

LCB File No. R117-06

**PROPOSED REGULATION OF THE DIVISION OF INDUSTRIAL
RELATIONS OF THE DEPARTMENT OF BUSINESS AND INDUSTRY**

Explanation – Matter in *bold* italics is new; matter in brackets ~~omitted material~~ is material to be omitted

AUTHORITY: 618.880

A REGULATION relating to the occupational safety and health; establishing regulations regarding the certification of crane operators and providing other matters properly related thereto.

Section 1. Chapter 618 of NAC is hereby amended by adding thereto the provisions set forth as section 3 through 6, inclusive, of this regulation.

Sec. 2. *As used in sections 8 to 15, inclusive of this regulation, unless the context requires, the words and terms defined in sections 3 to 7, inclusive of this regulation have the meanings ascribed thereto.*

Sec. 3. *“Certification Program” means a program which is developed for the purpose of training individuals to become crane operators, and which is accredited by the National Commission for Certifying Agencies, an equivalent accrediting body approved by the Division or meets other criteria established by the Division.*

Sec. 4. *“Crane Operator” means a person who holds a certificate as a crane operator issued by a certification program approved by the Division and who has met the standards to be a crane operator established by the American Society of Mechanical Engineers in its standards B30.3, B30.4 or B30.5 as adopted by regulation of the Division.*

Sec. 5. *“Direct supervision” means supervision by a certified crane operator who is in the immediate area of the trainee and within visual sighting distance and able to effectively*

communicate with the trainee. When performing direct supervision, the supervising operator shall have no other duties other than to observe the operation of the crane by the trainee.

Sec. 6. *“Mobile crane” means a machine used for hoisting and moving a load by cable(s) attached to a boom that is capable of traveling, having a usable boom length of 25 feet or greater or a maximum machine rated capacity of 15,000 pounds or greater.*

Sec. 7. **NAC 618.356 “Trainer” defined.** “Trainer” means a person who is *employed or retained by certification program to train individuals to become crane operators* ~~[approved by the Division to provide training and to issue certificates of competency to operators of cranes pursuant to the provisions of NAC 618.361, 618.362, 618.363, 618.371 to 618.379, inclusive, and 618.386 to 618.393, inclusive].~~

Sec. 8. NAC 618.385 is hereby amended to read as follows:

NAC 618.358 The Division hereby adopts by reference the standards of the American National Standards Institute (ANSI) and the American Society of Mechanical Engineers (ASME) set forth in:

1. ~~[Hammerhead]~~ *Construction Tower Cranes*, B30.3, ~~[1990]~~ *2004 or newer* edition, ~~[and Addenda 3a, 3b and 3c,]~~ published by the American Society of Mechanical Engineers. This publication ~~[and its addenda are]~~ *is* available from the American *Society of Mechanical Engineers, Information Central Orders/Inquires, P.O. Box 2300, Fairfield, NJ 07007-2300, or at <http://www.asme.org>, at a cost of \$50.00* ~~[National Standards Institute, 11 West 42nd Street, New York, New York 10036, at a cost of \$62.]~~

2. *Portal, Tower, and* ~~[Pillar]~~ *Pedestal Cranes*, B30.4, ~~[1990]~~ *2003 or newer* edition, ~~[and Addenda 4a, 4b and 4c,]~~ published by the American Society of Mechanical Engineers. This publication ~~[and its addenda are]~~ *is* available from the American *Society of Mechanical*

Engineers, Information Central Orders/Inquires, P.O. Box 2300, Fairfield, NJ 07007-2300, or at <http://www.asme.org>, at a cost of \$55.00 ~~[National Standards Institute, 11 West 42nd Street, New York, New York 10036, at a cost of \$40.]~~

3. *Mobile and Locomotive Cranes*, B30.5, ~~[1994]~~ **2004 or newer** edition, ~~[and Addendum 5a,]~~ published by the American Society of Mechanical Engineers. This publication ~~[and its addendum are]~~ **is** available from the American *Society of Mechanical Engineers, Information Central Orders/Inquires, P.O. Box 2300, Fairfield, NJ 07007-2300, or at <http://www.asme.org>, at a cost of \$80.00* ~~[National Standards Institute, 11 West 42nd Street, New York, New York 10036, at a cost of \$75.]~~

