
HOUSE BILL 2171

State of Washington

60th Legislature

2007 Regular Session

By Representatives Eddy, Conway, Campbell, Hankins, Sells, Ormsby, Moeller, Ericks, Roberts, Darneille, Hunt, Blake, Kessler, Rolfes, Flannigan, O'Brien, Hurst, Buri, Williams, Grant, Chandler, Hasegawa, Simpson, Santos, Barlow, Morrell, Fromhold, Priest, Lantz, Strow, B. Sullivan, Cody, Hinkle, Eickmeyer, Haigh, Anderson, Appleton, Kenney, Chase, McCoy, Walsh, Haler, Kelley, Springer, Newhouse, Dunshee, Linville, McIntire, Lovick, Sump, Kirby, Schual-Berke, Kagi, Quall, Ahern, Pettigrew, VanDeWege, Condotta, Green, Seaquist, Dickerson, P. Sullivan and Sommers

Read first time 02/12/2007. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to crane safety; adding new sections to chapter
2 49.17 RCW; and providing an effective date.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 49.17 RCW
5 to read as follows:

6 The definitions in this section apply throughout sections 1 through
7 4 of this act unless the context clearly requires otherwise.

8 (1) "Apprentice operator or trainee" means a crane operator who has
9 not met requirements established by the department under section 4 of
10 this act.

11 (2) "Certified third-party crane inspector" means a crane inspector
12 who has been certified by the department.

13 (3) "Crane" means power-operated equipment used in construction
14 that can hoist, lower, and horizontally move a suspended load. "Crane"
15 includes, but is not limited to: Articulating cranes, such as knuckle-
16 boom cranes; crawler cranes; floating cranes; cranes on barges;
17 locomotive cranes; mobile cranes, such as wheel-mounted, rough-terrain,
18 all-terrain, commercial truck mounted, and boom truck cranes;
19 multipurpose machines when configured to hoist and lower and

1 horizontally move a suspended load by means of a winch or hook;
2 industrial cranes, such as carry-deck cranes; dedicated pile drivers;
3 service/mechanic trucks with a hoisting device; a crane on a monorail;
4 tower cranes, such as fixed job, hammerhead boom, luffing boom, and
5 self-erecting; pedestal cranes; portal cranes; overhead and gantry
6 cranes; straddle cranes; side-boom tractors; derricks; and variations
7 of such equipment.

8 (4) "Crane operator" means an individual engaged in the operation
9 of a crane.

10 (5) "Qualified crane operator" means a crane operator who meets the
11 requirements established by the department under section 4 of this act.

12 (6) "Professional engineer" means a professional engineer as
13 defined in RCW 18.43.020.

14 (7) "Safety and health standard" means a standard adopted under
15 this chapter.

16 NEW SECTION. **Sec. 2.** A new section is added to chapter 49.17 RCW
17 to read as follows:

18 (1) Sections 1 through 4 of this act apply to cranes when used with
19 attachments. Attachments, whether crane-attached or suspended,
20 include, but are not limited to, hooks, magnets, grapples, clamshell
21 buckets, orange peel buckets, concrete buckets, drag lines, personnel
22 platforms, augers, or drills and pile-driving equipment.

23 (2) Sections 1 through 4 of this act do not apply to:

24 (a) A crane while it has been converted or adapted for a
25 nonhoisting or nonlifting use including, but not limited to, power
26 shovels, excavators, and concrete pumps;

27 (b) Power shovels, excavators, wheel loaders, backhoes, loader
28 backhoes, and track loaders when used with or without chains, slings,
29 or other rigging to lift suspended loads;

30 (c) Automotive wreckers and tow trucks when used to clear wrecks
31 and haul vehicles;

32 (d) Service trucks with mobile lifting devices designed
33 specifically for use in the power line and electric service industries,
34 such as digger derricks (radial boom derricks), when used in the power
35 line and electric service industries for auguring holes to set power
36 and utility poles, or handling associated materials to be installed or
37 removed from utility poles;

- 1 (e) Equipment originally designed as vehicle-mounted aerial devices
2 (for lifting personnel) and self-propelled elevating work platforms;
3 (f) Hydraulic jacking systems, including telescopic/hydraulic
4 gantries;
5 (g) Stacker cranes;
6 (h) Powered industrial trucks (forklifts);
7 (i) Mechanic's truck with a hoisting device when used in activities
8 related to equipment maintenance and repair;
9 (j) Equipment that hoists by using a come-along or chainfall;
10 (k) Dedicated drilling rigs;
11 (l) Gin poles used for the erection of communication towers;
12 (m) Tree trimming and tree removal work;
13 (n) Anchor handling with a vessel or barge using an affixed A-
14 frame; and
15 (o) Roustabouts.

16 NEW SECTION. **Sec. 3.** A new section is added to chapter 49.17 RCW
17 to read as follows:

18 (1) The department shall establish, by rule, a crane certification
19 program for cranes used in construction. In establishing rules, the
20 department shall consult nationally recognized crane standards.

