

**As Passed by the Senate**

**124th General Assembly**

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**Am. Sub. H. B. No. 428**

**REPRESENTATIVES** Widowfield, Faber, Otterman, Manning, Damschroder,  
Coates, Schmidt, Fessler, Flowers, Hagan, Carano, Cirelli, Perry, Sferra,  
Barrett, Schneider, Roman, DeBose  
**SENATORS** Hagan, Spada

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**A BILL**

To amend sections 121.084, 3713.01, 3713.04, 3713.10, 1  
3713.99, 4104.01, 4104.02, 4104.04, 4104.06 to 2  
4104.10, 4104.101, 4104.14, 4104.15, 4104.17, 3  
4104.18, 4104.21, 4104.99, 4105.01, 4105.10, 4  
4105.16, and 4105.17, to enact new sections 5  
3713.02, 3713.03, 3713.05, 3713.06, 3713.07, 6  
3713.08, and 3713.09 and sections 4104.05 and 7  
4104.19, and to repeal sections 3713.02, 3713.03, 8  
3713.05, 3713.051, 3713.06, 3713.07, 3713.08, 9  
3713.09, 3713.11, 4739.01, 4739.02, 4739.03, 10  
4739.04, 4739.05, 4739.06, 4739.07, 4739.08, 11  
4739.09, 4739.10, 4739.11, 4739.12, 4739.13, 12  
4739.14, 4739.15, 4739.16, and 4739.99 of the 13  
Revised Code to modify the laws administered and 14  
enforced by the Division of Industrial Compliance 15  
governing elevators, boilers, bedding, and stuffed 16  
toys. 17

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

**Section 1.** That sections 121.084, 3713.01, 3713.04, 3713.10, 18

3713.99, 4104.01, 4104.02, 4104.04, 4104.06, 4104.07, 4104.08, 19  
4104.09, 4104.10, 4104.101, 4104.14, 4104.15, 4104.17, 4104.18, 20  
4104.21, 4104.99, 4105.01, 4105.10, 4105.16, and 4105.17 be 21  
amended and new sections 3713.02, 3713.03, 3713.05, 3713.06, 22  
3713.07, 3713.08, and 3713.09 and sections 4104.05 and 4104.19 of 23  
the Revised Code be enacted to read as follows: 24

**Sec. 121.084.** (A) All moneys collected under sections 25  
1333.96, ~~3713.02, 3713.06, 3713.07, 3713.09,~~ 3783.05, 3791.07, 26  
4104.07, 4104.18, 4104.42, 4104.44, 4104.45, 4105.17, 4105.20, 27  
4169.03, 4171.04, ~~4739.14,~~ and 5104.051 of the Revised Code, and 28  
any other moneys collected by the division of industrial 29  
compliance shall be paid into the state treasury to the credit of 30  
the industrial compliance operating fund, which is hereby created. 31  
The department of commerce shall use the moneys in the fund for 32  
paying the operating expenses of the division and the 33  
administrative assessment described in division (B) of this 34  
section. 35

(B) The director of commerce, with the approval of the 36  
director of budget and management, shall prescribe procedures for 37  
assessing the industrial compliance operating fund a proportionate 38  
share of the administrative costs of the department of commerce. 39  
The assessment shall be made in accordance with those procedures 40  
and be paid from the industrial compliance operating fund to the 41  
division of administration fund created in section 121.08 of the 42  
Revised Code. 43

**Sec. 3713.01.** As used in sections 3713.01 to ~~3713.11,~~ 44  
~~inclusive,~~ 3713.10 of the Revised Code: 45

(A) "Person" has the same meaning as used in division (C) of 46  
section 1.59 of the Revised Code and also means an individual, 47  
~~group of individuals, partnership, corporation~~ any limited 48

company, limited liability partnership, joint stock company, or 49  
other association. 50

(B) "Bedding" means any upholstered furniture ~~filled with~~ 51  
~~material~~, any mattress, upholstered spring, comforter, bolster, 52  
pad, cushion, pillow, mattress protector, quilt, and any other 53  
upholstered article, to be used for sleeping, resting, or 54  
reclining purposes, and any glider, hammock, or other 55  
substantially similar article ~~which~~ that is wholly or partly 56  
upholstered. 57

(C) ~~"Material" means any article, substance, or portions~~ 58  
~~thereof used in the manufacture, repair, or renovation of bedding~~ 59  
~~or stuffed toys.~~ 60

(D) ~~"New material" means any material which has not been used~~ 61  
~~in the manufacture of another article, or used for any other~~ 62  
~~purpose, and includes by-products of machines at mills using only~~ 63  
~~new raw material.~~ 64

(E) ~~"Secondhand material" means any material which is not~~ 65  
~~"new."~~ 66

(F) ~~"Shredded clippings" means any material which has been~~ 67  
~~spun into yarn, knit or woven in fabric and subsequently cut up,~~ 68  
~~torn up, broken up, ground up or otherwise defabricated and shall~~ 69  
~~be so designated on a bedding or upholstered furniture label only~~ 70  
~~as "shredded clippings."~~ 71

(G) ~~"Secondhand articles of bedding" means any article, or~~ 72  
~~material, or portion thereof~~ of bedding which has been put to 73  
bodily prior use by, on, or about any person or animal and is sold 74  
or offered for sale "as is has been made in any manner 75  
whatsoever." 76

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

the owner's own use. 80

~~(I)~~(E) "Sale," "sell," or "sold" shall, in the corresponding 81  
tense, mean sell, offer to sell, or deliver or consign in sale, or 82  
possess with intent to sell, or deliver in sale. 83

~~(J)~~(F) "Upholstered furniture" means any article of furniture 84  
wholly or partly stuffed or filled with material and ~~which~~ that is 85  
used or intended for use for sitting, resting, or reclining 86  
purposes. 87

~~(K)~~(G) "Stuffed toy" means any article intended for use by 88  
~~children,~~ as a plaything, ~~which~~ or for an educational or 89  
recreational purpose that is wholly or partially stuffed with 90  
material. 91

~~(L) "Plaything" means any manufactured item for the~~ 92  
~~educational or recreational use of children, or the equivalent~~ 93  
~~thereof.~~ 94

