

**As Introduced**

**124th General Assembly  
Regular Session  
2001-2002**

**H. B. No. 428**

**REPRESENTATIVES Widowfield, Faber, Otterman**

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**A B I L L**

To amend sections 121.084, 3713.01, 3713.04, 3713.10, 1  
3713.99, 4104.01, 4104.02, 4104.06 to 4104.10, 2  
4104.101, 4104.14, 4104.15, 4104.17, 4104.18, 3  
4104.21, 4104.99, 4105.01, 4105.10, 4105.16, and 4  
4105.17, to enact new sections 3713.02, 3713.03, 5  
3713.05, 3713.06, 3713.07, 3713.08, and 3713.09 and 6  
sections 4104.05 and 4104.19, and to repeal 7  
sections 3713.02, 3713.03, 3713.05, 3713.051, 8  
3713.06, 3713.07, 3713.08, 3713.09, 3713.11, 9  
4739.01, 4739.02, 4739.03, 4739.04, 4739.05, 10  
4739.06, 4739.07, 4739.08, 4739.09, 4739.10, 11  
4739.11, 4739.12, 4739.13, 4739.14, 4739.15, 12  
4739.16, and 4739.99 of the Revised Code to modify 13  
the laws administered and enforced by the Division 14  
of Industrial Compliance governing elevators, 15  
boilers, bedding, and stuffed toys. 16

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

**Section 1.** That sections 121.084, 3713.01, 3713.04, 3713.10, 17  
3713.99, 4104.01, 4104.02, 4104.06, 4104.07, 4104.08, 4104.09, 18  
4104.10, 4104.101, 4104.14, 4104.15, 4104.17, 4104.18, 4104.21, 19  
4104.99, 4105.01, 4105.10, 4105.16, and 4105.17 be amended and new 20  
sections 3713.02, 3713.03, 3713.05, 3713.06, 3713.07, 3713.08, and 21

3713.09 and sections 4104.05 and 4104.19 of the Revised Code be 22  
enacted to read as follows: 23

**Sec. 121.084.** (A) All moneys collected under sections 24  
1333.96, ~~3713.02, 3713.06, 3713.07, 3713.09,~~ 3783.05, 3791.07, 25  
4104.07, 4104.18, 4104.42, 4104.44, 4104.45, 4105.17, 4105.20, 26  
4169.03, 4171.04, ~~4739.14,~~ and 5104.051 of the Revised Code, and 27  
any other moneys collected by the division of industrial 28  
compliance shall be paid into the state treasury to the credit of 29  
the industrial compliance operating fund, which is hereby created. 30  
The department of commerce shall use the moneys in the fund for 31  
paying the operating expenses of the division and the 32  
administrative assessment described in division (B) of this 33  
section. 34

(B) The director of commerce, with the approval of the 35  
director of budget and management, shall prescribe procedures for 36  
assessing the industrial compliance operating fund a proportionate 37  
share of the administrative costs of the department of commerce. 38  
The assessment shall be made in accordance with those procedures 39  
and be paid from the industrial compliance operating fund to the 40  
division of administration fund created in section 121.08 of the 41  
Revised Code. 42

**Sec. 3713.01.** As used in sections 3713.01 to ~~3713.11,~~ 43  
~~inclusive,~~ 3713.10 of the Revised Code: 44

(A) "Person" has the same meaning as used in division (C) of 45  
section 1.59 of the Revised Code and also means an individual, 46  
group of individuals, partnership, corporation any limited 47  
company, limited liability partnership, joint stock company, or 48  
other association. 49

(B) "Bedding" means any upholstered furniture ~~filled with~~ 50  
~~material,~~ any mattress, upholstered spring, comforter, bolster, 51

pad, cushion, pillow, mattress protector, quilt, and any other 52  
upholstered article, to be used for sleeping, resting, or 53  
reclining purposes, and any glider, hammock, or other 54  
substantially similar article ~~which~~ that is wholly or partly 55  
upholstered. 56

~~(C) "Material" means any article, substance, or portions 57  
thereof used in the manufacture, repair, or renovation of bedding 58  
or stuffed toys. 59~~

~~(D) "New material" means any material which has not been used 60  
in the manufacture of another article, or used for any other 61  
purpose, and includes by-products of machines at mills using only 62  
new raw material. 63~~

~~(E) "Secondhand material" means any material which is not 64  
"new." 65~~

~~(F) "Shredded clippings" means any material which has been 66  
spun into yarn, knit or woven in fabric and subsequently cut up, 67  
torn up, broken up, ground up or otherwise defabricated and shall 68  
be so designated on a bedding or upholstered furniture label only 69  
as "shredded clippings." 70~~

~~(G) "Secondhand articles of bedding" means any article, or 71  
material, or portion thereof of bedding which has been put to 72  
bodily prior use by, on, or about any person or animal and is sold 73  
or offered for sale "as is has been made in any manner 74  
whatsoever." 75~~

~~(H)(D) "Remade, repaired, or renovated articles ~~of bedding 76  
not for sale~~" means any article ~~of bedding~~ that is remade, 77  
repaired, or renovated for and is returned to the owner for ~~his 78  
the owner's own use. 79~~~~

~~(I)(E) "Sale," "sell," or "sold" shall, in the corresponding 80  
tense, mean sell, offer to sell, or deliver or consign in sale, or 81  
possess with intent to sell, or deliver in sale. 82~~

~~(F)~~(F) "Upholstered furniture" means any article of furniture 83  
wholly or partly stuffed or filled with material and ~~which~~ that is 84  
used or intended for use for sitting, resting, or reclining 85  
purposes. 86

~~(G)~~(G) "Stuffed toy" means any article intended for use by 87  
~~children,~~ as a plaything, ~~which~~ or for an educational or 88  
recreational purpose that is wholly or partially stuffed with 89  
material. 90

~~(L)~~ "Plaything" ~~means any manufactured item for the~~ 91  
~~educational or recreational use of children, or the equivalent~~ 92  
~~thereof.~~ 93

(H) "Tag" or "label" means any material prescribed by the 94  
superintendent of industrial compliance to be attached to an 95  
article that contains information required under this chapter. 96

**Sec. 3713.02.** (A) Except as provided in section 3713.05 of 97  
the Revised Code, no person shall import, manufacture, renovate, 98  
or reupholster stuffed toys or articles of bedding in this state 99  
without first registering to do so with the superintendent of 100  
industrial compliance in accordance with section 3713.05 of the 101  
Revised Code. 102

(B) No person shall manufacture, offer for sale, sell, 103  
deliver, or possess for the purpose of manufacturing, selling, or 104  
delivering, an article of bedding or a stuffed toy that is not 105  
labeled in accordance with section 3713.08 of the Revised Code. 106

(C) No person shall manufacture, offer for sale, sell, 107  
deliver, or possess for the purpose of manufacturing, selling, or 108  
delivering, an article of bedding or a stuffed toy that is falsely 109  
labeled. 110

(D) No person shall sell or offer for sale any secondhand 111  
article of bedding or any secondhand stuffed toy that has not been 112

sanitized in accordance with section 3713.08 of the Revised Code.

