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Sub. H. B. No. 337

REPRESENTATIVES Lendrum, Hollister, Webster, Brinkman, Carmichael,
Manning, Damschroder, Redfern, Coates, Schmidt, Hartnett, DePiero,
Fessler, G. Smith, Flowers, Collier, Schneider, Widowfield, Grendell, Sferra,
Carano, Latell, Key, Barnes, Hagan, Oلمان, Latta, Woodard, Salerno

A BILL

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 and to repeal section 4733.24 of the 5
Revised Code to make changes to the engineer and 6
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 of the Revised Code be amended to read as 11
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

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(B) Sections 4703.30 to 4703.49 of the Revised Code, are not 20
intended to restrict or otherwise affect the right of any 21
individual to practice architecture under sections 4703.01 to 22
4703.19 of the Revised Code, or engineering under sections 4733.01 23
to ~~4733.24~~ 4733.27 of the Revised Code. This division does not 24
exclude a registered professional engineer or a registered 25
architect from such practice of landscape architecture as is 26
incidental to the practice of engineering or architecture. 27

(C) Sections 4703.30 to 4703.49 of the Revised Code, do not 28
affect the right of any individual to engage in the occupation of 29
growing or marketing nursery stock, or to use the title 30
"nurseryman," "landscape nurseryman," or "landscape contractor," 31
provided that no individual shall use the title "landscape 32
architect" unless ~~he~~ the person has complied with sections 4703.30 33
to 4703.49 of the Revised Code. 34

(D) Each landscape architect, upon registration by the state 35
board of landscape architect examiners, may obtain a stamp of the 36
design authorized by the board, bearing the name of the 37
registrant, date of registration, number of certificate, and the 38
legend "registered landscape architect." All professional 39
documents, including maps, plans, designs, drawings, 40
specifications, estimates, and reports, issued by a registrant may 41
be stamped only while the registrant's certificate is in full 42
force and effect. 43

Sec. 4733.01. As used in this chapter: 44

(A) "Professional engineer" means a person registered as a 45
professional engineer under this chapter. 46

(B) "Engineer" means a graduate of an accredited engineering 47

curriculum ~~or a curriculum that becomes an accredited engineering~~ 48
~~curriculum~~ or a person registered as a professional engineer under 49
this chapter, or both. 50

(C) "Accredited engineering curriculum" means an engineering 51
curriculum accredited by the engineering accreditation commission 52
of the accreditation board for engineering and technology. 53

(D) "The practice of engineering" includes any professional 54
service, such as consultation, investigation, evaluation, 55
planning, design, or inspection of construction or operation, for 56
the purpose of assuring compliance with drawings or specifications 57
in connection with any public or privately owned public utilities, 58
structures, buildings, machines, equipment, processes, works, or 59
projects in the proper rendering of which the qualifications of 60
section 4733.11 of the Revised Code are required to protect the 61
public welfare or to safeguard life, health, or property. 62

(E) "Professional surveyor" means a person ~~who engages in the~~ 63
~~practice of that branch of engineering commonly known as surveying~~ 64
~~and~~ who is registered as a professional surveyor under this 65
chapter. 66

(F) "Practice of surveying" means ~~that branch of engineering~~ 67
~~which includes~~ any professional service ~~which~~ that requires the 68
application of special knowledge of the principles of mathematics, 69
the related physical and applied sciences, and the relevant 70
requirements of law for the adequate performance of the art of 71
surveying, including, but not limited to, measuring the area or 72
the contours of any portion of the earth's surface, the lengths 73
and directions of the bounding lines, and the contour of the 74
surface, for their correct determination and description and for 75
conveyancing for recording, or for the establishment or 76
re-establishment of land boundaries and the platting of lands and 77
subdivisions; and like measurements and operations involved in the 78
surveying of mines, commonly known as "mine surveying." 79

Sec. 4733.02. Any person practicing or offering to practice 80
the profession of engineering or of surveying shall be registered 81
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 113
curriculum. 114

(C) Nothing in this section shall be interpreted as 115
prohibiting the use, assumption, or advertisement of the title 116
"steam engineer" or "stationary engineer," by or on behalf of a 117
person licensed under Chapter 4739. of the Revised Code, or the 118
term "railroad engineer" or "locomotive engineer," by or on behalf 119
of a person authorized to operate a railroad locomotive, or the 120
term "operating engineer," by or on behalf of a person who 121
operates, maintains, repairs, or manufactures light or heavy 122
construction equipment. 123

Sec. 4733.03. A state board of registration for professional 124
engineers and surveyors is hereby created to administer ~~sections~~ 125
~~4733.01 to 4733.23 of the Revised Code~~ this chapter. The board 126
shall consist of four professional engineers, at least one of whom 127
also is a professional surveyor, and one professional surveyor. 128
Members shall be appointed by the governor, with the advice and 129
consent of the senate. Terms of office shall be for five years, 130
commencing on the twenty-fifth day of September and ending on the 131
twenty-fourth day of September. Each member shall hold office from 132
the date of ~~his~~ appointment until the end of the term for which ~~he~~ 133
~~was~~ appointed. Any member appointed to fill a vacancy occurring 134
prior to the expiration of the term for which ~~his~~ the member's 135
predecessor was appointed shall hold office for the remainder of 136
~~such~~ that term. Any member shall continue in office subsequent to 137
the expiration date of ~~his~~ the member's term until ~~his~~ the 138
member's successor takes office, ~~or until a period of sixty days~~ 139
~~has elapsed, whichever occurs first~~. Appointments to the board 140
shall be so limited that no more than one member shall have served 141

more than two consecutive terms. Every member of the board shall 142
receive a certificate of ~~his~~ appointment from the governor and 143
before beginning ~~his~~ the member's term of office shall file with 144
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~~ may 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