(H) "Tag" or "label" means any material prescribed by the 95  
superintendent of industrial compliance to be attached to an 96  
article that contains information required under this chapter. 97

**Sec. 3713.02.** (A) Except as provided in section 3713.05 of 98  
the Revised Code, no person shall import, manufacture, renovate, 99  
wholesale, or reupholster stuffed toys or articles of bedding in 100  
this state without first registering to do so with the 101  
superintendent of industrial compliance in accordance with section 102  
3713.05 of the Revised Code. 103

(B) No person shall manufacture, offer for sale, sell, 104  
deliver, or possess for the purpose of manufacturing, selling, or 105  
delivering, an article of bedding or a stuffed toy that is not 106  
labeled in accordance with section 3713.08 of the Revised Code. 107

(C) No person shall manufacture, offer for sale, sell, 108  
deliver, or possess for the purpose of manufacturing, selling, or 109

delivering, an article of bedding or a stuffed toy that is falsely 110  
labeled. 111

(D) No person shall sell or offer for sale any secondhand 112  
article of bedding or any secondhand stuffed toy that has not been 113  
sanitized in accordance with section 3713.08 of the Revised Code. 114

(E) The possession of any article of bedding or stuffed toy 115  
in the course of business by a person required to obtain 116  
registration under this chapter, or by that person's agent or 117  
servant shall be prima-facie evidence of the person's intent to 118  
sell the article of bedding or stuffed toy. 119

Sec. 3713.03. The superintendent of industrial compliance in 120  
the department of commerce shall administer and enforce this 121  
chapter. 122

Sec. 3713.04. ~~The director of commerce~~ (A) In accordance with 123  
Chapter 119. of the Revised Code, the superintendent of industrial 124  
compliance shall: 125

~~(A)(1) Adopt rules pertaining to the definition, name, and~~ 126  
~~description of materials necessary to carry out this chapter;~~ 127

~~(B) Make recommendations to the director of administrative~~ 128  
~~services relative to the qualifications and duties of the~~ 129  
~~inspectors provided for in this chapter;~~ 130

~~(C)(2) Determine the testing standards, fees, and charges to~~ 131  
~~be paid for making any test or analysis required pursuant to~~ 132  
~~section 3713.08 of the Revised Code.~~ 133

(B) In accordance with Chapter 119. of the Revised Code, the 134  
superintendent may adopt rules regarding the following: 135

(1) Establishing an initial application fee or an annual 136  
registration renewal fee not more than fifty per cent higher than 137  
the fees set forth in section 4713.05 of the Revised Code; 138

(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, provided the other state extends similar reciprocity to labels and laboratory analysis conducted under this chapter; 139  
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(3) Any other rules necessary to administer and carry out this chapter. 145  
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(C) The superintendent may do any of the following: 147

(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. 148  
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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. 153  
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(3) Exercise such other powers and duties as are necessary to carry out the purpose and intent of this chapter. 161  
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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.~~ 163  
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~~The director may subsequently approve, amend, modify, or rescind the rule governing the condition requiring the variation.~~ 167  
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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 application shall be accompanied by a registration fee of fifty dollars per person unless the applicant engages only in renovation, in which case the registration fee shall be thirty-five dollars.

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

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

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

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

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

(D) Notwithstanding division (C)(2) or (3) of this section, a

person exempt under that division must attach a label to each 199  
stuffed toy that contains all of the following information: 200

(1) The person's name and address; 201

(2) A statement that the person is not registered by the 202  
state of Ohio; 203

(3) A statement that the contents of the product have not 204  
been inspected. 205

**Sec. 3713.06.** (A) Any person required to register under 206  
division (A) of section 3713.02 of the Revised Code who imports 207  
bedding or stuffed toys into this state for retail sale or use in 208  
this state and any person required to register under division (A) 209  
of section 3713.02 of the Revised Code who manufactures bedding or 210  
stuffed toys in this state for retail sale or use in this state 211  
shall submit a report to the superintendent of industrial 212  
compliance, in a form and manner prescribed by the superintendent. 213  
The form shall be submitted once every six months and shall show 214  
the total number of items of bedding or stuffed toys imported into 215  
this state or manufactured in this state. Each report shall be 216  
accompanied by a fee of four cents for each item of bedding or 217  
stuffed toy imported into this state or manufactured in this 218  
state. 219

(B) Every importer, manufacturer, or wholesaler of stuffed 220  
toys or articles of bedding, and every mobile home and 221  
recreational vehicle dealer, conversion van dealer, secondhand 222  
dealer, and auction house shall retain records, designated by the 223  
superintendent in rule, for the time period established in rule. 224

(C) Every importer, manufacturer, or wholesaler of stuffed 225  
toys or articles of bedding, and every mobile home and 226  
recreational vehicle dealer, conversion van dealer, secondhand 227  
dealer, and auction house shall make sufficient investigation of 228



its records to ensure that the information reported to the 229  
superintendent under division (A) of this section is accurate. 230

Sec. 3713.07. (A) Registration obtained under this chapter 231  
expires annually on the last day of the month in the month that 232  
the registration was obtained. The superintendent of industrial 233  
compliance shall renew the registration in accordance with Chapter 234  
4745. of the Revised Code. 235

(B) Failure on the part of any registrant to renew 236  
registration prior to its expiration, when notified as required in 237  
this section, shall not deprive the person of the right to renewal 238  
within the ninety days that follow expiration, but the fee to be 239  
paid for renewal after its expiration shall be one hundred dollars 240  
plus the standard registration fee for the registrant. 241

(C) If a registrant fails to renew registration within ninety 242  
days of the date that it expired, the former registrant shall 243  
comply with the registration requirements under section 3713.05 of 244  
the Revised Code to obtain valid registration. 245

Sec. 3713.08. (A) All persons required to register under 246  
division (A) of section 3713.02 of the Revised Code manufacturing, 247  
making, or wholesaling bedding or stuffed toys, or both, that are 248  
sold or offered for sale shall have the material content of their 249  
products tested and analyzed at an established laboratory 250  
designated by the superintendent of industrial compliance before 251  
the bedding or stuffed toys are sold or offered for sale. 252