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(E) The possession of any article of bedding or stuffed toy  
in the course of business by a person required to obtain  
registration under this chapter, or by that person's agent or  
servant shall be prima-facie evidence of the person's intent to  
sell the article of bedding or stuffed toy.

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Sec. 3713.03. The superintendent of industrial compliance in  
the department of commerce shall administer and enforce this  
chapter.

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Sec. 3713.04. ~~The director of commerce~~ (A) In accordance with  
Chapter 119. of the Revised Code, the superintendent of industrial  
compliance shall:

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~~(A)(1) Adopt rules pertaining to the definition, name, and  
description of materials necessary to carry out this chapter;~~

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~~(B) Make recommendations to the director of administrative  
services relative to the qualifications and duties of the  
inspectors provided for in this chapter;~~

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~~(C)(2) Determine the testing standards, fees, and charges to  
be paid for making any test or analysis required pursuant to  
section 3713.08 of the Revised Code.~~

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(B) In accordance with Chapter 119. of the Revised Code, the  
superintendent may adopt rules regarding the following:

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(1) Establishing an initial application fee or an annual  
registration renewal fee not more than fifty per cent higher than  
the fees set forth in section 4713.05 of the Revised Code;

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(2) Establishing standards, on a reciprocal basis, for the  
acceptance of labels and laboratory analyses from other states  
where the labeling requirements and laboratory analysis standards  
are substantially equal to the requirements of this state,

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provided the other state extends similar reciprocity to labels and  
laboratory analysis conducted under this chapter;

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(3) Any other rules necessary to administer and carry out  
this chapter.

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(C) The superintendent may do any of the following:

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(1) Issue administrative orders, conduct hearings, and take  
all actions necessary under the authority of Chapter 119. of the  
Revised Code for the administration of this chapter. The authority  
granted under this division shall include the authority to  
suspend, revoke, or deny registration under this chapter.

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(2) Establish and maintain facilities within the department  
of commerce to make tests and analysis of materials used in the  
manufacture of bedding and stuffed toys. The superintendent also  
may designate established laboratories in various sections of the  
state that are qualified to make these tests. If the  
superintendent exercises this authority, the superintendent shall  
adopt rules to determine the fees and charges to be paid for  
making the tests or analyses authorized under this section.

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(3) Exercise such other powers and duties as are necessary to  
carry out the purpose and intent of this chapter.

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~~If there is practical difficulty or undue hardship in  
carrying out this chapter or any rule adopted by the director, the  
director may make a variation of such rule if the spirit of such  
rule is being observed.~~

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~~The director may subsequently approve, amend, modify, or  
rescind the rule governing the condition requiring the variation.~~

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**Sec. 3713.05.** (A) Applications to register to import,  
manufacture, renovate, wholesale, make, or reupholster stuffed  
toys or bedding in this state shall be made in writing on forms  
provided by the superintendent of industrial compliance. The

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application shall be accompanied by a registration fee of fifty 172  
dollars per person unless the applicant engages only in 173  
renovation, in which case the registration fee shall be 174  
thirty-five dollars. 175

(B) Upon receipt of the application and the appropriate fee, 176  
the superintendent shall register the applicant and assign a 177  
registration number to the registrant. 178

(C) Notwithstanding section 3713.02 of the Revised Code and 179  
division (A) of this section, the following are exempt from 180  
registration: 181

(1) An organization described in section 501(c)(3) of the 182  
"Internal Revenue Code of 1986," and exempt from income tax under 183  
section 501(a) of that code and that is operated exclusively to 184  
provide recreation or social services; 185

(2) A person who is not regularly engaged in the business of 186  
manufacturing, making, wholesaling, or importing stuffed toys but 187  
who manufactures or makes stuffed toys as a leisure pursuit and 188  
who sells one hundred or fewer stuffed toys within one calendar 189  
year; 190

(3) A person who is not regularly engaged in the business of 191  
manufacturing, making, wholesaling, or importing quilts, 192  
comforters, pillows, or cushions, but who manufactures or makes 193  
these items as a leisure pursuit and who sells five or fewer 194  
quilts, ten or fewer comforters, or twenty or fewer pillows or 195  
cushions within one calendar year. 196

(D) Notwithstanding division (C)(2) or (3) of this section, a 197  
person exempt under that division must attach a label to each 198  
stuffed toy that contains all of the following information: 199

(1) The person's name and address; 200

(2) A statement that the person is not registered by the 201

state of Ohio;

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(3) A statement that the contents of the product have not  
been inspected.

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Sec. 3713.06. (A) Any person who imports bedding or stuffed  
toys into this state for retail sale or use in this state and any  
person who manufactures bedding or stuffed toys in this state for  
retail sale or use in this state shall submit a report to the  
superintendent of industrial compliance, in a form and manner  
prescribed by the superintendent. The form shall be submitted once  
every six months and shall show the total number of items of  
bedding or stuffed toys imported into this state or manufactured  
in this state. Each report shall be accompanied by a fee of four  
cents for each item of bedding or stuffed toy imported into this  
state or manufactured in this state.

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(B) Every importer, manufacturer, or wholesaler of stuffed  
toys or articles of bedding, and every mobile home and  
recreational vehicle dealer, conversion van dealer, secondhand  
dealer, and auction house shall retain records, designated by the  
superintendent in rule, for the time period established in rule.

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(C) Every importer, manufacturer, or wholesaler of stuffed  
toys or articles of bedding, and every mobile home and  
recreational vehicle dealer, conversion van dealer, secondhand  
dealer, and auction house shall make sufficient investigation of  
its records to ensure that the information reported to the  
superintendent under division (A) of this section is accurate.

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Sec. 3713.07. (A) Registration obtained under this chapter  
expires annually on the last day of the month in the month that  
the registration was obtained. The superintendent of industrial  
compliance shall renew the registration in accordance with Chapter  
4745. of the Revised Code.

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(B) Failure on the part of any registrant to renew registration prior to its expiration, when notified as required in this section, shall not deprive the person of the right to renewal within the ninety days that follow expiration, but the fee to be paid for renewal after its expiration shall be one hundred dollars plus the standard registration fee for the registrant. 232  
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(C) If a registrant fails to renew registration within ninety days of the date that it expired, the former registrant shall comply with the registration requirements under section 3713.05 of the Revised Code to obtain valid registration. 238  
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**Sec. 3713.08.** (A) All persons manufacturing, making, or wholesaling bedding or stuffed toys, or both, that are sold or offered for sale shall have the material content of their products tested and analyzed at an established laboratory designated by the superintendent of industrial compliance before the bedding or stuffed toys are sold or offered for sale. 242  
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(B) Every stuffed toy or item of bedding sold or offered for sale shall have a label affixed to it that reports the contents of the stuffed toy or bedding material in conformity with requirements established by the superintendent. 248  
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(C) The seller of any secondhand articles of bedding or stuffed toys shall sanitize all items in accordance with rules established by the superintendent prior to the sale of or the offering for sale of any secondhand articles. 252  
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(D) This section does not apply to any of the following: 256

(1) Persons who meet the qualifications of division (C)(2) or (3) of section 3713.05 of the Revised Code; 257  
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(2) The sale of furniture more than fifty years old; 259

(3) The sale of furniture from the home of the owner directly to the purchaser. 260  
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Sec. 3713.09. (A) The superintendent of industrial compliance may appoint inspectors and periodically inspect and investigate any establishment where bedding or stuffed toys are manufactured, made, remade, renovated, repaired, sanitized, sold, or offered for sale, or where previously used material is processed for use in the manufacture of bedding or stuffed toys.

