

As Introduced

**124th General Assembly
Regular Session
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H. B. No. 337

REPRESENTATIVES Lendrum, Hollister, Webster, Brinkman, Carmichael

A B I L L

To amend sections 4703.32, 4733.01, 4733.02, 4733.021, 1
4733.03, 4733.06, 4733.07, 4733.08, 4733.09, 2
4733.11, 4733.12, 4733.13, 4733.14, 4733.15, 3
4733.18, 4733.19, 4733.20, 4733.22, 4733.23, and 4
4733.27, to enact section 4733.201, and to repeal 5
section 4733.24 of the Revised Code to make changes 6
to the engineer and surveyor licensing law. 7

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 4703.32, 4733.01, 4733.02, 4733.021, 8
4733.03, 4733.06, 4733.07, 4733.08, 4733.09, 4733.11, 4733.12, 9
4733.13, 4733.14, 4733.15, 4733.18, 4733.19, 4733.20, 4733.22, 10
4733.23, and 4733.27 be amended and section 4733.201 of the 11
Revised Code be enacted to read as follows: 12

Sec. 4703.32. (A) No person shall use the title of "landscape 13
architect" or any title, sign, card, or device indicating, or 14
tending to indicate, or represent in any manner that ~~he~~ the person 15
is a landscape architect, unless ~~he~~ the person is registered under 16
sections 4703.30 to 4703.49 of the Revised Code, or holds a permit 17
issued under section 4703.39 of the Revised Code. 18

(B) Sections 4703.30 to 4703.49 of the Revised Code, are not 19
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intended to restrict or otherwise affect the right of any
individual to practice architecture under sections 4703.01 to
4703.19 of the Revised Code, or engineering under sections 4733.01
to ~~4733.24~~ 4733.27 of the Revised Code. This division does not
exclude a registered professional engineer or a registered
architect from such practice of landscape architecture as is
incidental to the practice of engineering or architecture.

(C) Sections 4703.30 to 4703.49 of the Revised Code, do not
affect the right of any individual to engage in the occupation of
growing or marketing nursery stock, or to use the title
"nurseryman," "landscape nurseryman," or "landscape contractor,"
provided that no individual shall use the title "landscape
architect" unless ~~he~~ the person has complied with sections 4703.30
to 4703.49 of the Revised Code.

(D) Each landscape architect, upon registration by the state
board of landscape architect examiners, may obtain a stamp of the
design authorized by the board, bearing the name of the
registrant, date of registration, number of certificate, and the
legend "registered landscape architect." All professional
documents, including maps, plans, designs, drawings,
specifications, estimates, and reports, issued by a registrant may
be stamped only while the registrant's certificate is in full
force and effect.

Sec. 4733.01. As used in this chapter:

(A) "Professional engineer" means a person registered as a
professional engineer under this chapter.

(B) "Engineer" means a graduate of an accredited engineering
curriculum ~~or a curriculum that becomes an accredited engineering~~
~~curriculum~~ or a person registered as a professional engineer under
this chapter, or both.

(C) "Accredited engineering curriculum" means an engineering curriculum accredited by the engineering accreditation commission of the accreditation board for engineering and technology.

(D) "The practice of engineering" includes any professional service, such as consultation, investigation, evaluation, planning, design, or inspection of construction or operation, for the purpose of assuring compliance with drawings or specifications in connection with any public or privately owned public utilities, structures, buildings, machines, equipment, processes, works, or projects in the proper rendering of which the qualifications of section 4733.11 of the Revised Code are required to protect the public welfare or to safeguard life, health, or property.

(E) "Professional surveyor" means a person ~~who engages in the practice of that branch of engineering commonly known as surveying~~ and who is registered as a professional surveyor under this chapter.

(F) "Practice of surveying" means ~~that branch of engineering which includes~~ any professional service ~~which that~~ requires the application of special knowledge of the principles of mathematics, the related physical and applied sciences, and the relevant requirements of law for the adequate performance of the art of surveying, including, but not limited to, measuring the area or the contours of any portion of the earth's surface, the lengths and directions of the bounding lines, and the contour of the surface, for their correct determination and description and for conveyancing for recording, or for the establishment or re-establishment of land boundaries and the platting of lands and subdivisions; and like measurements and operations involved in the surveying of mines, commonly known as "mine surveying."

Sec. 4733.02. Any person practicing or offering to practice the profession of engineering or of surveying shall be registered

or exempted under this chapter. No person shall practice or offer 82
to practice the profession of engineering or of surveying, or 83
contract for such services, or use the initials P.E. or P.S. in 84
connection with ~~his~~ the person's name, or use in connection with 85
~~his~~ the person's name or otherwise assume, use, or advertise any 86
title or description tending to convey the impression that ~~he~~ the 87
person is a professional engineer or a professional surveyor, 88
unless such person has been registered or exempted under this 89
chapter. 90

Sec. 4733.021. (A) Except for an individual who, as part of 91
~~his~~ the individual's employer's internal classification system, 92
uses the title "engineer" by itself or in conjunction with another 93
term described in division (B) of this section and who does not 94
represent ~~himself~~ the individual's self to the public or otherwise 95
advertise ~~himself~~ the individual's self as an engineer, no 96
individual shall, in connection with ~~his~~ the individual's name, 97
assume, use, or advertise: 98

(1) The title "engineer" by itself unless ~~he~~ the individual 99
is an engineer; 100

(2) The title "engineer" in conjunction with another term 101
that modifies the title "engineer" in a manner ~~which~~ that conveys 102
the impression that ~~he~~ the individual is a graduate of an 103
accredited engineering curriculum unless ~~he~~ the individual is a 104
graduate of an accredited engineering curriculum. 105

(B) Terms used in conjunction with the title "engineer" under 106
division (A)(2) of this section that imply a person is a graduate 107
of an accredited engineering curriculum include the following: 108
"aerospace," "agricultural," "civil," "chemical," "computer," 109
"electrical," "industrial," "mechanics," "mechanical," 110
"metallurgical," "mining," "naval architectural and marine," 111
"nuclear," and any other term commonly used by an institution of 112

higher learning to apply to graduates of an accredited engineering curriculum.

