



LEXSTAT 41 NJR 4175(A)

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**RULE PROPOSALS**

**LABOR AND WORKFORCE DEVELOPMENT  
PUBLIC SAFETY AND OCCUPATIONAL SAFETY AND HEALTH**

*41 N.J.R. 4175(a)*

**Proposed Readoption: N.J.A.C. 12:121**

[Click here to view Interested Persons Statement](#)

**Licensing of Crane Operators**

Authorized By: David J. Socolow, Commissioner, Department of Labor and Workforce Development.

Authority: N.J.S.A. 45:1-21 et seq.

Calendar Reference: See Summary below for explanation of exception to the calendar requirement.

Proposal Number: PRN 2009-337.

A **public hearing** on the proposed readoption will be held on the following date at the following location:

Friday, December 11, 2009  
10:00 A.M. to 12:00 Noon  
NJ Department of Labor and Workforce Development  
John Fitch Plaza  
2nd Floor Large Conference Room  
Trenton, New Jersey

Please call the Office of Legal and Regulatory Services at (609) 292-2789 if you wish to be included on the list of speakers.

Submit written comments by January 15, 2010 to:

David Fish, Regulatory Officer  
Office of Legal and Regulatory Services  
NJ Department of Labor and Workforce Development  
P.O. Box 110 - 13th Floor  
Trenton, New Jersey 08625-0110

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The agency proposal follows:

### **Summary**

Pursuant to N.J.S.A. 52:14B-5.1c, N.J.A.C. 12:121, the chapter that sets forth rules pertaining to the licensing of crane operators, is scheduled to expire on April 2, 2010. The Department has reviewed N.J.A.C. 12:121 and has determined the chapter to be necessary, reasonable and proper for the purposes for which it was originally promulgated. Accordingly, the Department proposes that N.J.A.C. 12:121 be readopted.

A summary of the chapter follows:

Subchapter 1 contains general provisions, which address the purpose and scope of the chapter, adoptions by reference and validity.

Subchapter 2 contains definitions of words and terms used throughout the chapter.

Subchapter 3 concerns the Crane Operators License Advisory Board (Board). The subchapter establishes the Board, addresses the reimbursement of Board members and delineates the duties of the Board.

Subchapter 4 contains the eligibility requirements and procedures for obtaining and renewing a crane operator's license. It also sets forth the license fees, license duration and the requirements relating to the identification of a license.

Subchapter 5 contains accident notification requirements.

Subchapter 6 addresses suspension, revocation or refusal to grant a crane operator's license.

Subchapter 7 addresses enforcement of the chapter, including the imposition of orders to cease and/or penalties for violations of the chapter.

Subchapter 8 sets forth the hearing procedures for violators against whom the Department seeks to impose penalties under the chapter.

Subchapter 9 contains information as to the availability of documents referred to within the chapter.

[page=4176] As the Department has provided a 60-day comment period for this notice of proposal, this notice is excepted from the rulemaking calendar requirements, pursuant to N.J.A.C. 1:30-3.3(a)5.

### **Social Impact**

The rules proposed for re Adoption would have a positive social impact in that the existence of a regulatory structure for the licensing of crane operators and for the enforcement of both the Licensing of Crane Operators Act, N.J.S.A. 45:26-1 et seq., and this chapter would enable the Department to ensure a safer, more secure working environment at construction, renovation and demolition sites across this State. This safer, more secure working environment would benefit not only the workers and the licensees themselves, who labor at those sites, but would also benefit those who employ them. By adhering to the clearly stated requirements of the chapter, potential safety issues and the legal and monetary liabilities that might flow from them can be understood in detail by all parties who fall within the scope of the chapter's and the Act's enforcement provisions. The rules would also continue to inform applicants for crane operator licenses of the requirements that must be met before they can commence their work duties, while also apprising them of how they must comport themselves in regard to license renewal and maintenance of the license itself. By setting out the responsibilities of applicants and licensees and by making clear the consequences for failure to adhere to the Act or this chapter, it is expected that there will be a diminution in the hazards attendant to the operation of cranes by unqualified individuals and, therefore, the maintenance of a safer work environment.

### **Economic Impact**

The rules proposed for re Adoption would continue to require the payment of a \$ 250.00 fee for a five-year license. The rules would also continue to charge an additional fee for late renewal applications and a fee for duplicate licenses. Furthermore, the rules proposed for re Adoption would continue to provide for the imposition of monetary penalties

against those who violate the Act or the chapter. The penalties are a necessary deterrent to potential violators and the fees are needed in order to defray the costs incurred by the Department to enforce the Act and the chapter.

### **Federal Standards Statement**

The rules proposed for readoption are governed by N.J.S.A. 45:26-1 et seq., and are not subject to any Federal standards or requirements. Therefore, a Federal standards analysis is not required.

### **Jobs Impact**

The rules proposed for readoption would have no impact on either the generation or loss of jobs.

### **Agriculture Industry Impact**

The rules proposed for readoption would have no impact on the agriculture industry.

### **Regulatory Flexibility Analysis**

The rules proposed for readoption would have the same impact on all businesses that utilize the services of crane operators, whether those businesses are large or small, as defined in the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. As indicated in the Economic Impact statement above, all those persons who apply for a crane operator license would be required to pay a fee of \$ 250.00 for a license, which would be valid for a five-year period. That averages out to just \$ 50.00 per year; an amount, which is both reasonable and nominal. The cost of this fee on small businesses, it is expected, would be recouped through the ordinary costs charged to perform the construction, renovation or demolition work in question. Also, the rules proposed for readoption would establish standards for reacting to a crane related accident, which, if properly followed by the licensee and his or her employer, would permit the Department to more quickly respond to the accident scene, investigate the situation and issue a definitive accident report. This, in turn, would allow for a resolution and amelioration of the causes of the accident thereby permitting the work-site to be reopened and work on the site to resume; a conclusion, which would certainly have a positive financial impact on those whose livelihoods depend on the safe and prompt continuation of the construction project. Most importantly, the rigorous enforcement by the Department of the licensing and relicensing requirements of the Act and the rules proposed for readoption should add immeasurably to a safer work environment, which should translate favorably into money saved and aggravation avoided by all who labor on or are in contact with cranes. No professional services would be needed in order to comply with the rules proposed for readoption.

### **Smart Growth Impact**

The rules proposed for readoption would not have an impact on the achievement of smart growth or the implementation of the State Development and Redevelopment Plan.

### **Housing Affordability Impact**

The rules proposed for readoption should not evoke a change in the average costs associated with housing. The basis for this finding is that whatever nominal costs are associated with ensuring the licensure of crane operators should not have an appreciable affect on the costs of housing overall and should certainly not evoke a change in the average costs associated with housing.

### **Smart Growth Development Impact**

The rules proposed for readoption would not evoke a change in the housing production within Planning Areas 1 or 2, or within designated centers, under the State Development and Redevelopment Plan. The basis for this finding is that the rules proposed for readoption pertain very specifically to the licensing of crane operators, requiring the payment of a nominal fee for licensure and imposing reasonable requirements on licensees and their employers. The readoption of these rules would have no impact on housing production, either within Planning Areas 1 or 2, within designated centers, or anywhere in the State of New Jersey.

**Full text** of the rules proposed for readoption may be found in the New Jersey Administrative Code at N.J.A.C. 12:121.