~~board~~ On an application provided by the board, applicants shall 214

provide information under oath, including the applicant's 215

education and experience sufficient for the board to evaluate the 216

credentials of the applicant pursuant to section 4733.11 of the 217

Revised Code. 218

The records of the board shall be prima-facie evidence of its 219

proceedings and a transcript thereof, duly certified by the 220

~~secretary~~ executive director 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~~ the governor a complete 225

statement of the receipts and expenditures of the board, attested 226

by affidavits of its ~~chairman~~ chairperson and its ~~secretary~~ 227

executive director. 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) The state board of~~ 231
~~registration for professional engineers and surveyors that the~~ 232
~~shall consider an applicant is to be~~ 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 completed in addition to, 242
and not overlapping in time, any school work completed under 243
division (A)(1)(a) of this section that is acceptable to the 244
board, not more than two years of which may be before graduation 245
but after the completion of the second year of college, indicating 246
that the applicant is competent to be placed in responsible charge 247
of such work ~~and passing~~ 248

(c) Passing the prescribed written, or written and oral 249
~~examination; examinations under divisions (A) and (B) of section~~ 250
4733.13 of the Revised Code. 251

(2) ~~A record of eight years or more of practical engineering~~ 252
~~experience of a character and grade acceptable to the board, at~~ 253
~~least four years of said experience to be of a quality equivalent~~ 254
~~to the education required in division (A)(1) of this section, and~~ 255
~~an additional four years of practical experience in engineering~~ 256
~~work of a nature indicating that the applicant is competent to be~~ 257
~~placed in responsible charge of such work and passing the~~ 258
~~prescribed written, or written and oral examination in~~ 259
~~engineering. Applications filed after December 31, 1975, under~~ 260

~~this subdivision shall not be considered as meeting the minimum requirements for registration as a professional engineer. The provisions of this paragraph do not affect professional surveyors or persons seeking registration as professional surveyors in any way either before or after December 31, 1975. Neither do these provisions affect persons who are already registered, or persons who have their application on file to become registered by December 31, 1975 as professional engineers.~~

~~(3) The board may issue a certificate of registration as a professional engineer to a person who is possessed of eminent and recognized standing in the engineering field, provided the person passes a special written, or written and oral examination, in lieu of the examination prescribed in section 4733.13 of the Revised Code, which special examination shall be designed to test the applicant's knowledge, skill, and experience in his field of engineering practice and provided the person has graduated from an approved curriculum in engineering of four years or more in a recognized school or college of engineering or has graduated from an approved curriculum of four years or more in 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 engineering, of which at least ten years has been in responsible charge of outstanding engineering work, of a character acceptable to the board.~~

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

(b) Eight years or more of progressive practical experience 293
in engineering work completed in addition to, and not overlapping 294
in time, any school work completed under division (A)(2)(a) of 295
this section that is acceptable to the board, not more than two 296
years of which may be before college graduation but after 297
completion of the second year of college, indicating that the 298
applicant is competent to be placed in responsible charge of such 299
work and passing; 300

(c) Passing the prescribed written, or written and oral, 301
examination examinations under divisions (A) and (B) of section 302
4733.13 of the Revised Code. 303

(B) As The state board of registration for professional 304
engineers and surveyors shall consider an applicant to be 305
qualified for registration as a professional surveyor, either by 306
if the applicant satisfies all of the requirements listed in 307
either division (B)(1) or (2) of this section as follows: 308

(1)(a) Graduation from an approved curriculum in surveying of 309
four years or more in a recognized school or college, and a; 310

(b) A specific record of an additional four years or more of 311
surveying office and field experience completed in addition to, 312
and not overlapping in time, any school work completed under 313
division (B)(1)(a) of this section that is of a character 314
acceptable to the board, at least two years of which shall be 315
after college graduation, with at least two of these the four 316
years in responsible charge of this work in the surveying of land 317
boundaries under the direct supervision of a professional 318
surveyor, and passing who may indicate in writing that the 319
applicant is competent to be placed in responsible charge of the 320
work; 321

(c) Passing the prescribed written, or written and oral, 322
examination; examinations under divisions (A) and (C) of section 323

4733.13 of the Revised Code. 324

(2)(a) Graduation from an approved curriculum in civil 325
engineering of four years or more in a recognized school or 326
college, ~~successful;~~ 327

(b) Successful completion of at least twenty-four quarter 328
hours, or equivalent semester or trimester hours, of approved 329
surveying courses in surveying ~~directly~~ and mapping arts and 330
sciences, except that courses successfully completed as prior 331
studies may be credited by the board toward this requirement, of 332
which at least eight quarter hours, or equivalent semester or 333
trimester hours, are in ~~property~~ surveying, ~~and a~~ of land 334
boundaries; 335