(1) Each inspector shall make a written report to the superintendent of each examination and inspection complete with the inspector's findings and recommendations. Inspectors may place "off sale" any article of bedding or stuffed toy offered for sale, or found in the possession of any person with the intent to sell, in violation of section 3713.02 of the Revised Code. Inspectors shall perform other duties related to inspection and examination as prescribed by the superintendent.

(2) When articles are placed "off sale" under division (A)(1) of this section, they shall be tagged, and the tag shall not be removed except by an authorized representative of the division of industrial compliance after the violator demonstrates to the satisfaction of the superintendent proof of compliance with the requirements of section 3713.08 of the Revised Code.

(B)(1) When an inspector has cause to believe that any bedding or stuffed toy is not tagged or labeled in accordance with section 3713.08 of the Revised Code, the inspector may open any seam of the bedding or stuffed toy in question to examine the material used or contained within it and take a reasonable amount of the material for testing and analysis and, if necessary, examine any and all purchase records in order to determine the contents or the kind of material used in the bedding or stuffed toy in question. An inspector may seize and hold evidence of any article of bedding, stuffed toy, or material manufactured, made, possessed, renovated, remade, or repaired, sold, or offered for

sale contrary to this chapter.

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(2) Immediately after seizing articles believed to be in violation of this chapter, the inspector immediately shall report the seizure to the superintendent. The superintendent shall hold a hearing in accordance with Chapter 119. of the Revised Code or make a ruling in the matter. If the superintendent finds that the article of bedding, stuffed toy, or material is not in violation of this chapter, the superintendent shall order the item or items returned to the owner. If the superintendent finds a violation of this chapter, the superintendent may do either of the following:

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(a) Return the articles to the owner for proper treatment, tagging or labeling, or other action as ordered by the superintendent, subject to the requirement that the articles be reinspected at cost to the owner, prior to being sold or offered for sale;

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(b) Report the violation to the appropriate prosecuting attorney or city law director.

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(C) The superintendent, at reasonable times and upon reasonable notice, may examine or cause to be examined the records of any importer, manufacturer, or wholesaler of stuffed toys or articles of bedding, mobile home and recreational vehicle dealer, conversion van dealer, secondhand dealer, or auction house to determine compliance with this chapter. The superintendent may enter into contracts, pursuant to procedures prescribed by the superintendent, with persons to examine these records to determine compliance with this chapter. These persons may collect and remit to the superintendent any amounts due under this chapter.

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(D) Records audited pursuant to division (C) of this section are confidential and shall not be disclosed except as required by section 149.43 of the Revised Code, or as the superintendent finds necessary for the proper administration of this chapter.

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(E) In the case of any investigation or examination, or both, 324  
that requires investigation or examination outside of this state 325  
of any importer, manufacturer, or wholesaler of stuffed toys or 326  
articles of bedding, or of any mobile home or recreational vehicle 327  
dealer, conversion van dealer, secondhand dealer, or auction 328  
house, the superintendent may require the investigated or examined 329  
person to pay the actual expense of the investigation or 330  
examination. The superintendent shall provide an itemized 331  
statement of actual expenses to the investigated or examined 332  
person. 333

(F) Whenever the superintendent has reason to believe, from 334  
the superintendent's own information, upon complaint, or 335  
otherwise, that any person has engaged in, is engaging in, or is 336  
about to engage in any practice prohibited by this chapter, or 337  
when the superintendent has reason to believe that it is necessary 338  
for public health and safety, the superintendent may do any of the 339  
following: 340

(1) Investigate violations of this chapter, and for that 341  
purpose, may subpoena witnesses in connection with the 342  
investigation. The superintendent may make application to the 343  
appropriate court of common pleas for an order enjoining the 344  
violation of this chapter, and upon a showing by the 345  
superintendent that any registrant or person acting in a manner 346  
that requires registration has violated or is about to violate 347  
this chapter, an injunction, restraining order, or other order as 348  
may be appropriate shall be granted by the court. 349

(2) Compel by subpoena the attendance of witnesses to testify 350  
in relation to any matter over which the superintendent has 351  
jurisdiction and that is the subject of inquiry and investigation 352  
by the superintendent, and require the production of any book, 353  
paper, or document pertaining to the matter. In case any person 354  
fails to file any statement or report, obey any subpoena, give 355

testimony, or produce any books, records, or papers as required by 356  
a subpoena, the court of common pleas of any county in the state, 357  
upon application made to it by the superintendent, shall compel 358  
obedience by attachment proceedings for contempt. 359

(3) Suspend or revoke the registration of any importer, 360  
manufacturer, or wholesaler of stuffed toys or articles of 361  
bedding, mobile home or recreational vehicle dealer, conversion 362  
van dealer, secondhand dealer, or auction house; 363

(4) Submit evidence of the violation or violations to any 364  
city prosecutor, city director of law, or prosecuting attorney 365  
with authority to prosecute. If the city prosecutor, city director 366  
of law, or prosecuting attorney with authority to prosecute fails 367  
to prosecute, the superintendent shall submit the evidence to the 368  
attorney general who may proceed with the prosecution. 369

~~Sec. 3713.10. Sections 3713.01 to 3713.11, inclusive, of the~~ 371  
~~Revised Code~~ All money collected under this chapter shall be 372  
~~governed by and be in accordance with sections 119.01 to 119.13,~~ 373  
~~inclusive,~~ deposited into the state treasury to the credit of the 374  
industrial compliance operating fund created under section 121.084 375  
of the Revised Code. 376

~~Sec. 3713.99. (A) Whoever violates division (A), (B), or (D)~~ 377  
~~of section 3713.09~~ 3713.02 of the Revised Code shall be fined not 378  
~~less than twenty-five nor more than five hundred dollars or~~ 379  
~~imprisoned not more than six months, or both~~ is guilty of a 380  
misdemeanor of the fourth degree. 381

(B) Whoever violates division (C) of section 3713.02 of the 382  
Revised Code is guilty of a misdemeanor of the third degree. 383

~~Sec. 4104.01. As used in sections 4104.01 to 4104.20 and~~ 384

section 4104.99 of the Revised Code: 385

(A) "Board of building standards" or "board" means the board 386  
established by section 3781.07 of the Revised Code. 387

