

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

LCB File No. R117-06

July 11, 2006

EXPLANATION – Matter in *italics* is new; matter in brackets [~~omitted material~~] is material to be omitted.

AUTHORITY: §§1-16, NRS 618.295 and 618.880.

A REGULATION relating to cranes; prescribing the process for certification of a program to train and certify persons to operate cranes; amending provisions relating to certification as a crane operator; providing for provisional certification as a crane operator; and providing other matters properly relating thereto.

Section 1. Chapter 618 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 11, inclusive, of this regulation.

Sec. 2. *“Certification program” means a program approved by the Division to train and certify persons to operate a mobile crane or a tower crane pursuant to the provisions of this chapter and chapter 618 of NRS.*

Sec. 3. *“Crane operator” means a person who holds a certificate to operate a mobile crane or a tower crane issued by a certification program.*

Sec. 4. *“Mobile crane” means a machine that is capable of traveling, is used for hoisting and moving a load by using cables which are attached to a boom, and has a usable boom length of 25 feet or greater or a maximum machine rated capacity of 15,000 pounds or greater.*

Sec. 5. *“Trainee” means a person who:*

1. Meets the requirements of the applicable standards relating to trainees set forth in the standards adopted by reference pursuant to NAC 618.358; and

2. Holds a provisional certificate to operate a mobile crane or a tower crane issued pursuant to section 9 of this regulation.

Sec. 6. 1. *The Division will withdraw its approval of a certification program if the program fails to:*

(a) Maintain accreditation as required by the Division;

(b) Submit proof of continuing accreditation as requested by the Division; or

(c) Submit other information requested by the Division.

↳ The Division will give 15 working days' notice to the certification program before the withdrawal of approval.

2. The Division may limit the types of mobile cranes or tower cranes for which a certification program is approved as it deems necessary in the interest of public safety.

Sec. 7. 1. *Except as otherwise provided in section 11 of this regulation, a person shall obtain certification to operate a mobile crane or a tower crane, as applicable, before he operates a mobile crane or a tower crane.*

2. An employer of an operator of a mobile crane or a tower crane shall ensure that the crane operator:

(a) Holds a certificate to operate a mobile crane or a tower crane issued by a certification program;

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

(c) Receives training in the operating procedures of the particular mobile crane or tower crane that he will operate.

3. An employer of a crane operator shall maintain:

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

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

↳ at the main office of the employer or at the workplace of the crane operator.

4. The records and certificates required by subsection 3 must be maintained during the period of employment of the crane operator and for at least 3 years after the end of employment.

5. An employer of a crane operator shall provide copies of the records and certificates described in subsection 3 that pertain to the crane operator to:

(a) The Division, upon request; and

(b) The crane operator, upon request,

↳ if the records and certificates are requested not more than 3 years after the end of employment of the crane operator.

Sec. 8. 1. *A certification program must provide to the Division a blank copy of the certification form to operate a mobile crane or a tower crane issued to crane operators who successfully complete the program. Each certification form must include:*

(a) The signatures of the trainer and the holder of the certificate;

(b) The date of issuance;

(c) The type of mobile crane or tower crane the holder is certified to operate; and

(d) The name of the certification program.

2. *As used in this section, “trainer” means a person who is employed or retained by a certification program to provide training to a person who desires to become a crane operator.*

Sec. 9. 1. *A crane operator may issue a provisional certificate to operate a mobile crane or a tower crane to a person who is not certified as a crane operator if the crane operator who issues the provisional certificate:*

(a) Holds a certificate to operate the same type of crane as the trainee is authorized to operate pursuant to the provisional certificate; and

(b) Verifies that the trainee meets the requirements of the applicable standards relating to trainees set forth in the standards adopted by reference pursuant to NAC 618.358.

2. *A provisional certificate must:*

(a) Be issued on a form approved by the Division; and

(b) Include the type of mobile crane or tower crane the holder is provisionally certified to operate.

3. *A provisional certificate expires:*

(a) When the holder of the provisional certificate obtains certification as a crane operator pursuant to this chapter and chapter 618 of NRS; or

(b) One year after the date of issuance,

↪ whichever occurs first.

4. *A provisional certificate may be renewed not more than two times if the trainee provides proof of his enrollment in a certification program or other training required by the standards adopted by reference pursuant to NAC 618.358.*

5. *A trainee shall maintain his provisional certificate and provide a copy to the Division upon request.*

Sec. 10. 1. *Before a trainee operates a crane, an employer of the trainee or a designee of the employer shall verify that the trainee meets the requirements of the applicable standards relating to trainees set forth in the standards adopted by reference pursuant to NAC 618.358.*

2. An employer of a trainee shall maintain:

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

(b) Copies of all provisional certificates held by the trainee,

↪ at the main office of the employer or at the workplace of the trainee.