(c) A specific record of an additional four years or more of 336
surveying office and field experience completed in addition to, 337
and not overlapping in time, any school work completed under 338
division (B)(2)(a) of this section that is of a character 339
acceptable to the board, at least two years of which shall be 340
after college graduation, with at least two of ~~these~~ the four 341
years in responsible charge of this work in surveying of land 342
boundaries under the direct supervision of a professional 343
surveyor, ~~and passing~~ who may indicate in writing that the 344
applicant is competent to be placed in responsible charge of the 345
work; 346

(d) Passing the prescribed written, or written and oral, 347
~~examination;~~ examinations under divisions (A) and (C) of section 348
4733.13 of the Revised Code. 349

~~(3) Graduation from an approved curriculum in engineering and 350
surveying of four years or more in a recognized school or college 351
of engineering and a specific record of an additional four years 352
or more of practical experience in engineering and surveying work, 353
indicating that the applicant is competent to be placed in 354
responsible charge of such work and passing the prescribed 355~~

~~written, or written and oral, examination;~~

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~~(4) A record of eight years or more of practical engineering and surveying experience of a character and grade acceptable to the board, at least four years of that experience to be of a quality equivalent to the education required in division (B)(3) of this section, and an additional four years of practical experience in engineering and surveying work of a nature indicating that the applicant is competent to be placed in responsible charge of such work, and passing the prescribed written, or written and oral, examination in surveying. Applications filed after December 31, 1992, under divisions (B)(3) and (4) of this section shall not be considered as meeting the minimum requirements for registration as a professional surveyor. This division does not affect persons who are already registered, or persons who have their applications on file to become registered by December 31, 1992, as professional surveyors.~~

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~~(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.~~

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(C) Engineering experience, for a professional engineer's 388
practical experience requirement, or surveying experience, for a 389
professional surveyor's practical experience requirement, in any 390
of the armed forces of the United States or civilian war services 391
~~shall~~ may be credited for registration, if the experience is 392
acceptable to the board. 393

(D) ~~As used in this section "an approved curriculum in~~ 394
~~engineering" is one which has been accredited by the engineering~~ 395
~~accreditation commission of the accreditation board for~~ 396
~~engineering and technology or one which has been approved by the~~ 397
~~state board of registration for professional engineers and~~ 398
~~surveyors as having satisfactory standing, and a "recognized~~ 399
~~school or college of engineering" means any college or university~~ 400
~~offering an approved curriculum in engineering.~~ As used in this 401
section, "an approved curriculum in surveying" is one which has 402
been accredited by the related accreditation committee of the 403
accreditation board for engineering and technology or one which 404
has been approved by the state board of registration for 405
professional engineers and surveyors. 406

(E) No person is eligible for registration as a professional 407
engineer, or professional surveyor, who is not of good character 408
and reputation. 409

(F) In considering the qualifications of applicants, 410
responsible charge of engineering or surveying teaching may be 411
construed as responsible charge of engineering or surveying work, 412
respectively. ~~The satisfactory completion of each year of an~~ 413
~~approved curriculum in engineering and surveying in a school or~~ 414
~~college approved by the board as having satisfactory standing,~~ 415
~~without graduation, shall be considered as equivalent to a year of~~ 416
~~experience for surveying applicants only.~~ No applicant shall 417
receive credit for more than six years of engineering or surveying 418
experience because of educational qualifications. The mere 419

execution, as a contractor, of work designed by a professional 420
engineer or professional surveyor, or the supervision of the 421
construction of such work as a foreman or superintendent is not 422
deemed to be practical experience in engineering or surveying 423
work; ~~unless such work involves engineering or surveying~~ 424
~~practices, or the applicant presents evidence of additional~~ 425
~~engineering or surveying experience, indicating that the applicant~~ 426
~~is competent to be placed in responsible charge of engineering~~ 427
~~work.~~ 428

~~Applications filed after December 31, 1992, under division 429
(F) of this section shall not be considered as meeting the minimum 430
requirements for registration as a professional surveyor. This 431
paragraph does not affect persons who are already registered, or 432
persons who have their applications on file to become registered 433
by December 31, 1992, as professional surveyors.~~ 434

~~(G) Except as provided in section 4733.19 of the Revised Code 435
and divisions (A)(3) and (B)(5) of this section, every Every 436
person applying for a ~~certificate~~ of registration as a 437
professional engineer or professional surveyor shall be required 438
to pass a ~~written, or written and oral,~~ the fundamentals 439
examination and the principles and practice examination as 440
provided in section 4733.13 of the Revised Code. In addition to 441
passing the each requisite examination ~~he,~~ each applicant must 442
submit evidence, satisfactory to the board, that ~~he~~ the applicant 443
has completed the ~~eight years of training and practical experience~~ 444
~~or eight years of practical experience~~ required in division 445
(A)(1), (2), (B)(1), (2), (3), or (4) of this section. 446~~

