

NEW YORK CITY DEPARTMENT OF BUILDINGS

NOTICE OF ADOPTION OF RULE

K. Chen
4/19/24

NOTICE IS HEREBY GIVEN, pursuant to the authority vested in the Commissioner of Buildings by Section 643 of the New York City Charter and in accordance with Section 1043 of the Charter, that the Department of Buildings hereby adopts the amendments to Sections 104-06 and 104-09 of Chapter 100 of Title 1 of the Official Compilation of the Rules of the City of New York, regarding continuing education requirements and prerequisites for Class B Hoisting Machine Operator ratings. This rule was first published on January 30, 2024, and a public hearing thereon was held on February 29, 2024.

Dated: _____

4/19/2024
New York, New York

James S. Oddo

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Commissioner

Statement of Basis and Purpose of Rule

The 2022 New York City Construction Codes amended some of the course requirements for licensees. Section 104-06 is amended to reflect those changes.

Specifically the amendments to section 104-06:

- Refer more generally to an 8-hour site safety course instead of the specific site safety coordinator or site safety manager course, which allows more flexibility in accepting courses for qualification.
- Create an 8-hour refresher course for lift director license renewals. This mirrors the requirement for other license renewals.
- Amend the Master Fire Suppression Piping Contractor and Master Plumber language to match the other licenses in referring to hours, not days, for the length of the course.
- Mirror changes made to section 28-404.3.1 by the 2022 Code revision to the course requirements for master rigger licensees by eliminating the specific master rigger renewal course and requiring licensees to complete the rigging supervisor and lift director refresher courses upon renewal.
- Mirror changes made to section 28-404.3.2 by the 2022 Code revision to the course requirements for special rigger licensees by requiring completion of the 16-hour suspended scaffold supervisor course upon renewal.
- The new requirements for master and special rigger license renewal courses go into effect beginning January 1, 2025 to allow those who may have already completed refresher courses in anticipation of a renewal in 2024 to proceed without needing a new course.

In response to comments received, language was added to paragraph (6) of subdivision (a) of Section 104-09 to allow applicants for a Limited Hoisting Machine Operator license for articulating boom cranes, mini cranes or telehandlers who submit an application on or before November 6, 2024 to take an 8-hour training course instead of a 40-hour course. Separate rulemaking to amend paragraph (4) of subdivision (a) of Section 104-09 will grandfather the experience of individuals who independently operate articulating boom cranes, mini cranes or telehandlers in New York City prior to November 7, 2024, provided the individual applies for a license by November 6, 2024. An 8-hour training course requirement will treat these individuals akin to existing licensees who are also independently operating in New York City today.

In addition, the amendments:

- Delete references to “climber crane” as the 2022 Code revision includes it as a subset of “tower crane.”
- Add references to course requirements in Chapter 33 of the Building Code to eliminate the need to specify the courses in the rule.
- Clarify that the course requirements are a minimum.
- Delete incorrect and obsolete language.

In addition, subdivision (h) of section 104-09 is amended to clarify that course and examination requirements for a Class B Licensed Hoisting Machine Operator rating must be completed within the one year prior to application. An obsolete date is deleted from that subdivision as well.

The Department of Buildings' authority for these rules is found in sections 643 and 1043 of the New York City Charter and Section 28-401.14 of the City Administrative Code.

New material is underlined.

[Deleted material is in brackets.]

Asterisks (***) indicate unamended text.

“Shall” and “must” denote mandatory requirements and may be used interchangeably in the rules of this department, unless otherwise specified or unless the context clearly indicates otherwise.

