

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

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SECRETARY OF STATE

Form #6

**NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED
BY THE WEST VIRGINIA LEGISLATURE**

AGENCY: West Virginia Division of Labor TITLE NUMBER: 42

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 RULE HAS BEEN AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE.

AUTHORIZATION IS CITED IN (house or senate bill number) SB 250

SECTION 64-10-5(e), PASSED ON April 13, 2013

THIS RULE IS FILED WITH THE SECRETARY OF STATE. THIS RULE BECOMES EFFECTIVE ON THE
FOLLOWING DATE: July 1, 2013.


Authorized Signature

TITLE 42
LEGISLATIVE RULE
WEST VIRGINIA DIVISION OF LABOR

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SERIES 25
CRANE OPERATOR CERTIFICATION ACT
PRACTICAL EXAMINATION

WEST VIRGINIA DIVISION OF LABOR
STATE

§42-25-1. General.

1.1. Scope. -- This 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. -- June 3, 2013.

1.4. Effective Date. -- July 1, 2013.

§42-25-2. Application and Enforcement.

2.1. Application. This 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 rule is vested with the West Virginia Division of Labor.

§42-25-3. Definitions.

3.1. "ANSI" refers to the American National Standards Institute, 1899 L Street NW, 11th Floor, Washington, D.C. 20036.

3.2. "Approved training course" means a training course which has been reviewed and certified by the Commissioner as complying with the requirements of sections 4 and 5 of this rule.

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

3.4. "Class A certification" means a certification issued to a person who has met all national level certification criteria as required by W. Va. Code §§21-3D-3(a)(1)(A) and -4(c)(1) and as

required by a program that has been accredited by ANSI's Personnel Certification Accreditation Program 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.

Beginning November 14, 2014, "Class A certification" also means and includes all crane operators in West Virginia subject to the provisions of 29 C.F.R. §1926.1400, Subpart CC, "Cranes and Derricks in Construction."

3.5. "Class B certification" means a certification issued to a person who has met all state level certification criteria as required by the 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.

Beginning November 14, 2014, "Class B certification" also means and includes all crane operators in West Virginia who are not subject to the provisions of 29 C.F.R. §1926.1400, Subpart CC, "Cranes and Derricks in Construction."

3.6. "Code of Federal Regulations" or "C.F.R." refers to rules published in the Federal Register by executive departments and agencies of the federal government of the United States.

3.7. "Division" means the West Virginia Division of Labor.

3.8. "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. Practical Examination.

4.1. An applicant for an initial class A or B certification shall submit a written certificate of completion from a practical examination examiner approved by the Commissioner pursuant to section 5 of this rule.

4.2. The practical examination as required by the NCCCO is hereby incorporated by reference as the state practical examination required for an initial class A or B certification. The Commissioner may authorize the use of an equivalent practical examination when the equivalent examination meets or exceeds the requirements of the NCCCO examination.

4.3. The Commissioner shall arrange for administering the practical examination through approved examiners. The practical examination shall be given in the 4 crane categories:

4.3.a. Fixed cab telescoping boom crane;

4.3.b. Lattice boom crawler or truck crane;

4.3.c. Swing cab telescoping boom crane; and

4.3.d. Tower crane.

4.4. 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:

4.4.a. Task 1 – The rotation and placement of the overhaul ball in a designated stop circle;

4.4.b. Task 2 – The following of hand signals;

4.4.c. Task 3 – The rotation and placement of the overhaul ball in a fixed enclosure (barrel); and

4.4.d. Task 4 – The negotiation of a zigzag corridor with a test weight.

§42-25-5. Examiners.

5.1. The Commissioner may approve and designate examiners to administer the practical examination required for class A and B certification. A person desiring to become an approved examiner shall make application to the Commissioner on a form provided by the Commissioner. The applicant shall hold a full and current accreditation as a practical examiner from an ANSI-accredited Personnel Certification Accreditation Program, the NCCCO, or an equivalent organization or program as approved by the Commissioner. A copy of the examiner's accreditation certificate shall accompany the application.

5.2. An approved examiner shall administer all practical examinations in accordance with the practical examination requirements of the ANSI Personnel Certification Accreditation Program, the NCCCO, or an equivalent program as approved by the Commissioner.

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

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

5.4.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.

5.5. The Commissioner shall make available a list of approved examiners registered with the Division. An applicant shall make his or her own arrangements for the practical examination with an approved examiner.