~~(H) The board may permit shall require the applicant for a 447
~~certificate~~ of registration as a professional engineer or 448
professional surveyor to take the ~~prescribed examination~~ in two 449
~~stages~~ examinations. The first ~~stage of the~~ examination, known as 450
the fundamentals examination, may be taken by the applicant at any 451~~

time after ~~he~~ the applicant has completed ~~four years~~ of the 452
required education ~~and practical experience~~ under division (A) or 453
(B) of this section, or, at the discretion of the board, an 454
applicant may be permitted to take the first ~~stage of the~~ 455
examination during the applicant's concluding term of an approved 456
curriculum in engineering or surveying of four years or more ~~in a~~ 457
~~recognized school or college of engineering.~~ 458

~~(I) The first stage of the examination shall conform to~~ 459
~~section 4733.13 of the Revised Code.~~ 460

~~(J) When the applicant has passed the first stage of the~~ 461
fundamentals examination ~~he,~~ the applicant shall be given an 462
appropriate certificate by the board showing ~~his~~ the applicant's 463
status as an engineer intern or surveyor ~~in training~~ intern. 464

~~(K) The second stage of the examination shall conform to~~ 465
~~division (B) of section 4733.13 of the Revised Code.~~ 466

~~(L)~~(J) The applicant is not eligible to take the second ~~stage~~ 467
~~of the examination,~~ known as the principles and practice 468
examination, until ~~he~~ the applicant has ~~satisfactorily completed~~ 469
~~the requirements in division (A)(1), (2), (B)(1), (2), (3), or (4)~~ 470
~~of this section and has passed the first stage of the~~ fundamentals 471
examination. ~~An applicant must take and pass the first stage of~~ 472
~~the examination before being eligible to take the second stage of~~ 473
~~the examination.~~ 474

~~(M)~~(K) Any person having the necessary qualifications to 475
entitle ~~him~~ the person to registration is eligible for ~~such~~ 476
registration though ~~he~~ the person may not be practicing ~~his~~ the 477
person's profession at the time of making ~~his~~ application. 478

Sec. 4733.12. (A) Applications for registration as a 479
professional engineer or professional surveyor shall be on forms 480
prescribed and furnished by the state board of registration for 481
professional engineers and surveyors, shall contain statements 482

made under oath setting forth the applicant's education, and a 483
detailed summary of ~~his technical work, and the branch in which he~~ 484
~~specializes the applicant's engineering or surveying experience as~~ 485
appropriate, and shall contain not less than five references, of 486
whom three or more shall be professional engineers or professional 487
surveyors having personal knowledge of ~~his~~ the applicant's 488
engineering or surveying experience. The application shall be 489
accompanied by ~~an~~ a nonrefundable application fee, which shall be 490
established by the board at an amount adequate to cover the costs 491
of processing the application. 492

~~The~~ A nonrefundable examination fee for professional 493
engineers or professional surveyors, which shall accompany the 494
"notice of intention" for each scheduled ~~first stage fundamentals~~ 495
or principles and ~~second stage practice~~ examination, shall be 496
established by the board at an amount adequate to cover the 497
expense of procuring, administering, and grading the ~~examination~~ 498
examinations. ~~The~~ A nonrefundable registration fee, which shall be 499
paid after the applicant has passed both examinations, shall be 500
established by the board at an amount adequate to cover the 501
expense of ~~issuing a certificate of~~ registration. 502

~~The examination fee for professional surveyors, which shall~~ 503
~~accompany the "notice of intention" for each scheduled first stage~~ 504
~~and second stage examination, shall be established by the board at~~ 505
~~an amount adequate to cover the expense of procuring,~~ 506
~~administering, and grading the examination. The registration fee,~~ 507
~~which shall be paid after the applicant has passed both~~ 508
~~examinations, shall be established by the board at an amount~~ 509
~~adequate to cover the expense of issuing a certificate of~~ 510
~~registration.~~ 511

(B) The board shall establish ~~the~~ a fee for a certificate of 512
authorization issued under ~~division (F) of~~ section 4733.16 of the 513
Revised Code in an amount not to exceed fifty dollars and ~~the~~ a 514

fee for annual renewal of a certificate of authorization, not to 515
exceed twenty-five dollars. The fee for a duplicate certificate of 516
authorization is five dollars. 517

Sec. 4733.13. (A) When written or written and oral 518
examinations are required as provided by section 4733.11 of the 519
Revised Code, they shall be held at ~~such a~~ time and place ~~as~~ 520
specified by the state board of registration for professional 521
engineers and surveyors ~~specifies in rules adopted pursuant to~~ 522
~~section 4733.03 of the Revised Code.~~ The ~~examination for~~ 523
~~engineering and the methods of procedure~~ examinations shall test 524
the ~~engineering~~ applicant's knowledge to perform ~~engineering~~ 525
professional engineering or surveying services and to ~~design and~~ 526
~~supervise engineering works,~~ which shall insure the safety of 527
life, health, and property, ~~except as otherwise provided in~~ 528
~~division (A)(3) of section 4733.11 of the Revised Code.~~ The ~~first~~ 529
stage. An examination referred to as the fundamentals of 530
engineering or as the fundamentals of surveying examination shall 531
test the applicant's knowledge of the fundamentals of engineering. 532
~~The board may examine the applicant's knowledge of subjects as the~~ 533
~~board selects from the published curricula of the engineering~~ 534
~~colleges in Ohio which have been approved by the board or~~ 535
surveying as appropriate. 536