(B) "Superintendent" means the ~~office of~~ superintendent of 388  
the division of industrial compliance created by section 121.04 of 389  
the Revised Code. 390

(C) "Boiler" means a closed vessel in which water is heated, 391  
steam is generated, steam is superheated, or any combination 392  
thereof, under pressure or vacuum for use externally to itself by 393  
the direct application of heat from the combustion of fuels, or 394  
from electricity or nuclear energy. "Boiler" includes fired units 395  
for heating or vaporizing liquids other than water where these 396  
units are separate from processing systems and are complete within 397  
themselves. 398

(D) "Power boiler" means a boiler in which steam or other 399  
vapor (to be used externally to itself) is generated at a pressure 400  
of more than fifteen psig. 401

(E) "High pressure, high temperature water boiler" means a 402  
water heating boiler operating at pressures exceeding one hundred 403  
sixty psig or temperatures exceeding two hundred fifty degrees 404  
Fahrenheit. 405

(F) "Low pressure boiler" means a steam boiler operating at 406  
pressures not exceeding fifteen psig, or a hot water heating 407  
boiler operating at pressures not exceeding one hundred sixty psig 408  
or temperatures not exceeding two hundred fifty degrees 409  
Fahrenheit. 410

(G) "Unfired pressure vessel" means a ~~vessel in which~~ 411  
container for the containment of pressure, either internal or 412  
external. This pressure is may be obtained from an external source 413  
or by the application of heat from ~~an~~ a direct or indirect source 414  
or any combination thereof. 415

(H) "Process boiler" means a boiler to which all of the following apply:

(1) The steam in the boiler is either generated or superheated, or both, under pressure or vacuum for use external to itself.

(2) The source of heat for the boiler is in part or in whole from a process other than the boiler itself.

(3) The boiler is part of a continuous processing unit, such as used in chemical manufacture or petroleum refining, other than a steam-generated process unit.

(I) "Stationary steam engine" means an engine or turbine in which the mechanical force arising from the elasticity and expansion action of steam or from its property of rapid condensation or from a combination of the two is made available as a motive power.

**Sec. 4104.02.** The board of building standards shall:

(A) Formulate rules for the construction, installation, inspection, repair, conservation of energy, and operation of boilers and the construction, inspection, and repair of unfired pressure vessels and for ascertaining the safe working pressures to be carried on such boilers and unfired pressure vessels and the qualification of inspectors of boilers and unfired pressure vessels;

(B) Prescribe tests, if it is considered necessary, to ascertain the qualities of materials used in the construction of boilers and unfired pressure vessels;

(C) Adopt rules regulating the construction and sizes of safety valves for boilers and unfired pressure vessels of different sizes and pressures, for the construction, use, and location of fusible plugs, appliances for indicating the pressure

of steam and level of water in the boiler or unfired pressure vessels, and such other appliances as the board considers necessary to safety in operating boilers;

~~(D) Make a standard form of certificate of operation for boilers;~~

~~(E) Establish reasonable fees for the performance of reviews, surveys, or audits of manufacturer's facilities by the division of industrial compliance for certification by the American society of mechanical engineers and the national board of boiler and pressure vessel inspectors;~~

(E) The definitions and rules adopted by the board for the construction, installation, inspection, repair, conservation of energy, and operation of boilers and the construction, inspection, and repair of unfired pressure vessels and for ascertaining the safe working pressures to be used on such boilers and unfired pressure vessels shall be based upon and follow generally accepted engineering standards, formulae, and practices established and pertaining to boilers and unfired pressure vessel construction, operation, and safety, and the board may, for this purpose, adopt existing published standards as well as amendments thereto subsequently published by the same authority.

When a person desires to manufacture a special type of boiler or unfired pressure vessel, the design of which is not covered by the rules of the board, ~~he~~ the person shall submit drawings and specifications of such boiler or unfired pressure vessel to the board for investigation, after which the board may permit its installation.

The provisions of sections 119.03 and 119.11 of the Revised Code in particular, and the applicable provisions of Chapter 119. of the Revised Code in general, shall govern the proceedings of the board of building standards in adopting, amending, or



rescinding rules pursuant to this section.

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Sec. 4104.05. (A) No person shall operate a low pressure boiler at more than thirty horsepower, unless one of the following applies to that person:

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(1) The person is licensed as a steam engineer, high pressure boiler operator, or low pressure boiler operator in accordance with section 4104.19 of the Revised Code.

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(2) The person is working under the direct supervision of a steam engineer, high pressure boiler operator, or low pressure boiler operator.

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(B) No person shall operate a power boiler at more than thirty horsepower unless one of the following applies to that person:

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(1) The person is licensed as a steam engineer or high pressure boiler operator in accordance with section 4104.19 of the Revised Code.

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(2) The person is working under the direct supervision of a steam engineer or high pressure boiler operator.

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(C) No person shall operate a stationary steam engine at more than thirty horsepower unless one of the following applies to that person:

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(1) The person is licensed as a steam engineer in accordance with section 4104.19 of the Revised Code.

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(2) The person is working under the direct supervision of a steam engineer.

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Sec. 4104.06. (A) The inspection of boilers and their appurtenances and unfired pressure vessels shall be made by the inspectors mentioned in sections 4104.07 to 4104.20 of the Revised

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~~Code, under the supervision of the. The superintendent of the~~ 505  
~~division of industrial compliance, and he shall administer and~~ 506  
enforce such sections and rules adopted by the board of building 507  
standards pursuant to section 4104.02 of the Revised Code. 508

(B) The superintendent shall adopt, amend, and repeal rules 509  
exclusively for the issuance, renewal, suspension, and revocation 510  
of certificates of competency and certificates of operation, for 511  
conducting hearings in accordance with Chapter 119. of the Revised 512  
Code related to these actions, and for the inspection of boilers 513  
and their appurtenances, and unfired pressure vessels. 514

(C) Notwithstanding division (B) of this section, the 515  
superintendent shall not adopt rules relating to construction, 516  
maintenance, or repair of boilers and their appurtenances, or 517  
repair of unfired pressure vessels. 518

(D) The superintendent and each general inspector may enter 519  
any premises and any building or room at all reasonable hours to 520  
perform an examination or inspection. 521

**Sec. 4104.07.** (A) An application for examination as an 522  
inspector of boilers and unfired pressure vessels shall be in 523  
writing, accompanied by a fee of fifty dollars, upon a blank to be 524  
furnished by the superintendent of ~~the division of~~ industrial 525  
compliance. Any moneys collected under this section shall be paid 526  
into the state treasury to the credit of the industrial compliance 527  
operating fund created in section 121.084 of the Revised Code. 528

(B) The superintendent shall determine if an applicant meets 529  
all the requirements for examination in accordance with rules 530  
adopted by the board of building standards under section 4104.02 531  
of the Revised Code. An application shall be rejected which 532  
contains any willful falsification, or untruthful statements. 533