(B) Every stuffed toy or item of bedding sold or offered for 253  
sale shall have a label affixed to it that reports the contents of 254  
the stuffed toy or bedding material in conformity with 255  
requirements established by the superintendent, a registration 256  
number, and any other identifying information as required by the 257  
superintendent. 258

(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. 259  
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(D) This section does not apply to any of the following: 263

(1) Persons who meet the qualifications of division (C)(2) or (3) of section 3713.05 of the Revised Code; 264  
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(2) The sale of furniture more than fifty years old; 266

(3) The sale of furniture from the home of the owner directly to the purchaser. 267  
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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. 269  
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(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. 275  
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(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. 283  
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(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. 289  
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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: 301  
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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; 310  
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(b) Report the violation to the appropriate prosecuting attorney or city law director. 315  
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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, 317  
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conversion van dealer, secondhand dealer, or auction house to 321  
determine compliance with this chapter. The superintendent may 322  
enter into contracts, pursuant to procedures prescribed by the 323  
superintendent, with persons to examine these records to determine 324  
compliance with this chapter. These persons may collect and remit 325  
to the superintendent any amounts due under this chapter. 326

(D) Records audited pursuant to division (C) of this section 327  
are confidential and shall not be disclosed except as required by 328  
section 149.43 of the Revised Code, or as the superintendent finds 329  
necessary for the proper administration of this chapter. 330

(E) In the case of any investigation or examination, or both, 331  
that requires investigation or examination outside of this state 332  
of any importer, manufacturer, or wholesaler of stuffed toys or 333  
articles of bedding, or of any mobile home or recreational vehicle 334  
dealer, conversion van dealer, secondhand dealer, or auction 335  
house, the superintendent may require the investigated or examined 336  
person to pay the actual expense of the investigation or 337  
examination. The superintendent shall provide an itemized 338  
statement of actual expenses to the investigated or examined 339  
person. 340

(F) Whenever the superintendent has reason to believe, from 341  
the superintendent's own information, upon complaint, or 342  
otherwise, that any person has engaged in, is engaging in, or is 343  
about to engage in any practice prohibited by this chapter, or 344  
when the superintendent has reason to believe that it is necessary 345  
for public health and safety, the superintendent may do any of the 346  
following: 347

(1) Investigate violations of this chapter, and for that 348  
purpose, may subpoena witnesses in connection with the 349  
investigation. The superintendent may make application to the 350  
appropriate court of common pleas for an order enjoining the 351  
violation of this chapter, and upon a showing by the 352

superintendent that any registrant or person acting in a manner 353  
that requires registration has violated or is about to violate 354  
this chapter, an injunction, restraining order, or other order as 355  
may be appropriate shall be granted by the court. 356

(2) Compel by subpoena the attendance of witnesses to testify 357  
in relation to any matter over which the superintendent has 358  
jurisdiction and that is the subject of inquiry and investigation 359  
by the superintendent, and require the production of any book, 360  
paper, or document pertaining to the matter. In case any person 361  
fails to file any statement or report, obey any subpoena, give 362  
testimony, or produce any books, records, or papers as required by 363  
a subpoena, the court of common pleas of any county in the state, 364  
upon application made to it by the superintendent, shall compel 365  
obedience by attachment proceedings for contempt. 366

(3) Suspend or revoke the registration of any importer, 367  
manufacturer, or wholesaler of stuffed toys or articles of 368  
bedding, mobile home or recreational vehicle dealer, conversion 369  
van dealer, secondhand dealer, or auction house; 370

(4) Submit evidence of the violation or violations to any 371  
city prosecutor, city director of law, or prosecuting attorney 372  
with authority to prosecute. If the city prosecutor, city director 373  
of law, or prosecuting attorney with authority to prosecute fails 374  
to prosecute, the superintendent shall submit the evidence to the 375  
attorney general who may proceed with the prosecution. 376

~~Sec. 3713.10. Sections 3713.01 to 3713.11, inclusive, of the~~ 378  
~~Revised Code All money collected under this chapter shall be~~ 379  
~~governed by and be in accordance with sections 119.01 to 119.13,~~ 380  
~~inclusive, deposited into the state treasury to the credit of the~~ 381  
~~industrial compliance operating fund created under section 121.084~~ 382  
~~of the Revised Code.~~ 383

**Sec. 3713.99.** (A) Whoever violates division (A), (B), or (D) 384  
of section 3713.09 3713.02 of the Revised Code ~~shall be fined not~~ 385  
~~less than twenty-five nor more than five hundred dollars or~~ 386  
~~imprisoned not more than six months, or both~~ is guilty of a 387  
misdemeanor of the fourth degree. 388

(B) Whoever violates division (C) of section 3713.02 of the 389  
Revised Code is guilty of a misdemeanor of the third degree. 390

**Sec. 4104.01.** As used in sections 4104.01 to 4104.20 and 391  
section 4104.99 of the Revised Code: 392

(A) "Board of building standards" or "board" means the board 393  
established by section 3781.07 of the Revised Code. 394

(B) "Superintendent" means the ~~office of~~ superintendent of 395  
the division of industrial compliance created by section 121.04 of 396  
the Revised Code. 397

(C) "Boiler" means a closed vessel in which water is heated, 398  
steam is generated, steam is superheated, or any combination 399  
thereof, under pressure or vacuum for use externally to itself by 400  
the direct application of heat from the combustion of fuels, or 401  
from electricity or nuclear energy. "Boiler" includes fired units 402  
for heating or vaporizing liquids other than water where these 403  
units are separate from processing systems and are complete within 404  
themselves. 405

(D) "Power boiler" means a boiler in which steam or other 406  
vapor (to be used externally to itself) is generated at a pressure 407  
of more than fifteen psig. 408

(E) "High pressure, high temperature water boiler" means a 409  
water heating boiler operating at pressures exceeding one hundred 410  
sixty psig or temperatures exceeding two hundred fifty degrees 411  
Fahrenheit. 412

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

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

(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 443  
qualification of inspectors of boilers and unfired pressure 444  
vessels; 445

(B) Prescribe tests, if it is considered necessary, to 446  
ascertain the qualities of materials used in the construction of 447  
boilers and unfired pressure vessels; 448