(B) ~~For the second stage~~ An examination referred to as the 537
principles and practice of engineering examination in engineering 538
~~the applicant shall be examined in~~ test the applicant's knowledge 539
of the major branch or branches of engineering in which ~~he the~~ 540
applicant specializes. For the purpose of this section, the ~~major~~ 541
branches of engineering are all those branches in which 542
engineering ~~degrees are conferred by any of the approved~~ 543
~~engineering colleges of this state.~~ Applicants who specialize in a 544
~~subbranch of engineering shall be examined in that major branch of~~ 545
~~engineering of which such subbranch forms a part~~ examinations are 546

offered by the board or the national council of examiners for 547
engineering and surveying. 548

~~(C) The examinations for surveying shall test the applicant's~~ 549
~~knowledge and ability to perform surveying services which affect~~ 550
~~the safety of life, health, and property, except as otherwise~~ 551
~~provided in division (B)(3) of section 4733.11 of the Revised~~ 552
~~Code. The first stage examination shall test the applicant's~~ 553
~~knowledge of the fundamentals of surveying.~~ 554

~~(D) For the second stage~~ A principles and practice of 555
surveying examination in surveying, the applicant shall be 556
~~examined in~~ test the applicant's knowledge of surveying and the 557
laws and practices applicable to the state of Ohio. 558

~~(E)(D)~~ An applicant failing an examination may apply for 559
re-examination. ~~One re-examination only will be granted an~~ 560
~~applicant in any calendar year.~~ The fee for each re-examination 561
shall be the same as the regular examination fee. 562

Sec. 4733.14. The state board of registration for 563
professional engineers and surveyors shall ~~issue a certificate of~~ 564
~~registration,~~ upon payment of the registration fee to ~~any,~~ 565
register and issue a certificate showing initial registration of 566
an applicant who, in the opinion of the board, has satisfactorily 567
met all the requirements of ~~sections 4733.01 to 4733.23 of the~~ 568
~~Revised Code~~ this chapter. In the case of a registered 569
professional engineer, the certificate shall authorize the 570
practice of "professional engineering," and in the case of a 571
registered professional surveyor, the certificate shall authorize 572
the practice of "professional surveying." ~~Each registrant of this~~ 573
~~state who holds an unrevoked or unexpired certificate of~~ 574
~~registration as a professional engineer or professional surveyor~~ 575
~~in any branch of engineering or surveying on November 1, 1953, is~~ 576
~~entitled to all the rights and privileges of a registered~~ 577

~~professional engineer or professional surveyor while the said~~ 578
~~certificate remains unrevoked or unexpired.~~ Certificates of 579
registration shall show the full name of the registrant, shall 580
have a serial number, and shall be signed by the ~~chairman~~ 581
chairperson and the secretary of the board under seal of the 582
board. 583

~~The issuance of a certificate of registration~~ Registration by 584
the board shall be evidence that the person named therein is 585
entitled to all the rights and privileges of a registered 586
professional engineer, or of a registered professional surveyor, 587
while the ~~said certificate~~ registration remains unrevoked or 588
unexpired. 589

Each registrant may, upon completing registration, obtain a 590
seal of the design authorized by the board, bearing the 591
registrant's name and the legend, "registered professional 592
engineer," or "registered professional surveyor," provided, 593
however, that any registered surveyor's seal obtained prior to the 594
amendment of this section shall remain as a legal seal for any 595
registrant who was registered as a "registered surveyor." Plans, 596
specifications, plats, and reports, and all other engineering or 597
surveying work products issued by a registrant shall be stamped 598
with the seal ~~during the life of the registrant's certificate or~~ 599
bear a computer-generated seal in accordance with this section, 600
and be signed and dated by the registrant, but no person shall 601
stamp ~~or, seal, or sign~~ any documents ~~with said seal~~ after the 602
~~certificate~~ registration of the registrant named thereon has 603
expired or the registration has been revoked or suspended, unless 604
~~said certificate~~ the registration has been renewed or reissued. 605

Except when documents are transmitted electronically to 606
clients or to governmental agencies, computer-generated seals may 607
be used on final original drawings on the condition that a 608
handwritten signature and date is placed adjacent to or across the 609

seal. Plans, specifications, plats, reports, and all other 610
engineering or surveying work products that are transmitted 611
electronically to a client or a governmental agency shall have the 612
computer-generated seal removed from the electronic file before 613
transmittal. An electronic transmission with no computer-generated 614
seal shall have the following inserted in place of the signature 615
and date: "This document was originally issued by 616
..... (name of registrant) on (date). 617
This document is not considered a sealed document." 618