(C) Nothing in this section shall be interpreted as prohibiting the use, assumption, or advertisement of the title "steam engineer" or "stationary engineer," by or on behalf of a person licensed under Chapter 4739. of the Revised Code, or the term "railroad engineer" or "locomotive engineer," by or on behalf of a person authorized to operate a railroad locomotive, or the term "operating engineer," by or on behalf of a person who operates, maintains, repairs, or manufactures light or heavy construction equipment.

Sec. 4733.03. A state board of registration for professional engineers and surveyors is hereby created to administer ~~sections 4733.01 to 4733.23 of the Revised Code~~ this chapter. The board shall consist of four professional engineers, at least one of whom also is a professional surveyor, and one professional surveyor. Members shall be appointed by the governor, with the advice and consent of the senate. Terms of office shall be for five years, commencing on the twenty-fifth day of September and ending on the twenty-fourth day of September. Each member shall hold office from the date of ~~his~~ appointment until the end of the term for which ~~he was~~ appointed. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which ~~his~~ the member's predecessor was appointed shall hold office for the remainder of ~~such that~~ term. Any member shall continue in office subsequent to the expiration date of ~~his~~ the member's term until ~~his~~ the member's successor takes office, ~~or until a period of sixty days has elapsed, whichever occurs first~~. Appointments to the board shall be so limited that no more than one member shall have served more than two consecutive terms. Every member of the board shall receive a certificate of ~~his~~ appointment from the governor and before beginning ~~his~~ the member's term of office shall file with

the secretary of state ~~his~~ the member's written oath or 145
affirmation for the faithful discharge of ~~his~~ official ~~duty~~ 146
duties. The governor may remove any member for misconduct, 147
incompetency, neglect of duty, or for other sufficient cause. 148

Sec. 4733.06. The state board of registration for 149
professional engineers and surveyors shall hold at least two 150
regular meetings each year. Special meetings shall be held at ~~such~~ 151
the time as provided in the bylaws of the board ~~may provide~~. 152
Notice of all meetings shall be given in ~~such~~ the manner ~~as~~ 153
provided for in the bylaws ~~may provide~~. The board shall elect or 154
appoint annually from its members, the following officers: a 155
~~chairman~~ chairperson, a ~~vice-chairman~~ vice-chairperson, and a 156
secretary. The board annually shall appoint an executive director. 157
A quorum of the board shall consist of not less than three 158
members, and no action at any meeting shall be taken without at 159
least three votes being in accord. 160

The ~~secretary~~ executive director shall keep a true and 161
complete record of all proceedings of the board, and may employ 162
~~such~~ clerical ~~assistance~~ assistants as the board may deem 163
necessary. 164

Sec. 4733.07. The state board of registration for 165
professional engineers and surveyors shall adopt all necessary 166
rules, ~~regulations~~, and bylaws, in accordance with Chapter 119. of 167
the Revised Code, and not inconsistent with ~~sections 4733.01 to~~ 168
~~4733.23 of the Revised Code~~ this chapter, and the constitutions 169
and laws of this state or of the United States, to govern its 170
times and places of meetings for organization and reorganization, 171
for the holding of examinations, ~~for fixing the length of terms of~~ 172
~~its officers~~, and for governing all other matters requisite to the 173
exercise of its powers, the performance of its duties, and the 174

transaction of its business. The board shall adopt and have an 175
official seal. ~~The board shall include among the rules adopted 176~~
~~governing the standards of practice of engineering, requirements 177~~
~~regarding financial responsibility and professional liability 178~~
~~insurance. 179~~

In carrying this chapter into effect ~~sections 4733.01 to 180~~
~~4733.23 of the Revised Code, the board may hold hearings in 181~~
accordance with sections 119.01 to 119.13 of the Revised Code. 182

Sec. 4733.08. All receipts of the state board of registration 183
for professional engineers and surveyors shall be deposited in the 184
state treasury to the credit of the occupational licensing and 185
regulatory fund. All vouchers of the board shall be approved by 186
the board chairperson or executive ~~secretary~~ director, or both, as 187
authorized by the board. The executive ~~secretary~~ director and any 188
clerical or other assistant of the board whom it may designate 189
shall give a surety bond to this state in such sum as the board 190
determines. The premiums on the bonds shall be regarded as a 191
proper and necessary expense of the board, and shall be paid in 192
the same manner as other expenditures of the board. The executive 193
~~secretary~~ director shall receive an amount fixed pursuant to 194
section 124.152 of the Revised Code in addition to the expenses 195
provided for in section 4733.05 of the Revised Code. The board may 196
employ such clerical or other assistants as are necessary for the 197
proper performance of its work and may make expenditures for any 198
purpose which in the opinion of the board is reasonably necessary 199
for the proper performance of its duties. 200

Sec. 4733.09. The state board of registration for 201
professional engineers and surveyors shall keep a record of its 202
proceedings and a record of all applications for registration. 203

~~The registration record shall show: 204~~

(A) The name, age, and residence of each applicant;	205
(B) The date of the application;	206
(C) The place of business of such applicant;	207
(D) His educational and other qualifications;	208
(E) Whether or not an examination was required;	209
(F) Whether the applicant was rejected;	210
(G) Whether a certificate of registration was granted;	211
(H) The date of the action of the board;	212
(I) Such other information as may be deemed necessary by the	213
<u>board</u> <u>On an application provided by the board, applicants shall</u>	214
<u>provide information under oath, including the applicant's</u>	215
<u>education and experience sufficient for the board to evaluate the</u>	216
<u>credentials of the applicant pursuant to section 4733.11 of the</u>	217
<u>Revised Code.</u>	218
The records of the board shall be prima-facie evidence of its	219
proceedings and a transcript thereof, duly certified by the	220
<u>secretary executive director</u> under seal, shall be admissible in	221
evidence as if the original were produced.	222
Annually, as of the first day of July, the board shall submit	223
to the governor a report of its transactions of the preceding	224
year, and shall also transmit to him <u>the governor</u> a complete	225
statement of the receipts and expenditures of the board, attested	226
by affidavits of its chairman <u>chairperson</u> and its secretary	227
<u>executive director.</u>	228
Sec. 4733.11. Except as provided in divisions (A)(2), (B)(3),	229
and (4) of this section, the following shall be considered as	230
minimum evidence satisfactory to the (A) <u>The</u> state board of	231
registration for professional engineers and surveyors that the	232
<u>shall consider an</u> applicant is <u>to be</u> qualified for registration as	233

a professional engineer, ~~or professional surveyor, respectively~~ if 234
an applicant satisfies all of the requirements listed in either 235
division (A)(1) or (2) of this section as follows: 236