Section 1. Paragraphs (6) through (10) of subdivision (a) of section 104-06 of subchapter D of chapter 100 of Title 1 of the Rules of the City of New York are renumbered paragraphs (7) through (11); a new paragraph (6) is added; and paragraph (9), as renumbered by this section, is amended, to read as follows:

(a) **Applicability.** This section shall be applicable to license holders seeking renewal of licenses requiring the completion of continuing education course(s) and to applicants seeking Department approval to provide continuing education courses for the following license types:

(6) Lift Director

(9) Rigger (Master/Special/[Climber or] Tower Crane)

§2. Subdivision (b) of section 104-06 of subchapter D of chapter 100 of Title 1 of the Rules of the City of New York is amended to read as follows:

(b) **Course requirements for license renewals.** The following courses are required for renewal of the below listed license types:

(1) Concrete Safety Manager. During the one (1) year immediately prior to renewal, the licensee [shall] must have successfully completed [an eight- (8) hour] a Department-approved course that is [sufficient to qualify the individual as a competent person under OSHA standards to oversee] at least eight (8) hours in length in concrete operations[, or any equivalent course(s) approved by the Commissioner, including those in electronic format].

- (2) Construction Superintendent. During the one (1) year immediately prior to renewal, the licensee must have successfully completed [an eight- (8) hour Site Safety Coordinator course approved by the Department or any equivalent course(s) approved by the Department, including those in electronic format] a Department-approved course that is at least eight (8) hours in length, covering the site safety provisions of Chapter 33 of the New York city building code and related rules and regulations, as well as relevant safety precautions.
- (3) Electrician (Master/Special). During the one (1) year immediately prior to renewal, the licensee must have successfully completed a Department-approved course [approved by the Department of] that is at least eight (8) hours in length, [which must focus on] covering the New York City Electrical Code and other requirements pursuant to section 105-03 of subchapter E of this chapter.
- (4) Filing Representative. Renewals for class 1 or class 2 filing representative registration are subject to the requirements set forth in 1 RCNY 104-24.
- (5) Hoisting Machine Operator. [Beginning July 1, 2015, during] During the one (1) year immediately prior to renewal, the licensee must have successfully completed a Department-approved course that is at least eight[-] (8) [hour course] hours in length covering those provisions of the administrative code and regulations that are unique to New York City for the operation of a hoisting machine and the unique hazards of operating a hoisting machine within New York City.
- (6) Lift Director. During the one (1) year immediately prior to renewal, the licensee must have successfully completed a Department-approved course that is at least eight (8) hours in length covering the lift direction provisions of Chapter 33 of the New York city building code and related rules and regulations, as well as relevant safety precautions.
- (7) Master Fire Suppression Piping Contractor and Master Plumber. During the one (1) year immediately prior to renewal, the licensee [shall] must have successfully completed a [one- (1) day (seven- (7) hour) continuing education] Department-approved course [approved by the Department] that is at least seven (7) hours in length.
- ~~[(7)]~~(8) Master Rigger. During the one (1) year immediately prior to renewal, the licensee [shall] must have successfully completed [a Department-approved eight- (8) hour re-certification course including instruction on inspection, maintenance, repair, use, installation, hazards associated with, and the relevant sections of the building code and industry practice with regards to] both:
 - (i) [Rigging methods, hardware, and equipment;] A Department-approved rigging supervisor course that is at least sixteen (16) hours in length and meets the requirements of Section 3316.9.2 of the New York city building code; and
 - (ii) [Hoisting machines, including cranes and derricks;] A Department-approved lift director course that is at least eight (8) hours in length covering the lift direction provisions of Chapter 33 of the New York city building code and related rules and regulations, as well as relevant safety precautions.
 - ~~[(iii)]~~ Climber/tower crane assembly, jumping, and disassembly;
 - (iv) Suspended scaffolds;