(C) An applicant shall be examined by the superintendent, by 534  
a written examination, prescribed by the board, dealing with the 535

construction, installation, operation, maintenance, and repair of 536  
boilers and unfired pressure vessels and their appurtenances, and 537  
the applicant shall be accepted or rejected on the merits of ~~his~~ 538  
the applicant's application and examination. 539

~~A rejected applicant is entitled, after the expiration of 540  
ninety days and upon payment of an examination fee of fifty 541  
dollars, to another examination. 542~~

(D) Upon a favorable report by the superintendent of the 543  
result of an examination, the superintendent shall immediately 544  
issue to the successful applicant a certificate of competency to 545  
that effect. 546

**Sec. 4104.08.** (A) The director of commerce may appoint from 547  
the holders of certificates of competency provided for in section 548  
4104.07 of the Revised Code, general inspectors of boilers and 549  
unfired pressure vessels. 550

(B) Any company authorized to insure boilers and unfired 551  
pressure vessels against explosion in this state may designate 552  
from holders of certificates of competency issued by the 553  
superintendent of ~~the division of~~ industrial compliance, or 554  
holders of certificates of competency or commissions issued by 555  
other states or nations whose examinations for certificates or 556  
commissions have been approved by the board of building standards, 557  
persons to inspect and stamp boilers and unfired pressure vessels 558  
covered by the company's policies, and the superintendent shall 559  
issue to such persons commissions authorizing them to act as 560  
special inspectors. Special inspectors shall be compensated by the 561  
company designating them. ~~The board~~ 562

(C) The director of commerce shall establish an annual fee to 563  
be charged by the superintendent for each certificate of 564  
competency or commission the superintendent issues. 565

~~Any state or municipal corporation may designate from holders 566~~

~~of certificates of competency, issued by the superintendent,  
persons to inspect and stamp boilers and unfired pressure vessels  
during construction under such rules as may be adopted by the  
board, provided the boiler or unfired pressure vessel conforms in  
every detail with the rules.~~

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(D) The superintendent shall issue to each of ~~such appointees~~  
general or special inspector a commission to the effect that the  
holder thereof is authorized to inspect boilers and unfired  
pressure vessels ~~for the~~ in this state.

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(E) No person shall be authorized to act ~~for the state,~~  
~~either~~ as a general inspector or a special inspector, who is  
directly or indirectly interested in the manufacture or sale of  
boilers or unfired pressure vessels.

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**Sec. 4104.09.** The certificate of competency issued under  
section 4104.07 of the Revised Code or the commission provided for  
in section 4104.08 of the Revised Code may be revoked by the  
superintendent of ~~the division of~~ industrial compliance for the  
incompetence or untrustworthiness of the holder thereof, or for  
willful falsification of any matter or statement contained in ~~his~~  
the holder's application or in a report of any inspection. ~~A~~  
~~person whose commission is revoked may appeal~~ in accordance with  
~~section 119.12~~ Chapter 119 of the Revised Code. If a certificate  
or commission is lost or destroyed, a new certificate or  
commission shall be issued in its place without another  
examination.

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~~All certificates of competency or commissions issued prior to  
October 15, 1965, are valid unless revoked.~~

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**Sec. 4104.10.** All unfired pressure vessels, except unfired  
pressure vessels exempt under section 4104.04 of the Revised Code,  
shall be thoroughly inspected during fabrication and upon

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completion by either a general or special inspector, and shall not 597  
be operated until a copy of the manufacturers' data report, 598  
properly executed and signed by the inspector is filed in the 599  
office of the superintendent of ~~the division of~~ industrial 600  
compliance. All unfired pressure vessels shall conform in every 601  
detail with applicable rules adopted by the board of building 602  
standards pursuant to section 4104.02 of the Revised Code. 603

**Sec. 4104.101.** (A) ~~Every contractor~~ No person shall be 604  
~~registered with the division of industrial compliance before~~ 605  
~~installing~~ install or ~~making~~ make major repairs or modifications 606  
to any boiler without first registering to do so with the division 607  
of industrial compliance. 608

(B) ~~Every contractor~~ No person shall ~~obtain a permit from the~~ 609  
~~division prior to making an~~ make any installation or major repair 610  
or modification of any boiler without first obtaining a permit to 611  
do so from the division. The permit application form shall provide 612  
the name and address of the owner, location of the boiler, and 613  
type of repair or modification that will be made. The application 614  
permit fee shall be fifty dollars. 615

(C) ~~The superintendent of the division of~~ industrial 616  
compliance shall require annual registration of all contractors 617  
who install, make major repairs to, or modify any boiler. The 618  
board of building standards shall establish a reasonable fee to 619  
cover the cost of processing registrations. 620

**Sec. 4104.14.** The owner or user of a boiler required by 621  
sections 4104.01 to 4104.20, ~~inclusive,~~ of the Revised Code, to be 622  
inspected shall, after due notice, prepare the boiler for internal 623  
and external inspection at the appointed time, by drawing the 624  
water from the boiler and removing the manhole and handhole plates 625  
and thoroughly cleaning the boiler and its setting. ~~The inspector~~ 626  
~~shall give such owner or user at least fourteen days' notice to~~ 627

~~prepare the boiler for such inspection, but need not give notice~~ 628  
~~for inspection under operating conditions.~~ The inspector, when 629  
making inspections under operating conditions, shall observe the 630  
pressure carried and the general condition of each boiler, and 631  
ascertain if the safety valve and the appliances for indicating 632  
the pressure and level of water in the boiler are in proper 633  
working order. No person shall remove or tamper with any safety 634  
appliances prescribed by the board of building standards, and no 635  
person shall in any manner load the safety valve to a greater 636  
pressure than that allowed by the certificate of operation. If in 637  
the judgment of the inspector it is advisable to apply a 638  
hydrostatic pressure test to the boiler, the owner or user shall 639  
prepare the boiler for such test, and apply the test which shall 640  
be witnessed by the inspector. 641

**Sec. 4104.15.** (A) All certificates of inspection for boilers, 642  
issued prior to October 15, 1965, are valid and effective for the 643  
period set forth in such certificates unless sooner withdrawn by 644  
the superintendent of ~~the division of~~ industrial compliance. The 645  
owner or user of any such boiler shall obtain an appropriate 646  
certificate of operation for such boiler ~~on or before the~~ 647  
~~expiration date of such certificate of inspection,~~ and shall not 648  
operate such boiler, or permit it to be operated ~~after such~~ 649  
~~expiration date~~ unless a certificate of operation has been 650  
obtained in accordance with section 4104.17 of the Revised Code. 651

