth in subparagraphs (i), (ii), (iii) and (iv)[, above] of paragraph (1) of this subdivision. The new list will supersede any earlier filed notification.

§5. Paragraph (3) of subdivision (h) of section 104-21 of Title 1 of the Rules of the City of New York is amended to read as follows:

- (3) The list must be updated [within two weeks of any change in the reported information relating to current designated foremen or] within one week of the termination of a designation. When a list is updated, the licensee must file a new notification listing all sign hanging foremen designated by such licensee[ shall be filed]. The new notification [shall]must be filed in the manner required by the department and [shall]must contain the information set forth in subparagraphs (i), (ii), (iii) and (iv)[, above] of paragraph (1) of this subdivision. The new list will supersede any earlier filed notification.