~~(A) As a professional engineer, either by:~~ 237

(1)(a) ~~Graduation from an approved accredited engineering~~ 238
~~curriculum in engineering of four years or more in a recognized~~ 239
~~school or college of engineering and a;~~ 240

(b) A specific record of an additional four years or more of 241
practical experience in engineering work acceptable to the board, 242
not more than two years of which may be before graduation but 243
after the completion of the second year of college, indicating 244
that the applicant is competent to be placed in responsible charge 245
of such work ~~and passing;~~ 246

(c) Passing the prescribed written, or written and oral 247
examination; examinations under divisions (A) and (B) of section 248
4733.13 of the Revised Code. 249

~~(2) A record of eight years or more of practical engineering~~ 250
~~experience of a character and grade acceptable to the board, at~~ 251
~~least four years of said experience to be of a quality equivalent~~ 252
~~to the education required in division (A)(1) of this section, and~~ 253
~~an additional four years of practical experience in engineering~~ 254
~~work of a nature indicating that the applicant is competent to be~~ 255
~~placed in responsible charge of such work and passing the~~ 256
~~prescribed written, or written and oral examination in~~ 257
~~engineering. Applications filed after December 31, 1975, under~~ 258
~~this subdivision shall not be considered as meeting the minimum~~ 259
~~requirements for registration as a professional engineer. The~~ 260
~~provisions of this paragraph do not affect professional surveyors~~ 261
~~or persons seeking registration as professional surveyors in any~~ 262
~~way either before or after December 31, 1975. Neither do these~~ 263
~~provisions affect persons who are already registered, or persons~~ 264

who have their application on file to become registered by 265
December 31, 1975 as professional engineers. 266

~~(3) The board may issue a certificate of registration as a 267
professional engineer to a person who is possessed of eminent and 268
recognized standing in the engineering field, provided the person 269
passes a special written, or written and oral examination, in lieu 270
of the examination prescribed in section 4733.13 of the Revised 271
Code, which special examination shall be designed to test the 272
applicant's knowledge, skill, and experience in his field of 273
engineering practice and provided the person has graduated from an 274
approved curriculum in engineering of four years or more in a 275
recognized school or college of engineering or has graduated from 276
an approved curriculum of four years or more in the physical or 277
engineering sciences, is not less than forty-five years of age, 278
and has a record of not less than twenty years lawful practice of 279
engineering, of which at least ten years has been in responsible 280
charge of outstanding engineering work, of a character acceptable 281
to the board. 282~~

~~(4) An applicant, having satisfactorily completed four 283
academic years or more (a) Graduation from a college curriculum in 284
engineering that is not approved by the engineering accreditation 285
commission of the accreditation board for engineering and 286
technology, or graduation from a college curriculum in engineering 287
technology, or in a related science approved by the board and 288
eight that is accredited by the technical accreditation commission 289
of the accreditation board for engineering and technology; 290~~

~~(b) Eight years or more of progressive practical experience 291
in engineering work acceptable to the board, not more than two 292
years of which may be before college graduation but after 293
completion of the second year of college, indicating that the 294
applicant is competent to be placed in responsible charge of such 295
work and passing; 296~~

(c) Passing the prescribed written, or written and oral, 297
examination examinations under divisions (A) and (B) of section 298
4733.13 of the Revised Code. 299

(B) As The state board of registration for professional 300
engineers and surveyors shall consider an applicant to be 301
qualified for registration as a professional surveyor, either by 302
if the applicant satisfies all of the requirements listed in 303
either division (B)(1) or (2) of this section as follows: 304

(1)(a) Graduation from an approved curriculum in surveying of 305
four years or more in a recognized school or college, and a; 306

(b) A specific record of an additional four years or more of 307
surveying office and field experience of a character acceptable to 308
the board, at least two years of which shall be after college 309
graduation, with at least two of these the four years in 310
responsible charge of this work in the surveying of land 311
boundaries under the direct supervision of a professional 312
surveyor, and passing who may indicate in writing that the 313
applicant is competent to be placed in responsible charge of the 314
work; 315

(c) Passing the prescribed written, or written and oral, 316
examination; examinations under divisions (A) and (C) of section 317
4733.13 of the Revised Code. 318

(2)(a) Graduation from an approved curriculum in civil 319
engineering of four years or more in a recognized school or 320
college, successful; 321

(b) Successful completion of at least twenty-four quarter 322
hours, or equivalent semester or trimester hours, of approved 323
surveying courses in surveying directly and mapping arts and 324
sciences, except that courses successfully completed as prior 325
studies may be credited by the board toward this requirement, of 326
which at least eight quarter hours, or equivalent semester or 327

trimester hours, are in ~~property~~ surveying, ~~and a~~ of land 328
boundaries; 329

(c) A specific record of an additional four years or more of 330
surveying office and field experience of a character acceptable to 331
the board, at least two years of which shall be after college 332
graduation, with at least two of ~~these~~ the four years in 333
~~responsible charge of this work~~ in surveying of land boundaries 334
under the direct supervision of a professional surveyor, ~~and~~ 335
~~passing who may indicate in writing that the applicant is~~ 336
competent to be placed in responsible charge of the work; 337

(d) Passing the prescribed written, ~~or written and oral,~~ 338
~~examination;~~ examinations under divisions (A) and (C) of section 339
4733.13 of the Revised Code. 340

~~(3) Graduation from an approved curriculum in engineering and~~ 341
~~surveying of four years or more in a recognized school or college~~ 342
~~of engineering and a specific record of an additional four years~~ 343
~~or more of practical experience in engineering and surveying work,~~ 344
~~indicating that the applicant is competent to be placed in~~ 345
~~responsible charge of such work and passing the prescribed~~ 346
~~written, or written and oral, examination;~~ 347

~~(4) A record of eight years or more of practical engineering~~ 348
~~and surveying experience of a character and grade acceptable to~~ 349
~~the board, at least four years of that experience to be of a~~ 350
~~quality equivalent to the education required in division (B)(3) of~~ 351
~~this section, and an additional four years of practical experience~~ 352
~~in engineering and surveying work of a nature indicating that the~~ 353
~~applicant is competent to be placed in responsible charge of such~~ 354
~~work, and passing the prescribed written, or written and oral,~~ 355
~~examination in surveying. Applications filed after December 31,~~ 356
~~1992, under divisions (B)(3) and (4) of this section shall not be~~ 357
~~considered as meeting the minimum requirements for registration as~~ 358
~~a professional surveyor. This division does not affect persons who~~ 359

