

**WEST VIRGINIA
SECRETARY OF STATE
NATALIE E. TENNANT
ADMINISTRATIVE LAW DIVISION**

Form #4

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WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Division of Labor TITLE NUMBER: 42

CITE AUTHORITY: W. Va. Code 21-3D-3

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 25

TITLE OF RULE BEING AMENDED: Crane Operator Certification Act - Practical Examination

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: _____

TITLE OF RULE BEING PROPOSED: _____

THE ABOVE PROPOSED LEGISLATIVE RULES, FOLLOWING REVIEW BY THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE, IS HEREBY MODIFIED AS A RESULT OF REVIEW AND COMMENT BY THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE. THE ATTACHED MODIFICATIONS ARE FILED WITH THE SECRETARY OF STATE.


Authorized Signature

**TITLE 42
LEGISLATIVE RULE
WEST VIRGINIA DIVISION OF LABOR**

**SERIES 25
CRANE OPERATOR CERTIFICATION ACT
PRACTICAL EXAMINATION**

§42-25-1. General.

1.1. Scope. -- This legislative rule governs the practical examination of crane operators in accordance with W. Va. Code §§21-3D-1, *et seq.*, and 29A-3-1, *et seq.*

1.2. Authority. -- W. Va. Code §21-3D-3(1).

1.3. Filing Date. -- ~~April 26, 2001.~~

1.4. Effective Date. ~~May 1, 2001.~~

§42-25-2. Application and Enforcement.

2.1. Application. This legislative rule applies to the West Virginia Division of Labor and all persons, materials and transactions governed or otherwise defined under coverage of the Crane Operator Certification Act, W.Va. Code §21-3D-1, *et seq.*, as it relates to the practical examination of crane operators.

2.2. Enforcement. The enforcement of this legislative rule is vested with the West Virginia Division of Labor.

§42-25-3. Definitions.

3.1. “Approved training course” means a training course which has been reviewed and certified by the Commissioner as complying with the requirements of section 6 of this rule.

3.2. ASME” refers to the American Society of Mechanical Engineers, Three Park Avenue, New York, New York 10016-5990.

~~3.1.~~ 3.3. “Class A certification” means a certification issued to a person who has met all national level certification criteria as required by the National Commission for the Certification of Crane Operators (“NCCCO”) for the class or type of crane specified in subdivision 7.2(c) of the Division of Labor’s rule, “Crane Operator Certification Act,” 42 CSR 24.

~~3-2:~~ 3.4. "Class B certification" means a certification issued to a person who has met all state level certification criteria as required by the ~~commissioner~~ Commissioner for the class or type of crane specified in subdivision 7.2(c) of the Division of Labor's rule, "Crane Operator Certification Act," 42 CSR 24.

~~3-3:~~ "Commissioner" means the commissioner of labor.

~~3-4:~~ 3.5. "Division" means the West Virginia Division of Labor.

~~3-5:~~ "Approved training course" means a training course which has been reviewed and certified by the commissioner as complying with the requirements of section eight of the Division of Labor Rule, Crane Operator Certification Act, 42CSR24.

3.6. "NCCCO" refers to the National Commission for the Certification of Crane Operators, located at 2750 Prosperity Avenue, Suite 505, Fairfax, VA 22031.

~~§42-25-4.~~ Adoption of Standards.

~~4.1.~~ National standards. For the enforcement of this rule, the American National Standards Institute (A.N.S.I.) code B30 and B30.5 are hereby incorporated by reference.

~~4.2.~~ State standards. [RESERVED]

~~§42-25-5~~ 4. Practical Examination.

~~5-1:~~ 4.1. On or after the first day of September, two thousand-one, an An applicant for an initial class A crane operator certification shall hold a certification issued by the National Commission for the Certification of Crane Operators (NCCCO) ~~The NCCCO~~ which requires and administers its own practical examination.

