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**SECOND SUBSTITUTE HOUSE BILL 2022**

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**State of Washington**

**68th Legislature**

**2024 Regular Session**

**By** House Appropriations (originally sponsored by Representatives Reed, Berry, Ryu, Ormsby, Reeves, and Santos)

READ FIRST TIME 02/05/24.

1 AN ACT Relating to construction crane safety; amending RCW  
2 49.17.400, 49.17.420, 49.17.440, and 49.17.190; adding new sections  
3 to chapter 49.17 RCW; adding a new section to chapter 36.70B RCW;  
4 creating a new section; providing an effective date; and prescribing  
5 penalties.

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

7 NEW SECTION. **Sec. 1.** The legislature finds that there is  
8 significant opportunity to improve worker and public safety in tower  
9 crane assembly, disassembly, and reconfiguration. The Seattle tower  
10 crane incident on April 27, 2019, killing two members of the public,  
11 Sarah Pantip Wong and Alan Jay Justad, and two iron workers, Travis  
12 Daniel Corbet and Andrew W. Yoder, exposed weaknesses in construction  
13 safety efforts. Requirements for permitting, street closures, and  
14 penalties are created to ensure that assembly, disassembly, and  
15 reconfiguration of tower cranes proceed safely.

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

18 Sections 3 through 10 of this act apply to construction crane  
19 safety.

1       **Sec. 3.** RCW 49.17.400 and 2007 c 27 s 2 are each amended to read  
2 as follows:

3       The definitions in this section apply throughout (~~RCW 49.17.400~~  
4 ~~through 49.17.430~~) this section and sections 4 through 7 of this act  
5 unless the context clearly requires otherwise.

6       (1) "Apprentice operator or trainee" means a crane operator who  
7 has not met requirements established by the department under RCW  
8 49.17.430.

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

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

15       (4) "Construction" means all or any part of excavation,  
16 construction, erection, alteration, repair, demolition, and  
17 dismantling of buildings and other structures and all related  
18 operations; the excavation, construction, alteration, and repair of  
19 sewers, trenches, caissons, conduits, pipelines, roads, and all  
20 related operations; the moving of buildings and other structures, and  
21 the construction, alteration, repair, or removal of wharfs, docks,  
22 bridges, culverts, trestles, piers, abutments, or any other related  
23 construction, alteration, repair, or removal work. "Construction"  
24 does not include manufacturing facilities or powerhouses.

25       (5) "Crane" means power-operated equipment used in construction  
26 that can hoist, lower, and horizontally move a suspended load.  
27 "Crane" includes, but is not limited to: Articulating cranes, such as  
28 knuckle-boom cranes; crawler cranes; floating cranes; cranes on  
29 barges; locomotive cranes; mobile cranes, such as wheel-mounted,  
30 rough-terrain, all-terrain, commercial truck mounted, and boom truck  
31 cranes; multipurpose machines when (~~configured~~) used to (~~hoist~~)  
32 lift and lower (~~by means of a winch or hook and~~) a suspended load,  
33 or horizontally move a suspended load; industrial cranes, such as  
34 carry-deck cranes; dedicated pile drivers; service/mechanic trucks  
35 with a hoisting device; a crane on a monorail; tower cranes, such as  
36 fixed jib, hammerhead boom, luffing boom, and self-erecting; pedestal  
37 cranes; portal cranes; overhead and gantry cranes; straddle cranes;  
38 side-boom tractors; derricks; and variations of such equipment.

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

1 (7) "Professional engineer" means a professional engineer as  
2 defined in RCW 18.43.020.

3 (8) "Qualified crane operator" means a crane operator who meets  
4 the requirements established by the department under RCW 49.17.430.

5 (9) "Safety or health standard" means a standard adopted under  
6 this chapter.

7 (10) "Assembly, disassembly, and reconfiguration" means the  
8 assembly, disassembly, or reconfiguration of cranes covered under  
9 this section and sections 4 through 7 of this act.

10 (11) "Assembly/disassembly work zone" is applicable to tower  
11 cranes and means the total area that the crane and/or components or  
12 attachments could reach if the crane were to collapse. Height of the  
13 crane, length of boom, attachments, and loads, shall all be  
14 considered to calculate the area, which can shrink or grow as the  
15 work progresses.