21 (2) The crane certification program must include, at a minimum, the
22 following:

23 (a) The department shall establish certification requirements for
24 third-party crane inspectors, including an experience requirement, an
25 education requirement, a training requirement, and other necessary
26 requirements determined by the director;

27 (b) The department shall establish a process for certified third-
28 party crane inspectors to issue temporary certificates of operation for
29 a crane and the department to issue a final certificate of operation
30 for a crane after a certified third-party certifier determines that the
31 crane meets safety and health standards, including meeting or exceeding
32 national periodic inspection requirements recognized by the department;

33 (c) Crane owners must ensure that cranes are inspected and load
34 proof tested by a certified third-party crane inspector at least
35 annually and after any significant modification or significant repairs
36 of structural parts. If the use of weights for a unit proof load test

1 is not possible or reasonable, other recording test equipment may be
2 used;

3 (d) Crane owners must ensure that tower cranes and tower crane
4 assembly parts are inspected by a certified third-party crane inspector
5 both prior to assembly and following erection of the tower crane on a
6 new site;

7 (e) Crane owners must have an independent professional engineer
8 review and approve the plans for any nonstandard tower crane base prior
9 to certification;

10 (f) A certified third-party crane inspector must notify the
11 department and the crane owner if, after inspection, the certified
12 third-party crane inspector finds that the crane does not meet safety
13 and health standards, including meeting or exceeding national periodic
14 inspection requirements recognized by the department. A certified
15 third-party crane inspector shall not attest that a crane meets safety
16 and health standards until any deficiencies are corrected and the
17 correction is verified by the certified third-party crane inspector;
18 and

19 (g) No certified third-party crane inspector may inspect a crane in
20 which the crane inspector or his or her employer has a direct or
21 indirect financial interest, nor may a certified third-party crane
22 inspector certify equipment that belongs to his or her employer, unless
23 otherwise authorized by the department. A certified third-party crane
24 inspector may not certify equipment or devices that he or she has
25 manufactured or helped to manufacture, if the equipment is owned by his
26 or her employer, unless otherwise authorized by the department.

27 (3) Any crane operated in the state must have a valid certificate
28 of operation issued by the department posted in the operator's cab or
29 station.

30 (4) Certificates of operation issued by the department under the
31 crane certification program established in this section are valid for
32 one year from the date of issuance.

33 (5) This section does not apply to maritime cranes regulated by the
34 department.

35 NEW SECTION. **Sec. 4.** A new section is added to chapter 49.17 RCW
36 to read as follows:

37 (1) Except for training purposes as provided in subsection (3) of

1 this section, an employer or contractor shall not permit a crane
2 operator to operate a crane unless the crane operator is a qualified
3 crane operator.

4 (2) The department shall establish, by rule, requirements that must
5 be met to be considered a qualified crane operator. In establishing
6 rules, the department shall consult nationally recognized crane
7 standards. The rules must include, at a minimum, the following:

8 (a) The crane operator must have a valid crane operator
9 certificate, for the type of crane to be operated, issued by an
10 accredited crane operator testing organization accredited by a
11 nationally recognized accrediting agency which administers written and
12 practical examinations, has procedures for recertification that enable
13 the crane operator to recertify at least every five years, and is
14 recognized by the department;

15 (b) The crane operator must have up to two thousand hours of
16 documented crane operation experience, based on the crane type and
17 capacity as determined by the department; and

18 (c) The crane operator must pass a substance abuse test conducted
19 by a recognized laboratory service.

20 (3) An apprentice operator or trainee may operate a crane when:

21 (a) The apprentice operator or trainee has been provided with
22 training prior to operating the crane that enables the apprentice
23 operator or trainee to operate the crane safely;

24 (b) The apprentice operator or trainee performs operating tasks
25 that are within his or her ability, as determined by a supervising
26 qualified crane operator; and

27 (c) The apprentice operator or trainee is under the direct and
28 continuous supervision of a qualified crane operator who meets the
29 following requirements:

30 (i) The qualified crane operator is an employee or agent of the
31 employer of the apprentice operator or trainee;

32 (ii) The qualified crane operator is familiar with the proper use
33 of the crane's controls;

34 (iii) While supervising the apprentice operator or trainee, the
35 qualified crane operator performs no tasks that detract from the
36 qualified crane operator's ability to supervise the apprentice operator
37 or trainee;

1 (iv) For equipment other than tower cranes, the qualified crane
2 operator and the apprentice operator or trainee must be in direct line
3 of sight of each other and shall communicate verbally or by hand
4 signals; and

5 (v) For tower cranes, the qualified crane operator and the
6 apprentice operator or trainee must be in direct communication with
7 each other.

8 (4) The department may recognize certification from another state
9 or territory of the United States as equivalent to qualified crane
10 operator requirements if the department determines that the other
11 jurisdiction's credentialing standards are substantially similar to the
12 qualified crane operator requirements.

13 NEW SECTION. **Sec. 5.** A new section is added to chapter 49.17 RCW
14 to read as follows:

15 The department of labor and industries shall adopt rules necessary
16 to implement sections 1 through 4 of this act.

17 NEW SECTION. **Sec. 6.** This act takes effect January 1, 2010.

--- END ---