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
Licensing and Regulation.

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

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

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

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

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

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

[Sections 1306.003-1306.050 reserved for expansion]

SUBCHAPTER B. POWERS AND DUTIES OF COMMISSION AND DEPARTMENT

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

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

Sec. 1306.053. FEES. The commission shall set application,
registration, and renewal fees in amounts reasonable and necessary
to cover the cost of administering this chapter.

[Sections 1306.054-1306.100 reserved for expansion]

SUBCHAPTER C. REGISTRATION

Sec. 1306.101. CRANE OPERATOR REGISTRATION REQUIRED. (a) A person may not act as a crane operator unless the person holds a crane operator certificate of registration issued by the department under this chapter.

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

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

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

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

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

Sec. 1306.104. CRANE OPERATOR ELIGIBILITY REQUIREMENTS. (a) To protect the public health and safety, the commission by rule shall establish eligibility criteria for a person to hold a crane operator certificate of registration under this chapter. 

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

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

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

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

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

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

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

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

(1) the National Commission for the Certification of Crane Operators; or
(2) an equivalent signalperson certification program approved by the department that:

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

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

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

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

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

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

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

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

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

(c) The rules must establish the following categories of
registration for riggers:

(1) a basic rigger is a person who:
   (A) performs simple, repetitive rigging tasks
       when the load weight, center of gravity, rigging, and rigging
       configuration are provided or known by the rigger through
       experience or training before the rigging activities are
       undertaken;
   (B) is able to demonstrate pre-use inspection, to
       identify and attach rigging with basic knowledge of hitch
       configurations, capacities, and basic knots, and to recognize
       associated hazards;
   (C) has knowledge of signaling operations; and
   (D) is able to describe and demonstrate various
       types of rigging equipment and basic hitches and their
       applications;

(2) an intermediate rigger is a person who:
   (A) meets all requirements for a basic rigger;
   (B) is able to select rigging components and
       procedures based on rigging capacity data;
   (C) is able to perform rigging tasks
       unsupervised, estimate load weight and center of gravity, identify
       lift points, and determine and select rigging based on loading;
   (D) is able to perform pre-use inspection of
       rigging and lift points and to identify and attach rigging with
       knowledge of hitch configurations, load angle factors, rigging
       capacities, and load integrity;
   (E) has an understanding of load dynamics and
associated hazards; and

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

(3) an advanced rigger is a person who:

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

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

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

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

and

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

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

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

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

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

(4) pay the application and registration fees set by
the commission.

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

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

[Sections 1306.109-1306.150 reserved for expansion]

SUBCHAPTER D. INSPECTIONS AND RECORDS

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

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

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

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

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

(b) A person may not operate a new or altered crane unless the crane has been inspected by a crane inspector who meets the qualifications required under Subsection (a).
(c) A crane inspector shall ensure the crane complies with the periodic inspection requirements established by ASME B30.3-2004 Construction Tower Cranes and ASME B30.5-2007 Mobile and Locomotive Cranes or other requirements as provided by commission rule.

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

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

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

[Sections 1306.153-1306.200 reserved for expansion]

SUBCHAPTER E. ENFORCEMENT

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

Sec. 1306.202. ADMINISTRATIVE PENALTY; HEARINGS. The department may impose an administrative penalty in the manner provided by Subchapter F, Chapter 51, on a person if the person violates this chapter or a rule adopted under this chapter.
Sec. 1306.203. CEASE AND DESIST; CIVIL PENALTY; INJUNCTION.

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

(1) prevent a violation of this chapter; or

(2) protect the public health and safety.

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

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

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

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

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