~~are already registered, or persons who have their applications on
file to become registered by December 31, 1992, as professional
surveyors.~~

~~(5) The board may issue a certificate of registration as a
professional surveyor to a person who is possessed of eminent and
recognized standing in the surveying field, provided the person
passes a special written, or written and oral, examination, in
lieu of the prescribed examination, which special examination
shall be designed to test the applicant's knowledge, skill, and
experience in his field of surveying practice and provided the
person has graduated from an approved curriculum in surveying and
engineering of four years or more in a recognized school or
college, or has graduated from an approved curriculum of four
years or more in surveying and the physical or engineering
sciences, is not less than forty-five years of age, and has a
record of not less than twenty years' lawful practice of
surveying, of which at least ten years has been in responsible
charge of important and outstanding surveying work of a character
acceptable to the board.~~

~~(C) Engineering experience, for a professional engineer's
practical experience requirement, or surveying experience, for a
professional surveyor's practical experience requirement, in any
of the armed forces of the United States or civilian war services
shall may be credited for registration, if the experience is
acceptable to the board.~~

~~(D) As used in this section "an approved curriculum in
engineering" is one which has been accredited by the engineering
accreditation commission of the accreditation board for
engineering and technology or one which has been approved by the
state board of registration for professional engineers and
surveyors as having satisfactory standing, and a "recognized
school or college of engineering" means any college or university~~

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~~offering an approved curriculum in engineering.~~ As used in this 392
section, "an approved curriculum in surveying" is one which has 393
been accredited by the related accreditation committee of the 394
accreditation board for engineering and technology or one which 395
has been approved by the state board of registration for 396
professional engineers and surveyors. 397

(E) No person is eligible for registration as a professional 398
engineer, or professional surveyor, who is not of good character 399
and reputation. 400

(F) In considering the qualifications of applicants, 401
responsible charge of engineering or surveying teaching may be 402
construed as responsible charge of engineering or surveying work, 403
respectively. ~~The satisfactory completion of each year of an~~ 404
~~approved curriculum in engineering and surveying in a school or~~ 405
~~college approved by the board as having satisfactory standing,~~ 406
~~without graduation, shall be considered as equivalent to a year of~~ 407
~~experience for surveying applicants only.~~ No applicant shall 408
receive credit for more than six years of engineering or surveying 409
experience because of educational qualifications. The mere 410
execution, as a contractor, of work designed by a professional 411
engineer or professional surveyor, or the supervision of the 412
construction of such work as a ~~foreman or~~ superintendent is not 413
deemed to be practical experience in engineering or surveying 414
work; ~~unless such work involves engineering or surveying~~ 415
~~practices, or the applicant presents evidence of additional~~ 416
~~engineering or surveying experience, indicating that the applicant~~ 417
~~is competent to be placed in responsible charge of engineering~~ 418
work. 419

~~Applications filed after December 31, 1992, under division~~ 420
~~(F) of this section shall not be considered as meeting the minimum~~ 421
~~requirements for registration as a professional surveyor. This~~ 422
~~paragraph does not affect persons who are already registered, or~~ 423

persons who have their applications on file to become registered
by December 31, 1992, as professional surveyors. 424
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(G) ~~Except as provided in section 4733.19 of the Revised Code~~ 426
~~and divisions (A)(3) and (B)(5) of this section, every~~ Every 427
person applying for a ~~certificate of registration as a~~ 428
professional engineer or professional surveyor shall be required 429
to pass ~~a written, or written and oral,~~ the fundamentals 430
examination and the principles and practice examination as 431
provided in section 4733.13 of the Revised Code. In addition to 432
passing ~~the~~ each requisite examination ~~he,~~ each applicant must 433
submit evidence, satisfactory to the board, that ~~he~~ the applicant 434
has completed the ~~eight years of training and practical experience~~ 435
~~or eight years of practical experience~~ required in division 436
~~(A)(1), (2), (B)(1), (2), (3), or (4) of this section.~~ 437

(H) The board ~~may permit~~ shall require the applicant for a 438
~~certificate of registration as a professional engineer or~~ 439
professional surveyor to take ~~the prescribed examination in two~~ 440
~~stages~~ examinations. The first ~~stage of the~~ examination, known as 441
the fundamentals examination, may be taken by the applicant at any 442
time after ~~he~~ the applicant has completed ~~four years of the~~ 443
required education ~~and practical experience~~ under division (A) or 444
(B) of this section, or, at the discretion of the board, an 445
applicant may be permitted to take the first ~~stage of the~~ 446
examination during the applicant's concluding term of an approved 447
curriculum in engineering or surveying of four years or more ~~in a~~ 448
~~recognized school or college of engineering.~~ 449

(I) ~~The first stage of the examination shall conform to~~ 450
~~section 4733.13 of the Revised Code.~~ 451

~~(J)~~ When the applicant has passed the ~~first stage of the~~ 452
fundamentals examination ~~he,~~ the applicant shall be given an 453
appropriate certificate by the board showing ~~his~~ the applicant's 454
status as an engineer intern or surveyor ~~in training~~ intern. 455

~~(K) The second stage of the examination shall conform to~~ 456
~~division (B) of section 4733.13 of the Revised Code.~~ 457

~~(L)(J) The applicant is not eligible to take the second stage~~ 458
~~of the examination, known as the principles and practice~~ 459
~~examination, until he the applicant has satisfactorily completed~~ 460
~~the requirements in division (A)(1), (2), (B)(1), (2), (3), or (4)~~ 461
~~of this section and has passed the first stage of the fundamentals~~ 462
~~examination. An applicant must take and pass the first stage of~~ 463
~~the examination before being eligible to take the second stage of~~ 464
~~the examination.~~ 465

~~(M)(K) Any person having the necessary qualifications to~~ 466
~~entitle him the person to registration is eligible for such~~ 467
~~registration though he the person may not be practicing his the~~ 468
~~person's profession at the time of making his application.~~ 469