16 (12) "Crane owner" means the company or entity that has custodial  
17 control of a crane by virtue of lease or ownership.

18 (13) "Crane user" means the person or entity that arranges the  
19 crane's location on a worksite and controls its use.

20 (14) "Prime contractor" means the person or entity that has  
21 overall responsibility for the construction of the project, its  
22 planning, quality, and completion and serves as the site supervisor.

23 (15) "Reconfiguration" means adding or subtracting components  
24 that alter the height, length, or capacity of a crane. The set-up of  
25 a crane is not considered reconfiguration.

26 NEW SECTION. Sec. 4. A new section is added to chapter 49.17  
27 RCW to read as follows:

28 (1) Beginning January 1, 2026, a prime contractor must obtain a  
29 permit from the department prior to performing or allowing the  
30 performance of any work involving the operation, assembly,  
31 disassembly, or reconfiguration of a tower crane. An exemption from  
32 the permit requirement may be allowed by the department for  
33 exceptions as determined by the department. For example, exceptions  
34 may be allowed for self-erecting and mobile cranes if determined by  
35 the department.

36 (2)(a) The prime contractor must possess an active permit, as  
37 required under subsection (1) of this section, at all times a tower  
38 crane is present on a construction worksite.

1 (b) At no times may a tower crane be operated, assembled,  
2 disassembled, or reconfigured without an active permit. If the permit  
3 is suspended or revoked, the tower crane may not be used in  
4 operations, nor can assembly, disassembly, or reconfiguration take  
5 place until all deficiencies have been addressed and the permit is  
6 reinstated by the department.

7 (3) The prime contractor must apply for a permit required under  
8 this section. The application must include information needed to  
9 ensure safety and establish clear responsibility for the operations,  
10 assembly, disassembly, and reconfiguration of a tower crane. The  
11 application must include, but is not limited to, the following:

- 12 (a) Name and unified business identifier number;
- 13 (b) Project site address;
- 14 (c) Contact person's name and contact information for the overall  
15 project safety;
- 16 (d) Name of the prime contractor;
- 17 (e) Name of the crane owner;
- 18 (f) Name of crane user(s) at the worksite;
- 19 (g) Contractor registration number of the prime contractor;
- 20 (h) Name of the assembly/disassembly director;
- 21 (i) Beginning the later of January 1, 2027, or 12 months after  
22 the date an assembly/disassembly director program is approved by a  
23 nationally accredited organization recognized by the department, a  
24 copy of the assembly/disassembly director's national assembly/  
25 disassembly director certification;
- 26 (j) Project anticipated start and end dates;
- 27 (k) Crane manufacturer and crane model;
- 28 (l) An attestation from the prime contractor that the prime  
29 contractor will comply with all manufacturer operation instructions  
30 and guidelines for the subject crane and/or written procedures from a  
31 registered professional structural engineer;
- 32 (m) Certification from the prime contractor that the prime  
33 contractor will comply with all applicable requirements of this  
34 chapter and all applicable safety standards and that the conditions,  
35 practices, means, methods, operations, or processes used or proposed  
36 to be used will be safe and healthful;
- 37 (n) Certification that the prime contractor will post at the  
38 worksite the permit to operate, assemble, disassemble, and  
39 reconfigure the tower crane, and the current crane certification;
- 40 (o) A written job plan as required under RCW 49.17.440; and

1 (p) Certification from the prime contractor that all assembly,  
2 disassembly, and reconfigurations will be performed with a technical  
3 representative of the distributor or manufacturer present to assure  
4 that such processes and operations are performed in accordance with  
5 manufacturer operation instructions and guidelines. The technical  
6 representative must be knowledgeable of assembly, disassembly, and  
7 reconfiguration procedures.