Sec. 4733.15. (A) ~~Certificates of registration expire~~ 619
Registration expires annually on the last day of December 620
following ~~their issuance~~ initial registration or renewal of 621
registration and ~~become~~ becomes invalid on that date unless 622
renewed pursuant to this section and the standard renewal 623
procedure of sections 4745.01 to 4745.03 of the Revised Code. 624
Renewal may be effected at any time prior to the date of 625
expiration for a period of one year by the applicant's paying to 626
the treasurer of state a fee of sixteen dollars for a renewal of a 627
~~certificate of~~ registration as either a professional engineer or 628
professional surveyor, ~~and twenty-one dollars for the renewal of~~ 629
~~the certificates of an individual who is registered as both a~~ 630
~~professional engineer and professional surveyor. The failure on~~ 631
~~the part of any registrant to renew a certificate prior to~~ 632
~~expiration when~~ When notified as required in this section, a 633
registrant's failure to renew registration shall not deprive ~~such~~ 634
~~person~~ the registrant of the right of renewal within the following 635
twelve months, but the fee to ~~be paid for the renewal of~~ renew a 636
certificate registration within twelve months after expiration 637
shall be increased fifty per cent. The state board of registration 638
for professional engineers and surveyors may, upon request, waive 639
the payment of the renewal fees of a registrant during the period 640
when the registrant is on active duty in connection with any 641

branch of the armed forces of the United States. 642

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(B) Each certificate of authorization issued pursuant to 644
section 4733.16 of the Revised Code shall authorize the holder to 645
provide professional engineering ~~and~~ or professional surveying 646
services, through the registered professional engineer or 647
professional surveyor designated as being in responsible charge of 648
the professional engineering ~~and~~ or professional surveying 649
practice, from the date of issuance until the last day of June 650
next succeeding the date upon which the certificate was issued, 651
unless the certificate has been revoked or suspended for cause as 652
provided in section 4733.20 of the Revised Code or has been 653
suspended pursuant to section 3123.47 of the Revised Code. 654

(C) ~~If a certificate is not renewed~~ a registrant fails to 655
renew registration within one year from the date of expiration, 656
its renewal may be effected under rules promulgated by the board 657
regarding requirements for reexamination or reapplication, and 658
reinstatement penalty fees. 659

Sec. 4733.18. (A) The state board of registration for 660
professional engineers and surveyors may ~~issue~~ authorize a 661
temporary ~~certification to individuals under the following~~ 662
~~conditions and qualifications:~~ 663

(1) ~~A person not a resident of and having no established~~ 664
~~place of business in this state, practicing or offering to~~ 665
~~practice the profession of engineering or surveying in Ohio, when~~ 666
~~such practice does not exceed sixty continuous calendar days in~~ 667
~~any calendar year; provided such person is legally qualified by~~ 668
~~registration to practice the said profession in the person's own~~ 669
~~state in which the requirements and qualifications for obtaining a~~ 670
~~certificate of registration are not lower than those specified in~~ 671
~~this chapter. The board shall establish the fee for a temporary~~ 672

~~certificate of registration issued under division (A)(1) of this section.~~

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~~(2) A person not a resident of and having no established place of business in this state, or who has recently become a resident thereof, practicing or offering to practice herein for more than sixty days in any calendar year the profession of engineering or surveying, if the person registration in the case of an individual who has filed with the state board of registration for professional engineers and surveyors an application for a certificate of temporary registration and has paid the required fee, ~~such. The temporary certificate of registration to continue~~ continues only for ~~such the~~ the time as the board requires for the consideration of the application for registration, ~~provided such~~ provided such a person is legally qualified to practice that profession in the person's own state in which the requirements and qualifications for ~~obtaining a certificate of registration are not lower than those specified in sections 4733.01 to 4733.23 of the Revised Code;~~ this chapter.~~

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

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

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

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~~(3)(c) An engineer engaged solely as an officer of a~~

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privately owned public utility. 704

~~(4)~~(2) This chapter does not require registration for the 705
purpose of practicing professional engineering, or professional 706
surveying by an individual, firm, or corporation on property owned 707
or leased by that individual, firm, or corporation unless the same 708
involves the public welfare or the safeguarding of life, health, 709
or property, or for the performance of engineering or surveying 710
which relates solely to the design or fabrication of manufactured 711
products. 712

(C) Nothing in this chapter prevents persons other than 713
engineers from preparing plans, drawings, specifications, or data, 714
from filing applications for building permits, or from obtaining 715
those permits for buildings or structures that are exempted from 716
the requirements of sections 3781.06 to 3781.18 and 3791.04 of the 717
Revised Code, that are subject to the requirements of section 718
3781.181 of the Revised Code, that are erected as one-, two-, or 719
three-family units or structures within the meaning of the term 720
"industrialized unit" as provided in section 3781.06 of the 721
Revised Code. 722

(D) Nothing in this chapter prevents persons other than 723
engineers from preparing drawings or data, from filing 724
applications for building permits, or from obtaining those permits 725
for the installation of replacement equipment or systems that are 726
similar in type or capacity to the equipment or systems being 727
replaced, and for any improvement, alteration, repair, painting, 728
decorating, or other modification of any buildings or structures 729
subject to sections 3781.06 to 3781.18 and 3791.04 of the Revised 730
Code where the building official determines that no plans or 731
specifications are required for approval. 732

Sec. 4733.19. ~~(A) Except as provided in division (B) of this~~ 733
~~section:~~ 734