Sec. 4733.12. (A) Applications for registration as a 470
professional engineer or professional surveyor shall be on forms 471
prescribed and furnished by the state board of registration for 472
professional engineers and surveyors, shall contain statements 473
made under oath setting forth the applicant's education, and a 474
detailed summary of ~~his technical work, and the branch in which he~~ 475
~~specializes the applicant's engineering or surveying experience as~~ 476
appropriate, and shall contain not less than five references, of 477
whom three or more shall be professional engineers or professional 478
surveyors having personal knowledge of ~~his the applicant's~~ 479
engineering or surveying experience. The application shall be 480
accompanied by ~~an~~ a nonrefundable application fee, which shall be 481
established by the board at an amount adequate to cover the costs 482
of processing the application. 483

~~The~~ A nonrefundable examination fee for professional 484
engineers or professional surveyors, which shall accompany the 485
"notice of intention" for each scheduled ~~first stage~~ fundamentals 486

~~or principles and second stage practice examination, shall be~~ 487
~~established by the board at an amount adequate to cover the~~ 488
~~expense of procuring, administering, and grading the examination~~ 489
~~examinations. The A nonrefundable registration fee, which shall be~~ 490
~~paid after the applicant has passed both examinations, shall be~~ 491
~~established by the board at an amount adequate to cover the~~ 492
~~expense of issuing a certificate of registration.~~ 493

~~The examination fee for professional surveyors, which shall~~ 494
~~accompany the "notice of intention" for each scheduled first stage~~ 495
~~and second stage examination, shall be established by the board at~~ 496
~~an amount adequate to cover the expense of procuring,~~ 497
~~administering, and grading the examination. The registration fee,~~ 498
~~which shall be paid after the applicant has passed both~~ 499
~~examinations, shall be established by the board at an amount~~ 500
~~adequate to cover the expense of issuing a certificate of~~ 501
~~registration.~~ 502

(B) The board shall establish ~~the a~~ fee for a certificate of 503
authorization issued under ~~division (F) of~~ section 4733.16 of the 504
Revised Code in an amount not to exceed fifty dollars and ~~the a~~ 505
fee for annual renewal of a certificate of authorization, not to 506
exceed twenty-five dollars. The fee for a duplicate certificate of 507
authorization is five dollars. 508

Sec. 4733.13. (A) When written or written and oral 509
examinations are required as provided by section 4733.11 of the 510
Revised Code, they shall be held at ~~such a~~ time and place ~~as~~ 511
~~specified by~~ the state board of registration for professional 512
engineers and surveyors ~~specifies in rules adopted pursuant to~~ 513
~~section 4733.03 of the Revised Code. The examination for~~ 514
~~engineering and the methods of procedure examinations~~ shall test 515
the ~~engineering~~ applicant's knowledge to perform ~~engineering~~ 516
~~professional engineering or surveying services and to design and~~ 517
~~supervise engineering works,~~ which shall insure the safety of 518

life, health, and property, ~~except as otherwise provided in~~ 519
~~division (A)(3) of section 4733.11 of the Revised Code. The first~~ 520
~~stage. An examination referred to as the fundamentals of~~ 521
~~engineering or as the fundamentals of surveying examination shall~~ 522
test the applicant's knowledge of the fundamentals of engineering. 523
~~The board may examine the applicant's knowledge of subjects as the~~ 524
~~board selects from the published curricula of the engineering~~ 525
~~colleges in Ohio which have been approved by the board or~~ 526
~~surveying as appropriate.~~ 527

(B) ~~For the second stage~~ An examination referred to as the 528
principles and practice of engineering examination in ~~engineering~~ 529
the applicant shall be examined in test the applicant's knowledge 530
of the major branch or branches of engineering in which he the 531
applicant specializes. For the purpose of this section, ~~the major~~ 532
branches of engineering are all those branches in which 533
engineering degrees are conferred by any of the approved 534
engineering colleges of this state. Applicants who specialize in a 535
subbranch of engineering shall be examined in that major branch of 536
engineering of which such subbranch forms a part examinations are 537
offered by the board or the national council of examiners for 538
engineering and surveying. 539

(C) ~~The examinations for surveying shall test the applicant's~~ 540
~~knowledge and ability to perform surveying services which affect~~ 541
~~the safety of life, health, and property, except as otherwise~~ 542
~~provided in division (B)(3) of section 4733.11 of the Revised~~ 543
~~Code. The first stage examination shall test the applicant's~~ 544
~~knowledge of the fundamentals of surveying.~~ 545

(D) ~~For the second stage~~ A principles and practice of 546
surveying examination in ~~surveying,~~ the applicant shall be 547
~~examined in~~ test the applicant's knowledge of surveying and the 548
laws and practices applicable to the state of Ohio. 549

~~(E)(D)~~ An applicant failing an examination may apply for 550
re-examination. ~~One re-examination only will be granted an~~ 551
~~applicant in any calendar year.~~ The fee for each re-examination 552
shall be the same as the regular examination fee. 553

Sec. 4733.14. The state board of registration for 554
professional engineers and surveyors shall ~~issue a certificate of~~ 555
~~registration,~~ upon payment of the registration fee ~~to any,~~ 556
register and issue a certificate showing initial registration of 557
an applicant who, in the opinion of the board, has satisfactorily 558
met all the requirements of ~~sections 4733.01 to 4733.23 of the~~ 559
~~Revised Code~~ this chapter. In the case of a registered 560
professional engineer, the certificate shall authorize the 561
practice of "professional engineering," and in the case of a 562
registered professional surveyor, the certificate shall authorize 563
the practice of "professional surveying." ~~Each registrant of this~~ 564
~~state who holds an unrevoked or unexpired certificate of~~ 565
~~registration as a professional engineer or professional surveyor~~ 566
~~in any branch of engineering or surveying on November 1, 1953, is~~ 567
~~entitled to all the rights and privileges of a registered~~ 568
~~professional engineer or professional surveyor while the said~~ 569
~~certificate remains unrevoked or unexpired.~~ Certificates of 570
registration shall show the full name of the registrant, shall 571
have a serial number, and shall be signed by the ~~chairman~~ 572
chairperson and the secretary of the board under seal of the 573
board. 574

~~The issuance of a certificate of registration~~ Registration by 575
the board shall be evidence that the person named therein is 576
entitled to all the rights and privileges of a registered 577
professional engineer, or of a registered professional surveyor, 578
while the ~~said certificate~~ registration remains unrevoked or 579
unexpired. 580

Each registrant may, upon completing registration, obtain a seal of the design authorized by the board, bearing the registrant's name and the legend, "registered professional engineer," or "registered professional surveyor," provided, however, that any registered surveyor's seal obtained prior to the amendment of this section shall remain as a legal seal for any registrant who was registered as a "registered surveyor." Plans, specifications, plats, ~~and reports,~~ and all other engineering or surveying work products issued by a registrant shall be stamped with the seal ~~during the life of the registrant's certificate or bear a computer-generated seal in accordance with this section,~~ and be signed and dated by the registrant, but no person shall stamp ~~or, seal, or sign~~ any documents with ~~said seal~~ after the ~~certificate~~ registration of the registrant named thereon has expired or the registration has been revoked or suspended, unless ~~said certificate~~ the registration has been renewed or reissued.

