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Referred: Labor and Commerce
and Finance

go00240s

BY THE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

1 IN THE SENATE

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SENATE BILL NO. 376

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IN THE LEGISLATURE OF THE STATE OF ALASKA

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SIXTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act relating to crane operator certification; and
7 providing for an effective date."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 18.63 is amended by adding new sections to read:

10 CHAPTER 63. HAZARDOUS OCCUPATION [PAINTING] CERTIFICATION.

11

ARTICLE 2. CRANE OPERATORS.

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13 Sec. 18.63.110. CRANE OPERATOR CERTIFICATION. A person may not
14 operate a crane unless that person holds a valid crane operator cer-
15 tificate issued by the department.

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16 Sec. 18.63.120. EXEMPTIONS. AS 18.63.110 - 18.63.200 do not
17 apply to a person operating a stacker, lift truck, power shovel,
18 backhoe, excavator, or derrick, nor to a person operating a chain or
19 powered hoist. Other exemptions may be established by the department
20 by regulation.

20

21 Sec. 18.63.130. ISSUANCE OF CERTIFICATE. (a) The department
22 shall issue a crane operator certificate to an applicant who meets the
23 requirements of this section and who pays the certificate fee.

23

24 (b) Persons seeking to obtain an initial crane operator certifi-
25 cate shall submit an application to the department on a form pre-
26 scribed by the department. The application must include proof, satis-
27 factory to the department, that the applicant meets the minimum crane
28 operator qualifications established by the department under AS 18.-
29 63.160. The application shall specify the type or types of crane for
which certification is requested. Except as provided in (c) of this

1 section, the application must also include proof that the applicant
2 has successfully completed an approved initial crane operator certi-
3 fication training program for the type or types of crane for which
4 certification is requested. The training required under this section
5 must be completed not more than 45 days before the applicant's appli-
6 cation is submitted to the department.

7 (c) A person employed as a crane operator before the effective
8 date of this section and who makes application to the department no
9 later than May 15, 1991, shall be issued an initial certificate with-
10 out proof of completion of an approved initial crane operator certi-
11 fication training program if the applicant provides proof, satisfac-
12 tory to the department, that the applicant has at least 2,000 hours of
13 employment as a crane operator for the type or types of crane for
14 which certification is requested. The applicant must otherwise meet
15 the requirements of (b) of this section.

16 (d) A certificate issued by the department is valid for three
17 years. The department may suspend or revoke a certificate for cause.

18 Sec. 18.63.140. CERTIFICATE RENEWAL. An application for certif-
19 icate renewal must be on a form prescribed by the department. It must
20 include proof that the applicant has successfully completed an ap-
21 proved supplemental crane operator certification training program for
22 the type or types of crane for which renewal is requested. The train-
23 ing required under this section must be completed not more than 45
24 days before the applicant's application is submitted to the depart-
25 ment.

26 Sec. 18.63.150. CERTIFICATE FEE. (a) The department shall, by
27 regulation, establish the triennial fee for a crane operator certifi-
28 cate.

29 (b) The commissioner of administration shall separately account

1 for all fees collected under AS 18.63.110 - 18.63.200 that the depart-
2 ment deposits in the general fund. The annual estimated balance in
3 the account may be used by the legislature to make appropriations to
4 the department to carry out the purposes of AS 18.63.110 - 18.63.200.

5 Sec. 18.63.160. MINIMUM OPERATOR QUALIFICATION; CERTIFICATION
6 PROGRAMS. (a) The department shall

7 (1) establish minimum crane operator qualifications;

8 (2) establish requirements for initial and supplemental
9 crane operator certification training programs;

10 (3) review, and approve or disapprove, certification train-
11 ing programs proposed by contractors, labor organizations, public and
12 private schools, vocational education institutions, and others; and

13 (4) assist persons who propose programs to meet the re-
14 quirements for approval.

15 (b) An initial and a supplemental crane operator certification
16 training program must include written and practical testing as pre-
17 scribed by the department.

18 Sec. 18.63.170. INSPECTIONS AND ENFORCEMENT. The department
19 shall inspect work sites to ensure that persons operating cranes are
20 certified as required under AS 18.63.110. If the department finds,
21 upon inspection, that a person is operating a crane in violation of
22 AS 18.63.110, it shall notify the crane operator of the violation and
23 order the person to stop operation of the crane. A person to whom a
24 stop order is directed shall comply with it immediately.

25 Sec. 18.63.180. PENALTIES. (a) A person who employs, contracts
26 with, or permits a person to operate a crane in violation of AS 18.-
27 63.110 shall be assessed, by the department, a penalty of \$2,500 for
28 the first violation and \$5,000 for each subsequent violation. Each
29 day upon which a violation occurs constitutes a separate violation.

1 (b) A person who wishes to contest a penalty assessed by the
2 department shall follow the procedures established by the department
3 by regulation.

4 Sec. 18.63.190. REGULATIONS. The department shall adopt regu-
5 lations necessary to implement AS 18.63.110 - 18.63.200.

6 Sec. 18.63.200. DEFINITIONS. In AS 18.63.110 - 18.63.200

7 (1) "department" means the Department of Labor;

8 (2) "crane" means a machine, whether fixed or mobile, for
9 lifting or lowering a load and moving it horizontally, with the hoist-
10 ing mechanism an integral part of the machine; and includes a hydrau-
11 lic crane, crawler crane, wheel-mounted crane, truck crane, overhead
12 travelling and gantry crane, and a tower crane;

13 (3) "crane operator" means the person controlling the
14 crane's movements and mechanical operation.

15 * Sec. 2. AS 18.63.120, 18.63.130, 18.63.140, 18.63.150, 18.63.160,
16 18.63.190, and 18.63.200, added by sec. 1 of this Act, take effect immedi-
17 ately under AS 01.10.070(c).

18 * Sec. 3. AS 18.63.110, 18.63.170, and 18.63.180, added by sec. 1 of
19 this Act, take effect May 15, 1991.