Sec. 9. NAC 618.362 is hereby amended to read as follows:

NAC 618.362 1. ~~[A person who]~~ **An organization that** desires to ~~[be approved by the Division as a trainer in the safe operation of tower cranes or cranes which are used to erect or dismantle tower cranes]~~ **be approved as a certification program** must:

(a) ~~[Complete a program of instruction in the training and certification of operators of such cranes which is consistent with the requirements of the applicable standards relating to the conduct of operators and operating practices set forth in the standards adopted by reference pursuant to NAC 618.358]~~ **Submit written proof of accreditation of its program by the National Commission for Certifying Agencies or an equivalent accrediting body; or**

(b) ~~[Provide satisfactory proof to the Division that he has been approved by another state to train and certify operators of tower cranes or cranes which are used to erect or dismantle tower cranes; or]~~ **Meet other criteria established by the Division.**

~~[(c) Pass a written or oral examination which is consistent with the requirements of the applicable standards relating to the conduct of operators and operating practices set forth in the~~

~~standards adopted by reference pursuant to NAC 618.358 and which demonstrates his ability to train and certify operators of tower cranes or cranes which are used to erect or dismantle tower cranes.]~~

2. The Division will:

(a) Withdraw its approval of ~~[a trainer]~~ *a certification program if* ~~[upon the failure of the trainer]~~ *the program fails to maintain accreditation, submit proof of continuing accreditation or meet other criteria established by the Division* ~~[to provide a program of instruction or an examination which is consistent with the requirements of the applicable standards relating to the conduct of operators and operating practices set forth in the standards adopted by reference pursuant to NAC 618.358.]~~ The Division will give 15 working days' notice to the ~~[trainer]~~ *certification program* of any such withdrawal.

(b) Limit the types of *mobile or* tower cranes ~~[or cranes which are used to erect or dismantle tower cranes]~~ for which ~~[a trainer]~~ *a certification program is* approved to ~~[train and]~~ certify operators of such cranes as it deems necessary in the interest of public safety.

Sec. 10. NAC 618.369 is hereby amended to read as follows:

NAC 618.369 A certifying authority shall notify in writing ~~[the Office of the Enforcement Section at 400 West King Street, Suite 200, Carson City, Nevada 89703]~~ *Nevada OSHA at 1301 N. Green Valley Pkwy., #200, Henderson, Nevada 89074*, within 5 working days after he denies a certificate of operation for a tower crane.

Sec. 11. NAC 618.371 is hereby amended to read as follows:

NAC 618.371 1. Except as otherwise provided in NAC 618.372, a person who wishes to operate a *mobile or* tower crane must obtain ~~[from a trainer a certificate of competency]~~

certification as an operator for the type of crane he wishes to operate ~~[a tower crane]~~ before he operates a *mobile or* tower crane.

2. The employer of an operator of a *mobile or* tower crane shall ensure that the *crane* operator ~~[of a tower crane]~~:

(a) Holds a ~~[certificate of competency]~~ *certificate* to operate a *mobile or* tower crane, unless the operator complies with the provisions of NAC 618.372;

~~[(b) Is at least 18 years of age;]~~

~~[(e)] b~~ Complies with the ~~[physical]~~ *operator* qualifications required by the applicable standard adopted by reference pursuant to NAC 618.358; and

~~[(d)] c~~ Receives training in the operating procedures of the particular *mobile or* tower crane, which he will operate.

3. The employer of an operator of a *mobile or* tower crane shall maintain:

(a) All written records of the training and experience received by the operator which relate to the operation of a *mobile or* tower crane; and

(b) Copies of all certificates ~~[of competency certifications]~~ held by the operator,
↪ at the main office of the employer or at the place of work of the operator during the period of employment of the operator and at least 3 years after the termination of the employment of the operator.

4. The employer of an operator of a *mobile or* tower crane must submit copies of the records described in paragraphs (a) and (b) of subsection 3 to the Division upon request if the Division requests the records not later than 3 years after the termination of the employment of the operator.