(C) Adopt rules regulating the construction and sizes of 449  
safety valves for boilers and unfired pressure vessels of 450  
different sizes and pressures, for the construction, use, and 451  
location of fusible plugs, appliances for indicating the pressure 452  
of steam and level of water in the boiler or unfired pressure 453  
vessels, and such other appliances as the board considers 454  
necessary to safety in operating boilers; 455

~~(D) Make a standard form of certificate of operation for 456  
boilers; 457~~

~~(E) Establish reasonable fees for the performance of reviews, 458  
surveys, or audits of manufacturer's facilities by the division of 459  
industrial compliance for certification by the American society of 460  
mechanical engineers and the national board of boiler and pressure 461  
vessel inspectors; 462~~

(E) The definitions and rules adopted by the board for the 463  
construction, installation, inspection, repair, conservation of 464  
energy, and operation of boilers and the construction, inspection, 465  
and repair of unfired pressure vessels and for ascertaining the 466  
safe working pressures to be used on such boilers and unfired 467  
pressure vessels shall be based upon and follow generally accepted 468  
engineering standards, formulae, and practices established and 469  
pertaining to boilers and unfired pressure vessel construction, 470  
operation, and safety, and the board may, for this purpose, adopt 471  
existing published standards as well as amendments thereto 472  
subsequently published by the same authority. 473



When a person desires to manufacture a special type of boiler 474  
or unfired pressure vessel, the design of which is not covered by 475  
the rules of the board, ~~he~~ the person shall submit drawings and 476  
specifications of such boiler or unfired pressure vessel to the 477  
board for investigation, after which the board may permit its 478  
installation. 479

The provisions of sections 119.03 and 119.11 of the Revised 480  
Code in particular, and the applicable provisions of Chapter 119. 481  
of the Revised Code in general, shall govern the proceedings of 482  
the board of building standards in adopting, amending, or 483  
rescinding rules pursuant to this section. 484

**Sec. 4104.04.** (A) Sections 4104.01 to 4104.20~~7~~, and section 485  
4104.99 of the Revised Code do not apply to the following boilers 486  
and unfired pressure vessels: 487

(1) Boilers ~~and~~, unfired pressure vessels, and stationary 488  
steam engines under federal control or subject to inspection under 489  
federal laws; 490

(2) Air tanks located on vehicles operating under the rules 491  
of other state authorities and used for carrying passengers, or 492  
freight; 493

(3) Air tanks installed on the right of way of railroads and 494  
used directly in the operation of trains; 495

(4) Unfired pressure vessels which are under the regulation 496  
and control of the state fire marshal under Chapter 3737. of the 497  
Revised Code. 498

(B) The following boilers and unfired pressure vessels are 499  
exempt from the requirements of sections 4104.10, 4104.101, 500  
4104.11, 4104.12, and 4104.13 of the Revised Code, but shall be 501  
equipped with such appliances, to insure safety of operation, as 502  
are prescribed by the board: 503

(1) Portable boilers or unfired pressure vessels when located on farms and used solely for agricultural purposes; 504  
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(2) Steam or vapor boilers carrying a pressure of not more than fifteen psig, which are located in private residences or in apartment houses of less than six family units; 506  
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(3) Hot water boilers operated at pressures not exceeding one hundred sixty psig, or temperatures not exceeding two hundred fifty degrees ~~Fahrenheit~~ fahrenheit, which are located in private residences or in apartment houses of less than six family units; 509  
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(4) Unfired pressure vessels containing only water under pressure for domestic supply purposes, including those containing air, the compression of which serves only as a cushion or airlift pumping system, when located in private residences or in apartment houses of less than six family units; 513  
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(5) Portable boilers used in pumping, heating, steaming, and drilling, in the open field, for water, gas, and oil; 518  
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(6) Portable boilers used in the construction of and repair to public roads, railroads, and bridges; 520  
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(7) Historical steam boilers of riveted construction, preserved, restored, or maintained for hobby or demonstration use. 522  
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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: 524  
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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. 527  
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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. 530  
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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: 533  
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535

(1) The person is licensed as a steam engineer or high pressure boiler operator in accordance with section 4104.19 of the Revised Code. 536  
537  
538

(2) The person is working under the direct supervision of a steam engineer or high pressure boiler operator. 539  
540

(C) No person shall operate a stationary steam engine at more than thirty horsepower unless one of the following applies to that person: 541  
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543

(1) The person is licensed as a steam engineer in accordance with section 4104.19 of the Revised Code. 544  
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(2) The person is working under the direct supervision of a steam engineer. 546  
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(D) For purposes of this section, a horsepower means twelve square feet of boiler heating surface. 548  
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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 Code, under the supervision of the. The superintendent of the division of industrial compliance, and he shall administer and enforce such sections and rules adopted by the board of building standards pursuant to section 4104.02 of the Revised Code. 550  
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(B) The superintendent shall adopt, amend, and repeal rules exclusively for the issuance, renewal, suspension, and revocation of certificates of competency and certificates of operation, for conducting hearings in accordance with Chapter 119. of the Revised Code related to these actions, and for the inspection of boilers and their appurtenances, and unfired pressure vessels. 557  
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(C) Notwithstanding division (B) of this section, the superintendent shall not adopt rules relating to construction, maintenance, or repair of boilers and their appurtenances, or repair of unfired pressure vessels. 563  
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(D) The superintendent and each general inspector may enter any premises and any building or room at all reasonable hours to perform an examination or inspection. 567  
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**Sec. 4104.07.** (A) An application for examination as an inspector of boilers and unfired pressure vessels shall be in writing, accompanied by a fee of fifty dollars, upon a blank to be furnished by the superintendent of ~~the division of~~ industrial compliance. Any moneys collected under this section shall be paid into the state treasury to the credit of the industrial compliance operating fund created in section 121.084 of the Revised Code. 570  
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(B) The superintendent shall determine if an applicant meets all the requirements for examination in accordance with rules adopted by the board of building standards under section 4104.02 of the Revised Code. An application shall be rejected which contains any willful falsification, or untruthful statements. 577  
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(C) An applicant shall be examined by the superintendent, by a written examination, prescribed by the board, dealing with the construction, installation, operation, maintenance, and repair of boilers and unfired pressure vessels and their appurtenances, and the applicant shall be accepted or rejected on the merits of ~~his~~ the applicant's application and examination. 582  
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~~A rejected applicant is entitled, after the expiration of ninety days and upon payment of an examination fee of fifty dollars, to another examination.~~ 588  
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(D) Upon a favorable report by the superintendent of the result of an examination, the superintendent shall immediately 591  
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issue to the successful applicant a certificate of competency to 593  
that effect. 594

