

By: Giddings

H.B. No. 1807

A BILL TO BE ENTITLED

AN ACT

relating to registration and regulation of crane operators,
signalpersons, and riggers; providing penalties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Title 8, Occupations Code, is amended by adding
Chapter 1306 to read as follows:

CHAPTER 1306. REGULATION OF CRANE OPERATORS,
SIGNALPERSONS, AND RIGGERS

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 1306.001. DEFINITIONS. In this chapter:

(1) "ANSI" means the American National Standards
Institute.

(2) "ASME" means the American Society of Mechanical
Engineers.

(3) "Commission" means the Texas Commission of
Licensing and Regulation.

(4) "Crane" means a machine that is used to lift,
lower, and horizontally move a suspended load and that includes a
hoisting mechanism as an integral part of the machine.

(5) "Crane inspector" means an individual who inspects
cranes to determine whether the cranes may be operated safely.

(6) "Crane operator" means an individual who operates
a crane.

(7) "Department" means the Texas Department of

1 Licensing and Regulation.

2 (8) "Rigger" means an individual who handles and rigs
3 loads with hardware and equipment used to attach a load to a crane.

4 (9) "Signalperson" means an individual who provides
5 guidance and communicates directions to a crane operator while the
6 operator is lifting, hoisting, moving, or releasing a load.

7 (10) "Tower crane" means a power-operated hoisting
8 machine with a boom, swing jib, or structural component mounted on a
9 vertical mast or tower structure that functions to hoist, lower,
10 and swing loads at various radii.

11 Sec. 1306.002. EXEMPTIONS. This chapter does not apply to a
12 person who:

13 (1) is a member of the armed forces of the United
14 States and who is operating, assembling, or disassembling a crane
15 in the scope of the member's official duties; or

16 (2) is a crane operator trainee enrolled or
17 participating in a structured crane operator training program
18 developed and documented by the employer and is under the direct
19 supervision of a crane operator registered under this chapter.

20 [Sections 1306.003-1306.050 reserved for expansion]

21 SUBCHAPTER B. POWERS AND DUTIES OF COMMISSION AND DEPARTMENT

22 Sec. 1306.051. GENERAL POWERS AND DUTIES. The commission
23 and department shall administer and enforce this chapter.

24 Sec. 1306.052. ADOPTION OF RULES. The commission shall
25 adopt rules consistent with this chapter as necessary to administer
26 this chapter.

27 Sec. 1306.053. FEES. The commission shall set application,

1 registration, and renewal fees in amounts reasonable and necessary
2 to cover the cost of administering this chapter.

3 [Sections 1306.054-1306.100 reserved for expansion]

4 SUBCHAPTER C. REGISTRATION

5 Sec. 1306.101. CRANE OPERATOR REGISTRATION REQUIRED. (a)

6 A person may not act as a crane operator unless the person holds a
7 crane operator certificate of registration issued by the department
8 under this chapter.

9 (b) An employer or contractor may not allow an individual to
10 act as a crane operator unless the individual holds a crane operator
11 certificate of registration issued by the department under this
12 chapter.

13 Sec. 1306.102. SIGNALPERSON REGISTRATION REQUIRED. (a) A
14 person may not act as a signalperson or give hand or verbal signals
15 to control the operation of a crane unless the person holds a
16 signalperson certificate of registration issued by the department
17 under this chapter.

18 (b) An employer or contractor may not allow an individual to
19 act as a signalperson unless the individual holds a signalperson
20 certificate of registration issued by the department under this
21 chapter.

22 Sec. 1306.103. RIGGER REGISTRATION REQUIRED. (a) A person
23 may not act as a rigger or allow a person to rig loads to be lifted
24 by a crane unless the person holds a rigger certificate of
25 registration issued by the department under this chapter.

26 (b) An employer or contractor may not allow an individual to
27 act as a rigger unless the individual holds a rigger certificate of

1 registration issued by the department under this chapter.

2 Sec. 1306.104. CRANE OPERATOR ELIGIBILITY REQUIREMENTS.

3 (a) To protect the public health and safety, the commission by rule
4 shall establish eligibility criteria for a person to hold a crane
5 operator certificate of registration under this chapter.