5. The employer of an operator of a *mobile or* tower crane must provide copies of the records described in paragraphs (a) and (b) of subsection 3 to the operator upon request if the operator requests the records not later than 3 years after the termination of his employment.

Sect. 12. NAC 618.372 is hereby amended to read as follows:

NAC 618.372 1. Except as otherwise provided in subsection 2, a person who does not hold a ~~certificate of competency~~ *certificate* to operate a *mobile or* tower crane may operate a *mobile or* tower crane if he:

(a) Is under the direct supervision of an operator of a *mobile or* tower crane who holds a certificate ~~of competency~~ to operate a *mobile or* tower crane; and

(b) Has completed a program of instruction in the safe operation of the *mobile or* tower crane, which he will operate.

2. A person who does not hold a *certificate* ~~certificate of competency~~ to operate a *mobile or* tower crane shall not operate a *mobile or* tower crane, which is used to erect or dismantle a tower crane.

Sec. 13. NAC 618.375 is hereby amended to read as follows:

NAC 618.375 ~~[A trainer]~~ *A certification program* shall ~~issue~~ *provide* a ~~certificate of competency~~ *blank certificate form* to operate a *mobile or* tower crane ~~[upon a form which is approved by]~~ *to* the Division. *The form must include a place for* ~~[and which sets forth]~~:

1. The signatures of the trainer and the holder;
2. The date of issuance; ~~[and]~~
3. The type of *mobile or* tower crane the holder is certified to operate; ~~and~~ ~~[]~~
4. *The name of the certification program.*

Sec. 14. NAC 618.377 is hereby amended to read as follows:

NAC 618.377 The employer of a person who operates a *mobile or* tower crane shall ensure that a copy of the *certificate* [~~certificate of competency~~] of the *crane* operator [~~to operate a tower crane~~] is available at the main office of the employer or at the site at which the *mobile or* tower crane is located.

Sec. 15. NAC 618.384 is hereby amended to read as follows:

NAC 618.384 A certifying authority shall notify in writing [~~the Office of the Enforcement Section at 400 West King Street, Suite 200, Carson City, Nevada 89703~~] *Nevada OSHA at 1301 N. Green Valley Pkwy., #200, Henderson, Nevada 89074*, within 5 working days after he denies a certificate of operation for a crane which is used to erect or dismantle a tower crane.

Sec. 16. NAC 618.356, 618.361, 618.363, 618.373, 618.374, 618.376, 618.378, 618.379, 618.386, 618.387, 618.388, 618.389, 618.390, 618.391, 618.392 and 618.393 are hereby repealed.

TEXT OF REPEALED SECTIONS

NAC 618.361 Provision of training and issuance of certificates of competency:

Approval of Division required. (NRS 618.295, 618.880) A person who desires to:

1. Provide training in the safe operation of tower cranes or cranes which are used to erect or dismantle tower cranes; and

2. Issue certificates of competency,

↪ must obtain the approval of the Division before doing so.

NAC 618.363 Certain employment authorized. (NRS 618.295, 618.880) A trainer may:

1. Employ a person to whom he provides training or issues a certificate of competency as an operator of a tower crane or a crane, which is used to erect or dismantle a tower crane.

2. Be employed by the same employer as a person to whom he provides training or issues a certificate of competency as an operator of a tower crane or a crane which is used to erect or dismantle a tower crane.

NAC 618.373 Certificate of competency: Requirements. (NRS 618.295, 618.880)

1. Except as otherwise provided in subsection 3, a person who wishes to obtain a certificate of competency to operate a tower crane from a trainer must:

(a) Complete a program of instruction in the safe operation of tower cranes that has been provided by a trainer;

(b) Pass a written or oral examination on the safe operation of tower cranes that has been prepared and administered by a trainer; and

(c) Pass a practical examination which demonstrates the ability of the applicant to operate a tower crane that has been prepared and administered by a trainer.

2. The program of instruction and examination required by subsection 1 must be consistent with the requirements of the applicable standards relating to the conduct of operators of tower cranes and operating practices for tower cranes set forth in the standards adopted by reference pursuant to NAC 618.358.

