

NOTICE OF ADOPTION OF RULE

NOTICE IS HEREBY GIVEN, pursuant to the authority vested in the Commissioner of the Department of Buildings by Section 643 of the New York City Charter and in accordance with Section 1043 of the Charter, that the Department of Buildings hereby adopts the amendments to Sections 104-06 and 104-09 of Chapter 100 of Title 1 of the Official Compilation of the Rules of the City of New York, regarding course requirements for electrician, hoist machine operator and rigger license renewals and certification requirements for hoist machine operator licenses.

This rule was first published on July 29, 2014 and a public hearing thereon was held on September 2, 2014.

Dated: _____

9/8/14
New York, New York

A handwritten signature in black ink, appearing to read "Rick D. Chandler", written over a horizontal line.

Rick D. Chandler, P.E.
Commissioner

Statement of Basis and Purpose of Rule

Sections 104-06 and 104-09 of the Department's rules require certain courses and certifications to be obtained by electrician, hoisting machine operator and rigger licensees prior to renewal of their licenses. The rule amendments will extend the date for compliance with these requirements because the required courses and certifications are not currently available.

The Department of Buildings' authority for these rules is found in sections 643 and 1043 of the New York City Charter, as well as in Article 401 of Chapter 4 of Title 28 of the New York City Administrative Code.

New material is underlined.

[Deleted material is in brackets.]

"Shall" and "must" denote mandatory requirements and may be used interchangeably in the rules of this department, unless otherwise specified or unless the context clearly indicates otherwise.

Section 1. Paragraphs (3), (5), (7) and (8) of subdivision (b) of section 104-06 of Subchapter D of Chapter 100 of Title 1 of the Rules of the City of New York are amended to read as follows:

(3) Electrician (Master/Special). Beginning July 1, ~~[2014]~~2015, during the one (1) year immediately prior to renewal, the licensee must have successfully completed a course approved by the Department of at least eight (8) hours, at least four (4) hours of which must focus on the New York City Electrical Code and other requirements pursuant to section 105-03 of subchapter E of this chapter. The Department will accept for each license year up to four (4) credit hours earned from an electrical continuing education course offered in another jurisdiction as part of a licensed electrician renewal process in that jurisdiction, provided that the course is at least eight (8) credit hours per license year in that jurisdiction, the credits were earned during the three (3) years immediately prior to renewal and:

- (i) the jurisdiction follows the National Electrical Code/NFPA 70;
- (ii) the course provider is a certified provider within that jurisdiction; and
- (iii) the course is taught by an instructor with experience in the electrical field who is certified
as an electrical course provider in jurisdictions following the National Electrical Code/NFPA 70.

Credit hours earned in another jurisdiction will not count toward the at least four (4) hours that must focus on the New York City Electrical Code and other requirements pursuant to section 105-03.

(5) Hoisting Machine Operator. Beginning July 1, ~~[2013]~~2015, during the one (1) year immediately prior to renewal, the licensee must have successfully completed a Department-approved eight- (8) hour course covering those provisions of the

administrative code and regulations that are unique to New York City for the operation of a hoisting machine and the unique hazards of operating a hoisting machine within New York City.

(7) Master Rigger. [During] Beginning July 1, 2015, during the three (3) years immediately prior to renewal, the licensee shall have successfully completed a Department-approved eight- (8) hour re-certification course including instruction on inspection, maintenance, repair, use, installation, hazards associated with, and the relevant sections of the building code and industry practice with regards to:

- (i) Rigging methods, hardware, and equipment;
- (ii) Hoisting machines, including cranes and derricks;
- (iii) Climber/tower crane assembly, jumping, and disassembly;
- (iv) Suspended scaffolds;
- (v) Critical picks; and
- (vi) Fall hazards and fall protection.

(8) Special Rigger. [During] Beginning July 1, 2015, during the three (3) years immediately prior to renewal, the licensee shall have successfully completed a Department-approved eight- (8) hour re-certification course including instruction on inspection, maintenance, repair, use, installation, hazards associated with, and the relevant sections of the building code and industry practice with regards to:

- (i) Rigging methods, hardware, and equipment;
- (ii) Hoisting machines with a manufacturer's rated capacity of one ton or less;
- (iii) Suspended scaffolds;
- (iv) Critical picks; and
- (v) Fall hazards and fall protection.

§2. Section 104-06 of Subchapter D of Chapter 100 of Title 1 of the Rules of the City of New York is amended by adding a new subdivision (d) to read as follows:

(d) Additional powers of the commissioner. The commissioner may, upon a determination of good cause, extend the dates and deadlines set forth in this rule.

§3. Subparagraphs (i) and (ii) of paragraph (2) of subdivision (b) of section 104-09 of Subchapter D of Chapter 100 of Title 1 of the Rules of the City of New York are amended to read as follows:

(2) Valid national certification(s) as follows:

- (i) For Class A Hoisting Machine Operators whose license is renewed or reinstated on or after July 1, [2013]2015, one or more valid certification(s) issued by an organization accredited to offer crane operator certifications by the National Commission for Certifying Agencies (NCCA) or the American National Standards Institute (ANSI) and acceptable to the Commissioner. For Class A Hoisting Machine Operators with licenses renewed or reinstated prior to July 1, 2015, such certification must be obtained within one year of renewal. The certification(s) shall authorize the operation of the type of equipment for which

the license is held or sought and the licensee shall provide to the Department a copy of the certification(s), a copy of future re-certifications and documentation of new specialties acquired. The applicable certification(s) must be maintained continuously for the duration of the license term.

(ii) For Class B Hoisting Machine Operators whose license is renewed or reinstated on or after July 1, ~~[2013]~~2015, all crane operator certifications issued by an organization accredited to offer tower, mobile and crawler crane operator certifications by the National Commission for Certifying Agencies (NCCA) or the American National Standards Institute (ANSI) and acceptable to the Commissioner. For Class B Hoisting Machine Operators with licenses renewed or reinstated prior to July 1, 2015, such certification must be obtained within one year of renewal. The applicant must have passed at least one of the certification exams on a friction crane. The licensee must provide to the Department a copy of the certifications, a copy of future re-certifications and documentation of new specialties acquired. The applicable certifications must be maintained continuously for the duration of the license term.

§4. Section 104-09 of Subchapter D of Chapter 100 of Title 1 of the Rules of the City of New York is amended by adding a new subdivision (g) to read as follows:

(g) Additional powers of the commissioner. The commissioner may, upon a determination of good cause, extend the dates and deadlines set forth in this rule.