(B) If, upon making the internal and external inspection 652  
required under sections 4104.11, 4104.12, and 4104.13 of the 653  
Revised Code, the inspector finds the boiler to be in safe working 654  
order, with the fittings necessary to safety, and properly set up, 655  
upon ~~his~~ the inspector's report to the superintendent, the 656  
superintendent shall issue to the owner or user thereof, or renew, 657  
upon application and upon compliance with sections 4104.17 and 658  
4104.18 of the Revised Code, a certificate of operation which 659

shall state the maximum pressure at which the boiler may be 660  
operated, as ascertained by the rules of the board of building 661  
standards. Such certificates shall also state the name of the 662  
owner or user, the location, size, and number of each boiler, and 663  
the date of issuance, and shall be so placed as to be easily read 664  
in the engine room or boiler room of the plant where the boiler is 665  
located, except that the certificate of operation for a portable 666  
boiler shall be kept on the premises and shall be accessible at 667  
all times. 668

(C) If an inspector at any inspection finds that the boiler 669  
or unfired pressure vessel is not in safe working condition, or is 670  
not provided with the fittings necessary to safety, or if the 671  
fittings are improperly arranged, ~~he~~ the inspector shall 672  
immediately notify the owner or user and person in charge of the 673  
boiler and shall report the same to the superintendent who ~~shall 674~~  
~~withdraw or withhold such~~ may revoke, suspend, or deny the 675  
certificate of operation and not renew the same until the boiler 676  
or unfired pressure vessel and its fittings are put in condition 677  
to insure safety of operation, and the owner or user shall not 678  
operate the boiler or unfired pressure vessel, or permit it to be 679  
operated until such certificate has been granted or restored. 680

(D) If the superintendent or a general boiler inspector finds 681  
that an unfired pressure vessel or boiler or a part thereof poses 682  
an explosion hazard that reasonably can be regarded as posing an 683  
imminent danger of death or serious physical harm to persons, the 684  
superintendent or the general boiler inspector shall seal the 685  
unfired pressure vessel or boiler and order, in writing, the 686  
operator or owner of the unfired pressure vessel or boiler to 687  
immediately cease the unfired pressure vessel's or boiler's 688  
operation. The order shall be effective until the nonconformities 689  
are eliminated, corrected, or otherwise remedied, or for a period 690  
of seventy-two hours from the time of issuance, whichever occurs 691

first. During the seventy-two-hour period, the superintendent may request that the prosecuting attorney or city attorney of Franklin county or of the county in which the unfired pressure vessel or boiler is located obtain an injunction restraining the operator or owner of the unfired pressure vessel or boiler from continuing its operation after the seventy-two-hour period expires until the nonconformities are eliminated, corrected, or otherwise remedied.

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(E) Each boiler which has been inspected shall be assigned a number by the superintendent, which number shall be ~~stamped on the boiler except that in the event the boiler is of cast iron construction such number may be~~ stamped on a nonferrous metal tag affixed to the boiler or its fittings by seal or otherwise. No person except an inspector shall deface or remove any such number or tag.

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(F) If the owner or user of any unfired pressure vessel or boiler disagrees with the inspector as to the necessity for shutting down a unfired pressure vessel or boiler or for making repairs or alterations in it, or taking any other measures for safety that are requested by an inspector, the owner or user may appeal from the decision of the inspector to the superintendent, who may, after such other inspection by a general inspector or special inspector as the superintendent deems necessary, decide the issue.

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(G) Neither sections 4104.01 to 4104.20 of the Revised Code, nor an inspection or report by any inspector, shall relieve the owner or user of ~~a steam~~ an unfired pressure vessel or boiler of the duty of using due care ~~himself~~ in the inspection, operation, and repair of the unfired pressure vessel or boiler or of any liability for damages for ~~his~~ failure to inspect, repair, or operate the unfired pressure vessel or boiler safely.

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**Sec. 4104.17.** Certificates of operation issued for boilers

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subject to inspection under Chapter 4104. of the Revised Code 723  
shall be issued and renewed in accordance with and at dates 724  
prescribed by rules and regulations adopted by the ~~board of~~ 725  
~~building standards~~ superintendent of industrial compliance. 726

**Sec. 4104.18.** (A) The owner or user of a boiler required 727  
under section 4104.12 of the Revised Code to be inspected upon 728  
installation, and the owner or user of a boiler for which a 729  
certificate of inspection has been issued which is replaced with 730  
an appropriate certificate of operation, shall pay to the 731  
superintendent of ~~the division of~~ industrial compliance a fee in 732  
the amount of thirty dollars for boilers subject to annual 733  
inspections under section 4104.11 of the Revised Code, sixty 734  
dollars for boilers subject to biennial inspection under section 735  
4104.13 of the Revised Code, ninety dollars for boilers subject to 736  
triennial inspection under section 4104.11 of the Revised Code, or 737  
one hundred fifty dollars for boilers subject to quinquennial 738  
inspection under section 4104.13 of the Revised Code ~~before any~~ 739  
~~certificate of operation is issued.~~ 740

A renewal fee in the amount of thirty dollars shall be paid 741  
to the treasurer of state before the renewal of any certificate of 742  
operation ~~is renewed.~~ 743

(B) The fee for complete inspection during construction by a 744  
general inspector on boilers and unfired pressure vessels 745  
manufactured within the state shall be thirty-five dollars per 746  
hour. Boiler and unfired pressure vessel manufacturers other than 747  
those located in the state may secure inspection by a general 748  
inspector on work during construction, upon application to the 749  
superintendent, and upon payment of a fee of thirty-five dollars 750  
per hour, plus the necessary traveling and hotel expenses incurred 751  
by the inspector. 752

(C) The application fee for applicants for steam engineer, 753

high pressure boiler operator, or low pressure boiler operator 754  
licenses is fifty dollars. The fee for each original or renewal 755  
steam engineer, high pressure boiler operator, or low pressure 756  
boiler operator license is thirty-five dollars. 757

(D) The director of commerce, subject to the approval of the 758  
controlling board, may establish fees in excess of the fees 759  
provided in divisions (A) ~~and~~, (B), and (C) of this section, 760  
provided that such fees do not exceed the amounts established in 761  
this section by more than fifty per cent. Any moneys collected 762  
under this section shall be paid into the state treasury to the 763  
credit of the industrial compliance operating fund created in 764  
section 121.084 of the Revised Code. 765

~~(D)~~(E) Any person who fails to pay an invoiced renewal fee or 766  
an invoiced inspection fee required for any inspection conducted 767  
by the division of industrial compliance pursuant to this chapter 768  
within forty-five days ~~after the inspection is conducted of the~~ 769  
invoice date shall pay a late payment fee equal to twenty-five per 770  
cent of the ~~inspection~~ invoiced fee. 771

~~(E)~~(F) In addition to the fees assessed in divisions (A) and 772  
(B) of this section, the board of building standards shall assess 773  
the owner or user a fee of three dollars and twenty-five cents for 774  
each certificate of operation or renewal thereof issued under 775  
division (A) of this section and for each inspection conducted 776  
under division (B) of this section. The board shall adopt rules, 777  
in accordance with Chapter 119. of the Revised Code, specifying 778  
the manner by which the superintendent shall collect and remit to 779  
the board the fees assessed under this division and requiring that 780  
remittance of the fees be made at least quarterly. 781