(1) A person holding ~~a certificate of registration~~ registered 735
or licensed to engage in the practice of engineering or surveying 736
~~issued to him~~ by a proper authority of a state, territory, or 737
possession of the United States, or the District of Columbia, who, 738
in the opinion of the state board of registration for professional 739
engineers and surveyors, meets the requirements of ~~sections~~ 740
~~4733.01 to 4733.23 of the Revised Code~~ this chapter, based on 741
verified evidence, may, upon application and payment of the 742
established fee, be registered ~~without further examination.~~ 743

(2) A person holding ~~a certificate of qualification issued by~~ 744
~~the national council of engineering examiners committee on~~ 745
~~national engineering certification, whose qualifications, in the~~ 746
~~opinion of the board, meet the requirements of sections 4733.01 to~~ 747
~~4733.23 of the Revised Code, may upon application and payment of~~ 748
~~the established fee, be registered without further examination.~~ 749

(B) Any person who seeks registration as a professional 750
surveyor under ~~division (A) of this section~~ must pass a ~~four-hour~~ 751
two-hour professional practice examination, devoted to the laws 752
and practices of this state prior to receiving such registration. 753

Sec. 4733.20. (A) The Pursuant to this section, the state 754
board of registration for professional engineers and surveyors may 755
fine, revoke, suspend, refuse to renew, or limit the certificate 756
of registration of any registrant or the certificate of 757
authorization of any holder of such certificate, or reprimand or, 758
place on probation the holder of a certificate of registration or 759
the holder of a, deny an applicant the opportunity to sit for an 760
examination or to have an examination scored, or impose any 761
combination of these disciplinary measures on any applicant or 762
registrant, or revoke the certificate of authorization who is of 763
any holder found guilty of to be or to have been engaged in any 764
one or more of the following acts or practices: 765

(1) The practice of any <u>Any</u> fraud or deceit in obtaining a certificate of registration or a certificate of authorization;	766 767
(2) Any gross negligence, incompetency, or misconduct in the practice of professional engineering or professional surveying as a registered professional engineer or registered professional surveyor;	768 769 770 771
(3) Aiding or abetting any person to practice professional engineering or professional surveying illegally in the state;	772 773
(4) <u>Any Conviction of or plea of guilty to any</u> felony or crime involving moral turpitude;	774 775
(5) Violation of the code of ethics <u>this chapter or any rule</u> adopted by the state board of registration for professional engineers and professional surveyors;	776 777 778
(6) Violation of any condition of limitation placed by the board upon a certificate of the registration or a certificate of authorization of <u>any professional engineer or professional surveyor;</u>	779 780 781 782
<u>(7) Failure to abide by or comply with examination instructions.</u>	783 784
(B) The board shall cause to have prepared and shall adopt a code of ethics, which <u>it</u> shall be made <u>make</u> known to every registrant. The board may revise and amend this code of ethics from time to time and shall notify each registrant, in writing, of such revisions or amendments <u>in accordance with Chapter 119. of the Revised Code.</u>	785 786 787 788 789 790
(C) Any person may prefer charges of <u>file with the board a</u> <u>complaint alleging</u> fraud, deceit, gross negligence, incompetency, misconduct, or violation of the code of ethics against any <u>registrant holding a certificate of registration or against any</u> corporation, firm, partnership, or association holding a	791 792 793 794 795

~~certificate of authorization. Such charges this chapter or any 796
rule adopted by the board pursuant to section 4733.07 of the 797
Revised Code. Complaints shall be in writing, and shall be sworn 798
to by the person, or persons, making them and shall be filed with 799
the secretary of the board. 800~~

~~(D) All charges shall be investigated and reviewed by the 801
board within three months after the date on which they have been 802
preferred, after which all charges, unless dismissed by the board 803
as unfounded or trivial, shall be heard by the board at a hearing 804
which shall be in accordance with Chapter 119. of the Revised Code 805
The board may investigate any registrant or holder of a 806
certificate of authorization to determine whether the registrant 807
or certificate holder is or has been engaged in any one or more of 808
the acts or practices listed in division (A) of this section. The 809
board, by subpoena, may compel witnesses to appear and testify in 810
relation to any investigation under this chapter and may require, 811
by subpoena duces tecum, the production and copying of any book, 812
paper, or document pertaining to an investigation. If a person 813
fails to comply with the subpoena or subpoena duces tecum, the 814
board may apply to the Franklin county court of common pleas for 815
an order compelling the person to comply or, for the failure to do 816
so, to be held in contempt of court. 817~~

~~(E) The time and place for such hearing shall be fixed by the 818
board and a copy of the charges, together with a notice of the 819
time and place of the hearing, shall be personally served upon the 820
individual registrant or the agent as provided for in section 821
1701.07 of the Revised Code of a corporation holding a certificate 822
of authorization, or mailed to the last known address of such 823
individual registrant or any firm, partnership, or association 824
holding a certificate of authorization. At any hearing the accused 825
registrant or holder of a certificate of authorization shall have 826
the right to appear in person or by counsel, or both, to 827~~