3. The records and provisional certificates required by subsection 2 must be maintained during the period of employment of the trainee and for at least 3 years after the end of employment.

4. An employer of a trainee shall provide copies of the records and provisional certificates described in subsection 2 that pertain to the trainee to:

(a) The Division, upon request; and

(b) The trainee, upon request,

↪ if the records and provisional certificates are requested not more than 3 years after the end of employment of the trainee.

Sec. 11. 1. *Except as otherwise provided in subsection 2, a trainee may operate a mobile crane or a tower crane if the trainee:*

(a) Is under the direct supervision of a crane operator whose sole responsibility during the period of the supervision is to observe the operation of the crane by the trainee; and

(b) Has completed a program of instruction in the safe operation of the mobile crane or the tower crane that the trainee will operate.

2. *A trainee shall not operate a mobile crane or a tower crane that is used to erect or dismantle a tower crane.*

3. *As used in this section, “direct supervision” means the supervision of a trainee by a crane operator who is in the immediate area of the trainee, within visual sighting distance of the trainee and able to effectively communicate with the trainee.*

Sec. 12. NAC 618.342 is hereby amended to read as follows:

618.342 As used in NAC 618.342 to 618.397, inclusive, *and sections 2 to 11, inclusive, of this regulation*, unless the context otherwise requires, the words and terms defined in NAC 618.343 to 618.357, inclusive, *and sections 2 to 5, inclusive, of this regulation* have the meanings ascribed to them in those sections.

Sec. 13. NAC 618.358 is hereby amended to read as follows:

618.358 *1.* 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]~~

(a) Construction Tower Cranes, B30.3, [1990 edition, and Addenda 3a, 3b and 3c.] 2004 edition, published by the American Society of Mechanical Engineers. This publication ~~[and its addenda are]~~ *is* available from the American ~~[National Standards Institute, 11 West 42nd Street, New York, New York 10036, at a cost of \$62.~~

~~2.]~~ *Society of Mechanical Engineers, Information Central Orders/Inquiries, P.O. Box 2300, Fairfield, New Jersey 07007-2300, by telephone at (800) 843-2763 or at the Internet address <http://www.asme.org>, at a cost of \$50.*

(b) *Portal, Tower, and ~~[Pillar]~~ Pedestal Cranes*, B30.4, ~~[1990 edition, and Addenda 4a, 4b and 4c,]~~ *2003 edition*, published by the American Society of Mechanical Engineers. This publication ~~[and its addenda are]~~ *is* available from the American ~~[National Standards Institute, 11 West 42nd Street, New York, New York 10036, at a cost of \$40. —3.]~~ *Society of Mechanical Engineers, Information Central Orders/Inquiries, P.O. Box 2300, Fairfield, New Jersey 07007-2300, by telephone at (800) 843-2763 or at the Internet address <http://www.asme.org>, at a cost of \$55.*

(c) *Mobile and Locomotive Cranes*, B30.5, ~~[1994 edition, and Addendum 5a,]~~ *2004 edition*, published by the American Society of Mechanical Engineers. This publication ~~[and its addendum are]~~ *is* available from the American ~~[National Standards Institute, 11 West 42nd Street, New York, New York 10036, at a cost of \$75.]~~ *Society of Mechanical Engineers, Information Central Orders/Inquiries, P.O. Box 2300, Fairfield, New Jersey 07007-2300, by telephone at (800) 843-2763 or at the Internet address <http://www.asme.org>, at a cost of \$80.*

2. If a revision or addendum to any publication adopted by reference pursuant to this section is published, the Division will review the revision or addendum to determine its suitability for this State. If the Division determines that the revision or addendum is not suitable for this State, the Division will hold a public hearing to review the determination and give notice of that hearing within 6 months after the date of the publication of the revision or addendum. If, after the hearing, the Division does not revise its determination, the Division will give notice that the revision or addendum is not suitable for this State within 30 days after the hearing. If the Division does not give such notice, the revision or addendum becomes part of the publication adopted by reference in this section.

Sec. 14. NAC 618.369 is hereby amended to read as follows:

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 Occupational Safety and Health Administration, 1301 North Green Valley Parkway, Suite 200, Henderson, Nevada 89074*, within 5 working days after he denies a certificate of operation for a tower crane.

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

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 Occupational Safety and Health Administration, 1301 North Green Valley Parkway, Suite 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. This regulation becomes effective on January 1, 2007.