**Sec. 4104.19.** (A) Any person seeking a license to operate as 782  
a steam engineer, high pressure boiler operator, or low pressure 783  
boiler operator shall file a written application of industrial 784

compliance with the superintendent on a form prescribed by the 785  
superintendent with the appropriate application fee as set forth 786  
in section 4104.18 of the Revised Code. The application shall 787  
contain information satisfactory to the superintendent to 788  
demonstrate that the applicant meets the requirements of division 789  
(B) of this section. The application shall be filed with the 790  
superintendent not more than sixty days and not less than thirty 791  
days before the license examination is offered. 792

(B) To qualify to take the examination required to obtain a 793  
steam engineer, high pressure boiler operator, or low pressure 794  
boiler operator license, a person shall meet both of the following 795  
requirements: 796

(1) Be at least eighteen years of age; 797

(2) Have one year of experience in the operation of steam 798  
engines, high pressure boilers, or low pressure boilers as 799  
applicable to the type of license being sought, or a combination 800  
of experience and education for the type of license sought as 801  
determined to be acceptable by the superintendent. 802

(C) No applicant shall qualify to take an examination or to 803  
renew a license if the applicant has violated this chapter or if 804  
the applicant has obtained or renewed a license issued under this 805  
chapter by fraud, misrepresentation, or deception. 806

(D) The superintendent shall issue a license to each 807  
applicant who receives a passing score on the examination, as 808  
determined by the superintendent, for the license for which the 809  
applicant applied. 810

(E) The superintendent shall select and contract with one or 811  
more persons to do all of the following relative to the 812  
examinations for a license to operate as a steam engineer, high 813  
pressure boiler operator, or low pressure boiler operator: 814

(1) Prepare, administer, score, and maintain the 815

<u>confidentiality of the examination;</u>	816
<u>(2) Maintain responsibility for all expenses required to fulfill division (E)(1) of this section;</u>	817
<u>(3) Charge each applicant a fee for administering the examination, in an amount authorized by the superintendent;</u>	819
<u>(4) Design the examination for each type of license to determine an applicant's competence to operate the equipment for which the applicant is seeking licensure.</u>	821
<u>(F) Each license issued under this chapter expires one year after the date of issue. Each person holding a valid, unexpired license may renew the license, without reexamination, by applying to the superintendent not more than ninety days before the expiration of the license, and submitting with the application the renewal fee established in section 4104.18 of the Revised Code. Upon receipt of the renewal information and fee, the superintendent shall issue the licensee a certificate of renewal.</u>	824
<u>(G) The superintendent, in accordance with Chapter 119. of the Revised Code, may suspend or revoke any license, or may refuse to issue a license under this chapter upon finding that a licensee or an applicant for a license has violated or is violating the requirements of this chapter.</u>	825
<u>Sec. 4104.21. On receipt of a notice pursuant to section 3123.43 of the Revised Code, the <del>chief of the division of boiler inspection</del> superintendent of industrial compliance shall comply with sections 3123.41 to 3123.50 of the Revised Code and any applicable rules adopted under section 3123.63 of the Revised Code with respect to a certificate <u>or license</u> issued pursuant to this chapter.</u>	826
<u>Sec. 4104.99. (A) Whoever violates section 4104.20 of the</u>	827

Revised Code ~~shall be fined not less than twenty nor more than~~ 845  
~~five hundred dollars~~ is guilty of a misdemeanor of the third 846  
degree. 847

(B) Whoever violates division (A) or (B) of section 4104.101 848  
of the Revised Code ~~shall be fined not more than five hundred~~ 849  
~~dollars~~ is guilty of a misdemeanor of the third degree. 850

~~(C) Whoever violates section 4104.46 of the Revised Code~~ 851  
~~shall be fined not less than fifty nor more than one thousand~~ 852  
~~dollars for a first offense; for each subsequent offense such~~ 853  
~~person shall be fined not less than one hundred nor more than five~~ 854  
~~thousand dollars.~~ 855

**Sec. 4105.01.** As used in this chapter: 856

(A) "Elevator" means a hoisting and lowering apparatus 857  
equipped with a car, cage, or platform which moves on or between 858  
permanent rails or guides and serves two or more fixed landings in 859  
a building or structure to which section 3781.06 of the Revised 860  
Code applies. "Elevator" includes dumb-waiters other than 861  
hand-powered dumb-waiters, escalators, manlifts, moving walks, of 862  
the endless belt type, other lifting or lowering apparatus 863  
permanently installed on or between rails or guides, and all 864  
equipment, machinery, and construction related to any elevator; 865  
but does not include construction hoists and other similar 866  
temporary lifting or lowering apparatuses, ski lifts, traveling, 867  
portable amusement rides or devices that are not affixed to a 868  
permanent foundation, or nonportable amusement rides or devices 869  
that are affixed to a permanent foundation. 870

(B) "Passenger elevator" means an elevator that is designed 871  
to carry persons to its contract capacity. 872

(C) "Freight elevator" means an elevator normally used for 873  
carrying freight and on which only the operator and employees in 874  
the pursuit of their duties, by the permission of the employer, 875

are allowed to ride. 876

(D) "Gravity elevator" means an elevator utilizing gravity to 877  
move. 878

(E) "General inspector" means a state inspector examined and 879  
hired to inspect elevators and lifting apparatus for that state. 880

(F) "Special inspector" means an inspector examined and 881  
commissioned by the superintendent of the division of industrial 882  
compliance to inspect elevators and lifting apparatus in the 883  
state. 884

(G) "Inspector" means either a general or special inspector. 885

**Sec. 4105.10.** (A) Every passenger elevator, escalator, moving 886  
walk, and freight elevator, including gravity elevators, shall be 887  
inspected ~~once~~ twice every ~~six~~ twelve months. ~~Power~~ 888

(B) Power dumb-waiters, hoists, and other lifting or lowering 889  
apparatus, not designed to carry persons, permanently installed, 890  
either on or between rails or guides, shall be inspected at least 891  
once every twelve months. 892

(C) The board of building standards may designate by rule, 893  
classifications of passenger elevators with a capacity of seven 894  
hundred fifty pounds or less that shall be inspected once every 895  
twelve months. 896

**Sec. 4105.16.** Before any new installation of an elevator of 897  
permanent nature ~~shall be~~ is erected or before any existing 898  
elevator is removed to and installed in a different location, an 899  
application of specifications in duplicate shall be submitted to 900  
the division of industrial compliance giving such information 901  
concerning the construction, installation, and operation of said 902  
elevator as the division may require on forms to be furnished by 903  
the division, together with complete construction plans in 904

duplicate. In all cases where any changes or repairs are made 905  
which alter its construction or classification, grade or rated 906  
lifting capacity, except when made pursuant to a report of an 907  
inspector, an application of specifications in duplicate shall be 908  
submitted to the division, containing such information, or 909  
approval, except in those municipal corporations which maintain 910  
their own elevator inspection departments, in which event such 911  
specifications shall be submitted to the elevator department of 912  
the municipal corporation for its approval, and if approved, a 913  
permit for the erection or repair of such elevator shall be issued 914  
by the municipal corporation. Upon approval of such application 915  
and construction plans, the superintendent of ~~the division of~~ 916  
industrial compliance shall issue a permit for the erection or 917  
repair of such elevator. No new elevator shall be operated until 918  
completion in accordance with the approved plans and 919  
specifications, unless a temporary permit is granted by the 920  
division. 921