- (v) Critical picks; and
 - (vi) Fall hazards and fall protection.
- (8)](9) Special Rigger. During the one (1) year immediately prior to renewal, the licensee [shall] must have successfully completed [a Department-approved eight- (8) hour re-certification course including instruction on inspection, maintenance, repair, use, installation, hazards associated with, and the relevant sections of the building code and industry practice with regards to] both:
- (i) [Rigging methods, hardware, and equipment;] A Department-approved suspended scaffold supervisor course that is at least eight (8) hours in length and meets the requirements of Section 3314.4.5.3 of the New York city building code; and
 - (ii) [Hoisting machines with a manufacturer's rated capacity of one ton or less;] A Department-approved course that is at least eight (8) hours in length covering hoisting equipment, other than suspended scaffolds, utilized in the special rigger industry.
 - [(iii) Suspended scaffolds;
 - (iv) Critical picks; and
 - (v) Fall hazards and fall protection.
- (9)](10) [Climber or] Tower Crane Rigger. During the one (1) year immediately prior to renewal, the licensee [shall] must have successfully completed a Department-approved tower crane rigging course that is at least eight[-] (8) [hour re-certification course including instruction on inspection, maintenance, repair, use, installation, hazards associated with, and the relevant sections of the building code and industry practice with regards to:] hours in length and meets the requirements of Section 3319.10.1 of the New York city building code.
- (i) Climber/tower crane assembly, jumping, and disassembly; and
 - (ii) Fall hazards and fall protection.
- (10)](11) Site Safety Coordinator. During the one (1) year immediately prior to renewal, the licensee must have successfully completed [an eight- (8) hour Site Safety Manager refresher course approved by the Department] a Department-approved course that is at least eight (8) hours in length covering the site safety provisions of Chapter 33 of the New York city building code and related rules and regulations, as well as relevant safety precautions.
- [(11)](12) Site Safety Manager. During the one (1) year immediately prior to renewal, the licensee must have successfully completed [an eight- (8) hour Site Safety Manager refresher course approved by the Department] a Department-approved course that is at least eight (8) hours in length covering the site safety provisions of Chapter 33 of the New York city building code and related rules and regulations, as well as relevant safety precautions.

§3. Paragraph (6) of subdivision (a) of section 104-09 of subchapter D of chapter 100 of Title 1 of the Rules of the City of New York is amended to read as follows:

- (6) Additional qualification requirements. In addition to the qualification requirements set forth in the Administrative Code and in this subdivision (a), all Hoisting Machine Operator license applicants [shall] must, during the one (1) year

immediately prior to application, complete a [forty- (40) hour] training course that is at least forty (40) hours in length, approved by the Department, covering those provisions of local law and regulation that are unique to New York City for the operation of a hoisting machine and the unique hazards of operating a hoisting machine within New York City.

Exception: Individuals who submit an application for a Limited Hoisting Machine Operator license for articulating boom cranes, mini cranes, or telehandlers on or before November 6, 2024, need only complete a training course that is at least eight (8) hours in length, approved by the Department, covering those provisions of local law and regulation that are unique to New York City for the operation of a hoisting machine and the unique hazards of operating a hoisting machine within New York City. Such course must have been completed during the two (2) years immediately prior to application.

§4. The introductory paragraph of paragraph (1) of subdivision (h) of section 104-09 of subchapter D of chapter 100 of Title 1 of the Rules of the City of New York is amended to read as follows:

- (1) Prerequisites to obtain rating. To apply for a rating the Class B Licensed Hoisting Machine Operator must demonstrate to the satisfaction of the Commissioner that he or she has successfully completed, during the one (1) year immediately prior to the application to add such rating, for the make and model of hoisting machine for which the rating is sought, the following:

§5. Paragraph (3) of subdivision (h) of section 104-09 of subchapter D of chapter 100 of Title 1 of the Rules of the City of New York is amended to read as follows:

- (3) Renewal of ratings. [Beginning July 1, 2019, ratings must be] Ratings expire at the same time as the underlying Class B Hoisting Machine Operator license unless they are renewed at the same time the underlying [hoisting machine operator] license is renewed. A rating will be considered to be renewed if the licensee demonstrates to the satisfaction of the Commissioner that he or she has successfully complied, during the preceding term of the license, with the course and examination requirements of paragraph (1) of this subdivision, or as applicable, with paragraph (2) of this subdivision.

§6. Paragraphs (8) and (9) of subdivision (b) of section 104-06 of subchapter D of chapter 100 of Title 1 of the Rules of the City of New York, as amended by section 2 of this rule, take effect January 1, 2025.