8 (4) Prior to issuing a permit, the department must complete a  
9 safety permit conference to ensure all parties involved with the  
10 assembly, disassembly, and reconfigurations of the tower crane are  
11 aware of the requirements and responsibilities under the permit,  
12 including manufacturer operation instructions and guidelines and  
13 recommended best practices. The safety permit conference shall  
14 require the presence of at least the following: Permit applicant,  
15 assembly/disassembly director, technical representative of the  
16 distributor or manufacturer, representatives of the employees  
17 conducting the assembly, disassembly, or reconfiguration of the tower  
18 crane and, if the project is a public works projects, representatives  
19 of the governmental entity overseeing the project. During the safety  
20 permit conference, at a minimum the following items must be  
21 evaluated:

22 (a) The previous history of safety and health violations,  
23 including those violations under other business identities during the  
24 previous seven-year period for the permit applicant and all entities  
25 required in the operation, assembly, disassembly, and reconfiguration  
26 of the tower crane;

27 (b) The potential risks of the procedures, including those  
28 addressed in the crane operating manual, as well as specific measures  
29 to be taken by the permit applicant and all entities required in the  
30 operation, assembly, disassembly, and reconfiguration of the tower  
31 crane to minimize these risks;

32 (c) The written accident prevention programs of the permit  
33 applicant and all entities involved in the operation, assembly,  
34 disassembly, and reconfiguration of the tower crane;

35 (d) Applicable tower crane requirements under this chapter and  
36 department rules and safety standards;

37 (e) The permit applicant's written job plan as required under RCW  
38 49.17.440; and

39 (f) For each employee directly involved with the permitted work,  
40 a written self-attestation of their experience and qualifications in

1 the assembly, disassembly, and reconfiguration of the tower crane  
2 being assembled, disassembled, or reconfigured, including an attached  
3 copy of the crane operator's license.

4 (5) (a) As a condition of a valid permit, the permit holder must  
5 notify the department when there is a change to any crane user or the  
6 crane assembly/disassembly director that is different from what was  
7 listed in the original permit application.

8 (b) In addition, as a condition of a valid permit, the permit  
9 holder must notify the department in advance of any assembly,  
10 disassembly, or reconfiguration of the tower crane in a time  
11 specified by the department and receive confirmation from the  
12 department to proceed. The department may require additional  
13 information or an update safety conference before issuing a  
14 confirmation to proceed. The permit holder's notice must include, but  
15 is not limited to:

16 (i) The type of work being performed, such as assembly,  
17 disassembly, or reconfiguration of the tower crane; and

18 (ii) The names and contact numbers of all employers involved and  
19 their role in performing the work.

20 (6) (a) As part of the permit process, the department shall  
21 inspect permitted activities including but not limited to the tower  
22 crane once assembled or reconfigured, and the department may inspect  
23 permitted activities at any time.

24 (i) Deficiencies that directly affect the structural integrity of  
25 a tower crane must be addressed immediately to ensure the health and  
26 safety of worksite personnel and the public. The tower crane may not  
27 be operated until deficiencies are corrected.

28 (ii) Deficiencies that directly affect the safe operation of a  
29 tower crane must be corrected. The tower crane may not be operated  
30 until deficiencies are corrected.

31 (b) A permit holder may not operate the tower crane once  
32 assembled or reconfigured unless approved by the department following  
33 an inspection required under this subsection.

34 (7) (a) A permit may be issued to the prime contractor following  
35 the filing of a completed application, compliance with all the  
36 requisites therein including the initial permit safety conference,  
37 payment of the permit fee, and a determination by the department that  
38 all qualifications for receipt of a permit have been met by the  
39 applicant.

1 (b) The department shall issue the permit within five working  
2 days of the initial project permit safety conference, if the  
3 application materials are complete and the materials presented by the  
4 prime contractor at the safety conference are complete. If the  
5 application or safety conference materials are not complete, the  
6 prime contractor must be given a written list, before leaving the  
7 safety conference, of the materials or information outstanding. The  
8 department shall then either issue the permit within five working  
9 days of receiving the outstanding materials or deny the permit in  
10 writing pursuant to the requirements under this chapter and rules  
11 established by the department. The department may issue conditional  
12 permits, including when specific information is not yet available.

13 (8) The department must deny a permit if:

14 (a) The application fails to include all required elements;

15 (b) The safety conference is not held in compliance with the  
16 requirements under this chapter; or

17 (c) The permit applicant has a record of safety and health  
18 violations which indicates that the permit applicant may not be  
19 maintaining a safe worksite or operation.