~~cross-examine witnesses in his or its defense, and to produce~~ 828
~~evidence and witnesses in his or its own defense~~ 829
If the board 829
determines there is cause to believe that an applicant, 830
registrant, or a holder of a certificate of authorization is or 831
has been engaged in any act or practice listed in division (A) of 832
this section, the board shall issue a written charge and notify 833
the applicant, registrant, or certificate holder of the right to 834
an adjudication hearing, in accordance with Chapter 119. of the 835
Revised Code. If the accused applicant, registrant, or holder of a 836
certificate of authorization fails or refuses to appear, or does 837
not request a hearing within the time period specified in Chapter 838
119. of the Revised Code, the board may proceed to hear and 839
determine the validity of the charges charge and issue an 840
adjudication order in accordance with Chapter 119. of the Revised 841
Code. 842

(F) ~~If, after such hearing,~~ a majority of the board votes in 843
favor of sustaining the ~~charges~~ charge, the board shall ~~reprimand~~ 844
impose one or any combination of the following disciplinary 845
measures: 846

(1) Reprimanding the individual or suspend, refuse; 847

(2) Imposing a fine on the individual of not more than one 848
thousand dollars for each offense committed by the individual; 849

(3) Refusing to renew, suspending, or revoke his certificate 850
of revoking the individual's registration, or revoking the 851
holder's certificate of authorization; 852

(4) Refusing to allow an applicant to take an examination; 853

(5) Refusing to score an applicant's examination. 854

The board, for ~~reasons it considers sufficient~~ good cause 855
shown, may ~~reissue a certificate of registration to reregister~~ any 856
person or reissue a certificate of authorization to any 857
corporation, firm, partnership, ~~or~~ association, or limited 858

liability company whose registration or certificate has been 859
revoked or suspended. 860

(G) Any ~~individual registrant having a certificate of~~ 861
~~registration, or a corporation, firm, partnership, or association~~ 862
~~having a certificate of authorization, applicant, registrant, or~~ 863
certificate holder aggrieved by any action of the board in fining 864
the registrant or denying, suspending, refusing to renew, or 865
revoking ~~his certificate of the registrant's~~ registration or ~~its a~~ 866
certificate of authorization, or denying an applicant the 867
opportunity to take an examination or to have an examination 868
scored may appeal such action to the proper court under section 869
119.12 of the Revised Code. 870

(H) A new ~~certificate of registration, or~~ certificate of 871
authorization to replace any certificate revoked, lost, destroyed, 872
or mutilated, may be issued, subject to the rules of the board, 873
~~and upon payment of~~ a fee established by the board at an amount 874
adequate to cover the expense of issuing a duplicate certificate 875
of ~~registration~~ authorization. 876

Sec. 4733.22. No person shall practice, or offer to practice, 877
the profession of engineering or the profession of surveying 878
without being registered or exempted in accordance with ~~sections~~ 879
~~4733.01 to 4733.23 of the Revised Code~~ this chapter, or present or 880
attempt to use as ~~his~~ the person's own the ~~certificate of~~ 881
registration, the certificate of authorization, or the seal of 882
another, or give any false or forged evidence of any kind to the 883
state board of registration for professional engineers and 884
surveyors or to any member thereof in obtaining ~~a certificate of~~ 885
registration or a certificate of authorization, or falsely 886
impersonate any other registrant or holder of a certificate of 887
authorization of like or different name, or attempt to use an 888
expired, suspended, or revoked ~~certificate of~~ registration or 889
certificate of authorization, or otherwise violate ~~such sections~~ 890

this chapter. 891

Sec. 4733.23. ~~All officers of the law of this state, or of~~ 892
~~any political subdivision thereof~~ Except as otherwise provided in 893
divisions (B), (C), and (D) of section 4733.18 of the Revised 894
Code, no public authority, as defined in division (A) of section 895
153.65 of the Revised Code, shall enforce sections 4733.01 to 896
4733.22, inclusive, of the Revised Code, and prosecute accept or 897
use any engineering or surveying plan from any persons violating 898
same person not registered as a professional engineer or 899
professional surveyor under this chapter. The state board of 900
registration for professional engineers and surveyors is hereby 901
authorized to apply for relief by injunction or restraining order 902
to enjoin or restrain a person from the commission of any act 903
which is prohibited by ~~sections 4733.01 to 4733.22, inclusive, of~~ 904
~~the Revised Code~~ this chapter. The remedy provided by this section 905
shall be in addition to any other remedy provided by law. The 906
attorney general or ~~his~~ the attorney general's designated 907
assistant shall act as legal adviser of the board and render such 908
legal assistance as may be necessary. 909

Sec. 4733.27. On receipt of a notice pursuant to section 910
3123.43 of the Revised Code, the state board of registration for 911
engineers and surveyors shall comply with sections 3123.41 to 912
3123.50 of the Revised Code and any applicable rules adopted under 913
section 3123.63 of the Revised Code with respect to ~~a certificate~~ 914
registration and certificates of authorization issued pursuant to 915
this chapter. 916

Section 2. That existing sections 4703.32, 4733.01, 4733.02, 917
4733.021, 4733.03, 4733.06, 4733.07, 4733.08, 4733.09, 4733.11, 918
4733.12, 4733.13, 4733.14, 4733.15, 4733.18, 4733.19, 4733.20, 919
4733.22, 4733.23, and 4733.27 and section 4733.24 of the Revised 920

Code are hereby repealed.

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