~~5-2:~~ 4.2. On or after the first day of September, two thousand-one, an An applicant for an initial class B certification shall ~~pass a practical examination as defined in this rule~~ submit a written certificate of completion from an approved practical examination examiner. ~~Provided, That, A person who documents the successful completion of an approved training course and makes application prior to September 1, 2001 is entitled to certification without a practical examination.~~

~~5-3:~~ 4.3. The practical examination as required by the National Commission for the Certification of Crane Operators (NCCCO) is hereby incorporated by reference as the state practical examination required for an initial class B crane operator certifications. The commissioner Commissioner may authorize the use of an equivalent practical examination when the equivalent examination ~~has been found to meet or exceed~~ meets or exceeds the requirements of the NCCCO examination.

5.4. ~~4.4.~~ The ~~commissioner~~ Commissioner shall arrange for administering the practical examination through ~~authorized~~ approved examiners. The practical examination shall be given in ~~three~~ 4 basic categories:

- ~~(a) Lattice Boom Crane (truck or crawler);~~
- ~~(b) Telescopic Boom Crane (5 to 17.5 tons capacity); and~~
- ~~(c) Telescopic Boom Crane (greater than 17.5 tons capacity).~~

- (a) Fixed cab telescoping boom crane;
- (b) Lattice boom crawler or truck crane;
- (c) Swing cab telescoping boom crane; and
- (d) Tower crane.

~~5.5. 4.5.~~ The practical examination shall consist of four primary exercises or tasks and shall evaluate the applicant's skills in hoisting, booming, swinging, following hand signals, and combination or multi-function operations. The practical examination exercises shall be performed with a load and without a load. The exercises or tasks shall consist of the following:

- (a) Task 1 – The rotation and placement of the overhaul ball in a designated stop circle;
- (b) Task 2 – The following of hand signals;
- (c) Task 3 – The rotation and placement of the overhaul ball in a fixed enclosure (barrel); and
- (d) Task 4 – The negotiation of a zigzag corridor with a test weight.

~~5.6. The combination of the four tasks defined in section 5.5 of this rule is designed to evaluate the applicant's skills. The skills tested are: hoisting, booming, swinging, following hand signals, and combination (multi-function) operations. Crane operations with load and without load are required:~~

§42-25-6. 5. Examiners.

~~6.†.~~ 5.1. The ~~commissioner~~ Commissioner may approve and designate examiners to administer the practical examination required for a class B ~~crane operator~~ certification. A person desiring to become an approved examiner shall make application to the ~~commissioner~~ Commissioner

on a form provided by the ~~commissioner~~ Commissioner. The applicant shall hold a full and current accreditation from the NCCCO as a practical examiner or the equivalent as approved by the ~~commissioner~~ Commissioner. A copy of the accreditation certificate shall accompany the application.

~~6.2:~~ 5.2. An approved examiner shall administer all practical examinations in accordance with the practical examination requirements of the NCCCO or equivalent program as approved by the ~~commissioner~~ Commissioner.

~~6.3:~~ 5.3. An approved examiner may charge examination fees authorized by the ~~commissioner~~ Commissioner. The applicant shall pay all applicable fees directly to the approved examiner.

~~6.4:~~ 5.4. The approved examiner shall provide the applicant with an official document depicting the final results of the practical examination.

(a) If the applicant successfully completes the practical examination, the examiner shall notify the applicant and forward a copy of the notice to the ~~commissioner~~ Commissioner.

~~(b) An applicant who fails the practical examination may request and the examiner shall provide the applicant with an analysis of his or her performance on the failed examination. An applicant who fails the practical examination shall be afforded the opportunity to be re-examined after thirty (30) days and upon the submission of a new application and the payment of the required fees.~~

~~6.5:~~ 5.5. The ~~division~~ Commissioner shall make available a list of approved examiners registered with the ~~division~~ Division. ~~A person desiring a practical examination shall contact the examiner of his or her choice and schedule the examination. An applicant shall make his or her own arrangements for the practical examination with an approved examiner.~~