20 (9) The department must suspend or revoke a permit if the permit  
21 holder:

22 (a) Has failed to comply with any requirement of this chapter or  
23 applicable occupational health and safety standard or regulation  
24 involving tower cranes;

25 (b) Fails to notify the department in advance of the assembly,  
26 disassembly, or reconfiguration of a fixed tower crane as required  
27 under this section;

28 (c) Fails to ensure that a technical representative of the  
29 distributor or manufacturer of the tower crane who is knowledgeable  
30 of assembly, disassembly, and reconfiguration procedures was present  
31 during assembly, disassembly, or reconfiguration;

32 (d) Fails to immediately correct deficiencies directly affecting  
33 the structural integrity of a tower crane;

34 (e) Fails to correct deficiencies directly affecting the safe  
35 operation of a tower crane; or

36 (f) Has refused the department entry to a worksite that contains  
37 activity for which a permit is required.

38 (10) The department will provide written notice of the denial,  
39 suspension, or revocation of a permit to the applicant, specifying  
40 the reasons for such denial, suspension, or revocation.

1 (11)(a) A denial, suspension, or revocation of a permit may be  
2 appealed to department within 15 working days after the denial,  
3 suspension, or revocation order is communicated.

4 (b) The department shall hold a hearing at such place designated  
5 by the director or authorized representative for the convenience of  
6 the attending parties within 2 working days of the applicant's or  
7 suspended or revoked permit holder's appeal.

8 (c) The applicant or suspended or revoked permit holder has the  
9 burden of establishing that it qualifies for a permit.

10 (d) The director or authorized representative shall preside at  
11 the hearing, which must be open to employees or employees'  
12 representatives.

13 (e) The applicant or permit holder shall notify the employees or  
14 employees' representatives of such hearing a reasonable time prior to  
15 the hearing, but in no case later than 24 hours prior to the hearing.  
16 Proof of such notification by the applicant or permit holder must be  
17 made at the hearing.

18 (f) The director or authorized representative shall issue a  
19 decision within 10 business days of the hearing. The director's or  
20 authorized representative's decision may affirm the order, reverse  
21 the order, or reverse the order with conditions to mitigate any  
22 deficiencies.

23 (g) The director's or authorized representative's decision is  
24 subject to appeal to the board of industrial insurance appeal under  
25 RCW 49.17.140.

26 **Sec. 5.** RCW 49.17.420 and 2007 c 27 s 4 are each amended to read  
27 as follows:

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

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

34 (a) The department shall establish certification requirements for  
35 crane inspectors, including an experience requirement, an education  
36 requirement, a training requirement, and other necessary requirements  
37 determined by the director;

38 (b) The department shall establish a process for certified crane  
39 inspectors to issue temporary certificates of operation for a crane

1 and the department to issue a final certificate of operation for a  
2 crane after a certified crane inspector determines that the crane  
3 meets safety or health standards, including meeting or exceeding  
4 national periodic inspection requirements recognized by the  
5 department;

6 (c) Crane owners must ensure that cranes are inspected and load  
7 proof tested by a certified crane inspector at least annually and  
8 after any significant modification or significant repairs of  
9 structural parts. If the use of weights for a unit proof load test is  
10 not possible or reasonable, other recording test equipment may be  
11 used. In adopting rules implementing this requirement, the department  
12 may consider similar standards and practices used by the federal  
13 government;

14 (d) Tower cranes and tower crane assembly parts must be inspected  
15 by a certified crane inspector (~~both~~) prior to and following every  
16 assembly (~~and following erection~~), disassembly, and reconfiguration  
17 of a tower crane. Any issues identified throughout the procedure must  
18 be tracked and corrected according to this chapter and applicable  
19 department rule;

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

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

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

33 (3) Except as provided in RCW 49.17.410(2), any crane operated in  
34 the state must have a valid temporary or final certificate of  
35 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  
38 crane certification program established in this section are valid for  
39 one year from the effective date of the temporary operating  
40 certificate issued by the certified crane inspector.

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

3 **Sec. 6.** RCW 49.17.440 and 2007 c 27 s 6 are each amended to read  
4 as follows:

5 (1) The department of labor and industries shall adopt rules  
6 necessary to implement ((RCW 49.17.400 through 49.17.430)) sections 3  
7 through 7 of this act.

