

FILED

2001 APR -5 A 10: 09

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**WEST VIRGINIA LEGISLATURE**

*Regular Session, 2001*

---

**ENROLLED**

**SENATE BILL NO.** 556

(By Senator Wootton, et al)

---

**PASSED** March 27, 2001

**In Effect** from **Passage**

FILED

2001 APR -5 A 10: 09

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**ENROLLED**

**Senate Bill No. 556**

(BY SENATORS WOOTON, BURNETTE, CALDWELL, DEEM,  
FACEMYER, FANNING, HUNTER, MINARD, ROSS AND SNYDER)

---

[Passed March 27, 2001; in effect from passage.]

---

AN ACT to amend and reenact section two, article three-d, chapter twenty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to certification of crane operators; and clarifying the exceptions to the certification requirement.

*Be it enacted by the Legislature of West Virginia:*

That section two, article three-d, chapter twenty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

**ARTICLE 3D. CRANE OPERATOR CERTIFICATION ACT.**

**§21-3D-2. Certification required; exemptions.**

- 1 (a) Commencing with the first day of September, two
- 2 thousand one, a person may not operate a crane with a

FILED

3 lifting capacity of five tons or more without certification  
4 issued under this article except for those persons exempted  
5 under subsection (b) of this section.

6 (b) A person is not required to obtain certification under  
7 this article if the person:

8 (1) Is a member of the armed forces of the United States  
9 or an employee of the United States, when such member or  
10 employee is engaged in the work of a crane operator  
11 exclusively for such governmental unit; or

12 (2) Is primarily an operator of farm machinery who is  
13 performing the work of a crane operator as part of an  
14 agricultural operation; or

15 (3) Is operating a crane on an emergency basis; or

16 (4) Is operating a crane for personal use and not for  
17 profit on the site of real property which the person owns  
18 or leases; or

19 (5) Is under the direct supervision of a certified crane  
20 operator and:

21 (A) Who is enrolled in an industry recognized in-house  
22 training course based on the American national standards  
23 institute standards for crane operators and who is em-  
24 ployed by the entity that either taught the training course  
25 or contracted to have the training course taught, all of  
26 which is approved by the commissioner; or

27 (B) Who is enrolled in an apprenticeship program or  
28 training program for crane operators approved by the  
29 United States department of labor, bureau of apprentice-  
30 ship and training;

31 (6) Is an employee of and operating a crane at the  
32 direction of any manufacturing plant or other industrial  
33 establishment, including any mill, factory, tannery, paper  
34 or pulp mill, mine, colliery, breaker or mineral processing  
35 operation, quarry, refinery or well or is an employee of and

36 operating a crane at the direction of the person, firm or  
37 corporation who owns or is operating such plant or  
38 establishment;

39 (7) Is an employee of a public utility operating a crane to  
40 perform work in connection with facilities used to provide  
41 a public service under the jurisdiction of the public service  
42 commission, federal energy regulatory commission or  
43 federal communications commission; or

44 (8) Is operating timbering harvesting machinery associ-  
45 ated with the production of timber and the manufacturing  
46 of wood products.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

*Gregory D. Smith*  
.....  
Chairman Senate Committee

*John J. Perry*  
.....  
Chairman House Committee

Originated in the Senate.

In effect from passage.

*Russell Hobbs*  
.....  
Clerk of the Senate

*Bryan D. Smith*  
.....  
Clerk of the House of Delegates

*Carl Ray Tomblin*  
.....  
President of the Senate

*Robert L. Williams*  
.....  
Speaker House of Delegates

The within *is approved* ..... this the *4th*  
Day of *April* ..... 2001.

*Robert L. Williams*  
.....  
Governor



PRESENTED TO THE

GOVERNOR

Date 4/3/01

Time 8:58am