Except when documents are transmitted electronically to clients or to governmental agencies, computer-generated seals may be used on final original drawings on the condition that a handwritten signature and date is placed adjacent to or across the seal. Plans, specifications, plats, reports, and all other engineering or surveying work products that are transmitted electronically to a client or a governmental agency shall have the computer-generated seal removed from the electronic file before transmittal. An electronic transmission with no computer-generated seal shall have the following inserted in place of the signature and date: "This document was originally issued by (name of registrant) on (date). This document is not considered a sealed document."

Sec. 4733.15. (A) ~~Certificates of registration expire~~ Registration expires annually on the last day of December following ~~their issuance~~ initial registration or renewal of

registration and ~~become~~ becomes invalid on that date unless 613
renewed pursuant to this section and the standard renewal 614
procedure of sections 4745.01 to 4745.03 of the Revised Code. 615
Renewal may be effected at any time prior to the date of 616
expiration for a period of one year by the applicant's paying to 617
the treasurer of state a fee of sixteen dollars for a renewal of a 618
~~certificate of~~ registration as either a professional engineer or 619
professional surveyor, ~~and twenty-one dollars for the renewal of~~ 620
~~the certificates of an individual who is registered as both a~~ 621
~~professional engineer and professional surveyor. The failure on~~ 622
~~the part of any registrant to renew a certificate prior to~~ 623
~~expiration when~~ When notified as required in this section, a 624
registrant's failure to renew registration shall not deprive ~~such~~ 625
~~person~~ the registrant of the right of renewal within the following 626
twelve months, but the fee to ~~be paid for the renewal of~~ renew a 627
~~certificate~~ registration within twelve months after expiration 628
shall be increased fifty per cent. The state board of registration 629
for professional engineers and surveyors may, upon request, waive 630
the payment of the renewal fees of a registrant during the period 631
when the registrant is on active duty in connection with any 632
branch of the armed forces of the United States. 633

(B) Each certificate of authorization issued pursuant to 635
section 4733.16 of the Revised Code shall authorize the holder to 636
provide professional engineering ~~and or~~ professional surveying 637
services, through the registered professional engineer or 638
professional surveyor designated as being in responsible charge of 639
the professional engineering ~~and or~~ professional surveying 640
practice, from the date of issuance until the last day of June 641
next succeeding the date upon which the certificate was issued, 642
unless the certificate has been revoked or suspended for cause as 643
provided in section 4733.20 of the Revised Code or has been 644

suspended pursuant to section 3123.47 of the Revised Code. 645

(C) ~~If a certificate is not renewed a registrant fails to~~ 646
~~renew registration~~ within one year from the date of expiration, 647
its renewal may be effected under rules promulgated by the board 648
regarding requirements for reexamination or reapplication, and 649
reinstatement penalty fees. 650

Sec. 4733.18. (A) The state board of registration for 651
professional engineers and surveyors may ~~issue~~ authorize a 652
temporary ~~certification to individuals under the following~~ 653
~~conditions and qualifications:~~ 654

(1) ~~A person not a resident of and having no established~~ 655
~~place of business in this state, practicing or offering to~~ 656
~~practice the profession of engineering or surveying in Ohio, when~~ 657
~~such practice does not exceed sixty continuous calendar days in~~ 658
~~any calendar year; provided such person is legally qualified by~~ 659
~~registration to practice the said profession in the person's own~~ 660
~~state in which the requirements and qualifications for obtaining a~~ 661
~~certificate of registration are not lower than those specified in~~ 662
~~this chapter. The board shall establish the fee for a temporary~~ 663
~~certificate of registration issued under division (A)(1) of this~~ 664
~~section.~~ 665

(2) ~~A person not a resident of and having no established~~ 666
~~place of business in this state, or who has recently become a~~ 667
~~resident thereof, practicing or offering to practice herein for~~ 668
~~more than sixty days in any calendar year the profession of~~ 669
~~engineering or surveying, if the person registration in the case~~ 670
~~of an individual who has filed with the state board of~~ 671
~~registration for professional engineers and surveyors an~~ 672
~~application for a certificate of temporary registration and has~~ 673
~~paid the required fee, such. The temporary certificate of~~ 674
~~registration to continue continues only for such the time as the~~ 675

board requires for the consideration of the application for 676
registration, provided such a person is legally qualified to 677
practice that profession in the person's own state in which the 678
requirements and qualifications for obtaining a certificate of 679
registration are not lower than those specified in sections 680
~~4733.01 to 4733.23 of the Revised Code;~~ this chapter. 681

(B)(1) The following persons are exempt from ~~sections 4733.01~~ 682
~~to 4733.21 of the Revised Code~~ this chapter: 683

(1)(a) An employee or a subordinate of a person holding a 684
~~certificate of registration registered under this chapter~~ or an 685
employee of a person holding temporary ~~certification~~ registration 686
under division (A)(1) of this section or ~~exempted from~~ 687
~~registration by division (A)(2) of this section;~~ provided the 688
employee's or subordinate's duties do not include responsible 689
charge of engineering or surveying work; 690

(2)(b) Officers and employees of the government of the United 691
States while engaged within this state in the practice of 692
engineering or surveying, for that government; 693

(3)(c) An engineer engaged solely as an officer of a 694
privately owned public utility. 695

(4)(2) This chapter does not require registration for the 696
purpose of practicing professional engineering, or professional 697
surveying by an individual, firm, or corporation on property owned 698
or leased by that individual, firm, or corporation unless the same 699
involves the public welfare or the safeguarding of life, health, 700
or property, or for the performance of engineering or surveying 701
which relates solely to the design or fabrication of manufactured 702
products. 703

(C) Nothing in this chapter prevents persons other than 704
engineers from preparing plans, drawings, specifications, or data, 705
from filing applications for building permits, or from obtaining 706

those permits for buildings or structures that are exempted from
the requirements of sections 3781.06 to 3781.18 and 3791.04 of the
Revised Code, that are subject to the requirements of section
3781.181 of the Revised Code, that are erected as one-, two-, or
three-family units or structures within the meaning of the term
"industrialized unit" as provided in section 3781.06 of the
Revised Code.