8 (2) The department shall adopt rules for tower crane assembly,  
9 disassembly, and reconfiguration including, but not limited to:

10 (a) A process for determining when the department will be present  
11 for the assembly, disassembly, and reconfiguration of a tower crane;

12 (b) Requirements that the prime contractors of construction  
13 projects acknowledge all applicable safety orders, crane manufacturer  
14 operation instructions and guidelines, and recommended practices  
15 prior to the assembly, disassembly, and reconfiguration of a tower  
16 crane;

17 (c) Requirements that the prime contractor of the construction  
18 project ensure that a qualified technical representative of the  
19 distributor or manufacturer who is knowledgeable of assembly,  
20 disassembly, and reconfiguration procedures will be present during  
21 assembly, disassembly, and reconfiguration of a tower crane to assure  
22 that such procedures are performed in accordance with manufacturer  
23 operation instructions and guidelines;

24 (d) Requiring prime contractors of construction projects to  
25 follow crane manufacturer operation instructions and guidelines or  
26 alternate plans/instructions approved by a registered professional  
27 engineer when assembling, disassembling, and reconfiguring a tower  
28 crane;

29 (e) Requiring the presence of an assembly/disassembly director at  
30 every tower crane assembly, disassembly, and reconfiguration to  
31 directly oversee all work performed. The assembly/disassembly  
32 director may not serve in any other capacity while directly  
33 supervising a tower crane assembly, disassembly, or reconfiguration  
34 procedure;

35 (f) Conducting programmed inspections of workplaces that contain  
36 tower cranes;

37 (g) Establishing requirements for the maximum allowable wind  
38 speed for tower crane assembly, disassembly, and reconfiguration;

1 (h) Establishing requirements for a written job plan that  
2 addresses the requirements of the manufacturer's manual tailored to  
3 the site conditions where the tower crane will be installed, as  
4 appropriate for assembly, disassembly, and reconfiguration of a tower  
5 crane;

6 (i) Establishing requirements that must be met to be considered a  
7 competent and qualified assembly/disassembly director;

8 (j) Establishing effective stop work procedures that ensure the  
9 authority of any employee, including employees of contractors, to  
10 refuse or delay the performance of a task related to a tower crane  
11 that the employee believes could reasonably result in serious  
12 physical harm or death. The rules must ensure that employees who  
13 exercise stop work authority are protected from intimidation,  
14 retaliation, or discrimination; and

15 (k) Other rules necessary to implement sections 3 through 7 of  
16 this act.

17 (3) The department may set fees in rule to be charged for permits  
18 issued under section 4 of this act in an amount sufficient to cover  
19 the costs of administering section 4 of this act. Fees shall be  
20 deposited in the industrial insurance trust funds.

21 NEW SECTION. Sec. 7. A new section is added to chapter 49.17  
22 RCW to read as follows:

23 A tower crane manufacturer and distributor shall, without  
24 exception, provide all relevant manufacturer operation instructions  
25 and guidelines, including assembly, disassembly, and reconfiguration  
26 instructions, for the safe use and maintenance of all of the  
27 manufacturer's or distributor's tower cranes located in the state to  
28 any person who requests access to such materials. The prescribed  
29 information, format, and distribution channel must be determined by  
30 the department. These materials must be written in the English  
31 language with customary grammar and punctuation. Information must be  
32 provided within a reasonable time frame, as determined by the  
33 department.

34 NEW SECTION. Sec. 8. A new section is added to chapter 36.70B  
35 RCW to read as follows:

36 (1) When a worksite contains a tower crane, the local government  
37 in which the tower crane is located must, at a minimum, do the

1 following before any assembly, disassembly, or reconfiguration of the  
2 tower crane:

3 (a) Align permit issuance for street closures with the definition  
4 of assembly/disassembly work zone when a tower crane is being  
5 assembled, disassembled, reconfigured, or otherwise not fully  
6 stabilized and secure;

7 (b) Issue permits in a timely manner allowing for sufficient time  
8 to safely conduct assembly, disassembly, or reconfiguration; and

9 (c) Provide notice to residents and occupants in buildings within  
10 the assembly/disassembly work zone in advance of any assembly,  
11 disassembly, or reconfiguration.

12 (2) For purposes of this section, "assembly, disassembly, or  
13 reconfiguration" and "assembly/disassembly work zone" have the same  
14 meanings as those terms are defined in RCW 49.17.400.

