

# 56 N.J.R. 2266(a)

VOLUME 56, ISSUE 23, DECEMBER 2, 2024

## RULE PROPOSALS

### Reporter

56 N.J.R. 2266(a)

*NJ - New Jersey*

**Register**

>

**2024**

>

**DECEMBER**

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**DECEMBER 2, 2024**

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**RULE PROPOSALS**

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

## Interested Persons Statement

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### INTERESTED PERSONS

Interested persons may submit comments, information or arguments concerning any of the rule proposals in this issue until the date indicated in the proposal. Submissions and any inquiries about submissions should be addressed to the agency officer specified for a particular proposal.

The required minimum period for comment concerning a proposal is 30 days. A proposing agency may extend the 30-day comment period to accommodate public hearings or to elicit greater public response to a proposed new rule or amendment. Most notices of proposal include a 60-day comment period, in order to qualify the notice for an exception to the rulemaking calendar requirements of N.J.S.A. 52:14B-3. An extended comment deadline will be noted in the heading of a proposal or appear in a subsequent notice in the Register.

At the close of the period for comments, the proposing agency may thereafter adopt a proposal, without change, or with changes not in violation of the rulemaking procedures at N.J.A.C. 1:30-6.3. The adoption becomes effective upon publication in the Register of a notice of adoption, unless otherwise indicated in the adoption notice. Promulgation in the New Jersey Register establishes a new or amended rule as an official part of the New Jersey Administrative Code.

## Agency

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

## Administrative Code Citation

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

## Text

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### **Licensing of Crane Operators**

Authorized By: Robert Asaro-Angelo, 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 2024-140.

Submit written comments by January 31, 2025, to:

David Fish, Executive Director  
Office of Legal and Regulatory Services  
New Jersey Department of Labor and Workforce Development  
PO Box 110-13th Floor  
Trenton, New Jersey 08625-0110  
  
Email: [david.fish@dol.nj.gov](mailto:david.fish@dol.nj.gov)

The agency proposal follows:

### **Summary**

Pursuant to N.J.S.A. 52:14B-5.1.c, N.J.A.C. 12:121, the chapter that sets forth rules pertaining to the licensing of crane operators, was scheduled to expire on November 6, 2024. As the Department of Labor and Workforce Development (Department) filed this notice of proposal for the readoption of N.J.A.C. 12:121 before November 6, 2024, pursuant to N.J.S.A. 52:14B-5.1.c(2), the expiration date was extended 180 days to May 5, 2025. 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 sets forth general provisions, which address the purpose and scope of the chapter, adoptions by reference, and validity.

Subchapter 2 sets forth 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 sets forth 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 sets forth 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 pursuant to the chapter.

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

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.

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### **Social Impact**

The rules proposed for readoption 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 (the 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 and 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 forth 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 readoption 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 readoption would continue to provide for the imposition of monetary penalties against those who violate the Act or this 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 this 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 indicated in the Economic Impact 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 that 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. Further, the rules proposed for readoption set forth 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 that 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 re-licensing requirements of the Act and the rules proposed for readoption should contribute to a safer work environment that 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.

### **Housing Affordability Impact Analysis**

It is not anticipated that the rules proposed for readoption would evoke a change in the average costs associated with housing, nor with the affordability of housing in the State. The basis for this finding is that the rules proposed for readoption pertain to the licensing of crane operators and do not pertain to housing.

### **Smart Growth Development Impact Analysis**

It is not anticipated that the rules proposed for readoption would evoke a change in the housing production within Planning Areas 1 and 2, or within designated centers, pursuant to the State Development and Redevelopment Plan. The basis for this finding is that the rules proposed for readoption pertain to the licensing of crane operators and do not pertain to housing production, either within Planning Areas 1 or 2, within designated centers, or anywhere else in the State of New Jersey.

### **Racial and Ethnic Community Criminal Justice and Public Safety Impact**

The Commissioner of the Department has evaluated this rulemaking and determined that it would not have an impact on pretrial detention, sentencing, probation, or parole policies concerning adults and juveniles in the State. Accordingly, no further analysis is required.

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