S T A T E O F N E W Y O R K

5736--A

2015-2016 Regular Sessions

I N S E N A T E

June 1, 2015

Introduced by Sen. SEWARD -- read twice and ordered printed, and when printed to be committed to the Committee on Consumer Protection -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the general business law, in relation to crane operators

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Section 482 of the general business law, as amended by section 18 of part CC of chapter 57 of the laws of 2009, is amended to read as follows:

S 482. Licensing and registration. 1. No individual shall use lasers, operate a crane, act as a blaster or as a pyrotechnician without holding a valid certificate of competence issued by the commissioner of labor, PROVIDED THAT, FOR CRANE OPERATORS, SUCH CERTIFICATE OF COMPETENCE SHALL BE AWARDED TO AN APPLICANT WHO HAS BEEN CERTIFIED THROUGH THE NATIONAL COMMISSION FOR THE CERTIFICATION OF CRANE OPERATORS OR ANY OTHER ORGANIZATION FOUND BY THE COMMISSIONER TO OFFER AN EQUIVALENT TESTING AND CERTIFICATION PROGRAM MEETING THE REQUIREMENTS OF THE APPROPRIATE AMERICAN SOCIETY OF MECHANICAL ENGINEERS (ASME) B30 STANDARD, AND THE ACCREDITATION REQUIREMENTS OF THE NATIONAL COMMISSION FOR CERTIFYING AGENCIES, OR THE AMERICAN NATIONAL STANDARDS INSTITUTE. SUCH CERTIFICATION SHALL BE VALID ONLY IN THE SPECIALTY OR SPECIALTIES FOR WHICH SUCH OPERATOR IS CERTIFIED.

2. No person shall possess or use any radioactive material without a valid license issued by the commissioner of health. Every installation and mobile source consisting of radiation equipment shall be registered with the commissioner of health.

3. No employer, contractor or agent thereof shall knowingly permit any individual to use lasers, operate a crane or act as a blaster or as a pyrotechnician without holding a valid certificate of competence issued by the commissioner of labor, PROVIDED THAT, FOR CRANE OPERATORS, SUCH

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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CERTIFICATE OF COMPETENCE SHALL BE AWARDED TO AN APPLICANT WHO HAS BEEN CERTIFIED THROUGH THE NATIONAL COMMISSION FOR THE CERTIFICATION OF CRANE OPERATORS OR ANY OTHER ORGANIZATION FOUND BY THE COMMISSIONER TO OFFER AN EQUIVALENT TESTING AND CERTIFICATION PROGRAM MEETING THE REQUIREMENTS OF THE APPROPRIATE AMERICAN SOCIETY OF MECHANICAL ENGINEERS (ASME) B30 STANDARD, AND THE ACCREDITATION REQUIREMENTS OF THE NATIONAL COMMISSION FOR CERTIFYING AGENCIES, OR THE AMERICAN NATIONAL STANDARDS INSTITUTE. SUCH CERTIFICATION SHALL BE VALID ONLY IN THE SPECIALTY OR SPECIALTIES FOR WHICH SUCH OPERATOR IS CERTIFIED.

S 2. Paragraph a of subdivision 1 and subdivision 2 of section 483 of the general business law, as amended by section 19 of part CC of chapter 57 of the laws of 2009, are amended to read as follows:

a. The commissioner of labor is hereby authorized and directed to prescribe such rules and regulations as may be necessary and proper for the administration and enforcement of this article with respect to lasers, crane operators, blasters and pyrotechnicians. IN THE CASE OF CRANE OPERATORS, THE COMMISSIONER MAY REFUSE TO GRANT, OR MAY SUSPEND OR REVOKE A CRANE OPERATOR'S LICENSE UPON PROOF PRESENTED TO THE COMMISSIONER THAT THE HOLDER THEREOF HAS (I) OBTAINED A CERTIFICATION OR LICENSE BY FRAUD OR DECEIT, (II) FRAUDULENTLY OR DECEITFULLY PERFORMED WORK FOR WHICH A LICENSE IS REQUIRED UNDER THIS ARTICLE, (III) COMMITTED AN ACT OF GROSS NEGLIGENCE, (IV) FALSELY ADVERTISED, (V) ACTED IN A MANNER WHICH DEMONSTRATES INCOMPETENCE, (VI) CAUSED, OR CONTRIBUTED IN ANY MANNER THAT DIRECTLY OR INDIRECTLY RESULTED IN AN INJURY TO A PERSON OR DAMAGE TO PROPERTY, OR (VII) BEEN FOUND TO NOT HAVE A VALID NEW YORK STATE DRIVER'S LICENSE.

2. Such regulations may provide for examinations, categories of certificates, licenses, or registrations, age and experience requirements, payment of fees, and may also provide for such limitations and exemptions as the commissioner finds necessary and proper. In the case of blasters and pyrotechnicians, such regulations may require fingerprinting, and in the case of users of radioactive material, such regulations may require the posting of a bond or other security, AND IN THE CASE OF CRANE OPERATORS, SUCH REGULATIONS SHALL INCLUDE, BUT NOT BE LIMITED TO, REQUIREMENTS THAT AN APPLICANT SHALL (A) HAVE RECEIVED CERTIFICATION FROM THE NATIONAL COMMISSION FOR THE CERTIFICATION OF CRANE OPERATORS OR ANY OTHER ORGANIZATION FOUND BY THE COMMISSIONER TO OFFER AN EQUIVALENT TESTING AND CERTIFICATION PROGRAM MEETING THE REQUIREMENTS OF THE APPROPRIATE AMERICAN SOCIETY OF MECHANICAL ENGINEERS (ASME) B30 STANDARD AND THE ACCREDITATION REQUIREMENTS OF THE NATIONAL COMMISSION FOR CERTIFYING AGENCIES, OR THE AMERICAN NATIONAL STANDARDS INSTITUTE, (B) HAVE A PRACTICAL KNOWLEDGE OF CRANE MAINTENANCE, (C) MAINTAIN A CURRENT MEDICAL EXAMINER'S CERTIFICATION CARD, AND (D) POSSESS A VALID NEW YORK STATE DRIVER'S LICENSE. CERTIFICATION OF COMPETENCE SHALL BE VALID FOR A PERIOD OF FIVE YEARS, AFTER WHICH TIME THE CERTIFICATE SHALL BE RENEWED IF THE APPLICANT PROVIDES PROOF OF RECERTIFICATION PURSUANT TO THE PROCESS ADOPTED PURSUANT TO THIS SUBDIVISION. ANY CERTIFICATE OF COMPETENCE ISSUED PURSUANT TO THIS ARTICLE PRIOR TO DECEMBER THIRTY-FIRST, TWO THOUSAND FIFTEEN SHALL REMAIN VALID UNTIL THE EARLIER OF THE FOLLOWING: (I) DECEMBER THIRTY-FIRST, TWO THOUSAND FIFTEEN OR (II) THE EXPIRATION DATE OF THE CERTIFICATE OF COMPETENCE.

S 3. This act shall take effect on the sixtieth day after it shall have become a law.