



## Legislation Details (With Text)

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**Title:** A Local Law to amend the New York city building code, in relation to the operation of hoisting machines.

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**Indexes:**

**Attachments:** 1. Summary of Int. No. 299-A, 2. Int. No. 299 - 4/29/14, 3. Committee Report 9/22/14, 4. Hearing Testimony 9/22/14, 5. Hearing Transcript 9/22/14, 6. Proposed Int. No. 299-A - 7/25/17

Date	Ver.	Action By	Action	Result
4/29/2014	*	City Council	Introduced by Council	
4/29/2014	*	City Council	Referred to Comm by Council	
9/22/2014	*	Committee on Housing and Buildings	Hearing Held by Committee	
9/22/2014	*	Committee on Housing and Buildings	Amendment Proposed by Comm	
9/22/2014	*	Committee on Housing and Buildings	Laid Over by Committee	
12/31/2017	A	City Council	Filed (End of Session)	

### Proposed Int. No. 299-A

By Council Members Kallos, Constantinides, Crowley, Deutsch, Ferreras-Copeland, Gentile, Gibson, Reynoso, Koo, Lancman, Levin, Levine, Maisel, Miller, Rodriguez, Richards, Chin, Cornegy, Espinal, Mealy, Eugene, Vacca, King, Cohen, Rose, Menchaca, Van Bramer, Rosenthal, Dromm, Johnson, Cumbo, Koslowitz, Ulrich and the Public Advocate (Ms. James)

A Local Law to amend the New York city building code, in relation to the operation of hoisting machines.

Be it enacted by the Council as follows:

Section 1. Section 28-405.1 of the administrative code of the city of New York, as amended by local law number 141 for the year 2013, is amended to read as follows:

**§ 28-405.1 Hoisting machine operator license required.** It shall be unlawful for any persons to take charge of

or operate any power-operated hoisting machine used for hoisting purposes or cableways under the jurisdiction of the department, unless such person is licensed under the provisions of this article or is a holder of a certificate of qualification as a hoisting machine operator issued prior to December 6, 1968 and not allowed to lapse.

**Exceptions:**

1. Operators of mobile cranes of a limited size and capacity exempted from the requirements of this article under chapter 33 of the New York city building code, or exempted in accordance with rules promulgated by the commissioner.
2. Hoisting machines with a [manufacturer's rated] capacity of one ton or less, as determined by the department.
3. Power-operated scaffolds and window-washing machines.

§2. Item 3 of section 28-405.2 of the administrative code of the city of New York, as amended by local law number 141 for the year 2013, is amended to read as follows:

**3. Class C license:** Special hoisting machine operator license to operate a specified class of hoisting machine of limited size and capacity as follows:

**Class C1:** License to operate wheel mounted cranes (single control station) with telescoping, hydraulic, articulating or folding booms, including jibs and any other extensions to the boom, not exceeding 200 feet in length (60 960 mm) with a manufacturer's rated capacity of 50 tons (51 t) or less;

**Class C2:** License to operate boom trucks with telescoping, hydraulic, articulating or folding booms, including jibs and any other extensions to the boom, not exceeding 200 feet (60 960 \_\_mm) in length with a manufacturer's rated capacity of 50 tons (51 t) or less;

**Class C3:** License to operate boom trucks with telescoping, hydraulic, articulating or folding booms, including jibs and any other extensions to the boom, not exceeding 135 feet (41 148 mm) in length with a manufacturer's rated capacity of three tons or less, used exclusively for the erection, maintenance or removal of signs.

§3. Section 28-405.3.1 of the administrative code of the city of New York, as amended by local law number 141 for the year 2013, is amended to read as follows:

**§ 28-405.3.1 Class A license.** An applicant for a class A basic hoisting machine operator license shall:

1. [have] Have at least three years of experience within the five years prior to application under the direct and continuing supervision of a [licensed] class A or class B hoisting machine operator licensed by the department in accordance with this section; provided that such qualifying experience must have been undertaken in the city; and
2. Have successfully completed a written examination and a practical examination, in accordance with section 28-405.6 of this article.

§4. Section 28-405.3.2 of the administrative code of the city of New York, as amended by local law number 141 for the year 2013, is amended to read as follows:

**§ 28-405.3.2 Class B license.** An applicant for a class B hoisting machine operator license shall have a class A basic hoisting machine operator license, and shall:

1. [have] Have at least two years of experience prior to application under the direct and continuing supervision of a Class B licensed hoisting machine operator operating the equipment for which he or she is applying for endorsement;
2. [and shall satisfactorily demonstrate] Have satisfactorily demonstrated by operation that he or she is competent to operate a crane with a boom, including jibs and other extensions, exceeding 200 feet (60 960 mm) in length or a truck-mounted tower crane exceeding 200 feet (60 960 mm) in height[, or as otherwise provided in rules of the department]; and
3. Have successfully completed a practical examination, in accordance with section 28-405.6 of this article.

§5. Article 405 of title 28 of the administrative code of the city of New York is amended by adding a new section 28-405.6 to read as follows:

**§ 28-405.6 Examinations.** Where required by this article, written or practical examinations shall be developed and administered by the department or by another city agency as determined by the commissioner and shall address the unique challenges of safely operating the equipment for which the examinee is applying for licensure or endorsement, as applicable, within the city's environment and all federal, state and local laws, rules and regulations enforced by the city applicable to such operation.

§6. Section 3302.1 of the New York city building code is amended by adding a new definition for “CLIMBER CRANE,” in appropriate alphabetical order, and by amending the definition of “MOBILE CRANE,” as added by local law number 33 for the year 2007, to read as follows:

**CLIMBER CRANE.** A crane erected upon and supported by a building or other structure and which may be raised or lowered to different floors or levels of the building or structure.

**MOBILE CRANE.** A commercial truck mounted crane, crawler crane, wheel mounted crane (multiple control stations), or wheel mounted crane (single control station).

**Exception:** This term shall not include climber cranes.

§7. This local law shall take effect on October 1, 2014, except that this local law shall not apply to work related to applications for construction document approval filed prior to such effective date, and except that the commissioner of buildings shall take such measures as are necessary for its implementation, including the

promulgation of rules, prior to such effective date.

EAA  
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