(D) Nothing in this chapter prevents persons other than
engineers from preparing drawings or data, from filing
applications for building permits, or from obtaining those permits
for the installation of replacement equipment or systems that are
similar in type or capacity to the equipment or systems being
replaced, and for any improvement, alteration, repair, painting,
decorating, or other modification of any buildings or structures
subject to sections 3781.06 to 3781.18 and 3791.04 of the Revised
Code where the building official determines that no plans or
specifications are required for approval.

Sec. 4733.19. ~~(A) Except as provided in division (B) of this
section:~~

~~(1) A person holding a certificate of registration registered
or licensed to engage in the practice of engineering or surveying
~~issued to him~~ by a proper authority of a state, territory, or
possession of the United States, or the District of Columbia, who,
in the opinion of the state board of registration for professional
engineers and surveyors, meets the requirements of ~~sections~~
~~4733.01 to 4733.23 of the Revised Code~~ this chapter, based on
verified evidence, may, upon application and payment of the
established fee, be registered ~~without further examination.~~~~

~~(2) A person holding a certificate of qualification issued by
the national council of engineering examiners committee on
national engineering certification, whose qualifications, in the~~

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~~opinion of the board, meet the requirements of sections 4733.01 to 738
4733.23 of the Revised Code, may upon application and payment of 739
the established fee, be registered without further examination. 740~~

~~(B) Any person who seeks registration as a professional 741
surveyor under division (A) of this section must pass a four-hour 742
two-hour professional practice examination, devoted to the laws 743
and practices of this state prior to receiving such registration. 744~~

Sec. 4733.20. ~~(A) The Pursuant to this section, the state 745
board of registration for professional engineers and surveyors may 746
fine, revoke, suspend, refuse to renew, or limit the certificate 747
of registration of any registrant or the certificate of 748
authorization of any holder of such certificate, or reprimand or, 749
place on probation the holder of a certificate of registration or 750
the holder of a, deny an applicant the opportunity to sit for an 751
examination or to have an examination scored, or impose any 752
combination of these disciplinary measures on any applicant or 753
registrant, or revoke the certificate of authorization who is of 754
any holder found guilty of to be or to have been engaged in any 755
one or more of the following acts or practices: 756~~

~~(1) The practice of any Any fraud or deceit in obtaining a 757
certificate of registration or a certificate of authorization; 758~~

~~(2) Any gross negligence, incompetency, or misconduct in the 759
practice of professional engineering or professional surveying as 760
a registered professional engineer or registered professional 761
surveyor; 762~~

~~(3) Aiding or abetting any person to practice professional 763
engineering or professional surveying illegally in the state; 764~~

~~(4) Any Conviction of or plea of guilty to any felony or 765
crime involving moral turpitude; 766~~

~~(5) Violation of the code of ethics this chapter or any rule 767~~

adopted by the ~~state board of registration for professional~~ 768
~~engineers and professional surveyors;~~ 769

(6) Violation of any condition of limitation placed by the 770
board upon ~~a certificate of the registration or a certificate of~~ 771
~~authorization of any professional engineer or professional~~ 772
~~surveyor;~~ 773

(7) Failure to abide by or comply with examination 774
instructions. 775

(B) The board shall cause to have prepared and shall adopt a 776
code of ethics, which ~~it shall be made~~ make known to every 777
registrant. The board may revise and amend this code of ethics 778
from time to time and ~~shall notify each registrant, in writing, of~~ 779
~~such revisions or amendments in accordance with Chapter 119. of~~ 780
the Revised Code. 781

(C) Any person may ~~prefer charges of~~ file with the board a 782
complaint alleging fraud, deceit, gross negligence, incompetency, 783
misconduct, or violation of ~~the code of ethics against any~~ 784
~~registrant holding a certificate of registration or against any~~ 785
~~corporation, firm, partnership, or association holding a~~ 786
~~certificate of authorization. Such charges~~ this chapter or any 787
rule adopted by the board pursuant to section 4733.07 of the 788
Revised Code. Complaints shall be in writing, ~~and shall be sworn~~ 789
~~to by the person, or persons, making them and shall be filed with~~ 790
~~the secretary of the board.~~ 791

(D) ~~All charges shall be investigated and reviewed by the~~ 792
~~board within three months after the date on which they have been~~ 793
~~preferred, after which all charges, unless dismissed by the board~~ 794
~~as unfounded or trivial, shall be heard by the board at a hearing~~ 795
~~which shall be in accordance with Chapter 119. of the Revised Code~~ 796
The board may investigate any registrant or holder of a 797
certificate of authorization to determine whether the registrant 798
or certificate holder is or has been engaged in any one or more of 799

the acts or practices listed in division (A) of this section. The 800
board, by subpoena, may compel witnesses to appear and testify in 801
relation to any investigation under this chapter and may require, 802
by subpoena duces tecum, the production and copying of any book, 803
paper, or document pertaining to an investigation. If a person 804
fails to comply with the subpoena or subpoena duces tecum, the 805
board may apply to the Franklin county court of common pleas for 806
an order compelling the person to comply or, for the failure to do 807
so, to be held in contempt of court. 808