6 (b) The rules must require a crane operator of a mobile or
7 tower crane to hold a crane operator certification issued by:

8 (1) the National Commission for the Certification of
9 Crane Operators; or

10 (2) an equivalent crane operator certification
11 program approved by the department that:

12 (A) has personnel accreditation standards at
13 least as stringent as the ANSI standards as of September 1, 2009;

14 (B) has safety standards at least as stringent as
15 the ASME B30.3-2004 Construction Tower Cranes and ASME B30.5-2007
16 Mobile and Locomotive Cranes standards; and

17 (C) demonstrates the person has acquired and
18 maintains the knowledge, skill, and ability necessary to operate
19 the type of crane for which certification is sought.

20 Sec. 1306.105. SIGNALPERSON ELIGIBILITY REQUIREMENTS. (a)
21 To protect the public health and safety, the commission by rule
22 shall establish eligibility criteria for a person to hold a
23 signalperson certificate of registration under this chapter.

24 (b) The rules must require a signalperson to hold a
25 signalperson certification issued by:

26 (1) the National Commission for the Certification of
27 Crane Operators; or

1 (2) an equivalent signalperson certification program
2 approved by the department that:

3 (A) has personnel accreditation standards at
4 least as stringent as the ANSI standards as of September 1, 2009;

5 (B) has safety standards at least as stringent as
6 the ASME B30.3-2004 Construction Tower Cranes and ASME B30.5-2007
7 Mobile and Locomotive Cranes standards; and

8 (C) demonstrates the person has acquired and
9 maintains the knowledge, skill, and ability necessary to act as a
10 signalperson.

11 Sec. 1306.106. RIGGER ELIGIBILITY REQUIREMENTS. (a) To
12 protect the public health and safety, the commission by rule shall
13 establish eligibility criteria for a person to hold a rigger
14 certificate of registration under this chapter.

15 (b) The rules must require a rigger to hold a rigger
16 certification issued by:

17 (1) the National Commission for the Certification of
18 Crane Operators; or

19 (2) an equivalent rigger certification program
20 approved by the department that:

21 (A) has personnel accreditation standards at
22 least as stringent as the ANSI standards as of September 1, 2009;
23 and

24 (B) demonstrates the person has acquired and
25 maintains the knowledge, skill, and ability necessary to act as a
26 rigger.

27 (c) The rules must establish the following categories of

1 registration for riggers:

2 (1) a basic rigger is a person who:

3 (A) performs simple, repetitive rigging tasks
4 when the load weight, center of gravity, rigging, and rigging
5 configuration are provided or known by the rigger through
6 experience or training before the rigging activities are
7 undertaken;

8 (B) is able to demonstrate pre-use inspection, to
9 identify and attach rigging with basic knowledge of hitch
10 configurations, capacities, and basic knots, and to recognize
11 associated hazards;

12 (C) has knowledge of signaling operations; and

13 (D) is able to describe and demonstrate various
14 types of rigging equipment and basic hitches and their
15 applications;

16 (2) an intermediate rigger is a person who:

17 (A) meets all requirements for a basic rigger;

18 (B) is able to select rigging components and
19 procedures based on rigging capacity data;

20 (C) is able to perform rigging tasks
21 unsupervised, estimate load weight and center of gravity, identify
22 lift points, and determine and select rigging based on loading;

23 (D) is able to perform pre-use inspection of
24 rigging and lift points and to identify and attach rigging with
25 knowledge of hitch configurations, load angle factors, rigging
26 capacities, and load integrity;

27 (E) has an understanding of load dynamics and

1 associated hazards; and

2 (F) as applicable, has a working knowledge of
3 hoisting equipment, winches, jacks, industrial rollers, and
4 similar equipment; and

5 (3) an advanced rigger is a person who:

6 (A) meets all the requirements of an intermediate
7 rigger;

8 (B) is capable of determining rigging and
9 planning for complex load handling;

10 (C) is capable of selecting rigging equipment
11 based on complex load handling requirements;

12 (D) is able to develop and oversee load moving
13 procedures dealing with critical or high consequence applications;
14 and

15 (E) demonstrates procedural knowledge of rigging
16 methods, equipment usage, travel path selection, personnel
17 assignments, handling sequences, and after-action reviews.