The final inspection, before operation, of a permanent, new 922  
or repaired elevator ~~shall be classed as a special inspection.~~ 923  
~~Such final inspection shall be made by a general inspector, but~~ 924  
~~the superintendent may designate~~ or a special inspector of ~~a~~ 925  
~~municipal corporation to make such final inspection of any~~ 926  
~~permanent elevator located in his municipal corporation~~ designated 927  
by the superintendent. 928

**Sec. 4105.17.** (A) The fee for ~~any~~ each inspection, or 929  
attempted inspection that, due to no fault of a general inspector 930  
or the division of industrial compliance, is not successfully 931  
completed, by a general inspector before the operation of a 932  
permanent new elevator prior to the issuance of a certificate of 933  
operation, before operation of an elevator being put back into 934  
service after a repair, or as a result of the operation of section 935  
4105.08 of the Revised Code and is an elevator required to be 936

inspected under this chapter is ~~thirty~~ twenty dollars plus five 937  
ten dollars for each floor where the elevator stops. The 938  
superintendent ~~of the division~~ of industrial compliance may assess 939  
~~a~~ an additional fee of one hundred twenty-five dollars plus five 940  
dollars for each floor where an elevator stops for the 941  
reinspection of an elevator when a previous attempt to inspect 942  
that elevator has been unsuccessful through no fault of a general 943  
inspector or the division of industrial compliance. ~~The~~ 944

(B) The fee for each inspection, or attempted inspection, 945  
that due to no fault of the general inspector or the division of 946  
industrial compliance, is not successfully completed by a general 947  
inspector before operation of a permanent new escalator or moving 948  
walk prior to the issuance of a certificate of operation, before 949  
operation of an escalator or moving walk being put back in service 950  
after a repair, or as a result of the operation of section 4105.08 951  
of the Revised Code is three hundred dollars. The superintendent 952  
of the division of industrial compliance may assess an additional 953  
fee of one hundred fifty dollars for the reinspection of an 954  
escalator or moving walk when a previous attempt to inspect that 955  
escalator or moving walk has been unsuccessful through no fault of 956  
the general inspector or the division of industrial compliance. 957

(C) The fee for issuing or renewing a certificate of 958  
operation under section 4105.15 of the Revised Code for an 959  
elevator that is inspected every six months in accordance with 960  
division (A) of section 4105.10 of the Revised Code is ~~thirty-five~~ 961  
one hundred five dollars plus ten dollars for each floor where the 962  
elevator stops, except where the elevator has been inspected by a 963  
special inspector in accordance with section 4105.07 of the 964  
Revised Code. 965

(D) The fee for issuing or renewing a certificate of 966  
operation under section 4105.05 of the Revised Code for an 967  
elevator that is inspected every twelve months in accordance with 968



division (A) of section 4105.10 of the Revised Code is fifty-five 969  
dollars plus ten dollars for each floor where the elevator stops, 970  
except where the elevator has been inspected by a special 971  
inspector in accordance with 4105.07 of the Revised Code. 972

(E) The fee for issuing or renewing a certificate of 973  
operation under section 4105.15 of the Revised Code for an 974  
escalator or moving walk is three hundred dollars, except where 975  
the escalator or moving walk has been inspected by a special 976  
inspector in accordance section 4105.07 of the Revised Code. 977

~~(B)~~(F) All other fees to be charged for any examination given 978  
or other service performed by the division of industrial 979  
compliance pursuant to this chapter shall be prescribed by the 980  
board of building standards established by section 3781.07 of the 981  
Revised Code director of commerce. The fees shall be reasonably 982  
related to the costs of such examination or other service. 983

~~(C)~~(G) The ~~board of building standards~~ director of commerce, 984  
subject to the approval of the controlling board, may establish 985  
fees in excess of the fees provided in ~~division~~ divisions (A) and 986  
(B) of this section, provided that the fees do not exceed the 987  
amounts established in ~~division~~ divisions (A) and (B) of this 988  
section by more than fifty per cent. Any moneys collected under 989  
this section shall be paid into the state treasury to the credit 990  
of the industrial compliance operating fund created in section 991  
121.084 of the Revised Code. 992

~~(D)~~(H) Any person who fails to pay an inspection fee required 993  
for any inspection conducted by the division pursuant to this 994  
chapter within forty-five days after the inspection is conducted 995  
shall pay a late payment fee equal to twenty-five per cent of the 996  
inspection fee. 997

~~(E)~~(I) In addition to the fee fees assessed in division 998  
divisions (A), (B), (C), and (D) of this section, the board of 999

building standards shall assess a fee of three dollars and 1000  
twenty-five cents for each certificate of operation or renewal 1001  
thereof issued under division (A) of this section and for each 1002  
permit issued under section 4105.16 of the Revised Code. The board 1003  
shall adopt rules, in accordance with Chapter 119. of the Revised 1004  
Code, specifying the manner by which the superintendent ~~of the~~ 1005  
~~division~~ of industrial compliance shall collect and remit to the 1006  
board the fees assessed under this division and requiring that 1007  
remittance of the fees be made at least quarterly. 1008

(J) For purposes of this section: 1009

(1) "Escalator" means a power driven, inclined, continuous 1010  
stairway used for raising or lowering passengers. 1011

(2) "Moving walk" means a passenger carrying device on which 1012  
passengers stand or walk, with a passenger carrying surface that 1013  
is uninterrupted and remains parallel to its direction of motion. 1014

**Section 2.** That existing sections 121.084, 3713.01, 3713.04, 1016  
3713.10, 3713.99, 4104.01, 4104.02, 4104.06, 4104.07, 4104.08, 1017  
4104.09, 4104.10, 4104.101, 4104.14, 4104.15, 4104.17, 4104.18, 1018  
4104.21, 4104.99, 4105.01, 4105.10, 4105.16, and 4105.17 and 1019  
sections 3713.02, 3713.03, 3713.05, 3713.051, 3713.06, 3713.07, 1020  
3713.08, 3713.09, 3713.11, 4739.01, 4739.02, 4739.03, 4739.04, 1021  
4739.05, 4739.06, 4739.07, 4739.08, 4739.09, 4739.10, 4739.11, 1022  
4739.12, 4739.13, 4739.14, 4739.15, 4739.16, and 4739.99 of the 1023  
Revised Code are hereby repealed. 1024