
SUBSTITUTE HOUSE BILL 2171

State of Washington

60th Legislature

2007 Regular Session

By House Committee on Commerce & Labor (originally sponsored 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 02/28/07.

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) "Attachments" includes, but is not limited to, crane-attached
12 or suspended hooks, magnets, grapples, clamshell buckets, orange peel
13 buckets, concrete buckets, drag lines, personnel platforms, augers, or
14 drills and pile-driving equipment.

15 (3) "Certified crane inspector" means a crane inspector who has
16 been certified by the department.

17 (4) "Construction" means all or any part of excavation,
18 construction, erection, alteration, repair, demolition, and dismantling
19 of buildings and other structures and all related operations; the

1 excavation, construction, alteration, and repair of sewers, trenches,
2 caissons, conduits, pipelines, roads, and all related operations; the
3 moving of buildings and other structures, and the construction,
4 alteration, repair, or removal of wharfs, docks, bridges, culverts,
5 trestles, piers, abutments, or any other related construction,
6 alteration, repair, or removal work. "Construction" does not include
7 manufacturing facilities or powerhouses.

8 (5) "Crane" means power-operated equipment used in construction
9 that can hoist, lower, and horizontally move a suspended load. "Crane"
10 includes, but is not limited to: Articulating cranes, such as knuckle-
11 boom cranes; crawler cranes; floating cranes; cranes on barges;
12 locomotive cranes; mobile cranes, such as wheel-mounted, rough-terrain,
13 all-terrain, commercial truck mounted, and boom truck cranes;
14 multipurpose machines when configured to hoist and lower by means of a
15 winch or hook and horizontally move a suspended load; industrial
16 cranes, such as carry-deck cranes; dedicated pile drivers;
17 service/mechanic trucks with a hoisting device; a crane on a monorail;
18 tower cranes, such as fixed jib, hammerhead boom, luffing boom, and
19 self-erecting; pedestal cranes; portal cranes; overhead and gantry
20 cranes; straddle cranes; side-boom tractors; derricks; and variations
21 of such equipment.

22 (6) "Crane operator" means an individual engaged in the operation
23 of a crane.

24 (7) "Professional engineer" means a professional engineer as
25 defined in RCW 18.43.020.

26 (8) "Qualified crane operator" means a crane operator who meets the
27 requirements established by the department under section 4 of this act.

28 (9) "Safety or health standard" means a standard adopted under this
29 chapter.

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

32 (1) Sections 1 through 4 of this act apply to cranes used with or
33 without attachments.

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

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

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

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

6 (d) Service trucks with mobile lifting devices designed
7 specifically for use in the power line and electric service industries,
8 such as digger derricks (radial boom derricks), when used in the power
9 line and electric service industries for auguring holes to set power
10 and utility poles, or handling associated materials to be installed or
11 removed from utility poles;

12 (e) Equipment originally designed as vehicle-mounted aerial devices
13 (for lifting personnel) and self-propelled elevating work platforms;

14 (f) Hydraulic jacking systems, including telescopic/hydraulic
15 gantries;

16 (g) Stacker cranes;

17 (h) Powered industrial trucks (forklifts);

18 (i) Mechanic's truck with a hoisting device when used in activities
19 related to equipment maintenance and repair;

20 (j) Equipment that hoists by using a come-along or chainfall;

21 (k) Dedicated drilling rigs;

22 (l) Gin poles used for the erection of communication towers;

23 (m) Tree trimming and tree removal work;

24 (n) Anchor handling with a vessel or barge using an affixed A-
25 frame;

26 (o) Roustabouts;

27 (p) Cranes used on-site in manufacturing facilities or powerhouses
28 for occasional or routine maintenance and repair work; and

29 (q) Crane operators operating cranes on-site in manufacturing
30 facilities or powerhouses for occasional or routine maintenance and
31 repair work.

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

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

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

3 (a) The department shall establish certification requirements for
4 crane inspectors, including an experience requirement, an education
5 requirement, a training requirement, and other necessary requirements
6 determined by the director;

7 (b) The department shall establish a process for certified crane
8 inspectors to issue temporary certificates of operation for a crane and
9 the department to issue a final certificate of operation for a crane
10 after a certified crane inspector determines that the crane meets
11 safety or health standards, including meeting or exceeding national
12 periodic inspection requirements recognized by the department;

13 (c) Crane owners must ensure that cranes are inspected and load
14 proof tested by a certified crane inspector at least annually and after
15 any significant modification or significant repairs of structural
16 parts. If the use of weights for a unit proof load test is not
17 possible or reasonable, other recording test equipment may be used;

18 (d) Tower cranes and tower crane assembly parts must be inspected
19 by a certified crane inspector both prior to assembly and following
20 erection of a tower crane;

21 (e) Before installation of a nonstandard tower crane base, the
22 engineering design of the nonstandard base shall be reviewed and
23 acknowledged as acceptable by an independent professional engineer;

24 (f) A certified crane inspector must notify the department and the
25 crane owner if, after inspection, the certified crane inspector finds
26 that the crane does not meet safety or health standards. A certified
27 crane inspector shall not attest that a crane meets safety or health
28 standards until any deficiencies are corrected and the correction is
29 verified by the certified crane inspector; and

30 (g) Inspection reports including all information and documentation
31 obtained from a crane inspection shall be made available or provided to
32 the department by a certified crane inspector upon request.

33 (3) Except as provided in section 2(2) of this act, any crane
34 operated in the state must have a valid temporary or final certificate
35 of operation issued by the certified crane inspector or department
36 posted in the operator's cab or station.

37 (4) Certificates of operation issued by the department under the

1 crane certification program established in this section are valid for
2 one year from the effective date of the temporary operating certificate
3 issued by the certified crane inspector.

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

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

8 (1) Except for training purposes as provided in subsection (3) of
9 this section, an employer or contractor shall not permit a crane
10 operator to operate a crane unless the crane operator is a qualified
11 crane operator.

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

16 (a) The crane operator must have a valid crane operator
17 certificate, for the type of crane to be operated, issued by a crane
18 operator testing organization accredited by a nationally recognized
19 accrediting agency which administers written and practical
20 examinations, has procedures for recertification that enable the crane
21 operator to recertify at least every five years, and is recognized by
22 the department;

23 (b) The crane operator must have up to two thousand hours of
24 documented crane operator experience, which meets experience levels
25 established by the department for crane types and capacities by rule;
26 and

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

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

30 (a) The apprentice operator or trainee has been provided with
31 training prior to operating the crane that enables the apprentice
32 operator or trainee to operate the crane safely;

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

36 (c) The apprentice operator or trainee is under the direct and

1 continuous supervision of a qualified crane operator who meets the
2 following requirements:

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

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

7 (iii) While supervising the apprentice operator or trainee, the
8 qualified crane operator performs no tasks that detract from the
9 qualified crane operator's ability to supervise the apprentice operator
10 or trainee;

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

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

18 (4) The department may recognize crane operator certification from
19 another state or territory of the United States as equivalent to
20 qualified crane operator requirements if the department determines that
21 the other jurisdiction's credentialing standards are substantially
22 similar to the qualified crane operator requirements.

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

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

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

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