18 Sec. 1306.107. APPLICATION. An applicant for a certificate
19 of registration under this chapter must:

20 (1) submit to the department a completed application
21 on the form prescribed by the commission;

22 (2) submit to the department any other information
23 required by the commission;

24 (3) demonstrate to the satisfaction of the department
25 that the applicant meets the qualifications for registration
26 established under this chapter and commission rule; and

27 (4) pay the application and registration fees set by

1 the commission.

2 Sec. 1306.108. RENEWAL OF REGISTRATION. (a) A certificate
3 of registration issued under this chapter expires on the first
4 anniversary of the date of issuance.

5 (b) On payment of the required renewal fee and compliance
6 with any other requirements established by commission rule to
7 protect the public health and safety, registration may be renewed.

8 [Sections 1306.109-1306.150 reserved for expansion]

9 SUBCHAPTER D. INSPECTIONS AND RECORDS

10 Sec. 1306.151. INSPECTIONS. (a) A person may not operate a
11 crane in this state unless the crane is annually inspected by a
12 crane inspector in accordance with the requirements of the federal
13 Occupational Safety and Health Administration. The crane inspector
14 must hold a certification issued by:

15 (1) the National Commission for the Certification of
16 Crane Operators; or

17 (2) an equivalent inspector certification program
18 approved by the department that:

19 (A) has personnel accreditation standards at
20 least as stringent as the ANSI standards as of September 1, 2009;
21 and

22 (B) demonstrates the inspector has acquired and
23 maintained the necessary knowledge, skill, and ability to act as a
24 crane inspector.

25 (b) A person may not operate a new or altered crane unless
26 the crane has been inspected by a crane inspector who meets the
27 qualifications required under Subsection (a).

1 (c) A crane inspector shall ensure the crane complies with
2 the periodic inspection requirements established by ASME
3 B30.3-2004 Construction Tower Cranes and ASME B30.5-2007 Mobile and
4 Locomotive Cranes or other requirements as provided by commission
5 rule.

6 (d) For each crane in operation in this state, the
7 contractor or other person responsible for the operation of the
8 crane shall ensure a competent person performs daily inspections of
9 the crane in accordance with the specification of the manufacture
10 and the American Society of Mechanical Engineers.

11 Sec. 1306.152. RECORDS. (a) A contractor or person who
12 hires a crane operator, signalperson, or rigger shall maintain a
13 record of each inspection performed on a crane, including
14 inspections of the brakes, hooks, ropes, hydraulic and pneumatic
15 cylinders, and hydraulic and pneumatic pressure valves, until at
16 least the third anniversary of the date of inspection.

17 (b) The contractor or hiring person shall make the
18 inspection reports available for review on request.

19 [Sections 1306.153-1306.200 reserved for expansion]

20 SUBCHAPTER E. ENFORCEMENT

21 Sec. 1306.201. DISCIPLINARY ACTION. A person is subject to
22 disciplinary action under Subchapter G, Chapter 51, if the person
23 violates this chapter or a rule adopted under this chapter.

24 Sec. 1306.202. ADMINISTRATIVE PENALTY; HEARINGS. The
25 department may impose an administrative penalty in the manner
26 provided by Subchapter F, Chapter 51, on a person if the person
27 violates this chapter or a rule adopted under this chapter.

1 Sec. 1306.203. CEASE AND DESIST; CIVIL PENALTY; INJUNCTION.

2 (a) The department may issue a cease and desist order if the
3 department determines that an order is necessary to:

- 4 (1) prevent a violation of this chapter; or
5 (2) protect the public health and safety.

6 (b) The attorney general or the department under this
7 chapter may institute an action for an injunction or a civil penalty
8 as provided by Section 51.352.

9 SECTION 2. (a) Not later than November 1, 2009, the Texas
10 Commission of Licensing and Regulation shall adopt rules required
11 by Chapter 1306, Occupations Code, as added by this Act.

12 (b) Notwithstanding Chapter 1306, Occupations Code, as
13 added by this Act, a crane operator is not required to hold a
14 certificate of registration under that chapter until January 1,
15 2010.

16 SECTION 3. (a) Except as provided by Subsection (b) of this
17 section, this Act takes effect September 1, 2009.

18 (b) Sections 1306.101, 1306.102, and 1306.103, Occupations
19 Code, as added by this Act, take effect January 1, 2010.