**Sec. 4104.08.** (A) The director of commerce may appoint from 595  
the holders of certificates of competency provided for in section 596  
4104.07 of the Revised Code, general inspectors of boilers and 597  
unfired pressure vessels. 598

(B) Any company authorized to insure boilers and unfired 599  
pressure vessels against explosion in this state may designate 600  
from holders of certificates of competency issued by the 601  
superintendent of ~~the division of~~ industrial compliance, or 602  
holders of certificates of competency or commissions issued by 603  
other states or nations whose examinations for certificates or 604  
commissions have been approved by the board of building standards, 605  
persons to inspect and stamp boilers and unfired pressure vessels 606  
covered by the company's policies, and the superintendent shall 607  
issue to such persons commissions authorizing them to act as 608  
special inspectors. Special inspectors shall be compensated by the 609  
company designating them. ~~The board~~ 610

(C) The director of commerce shall establish an annual fee to 611  
be charged by the superintendent for each certificate of 612  
competency or commission the superintendent issues. 613

~~Any state or municipal corporation may designate from holders 614  
of certificates of competency, issued by the superintendent, 615  
persons to inspect and stamp boilers and unfired pressure vessels 616  
during construction under such rules as may be adopted by the 617  
board, provided the boiler or unfired pressure vessel conforms in 618  
every detail with the rules. 619~~

(D) The superintendent shall issue to each of ~~such appointees~~ 620  
general or special inspector a commission to the effect that the 621  
holder thereof is authorized to inspect boilers and unfired 622  
pressure vessels ~~for the~~ in this state. 623

~~(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.~~ 624  
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**Sec. 4104.09.** The certificate of competency issued under 628  
section 4104.07 of the Revised Code or the commission provided for 629  
in section 4104.08 of the Revised Code may be revoked by the 630  
superintendent of ~~the division of~~ industrial compliance for the 631  
incompetence or untrustworthiness of the holder thereof, or for 632  
willful falsification of any matter or statement contained in ~~his~~ 633  
the holder's application or in a report of any inspection. ~~A~~ 634  
~~person whose commission is revoked may appeal~~ in accordance with 635  
~~section 119.12~~ Chapter 119 of the Revised Code. If a certificate 636  
or commission is lost or destroyed, a new certificate or 637  
commission shall be issued in its place without another 638  
examination. 639

~~All certificates of competency or commissions issued prior to~~ 640  
~~October 15, 1965, are valid unless revoked.~~ 641

**Sec. 4104.10.** All unfired pressure vessels, except unfired 642  
pressure vessels exempt under section 4104.04 of the Revised Code, 643  
shall be thoroughly inspected during fabrication and upon 644  
completion ~~by either a general or special inspector,~~ and shall not 645  
be operated until a copy of the manufacturers' data report, 646  
properly executed and signed by the inspector is filed in the 647  
office of the superintendent of ~~the division of~~ industrial 648  
compliance. All unfired pressure vessels shall conform in every 649  
detail with applicable rules adopted by the board of building 650  
standards pursuant to section 4104.02 of the Revised Code. 651

**Sec. 4104.101.** (A) ~~Every contractor~~ No person shall be 652  
~~registered with the division of industrial compliance before~~ 653

~~installing~~ install or ~~making~~ make major repairs or modifications 654  
to any boiler without first registering to do so with the division 655  
of industrial compliance. 656

(B) ~~Every contractor~~ No person shall ~~obtain a permit from the~~ 657  
~~division prior to making an~~ make any installation or major repair 658  
or modification of any boiler without first obtaining a permit to 659  
do so from the division. The permit application form shall provide 660  
the name and address of the owner, location of the boiler, and 661  
type of repair or modification that will be made. The application 662  
permit fee shall be fifty dollars. 663

(C) The superintendent of ~~the division of~~ industrial 664  
compliance shall require annual registration of all contractors 665  
who install, make major repairs to, or modify any boiler. The 666  
board of building standards shall establish a reasonable fee to 667  
cover the cost of processing registrations. 668

**Sec. 4104.14.** The owner or user of a boiler required by 669  
sections 4104.01 to 4104.20, ~~inclusive,~~ of the Revised Code, to be 670  
inspected shall, after due notice, prepare the boiler for internal 671  
and external inspection at the appointed time, by drawing the 672  
water from the boiler and removing the manhole and handhole plates 673  
and thoroughly cleaning the boiler and its setting. ~~The inspector~~ 674  
~~shall give such owner or user at least fourteen days' notice to~~ 675  
~~prepare the boiler for such inspection, but need not give notice~~ 676  
~~for inspection under operating conditions.~~ The inspector, when 677  
making inspections under operating conditions, shall observe the 678  
pressure carried and the general condition of each boiler, and 679  
ascertain if the safety valve and the appliances for indicating 680  
the pressure and level of water in the boiler are in proper 681  
working order. No person shall remove or tamper with any safety 682  
appliances prescribed by the board of building standards, and no 683  
person shall in any manner load the safety valve to a greater 684  
pressure than that allowed by the certificate of operation. If in 685

the judgment of the inspector it is advisable to apply a 686  
hydrostatic pressure test to the boiler, the owner or user shall 687  
prepare the boiler for such test, and apply the test which shall 688  
be witnessed by the inspector. 689

**Sec. 4104.15.** (A) All certificates of inspection for boilers, 690  
issued prior to October 15, 1965, are valid and effective for the 691  
period set forth in such certificates unless sooner withdrawn by 692  
the superintendent of ~~the division of~~ industrial compliance. The 693  
owner or user of any such boiler shall obtain an appropriate 694  
certificate of operation for such boiler ~~on or before the~~ 695  
~~expiration date of such certificate of inspection~~, and shall not 696  
operate such boiler, or permit it to be operated ~~after such~~ 697  
~~expiration date~~ unless a certificate of operation has been 698  
obtained in accordance with section 4104.17 of the Revised Code. 699