15 NEW SECTION. **Sec. 9.** A new section is added to chapter 49.17  
16 RCW to read as follows:

17 The provisions of this act do not apply to cranes used on marine  
18 vessels and at ports, terminals, and marine facilities for maritime  
19 activities regulated by the department.

20 **Sec. 10.** RCW 49.17.190 and 2011 c 96 s 40 are each amended to  
21 read as follows:

22 (1) Any person who gives advance notice of any inspection to be  
23 conducted under the authority of this chapter, without the consent of  
24 the director or his or her authorized representative, shall, upon  
25 conviction be guilty of a gross misdemeanor and be punished by a fine  
26 of not more than one thousand dollars or by imprisonment for not more  
27 than six months, or by both.

28 (2) Whoever knowingly makes any false statement, representation,  
29 or certification in any application, record, report, plan, or other  
30 document filed or required to be maintained pursuant to this chapter  
31 shall, upon conviction be guilty of a gross misdemeanor and be  
32 punished by a fine of not more than ten thousand dollars, or by  
33 imprisonment for not more than six months or by both.

34 (3) Any employer who willfully and knowingly violates the  
35 requirements of RCW 49.17.060, any safety or health standard  
36 promulgated under this chapter, any existing rule or regulation  
37 governing the safety or health conditions of employment and adopted  
38 by the director, or any order issued granting a variance under RCW

1 49.17.080 or 49.17.090 and that violation caused death to any  
2 employee shall, upon conviction be guilty of a gross misdemeanor and  
3 be punished by a fine of not more than (~~one hundred thousand~~  
4 ~~dollars~~) \$100,000 or by imprisonment for not more than six months or  
5 by both; except, that if the conviction is for a violation committed  
6 after a first conviction of such person, punishment shall be a fine  
7 of not more than (~~two hundred thousand dollars~~) \$200,000 or by  
8 imprisonment for not more than (~~three hundred sixty-four~~) 364 days,  
9 or by both.

10 (4) Any employer who has been issued an order immediately  
11 restraining a condition, practice, method, process, or means in the  
12 workplace, pursuant to RCW 49.17.130 or 49.17.170, and who  
13 nevertheless continues such condition, practice, method, process, or  
14 means, or who continues to use a machine or equipment or part thereof  
15 to which a notice prohibiting such use has been attached, shall be  
16 guilty of a gross misdemeanor, and upon conviction shall be punished  
17 by a fine of not more than (~~ten thousand dollars~~) \$10,000 or by  
18 imprisonment for not more than six months, or by both.

19 (5) Any employer who shall knowingly remove, displace, damage, or  
20 destroy, or cause to be removed, displaced, damaged, or destroyed any  
21 safety device or safeguard required to be present and maintained by  
22 any safety or health standard, rule, or order promulgated pursuant to  
23 this chapter, or pursuant to the authority vested in the director  
24 under RCW 43.22.050 shall, upon conviction, be guilty of a  
25 misdemeanor and be punished by a fine of not more than (~~one thousand~~  
26 ~~dollars~~) \$1,000 or by imprisonment for not more than (~~ninety~~) 90  
27 days, or by both.

28 (6) An employer is guilty of a misdemeanor if the employer: (a)  
29 Allows any person to engage in the assembly, disassembly, or  
30 reconfiguration of a tower crane without direct supervision by a  
31 competent and qualified assembly/disassembly director as required  
32 under this chapter and defined by the department; or (b) allows a  
33 tower crane to be assembled, disassembled, or reconfigured not in  
34 accordance with manufacturer operation instructions, manufacturer  
35 guidelines, or written procedures from a registered professional  
36 structural engineer.

37 (7) Whenever the director has reasonable cause to believe that  
38 any provision of this section defining a crime has been violated by  
39 an employer, the director shall cause a record of such alleged  
40 violation to be prepared, a copy of which shall be referred to the

1 prosecuting attorney of the county wherein such alleged violation  
2 occurred, and the prosecuting attorney of such county shall in  
3 writing advise the director of the disposition he or she shall make  
4 of the alleged violation.

5 NEW SECTION. **Sec. 11.** This act takes effect January 1, 2025.

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