3. A person may obtain a certificate of competency to operate a tower crane from a trainer if he has completed a program of instruction in the safe operation of tower cranes that has been provided by a trainer and he:

(a) Has completed at least 1,500 hours of employment as an operator of a tower crane and he passes the written or oral examination and practical examination required pursuant to paragraphs (b) and (c) of subsection 1; or

(b) Holds a certificate of competency to operate a tower crane or the equivalent of such a certificate which is issued in another state and is approved by the Division and he passes the written or oral examination and practical examination required pursuant to paragraphs (b) and (c) of subsection 1.

NAC 618.374 Certificate of competency: Compliance with requirements. (NRS 618.295, 618.880) A trainer shall ensure that a person complies with the provisions of NAC 618.373 before he issues that person a certificate of competency to operate a tower crane.

NAC 618.376 Certificate of competency: Expiration; renewal. (NRS 618.295, 618.880)

1. Except as otherwise provided in NAC 618.378, a certificate of competency to operate a tower crane expires 4 years after the date on which it is issued.

2. An operator of a tower crane may renew his certificate of competency to operate a tower crane if he:

(a) Completes a program of training which relates to issues of safety in the operation of tower cranes and which is provided by a trainer; and

(b) Passes an examination which tests his understanding of the regulations adopted by the Division relating to tower cranes and which is prepared and administered by a trainer.

3. The program of instruction and examination required by subsection 2 must be consistent with the requirements of the applicable standards relating to the conduct of operators of tower

cranes and operating practices for tower cranes set forth in the standards adopted by reference pursuant to NAC 618.358.

NAC 618.378 Certificate of competency: Expiration in event of accident; renewal. (NRS 618.295, 618.880) The certificate of competency which has been issued to a person who was operating a tower crane at the time the crane was involved in an accident which caused:

1. An injury to a person which required that person to be hospitalized; or
2. The death of a person,

↪ expires 60 days after the date of the accident. The person may renew his certificate of competency to operate a tower crane pursuant to subsection 2 of NAC 618.376.

NAC 618.379 Certificate of competency: Revocation; requirement of additional training or examinations. (NRS 618.295, 618.880) The Division may require a trainer to:

1. Revoke a certificate of competency from an operator of a tower crane; or
2. Require an operator of a ~~tower~~ crane to complete additional training or examinations,

↪ if the Division determines that the operator has failed to comply with the provisions of NAC 618.371 to 618.378, inclusive.

NAC 618.386 Operator to obtain certificate of competency; requirements of employer. (NRS 618.295, 618.880)

1. A person who wishes to operate a crane which is used to erect or dismantle a tower crane must obtain from a trainer a certificate of competency to operate such a crane before he operates the crane which is used to erect or dismantle a tower crane.

2. The employer of an operator of a crane which is used to erect or dismantle a tower crane shall ensure that the operator of the crane:

(a) Holds a certificate of competency to operate a crane which is used to erect or dismantle a tower crane;

(b) Is at least 18 years of age;

(c) Complies with the physical qualifications required by the applicable standard adopted by reference pursuant to NAC 618.358; and

(d) Receives training in the operating procedures of the particular crane which he will operate.

3. The employer of an operator of a crane which is used to erect or dismantle a tower crane shall maintain:

(a) All written records of the training and experience received by the operator which relate to the operation of such a crane; and

(b) Copies of all certificates of competency held by the operator,

↳ at the main office of the employer or at the place of work of the operator during the period of employment of the operator and at least 3 years after the termination of the employment of the operator.

4. The employer of an operator of a crane which is used to erect or dismantle a tower crane must submit copies of the records described in paragraphs (a) and (b) of subsection 3 to the Division upon request if the Division requests the records not later than 3 years after the termination of the employment of the operator.

5. The employer of an operator of a crane which is used to erect or dismantle a tower crane must provide copies of the records described in paragraphs (a) and (b) of subsection 3 to the operator upon request if the operator requests the records not later than 3 years after the termination of his employment.