(B) If, upon making the internal and external inspection 700  
required under sections 4104.11, 4104.12, and 4104.13 of the 701  
Revised Code, the inspector finds the boiler to be in safe working 702  
order, with the fittings necessary to safety, and properly set up, 703  
upon ~~his~~ the inspector's report to the superintendent, the 704  
superintendent shall issue to the owner or user thereof, or renew, 705  
upon application and upon compliance with sections 4104.17 and 706  
4104.18 of the Revised Code, a certificate of operation which 707  
shall state the maximum pressure at which the boiler may be 708  
operated, as ascertained by the rules of the board of building 709  
standards. Such certificates shall also state the name of the 710  
owner or user, the location, size, and number of each boiler, and 711  
the date of issuance, and shall be so placed as to be easily read 712  
in the engine room or boiler room of the plant where the boiler is 713  
located, except that the certificate of operation for a portable 714  
boiler shall be kept on the premises and shall be accessible at 715  
all times. 716

(C) If an inspector at any inspection finds that the boiler 717



or unfired pressure vessel is not in safe working condition, or is 718  
not provided with the fittings necessary to safety, or if the 719  
fittings are improperly arranged, ~~he~~ the inspector shall 720  
immediately notify the owner or user and person in charge of the 721  
boiler and shall report the same to the superintendent who ~~shall~~ 722  
~~withdraw or withhold such~~ may revoke, suspend, or deny the 723  
certificate of operation and not renew the same until the boiler 724  
or unfired pressure vessel and its fittings are put in condition 725  
to insure safety of operation, and the owner or user shall not 726  
operate the boiler or unfired pressure vessel, or permit it to be 727  
operated until such certificate has been granted or restored. 728

(D) If the superintendent or a general boiler inspector finds 729  
that an unfired pressure vessel or boiler or a part thereof poses 730  
an explosion hazard that reasonably can be regarded as posing an 731  
imminent danger of death or serious physical harm to persons, the 732  
superintendent or the general boiler inspector shall seal the 733  
unfired pressure vessel or boiler and order, in writing, the 734  
operator or owner of the unfired pressure vessel or boiler to 735  
immediately cease the unfired pressure vessel's or boiler's 736  
operation. The order shall be effective until the nonconformities 737  
are eliminated, corrected, or otherwise remedied, or for a period 738  
of seventy-two hours from the time of issuance, whichever occurs 739  
first. During the seventy-two-hour period, the superintendent may 740  
request that the prosecuting attorney or city attorney of Franklin 741  
county or of the county in which the unfired pressure vessel or 742  
boiler is located obtain an injunction restraining the operator or 743  
owner of the unfired pressure vessel or boiler from continuing its 744  
operation after the seventy-two-hour period expires until the 745  
nonconformities are eliminated, corrected, or otherwise remedied. 746

(E) Each boiler which has been inspected shall be assigned a 747  
number by the superintendent, which number shall be ~~stamped on the~~ 748  
~~boiler except that in the event the boiler is of cast iron~~ 749

~~construction such number may be~~ stamped on a nonferrous metal tag 750  
affixed to the boiler or its fittings by seal or otherwise. No 751  
person except an inspector shall deface or remove any such number 752  
or tag. 753

(F) If the owner or user of any unfired pressure vessel or 754  
boiler disagrees with the inspector as to the necessity for 755  
shutting down ~~a~~ an unfired pressure vessel or boiler or for making 756  
repairs or alterations in it, or taking any other measures for 757  
safety that are requested by an inspector, the owner or user may 758  
appeal from the decision of the inspector to the superintendent, 759  
who may, after such other inspection by a general inspector or 760  
special inspector as the superintendent deems necessary, decide 761  
the issue. 762

(G) Neither sections 4104.01 to 4104.20 of the Revised Code, 763  
nor an inspection or report by any inspector, shall relieve the 764  
owner or user of ~~a steam~~ an unfired pressure vessel or boiler of 765  
the duty of using due care ~~himself~~ in the inspection, operation, 766  
and repair of the unfired pressure vessel or boiler or of any 767  
liability for damages for ~~his~~ failure to inspect, repair, or 768  
operate the unfired pressure vessel or boiler safely. 769

**Sec. 4104.17.** Certificates of operation issued for boilers 770  
subject to inspection under Chapter 4104. of the Revised Code 771  
shall be issued and renewed in accordance with and at dates 772  
prescribed by rules and regulations adopted by the ~~board of~~ 773  
~~building standards~~ superintendent of industrial compliance. 774

**Sec. 4104.18.** (A) The owner or user of a boiler required 775  
under section 4104.12 of the Revised Code to be inspected upon 776  
installation, and the owner or user of a boiler for which a 777  
certificate of inspection has been issued which is replaced with 778  
an appropriate certificate of operation, shall pay to the 779  
superintendent of ~~the division of~~ industrial compliance a fee in 780

the amount of thirty dollars for boilers subject to annual 781  
inspections under section 4104.11 of the Revised Code, sixty 782  
dollars for boilers subject to biennial inspection under section 783  
4104.13 of the Revised Code, ninety dollars for boilers subject to 784  
triennial inspection under section 4104.11 of the Revised Code, or 785  
one hundred fifty dollars for boilers subject to quinquennial 786  
inspection under section 4104.13 of the Revised Code ~~before any~~ 787  
~~certificate of operation is issued.~~ 788

A renewal fee in the amount of thirty dollars shall be paid 789  
to the treasurer of state before the renewal of any certificate of 790  
operation ~~is renewed.~~ 791

(B) The fee for complete inspection during construction by a 792  
general inspector on boilers and unfired pressure vessels 793  
manufactured within the state shall be thirty-five dollars per 794  
hour. Boiler and unfired pressure vessel manufacturers other than 795  
those located in the state may secure inspection by a general 796  
inspector on work during construction, upon application to the 797  
superintendent, and upon payment of a fee of thirty-five dollars 798  
per hour, plus the necessary traveling and hotel expenses incurred 799  
by the inspector. 800

