WEST VIRGINIA CODE CHAPTER 21 ARTICLE 3D

WV Legislature

§21-3D-1. Definitions.

For purposes of this article:

(a) “Commissioner” means the Commissioner of the Division of Labor, or his or her authorized representative.

(b) “Crane” means a power-operated hoisting machine used in construction, demolition, or excavation work, which has a power-operated winch and load line and a power-operated boom that moves laterally by the rotation of the machine on a carrier, and which has a manufacturer’s rated lifting capacity of more than 2,000 pounds. “Crane” does not mean a forklift, digger, derrick truck, bucket truck, or any vehicle, aircraft, or helicopter, or equipment which does not have a power-operated winch and load line.

(c) “Tower crane” means a crane in which a boom, swinging jib, or other structural member is mounted on a vertical mast or tower.

WV Legislature

§21-3D-2. Certification required.

A person may not operate a crane or tower crane without certification issued according to OSHA regulation 29 CFR § 1926.1427 Subpart CC and any amendments that may be made from time to time. Any certifications that may expire in calendar year 2021 shall not expire until January 1, 2022. The commissioner may enter into a cooperative agreement with OSHA to assist in the enforcement of this section.

WV Legislature

§21-3D-3. Inapplicability of local ordinances.

On January 1, 2022, and thereafter, a political subdivision of this state may not require, as a condition precedent to the operation of a crane or tower crane in the political subdivision, a person who is certified according to OSHA regulation 29 CFR § 1926.1427 Subpart CC, to have any other license or other evidence of competence as a crane operator.

WV Legislature

§21-3D-4. Minimum certification requirements.

[Repealed.]

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§21-3D-5. Denial, suspension, revocation, or reinstatement of certification.

[Repealed.]

WV Legislature

§21-3D-6. Effect of accident.

[Repealed.]

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§21-3D-7. Penalties.

[Repealed.]

WV Legislature

§21-3D-8. Crane Operator Certification Fund; fees; disposition of funds.

(a) All fees paid pursuant to this article shall be paid to the Commissioner of Labor and deposited in an appropriated special revenue account known as the Crane Operator Certification Fund in the State Treasury and expended for the implementation and enforcement of this article. Through June 30, 2019, amounts collected which are found from time to time to exceed the funds needed for purposes set forth in this article may be utilized by the commissioner as needed to meet the division's funding obligations: *Provided*, That beginning July 1, 2019, amounts collected may not be utilized by the commissioner as needed to meet the division's funding obligations.

(b) All funds remaining in the Crane Operating Certification Fund on January 1, 2022, shall be appropriated by the Legislature.

WV Legislature

§21-3D-9. Reciprocity.

[Repealed.]

WV Legislature