NAC 618.387 Certificate of competency: Requirements. (NRS 618.295, 618.880)

1. Except as otherwise provided in subsection 3, a person who wishes to obtain a certificate of competency to operate a crane which is used to erect or dismantle a tower crane from a trainer must:

(a) Complete a program of instruction in the safe operation of the crane which he will be certified to operate that has been provided by a trainer;

(b) Pass a written or oral examination in the safe operation of the crane which he will be certified to operate that has been prepared and administered by a trainer; and

(c) Pass a practical examination which demonstrates the ability of the applicant to operate the type of crane which he will be certified to operate that has been prepared and administered by a trainer.

2. The program of instruction and each examination required by subsection 1 must be consistent with the requirements of the applicable standards relating to the conduct of operators of cranes which are used to erect or dismantle tower cranes and operating practices for cranes which are used to erect or dismantle tower cranes set forth in the standards adopted by reference pursuant to NAC 618.358.

3. A person may obtain a certificate of competency to operate a crane which is used to erect or dismantle a tower crane from a trainer if he has completed a program of instruction in the safe operation of the particular crane which he will be certified to operate that has been provided by a trainer and he:

(a) Has completed at least 1,500 hours of employment as an operator of a crane which is used to erect or dismantle a tower crane and he passes the written or oral examination and practical examination required pursuant to paragraphs (b) and (c) of subsection 1; or

(b) Holds a certificate of competency to operate a crane which is used to erect or dismantle a tower crane or the equivalent of such a certificate which has been issued in another state and is approved by the Division and he passes the written or oral examination and practical examination required pursuant to paragraphs (b) and (c) of subsection 1.

NAC 618.388 Certificate of competency: Compliance with requirements. (NRS 618.295, 618.880) A trainer shall ensure that a person complies with the provisions of NAC 618.387 before he issues that person a certificate of competency to operate a crane which is used to erect or dismantle a tower crane.

NAC 618.389 Certificate of competency: Issuance; form; contents. (NRS 618.295, 618.880) A trainer shall issue a certificate of competency to operate a crane which is used to erect or dismantle a tower crane upon a form which is approved by the Division and which sets forth:

1. The signatures of the trainer and the holder;
2. The date of issuance; and
3. An identification of the type of crane the holder is certified to operate.

NAC 618.390 Certificate of competency: Expiration; renewal. (NRS 618.295, 618.880)

1. Except as otherwise provided in NAC 618.392, a certificate of competency to operate a crane which is used to erect or dismantle a tower crane expires 4 years after the date on which it is issued.

2. An operator of a crane may renew his certificate of competency to operate a crane which is used to erect or dismantle a tower crane if he:

(a) Completes a program of training which relates to issues of safety in the operation of cranes which is provided by a trainer; and

(b) Passes an examination which tests his understanding of the regulations adopted by the Division relating to cranes and which is prepared and administered by a trainer.

3. The program of instruction and examination required by subsection 2 must be consistent with the requirements of the applicable standards relating to the conduct of operators of cranes and operating practices for cranes set forth in the standards adopted by reference pursuant to NAC 618.358.

NAC 618.391 Certificate of competency: Availability at main office or location of tower crane. (NRS 618.295, 618.880) The employer of a person who operates a crane which is used to erect or dismantle a tower crane shall ensure that a copy of the certificate of competency of the operator to operate a crane which is used to erect or dismantle a tower crane is available at the main office of the employer or at the site at which the crane is located.

NAC 618.392 Certificate of competency: Expiration in event of accident; renewal. (NRS 618.295, 618.880) The certificate of competency which has been issued to a person who was operating a crane used to erect or dismantle a tower crane at the time the crane was involved in an accident which caused:

1. An injury to a person which required that person to be hospitalized; or
2. The death of a person,

↪ expires 60 days after the date of the accident. The person may renew his certificate of competency to operate a crane which is used to erect or dismantle a tower crane pursuant to subsection 2 of NAC 618.390.

NAC 618.393 Certificate of competency: Revocation; requirement of additional training or examinations. (NRS 618.295, 618.880)

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↪ if the Division determines that the operator has failed to comply with the provisions of NAC 618.386 to 618.392, inclusive.