(C) The application fee for applicants for steam engineer, 801  
high pressure boiler operator, or low pressure boiler operator 802  
licenses is fifty dollars. The fee for each original or renewal 803  
steam engineer, high pressure boiler operator, or low pressure 804  
boiler operator license is thirty-five dollars. 805

(D) The director of commerce, subject to the approval of the 806  
controlling board, may establish fees in excess of the fees 807  
provided in divisions (A) ~~and~~, (B), ~~and~~ (C) of this section, 808  
provided that such fees do not exceed the amounts established in 809  
this section by more than fifty per cent. Any moneys collected 810  
under this section shall be paid into the state treasury to the 811  
credit of the industrial compliance operating fund created in 812

section 121.084 of the Revised Code. 813

~~(D)~~(E) Any person who fails to pay an invoiced renewal fee or 814  
an invoiced inspection fee required for any inspection conducted 815  
by the division of industrial compliance pursuant to this chapter 816  
within forty-five days ~~after the inspection is conducted of the~~ 817  
invoice date shall pay a late payment fee equal to twenty-five per 818  
cent of the ~~inspection~~ invoiced fee. 819

~~(E)~~(F) In addition to the fees assessed in divisions (A) and 820  
(B) of this section, the board of building standards shall assess 821  
the owner or user a fee of three dollars and twenty-five cents for 822  
each certificate of operation or renewal thereof issued under 823  
division (A) of this section and for each inspection conducted 824  
under division (B) of this section. The board shall adopt rules, 825  
in accordance with Chapter 119. of the Revised Code, specifying 826  
the manner by which the superintendent shall collect and remit to 827  
the board the fees assessed under this division and requiring that 828  
remittance of the fees be made at least quarterly. 829

**Sec. 4104.19.** (A) Any person seeking a license to operate as 830  
a steam engineer, high pressure boiler operator, or low pressure 831  
boiler operator shall file a written application with the 832  
superintendent on a form prescribed by the superintendent with the 833  
appropriate application fee as set forth in section 4104.18 of the 834  
Revised Code. The application shall contain information 835  
satisfactory to the superintendent to demonstrate that the 836  
applicant meets the requirements of division (B) of this section. 837  
The application shall be filed with the superintendent not more 838  
than sixty days and not less than thirty days before the license 839  
examination is offered. 840

(B) To qualify to take the examination required to obtain a 841  
steam engineer, high pressure boiler operator, or low pressure 842  
boiler operator license, a person shall meet both of the following 843

<u>requirements:</u>	844
<u>(1) Be at least eighteen years of age;</u>	845
<u>(2) Have one year of experience in the operation of steam engines, high pressure boilers, or low pressure boilers as applicable to the type of license being sought, or a combination of experience and education for the type of license sought as determined to be acceptable by the superintendent.</u>	846 847 848 849 850
<u>(C) No applicant shall qualify to take an examination or to renew a license if the applicant has violated this chapter or if the applicant has obtained or renewed a license issued under this chapter by fraud, misrepresentation, or deception.</u>	851 852 853 854
<u>(D) The superintendent shall issue a license to each applicant who receives a passing score on the examination, as determined by the superintendent, for the license for which the applicant applied.</u>	855 856 857 858
<u>(E) The superintendent shall select and contract with one or more persons to do all of the following relative to the examinations for a license to operate as a steam engineer, high pressure boiler operator, or low pressure boiler operator:</u>	859 860 861 862
<u>(1) Prepare, administer, score, and maintain the confidentiality of the examination;</u>	863 864
<u>(2) Maintain responsibility for all expenses required to fulfill division (E)(1) of this section;</u>	865 866
<u>(3) Charge each applicant a fee for administering the examination, in an amount authorized by the superintendent;</u>	867 868
<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>	869 870 871
<u>(F) Each license issued under this chapter expires one year after the date of issue. Each person holding a valid, unexpired</u>	872 873

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.

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(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.

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**Sec. 4104.21.** On receipt of a notice pursuant to section 3123.43 of the Revised Code, the ~~chief of the division of boiler inspection~~ 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 or license issued pursuant to this chapter.

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**Sec. 4104.99.** (A) Whoever violates division (A) or (B) of section 4104.101 or section 4104.20 of the Revised Code ~~shall be fined not less than twenty nor more than five hundred dollars~~ is guilty of a misdemeanor of the third degree.

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(B) Whoever violates section ~~4104.101~~ 4104.05 of the Revised Code ~~shall be fined not more than five hundred dollars~~ is guilty of a minor misdemeanor.

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

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Sec. 4105.01. As used in this chapter: 904

(A) "Elevator" means a hoisting and lowering apparatus 905  
equipped with a car, cage, or platform which moves on or between 906  
permanent rails or guides and serves two or more fixed landings in 907  
a building or structure to which section 3781.06 of the Revised 908  
Code applies. "Elevator" includes dumb-waiters other than 909  
hand-powered dumb-waiters, escalators, manlifts, moving walks, of 910  
the endless belt type, other lifting or lowering apparatus 911  
permanently installed on or between rails or guides, and all 912  
equipment, machinery, and construction related to any elevator; 913  
but does not include construction hoists and other similar 914  
temporary lifting or lowering apparatuses, ski lifts, traveling, 915  
portable amusement rides or devices that are not affixed to a 916  
permanent foundation, or nonportable amusement rides or devices 917  
that are affixed to a permanent foundation. 918

(B) "Passenger elevator" means an elevator that is designed 919  
to carry persons to its contract capacity. 920

(C) "Freight elevator" means an elevator normally used for 921  
carrying freight and on which only the operator and employees in 922  
the pursuit of their duties, by the permission of the employer, 923  
are allowed to ride. 924

(D) "Gravity elevator" means an elevator utilizing gravity to 925  
move. 926

(E) "General inspector" means a state inspector examined and 927  
hired to inspect elevators and lifting apparatus for that state. 928

(F) "Special inspector" means an inspector examined and 929  
commissioned by the superintendent of the division of industrial 930  
compliance to inspect elevators and lifting apparatus in the 931  
state. 932