~~(E) The time and place for such hearing shall be fixed by the~~ 809
~~board and a copy of the charges, together with a notice of the~~ 810
~~time and place of the hearing, shall be personally served upon the~~ 811
~~individual registrant or the agent as provided for in section~~ 812
~~1701.07 of the Revised Code of a corporation holding a certificate~~ 813
~~of authorization, or mailed to the last known address of such~~ 814
~~individual registrant or any firm, partnership, or association~~ 815
~~holding a certificate of authorization. At any hearing the accused~~ 816
~~registrant or holder of a certificate of authorization shall have~~ 817
~~the right to appear in person or by counsel, or both, to~~ 818
~~cross-examine witnesses in his or its defense, and to produce~~ 819
~~evidence and witnesses in his or its own defense~~ 820
If the board 821
determines there is cause to believe that an applicant, 821
registrant, or a holder of a certificate of authorization is or 822
has been engaged in any act or practice listed in division (A) of 823
this section, the board shall issue a written charge and notify 824
the applicant, registrant, or certificate holder of the right to 825
an adjudication hearing, in accordance with Chapter 119. of the 826
Revised Code. If the accused applicant, registrant, or holder of a 827
certificate of authorization fails or refuses to appear, or does 828
not request a hearing within the time period specified in Chapter 829
119. of the Revised Code, the board may proceed to hear and 830
determine the validity of the charges 831
charge and issue an 831
adjudication order in accordance with Chapter 119. of the Revised 832

<u>Code.</u>	833
(F) If, after such hearing, a majority of the board votes in favor of sustaining the charges <u>charge</u> , the board shall reprimand <u>impose one or any combination of the following disciplinary measures:</u>	834 835 836 837
(1) <u>Reprimanding the individual or suspend, refuse;</u>	838
(2) <u>Imposing a fine on the individual of not more than one thousand dollars for each offense committed by the individual;</u>	839 840
(3) <u>Refusing to renew, suspending, or revoke his certificate of revoking the individual's registration, or revoking the holder's certificate of authorization;</u>	841 842 843
(4) <u>Refusing to allow an applicant to take an examination;</u>	844
(5) <u>Refusing to score an applicant's examination.</u>	845
The board, for reasons it considers sufficient <u>good cause shown</u> , may reissue a certificate of registration to reregister any person or <u>reissue</u> a certificate of authorization to any corporation, firm, partnership, or <u>association, or limited liability company</u> whose <u>registration or</u> certificate has been <u>revoked or suspended.</u>	846 847 848 849 850 851
(G) Any individual registrant having a certificate of registration, or a corporation, firm, partnership, or association having a certificate of authorization, <u>applicant, registrant, or certificate holder</u> aggrieved by any action of the board in <u>fining the registrant or denying, suspending, refusing to renew, or revoking his certificate of the registrant's registration or its a</u> certificate of authorization, <u>or denying an applicant the opportunity to take an examination or to have an examination scored</u> may appeal such action to the proper court under section 119.12 of the Revised Code.	852 853 854 855 856 857 858 859 860 861
(H) A new certificate of registration, or certificate of	862

authorization to replace any certificate revoked, lost, destroyed, 863
or mutilated, may be issued, subject to the rules of the board, 864
and upon payment of a fee established by the board at an amount 865
adequate to cover the expense of issuing a duplicate certificate 866
of ~~registration~~ authorization. 867

Sec. 4733.201. (A) If the state board of registration for 868
professional engineers and surveyors determines that a person not 869
registered under this chapter is, has been, or is about to be 870
engaged in activities for which registration is required under 871
this chapter, the board may issue a notice to that person, 872
offering the person an adjudication hearing to show why the person 873
should not be subject to registration under this chapter. 874

(B) If the board, after a hearing in accordance with Chapter 875
119. of the Revised Code or after the time expires within which a 876
person may request a hearing under Chapter 119. of the Revised 877
Code, determines that the activities in which the person is, has 878
been, or is about to be engaged subject the person to the 879
registration requirements of this chapter, the board may issue an 880
adjudication order that orders the person to cease and desist from 881
such activities. The order shall identify the activities in which 882
the person is, has been, or is about to be engaged for which 883
registration is required. 884

(C) Any party aggrieved by an action of the board in issuing 885
an order under this section may appeal the action to the court of 886
common pleas under section 119.12 of the Revised Code. 887

Sec. 4733.22. No person shall practice, or offer to practice, 888
the profession of engineering or the profession of surveying 889
without being registered or exempted in accordance with ~~sections~~ 890
~~4733.01 to 4733.23 of the Revised Code~~ this chapter, or present or 891
attempt to use as ~~his~~ the person's own the ~~certificate of~~ 892
registration, the certificate of authorization, or the seal of 893

another, or give any false or forged evidence of any kind to the 894
state board of registration for professional engineers and 895
surveyors or to any member thereof in obtaining ~~a certificate of~~ 896
registration or a certificate of authorization, or falsely 897
impersonate any other registrant or holder of a certificate of 898
authorization of like or different name, or attempt to use an 899
expired, suspended, or revoked ~~certificate of~~ registration or 900
certificate of authorization, or otherwise violate ~~such sections~~ 901
this chapter. 902

Sec. 4733.23. ~~All officers of the law of this state, or of~~ 903
~~any political subdivision thereof~~ No public authority, as defined 904
in division (A) of section 153.65 of the Revised Code, shall 905
~~enforce sections 4733.01 to 4733.22, inclusive, of the Revised~~ 906
~~Code, and prosecute~~ accept or use any engineering or surveying 907
plan from any persons violating same person not registered as a 908
professional engineer or professional surveyor under this chapter. 909
The state board of registration for professional engineers and 910
surveyors is hereby authorized to apply for relief by injunction 911
or restraining order to enjoin or restrain a person from the 912
commission of any act which is prohibited by ~~sections 4733.01 to~~ 913
~~4733.22, inclusive, of the Revised Code~~ this chapter. The remedy 914
provided by this section shall be in addition to any other remedy 915
provided by law. The attorney general or ~~his~~ the attorney 916
general's designated assistant shall act as legal adviser of the 917
board and render such legal assistance as may be necessary. 918

Sec. 4733.27. On receipt of a notice pursuant to section 919
3123.43 of the Revised Code, the state board of registration for 920
engineers and surveyors shall comply with sections 3123.41 to 921
3123.50 of the Revised Code and any applicable rules adopted under 922
section 3123.63 of the Revised Code with respect to ~~a certificate~~ 923
registration and certificates of authorization issued pursuant to 924

this chapter. 925

Section 2. That existing sections 4703.32, 4733.01, 4733.02, 926
4733.021, 4733.03, 4733.06, 4733.07, 4733.08, 4733.09, 4733.11, 927
4733.12, 4733.13, 4733.14, 4733.15, 4733.18, 4733.19, 4733.20, 928
4733.22, 4733.23, and 4733.27 and section 4733.24 of the Revised 929
Code are hereby repealed. 930