

CHAPTER 121**LICENSING OF CRANE OPERATORS****Authority**

N.J.S.A. 45:1-21 et seq.

Source and Effective Date

R.2010 d.119, effective May 25, 2010.
See: 41 N.J.R. 4175(a), 42 N.J.R. 1213(a).

Chapter Expiration Date

Chapter 121, Licensing of Crane Operators, expires on May 25, 2015.

Chapter Historical Note

This chapter concerned the installation of heating, ventilating and air conditioning systems in places of employment.

All provisions of this chapter were adopted by the Commissioner of Labor and Industry, pursuant to authority delegated at N.J.S.A. 34:6A-9, and were filed August 20, 1969 to become effective January 1, 1970.

As of April 1, 1975, Joseph A. Hoffman, Commissioner of Labor and Industry, announced the withdrawal of the New Jersey State Plan for Occupational Safety and Health and thereupon jurisdiction vested fully with the United States Department of Labor for the regulation of occupational safety and health under the Federal Occupational Safety and Health Act of 1970 (OSHA; 29 U.S.C., Section 651 et seq.; USPL 91-596).

Therefore, this chapter became ineffective as of April 1, 1975 (R.1975 d.101, filed and effective April 16, 1975). See: 7 N.J.R. 231(a).

This chapter was repealed by R.1978 d.288 effective August 16, 1978. See: 10 N.J.R. 258(a), 10 N.J.R. 400(d).

Chapter 121, Licensing of Crane Operators, was adopted as new rules by R.2004 d.382, effective October 4, 2004. See: 36 N.J.R. 1876(a), 36 N.J.R. 4473(b).

Pursuant to Executive Order No. 1(2010), the chapter expiration date was extended from April 2, 2010 until the completion of the review of administrative regulations and rules by the Red Tape Review Group, and until such time as the extended regulation or rule was readopted pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq.

Chapter 121, Licensing of Crane Operators, was readopted as R.2010 d.119, effective May 25, 2010. See: Source and Effective Date.

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SUBCHAPTER 1. GENERAL PROVISIONS**12:121-1.1 Purpose and scope**

(a) This chapter is promulgated to establish reasonable standards for:

1. The licensing of certain crane operators;
2. The establishment of a code of ethics and standards for licensing of crane operators in congruence with all Occupational Safety and Health Act standards of practice for the safe operation of cranes; and
3. Enforcement of the Licensing of Crane Operators Act.

(b) This chapter shall apply to the licensure of persons operating certain cranes, as defined in N.J.A.C. 12:121-2, that are power-operated hoisting machines used in construction, demolition, or excavation work.

(c) This chapter shall not apply to:

1. The licensure of persons operating forklifts, digger derrick trucks, aircraft, bucket trucks, knuckle booms, trolley booms, or any vehicles or machines not having a power-operated winch and load line; or

2. The military forces of the United States or its allies, or to the duly authorized militia of any state, nor to the police or fire departments of the State of New Jersey, providing the same are acting in their official capacity and in the performance of their public duties, nor to a person operating a crane under the direct supervision of a certified trainer of crane operators while on the training facility's grounds.

12:121-1.2 Adoptions by reference

The American Society of Mechanical Engineers (ASME) B30.5-2000 and its subsequent editions are hereby incorporated as a rule of safety standard for the operation of cranes.

12:121-1.3 Validity

If any section, paragraph, sentence or word of this chapter is determined to be invalid by any court of competent jurisdiction, such determination shall not affect or impair the validity of the remainder of this chapter.

SUBCHAPTER 2. DEFINITIONS

12:121-2.1 Definitions

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise:

“Act” means the Licensing of Crane Operators Act, N.J.S.A. 45:26-1 et seq.

“Applicant” means any person seeking to obtain a New Jersey license to operate cranes as defined in this subchapter.

“Approved” means approved by the Commissioner of Labor or his or her designee.

“ASME B30.5” means the American Society of Mechanical Engineers B30.5.

“Board” means the Crane Operators License Advisory Board.

“Certification” means certification from the National Commission for the Certification of Crane Operators (NCCCO or CCO) or any other organization found by the Board to offer an equivalent testing and certification program meeting the requirements of the American Society of Mechanical Engineers ASME B30.5 and the accreditation requirements of the National Commission for Certifying Agencies (NCCA).

“Commissioner” means the New Jersey Commissioner of Labor and Workforce Development or his or her designee.

“Crane” means a power-operated hoisting machine that has a power-operated winch, load line and boom moving laterally by the rotation of the machine on a carrier, and having a manufacturer-rated capacity of 10 tons or more and is used in construction, demolition and excavation work. In addition, the following should apply:

1. “Lattice boom truck crane” or “LBT” means a crane consisting of a superstructure mounted on an automotive truck as its base and its means of travel.

2. “Lattice boom crawler crane” or “LBC” means a crane consisting of a superstructure mounted on a base with crawler treads as a means for travel.

3. “Small telescoping boom crane” or “TSS” means a crane, with extendable and retractable boom mounted on an automotive truck as its base and as its means of travel, and with a manufacturers load rating of less than 17.5 tons.

4. “Large telescoping boom crane” or “TLL” means a crane, with extendable and retractable boom mounted on an automotive truck as its base and as its means of travel, and with a manufacturers load rating of 17.5 tons or more.

“Crane operator” means an individual engaged in the operation of a crane.

“Department” means the New Jersey Department of Labor and Workforce Development.

“Employee” means:

1. Any person, including supervisory personnel, suffered or permitted to work by an employer; or

2. A member of either a board, corporation, partnership, proprietorship, joint venture, fund, authority, or similar entity directly performing crane work.

“Employer” means a body, board, person, corporation, partnership, proprietorship, joint venture, fund, authority, or similar entity employing, permitting or suffering another to work, or directly performing crane work. In the case of a corporation, the officers of the corporation, and any agents having the management of the corporation, shall be deemed to be the employers of the employees of the corporation for the purposes of the Act and this chapter. This term shall apply to private employers, to the State and its political subdivisions and any boards, commissions, schools, institutions, or authorities created or recognized thereby. This term also includes contractors and subcontractors or any entity providing a crane rental service.

“Inspect” means to require the production of the New Jersey Crane Operator's License and supporting credentials upon which issuance of the license is premised for purposes of review by the Commissioner or his or her designees.