(G) "Inspector" means either a general or special inspector. 933

Sec. 4105.10. (A) Every passenger elevator, escalator, moving 934  
walk, and freight elevator, including gravity elevators, shall be 935  
inspected ~~once~~ twice every ~~six~~ twelve months. ~~Power~~ 936

(B) Power dumb-waiters, hoists, and other lifting or lowering 937  
apparatus, not designed to carry persons, permanently installed, 938  
either on or between rails or guides, shall be inspected at least 939  
once every twelve months. 940

(C) The board of building standards may designate by rule, 941  
classifications of passenger elevators with a capacity of seven 942  
hundred fifty pounds or less that shall be inspected once every 943  
twelve months. 944

Sec. 4105.16. Before any new installation of an elevator of 945  
permanent nature ~~shall be~~ is erected or before any existing 946  
elevator is removed to and installed in a different location, an 947  
application of specifications in duplicate shall be submitted to 948  
the division of industrial compliance giving such information 949  
concerning the construction, installation, and operation of said 950  
elevator as the division may require on forms to be furnished by 951  
the division, together with complete construction plans in 952  
duplicate. In all cases where any changes or repairs are made 953  
which alter its construction or classification, grade or rated 954  
lifting capacity, except when made pursuant to a report of an 955  
inspector, an application of specifications in duplicate shall be 956  
submitted to the division, containing such information, or 957  
approval, except in those municipal corporations which maintain 958  
their own elevator inspection departments, in which event such 959  
specifications shall be submitted to the elevator department of 960  
the municipal corporation for its approval, and if approved, a 961  
permit for the erection or repair of such elevator shall be issued 962  
by the municipal corporation. Upon approval of such application 963  
and construction plans, the superintendent of ~~the division of~~ 964



industrial compliance shall issue a permit for the erection or 965  
repair of such elevator. No new elevator shall be operated until 966  
completion in accordance with the approved plans and 967  
specifications, unless a temporary permit is granted by the 968  
division. 969

The final inspection, before operation, of a permanent, new 970  
or repaired elevator ~~shall be classed as a special inspection.~~ 971  
~~Such final inspection~~ shall be made by a general inspector, ~~but~~ 972  
~~the superintendent may designate~~ or a special inspector of a 973  
municipal corporation to make such final inspection of any 974  
~~permanent elevator located in his municipal corporation~~ designated 975  
by the superintendent. 976

**Sec. 4105.17.** (A) The fee for ~~any~~ each inspection, or 977  
attempted inspection that, due to no fault of a general inspector 978  
or the division of industrial compliance, is not successfully 979  
completed, by a general inspector before the operation of a 980  
permanent new elevator prior to the issuance of a certificate of 981  
operation, before operation of an elevator being put back into 982  
service after a repair, or as a result of the operation of section 983  
4105.08 of the Revised Code and is an elevator required to be 984  
inspected under this chapter is ~~thirty~~ twenty dollars plus ~~five~~ 985  
ten dollars for each floor where the elevator stops. The 986  
superintendent ~~of the division~~ of industrial compliance may assess 987  
~~a~~ an additional fee of one hundred twenty-five dollars plus five 988  
dollars for each floor where an elevator stops for the 989  
reinspection of an elevator when a previous attempt to inspect 990  
that elevator has been unsuccessful through no fault of a general 991  
inspector or the division of industrial compliance. ~~The~~ 992

(B) The fee for each inspection, or attempted inspection, 993  
that due to no fault of the general inspector or the division of 994  
industrial compliance, is not successfully completed by a general 995  
inspector before operation of a permanent new escalator or moving 996

walk prior to the issuance of a certificate of operation, before 997  
operation of an escalator or moving walk being put back in service 998  
after a repair, or as a result of the operation of section 4105.08 999  
of the Revised Code is three hundred dollars. The superintendent 1000  
of the division of industrial compliance may assess an additional 1001  
fee of one hundred fifty dollars for the reinspection of an 1002  
escalator or moving walk when a previous attempt to inspect that 1003  
escalator or moving walk has been unsuccessful through no fault of 1004  
the general inspector or the division of industrial compliance. 1005

(C) The fee for issuing or renewing a certificate of 1006  
operation under section 4105.15 of the Revised Code for an 1007  
elevator that is inspected every six months in accordance with 1008  
division (A) of section 4105.10 of the Revised Code is ~~thirty-five~~ 1009  
one hundred five dollars plus ten dollars for each floor where the 1010  
elevator stops, except where the elevator has been inspected by a 1011  
special inspector in accordance with section 4105.07 of the 1012  
Revised Code. 1013

(D) The fee for issuing or renewing a certificate of 1014  
operation under section 4105.05 of the Revised Code for an 1015  
elevator that is inspected every twelve months in accordance with 1016  
division (A) of section 4105.10 of the Revised Code is fifty-five 1017  
dollars plus ten dollars for each floor where the elevator stops, 1018  
except where the elevator has been inspected by a special 1019  
inspector in accordance with 4105.07 of the Revised Code. 1020

(E) The fee for issuing or renewing a certificate of 1021  
operation under section 4105.15 of the Revised Code for an 1022  
escalator or moving walk is three hundred dollars, except where 1023  
the escalator or moving walk has been inspected by a special 1024  
inspector in accordance section 4105.07 of the Revised Code. 1025

~~(B)~~(F) All other fees to be charged for any examination given 1026  
or other service performed by the division of industrial 1027  
compliance pursuant to this chapter shall be prescribed by the 1028

~~board of building standards established by section 3781.07 of the~~ 1029  
~~Revised Code~~ director of commerce. The fees shall be reasonably 1030  
related to the costs of such examination or other service. 1031

~~(C)~~(G) The ~~board of building standards~~ director of commerce, 1032  
subject to the approval of the controlling board, may establish 1033  
fees in excess of the fees provided in ~~division~~ divisions (A) and 1034  
(B) of this section, provided that the fees do not exceed the 1035  
amounts established in ~~division~~ divisions (A) and (B) of this 1036  
section by more than fifty per cent. Any moneys collected under 1037  
this section shall be paid into the state treasury to the credit 1038  
of the industrial compliance operating fund created in section 1039  
121.084 of the Revised Code. 1040

~~(D)~~(H) Any person who fails to pay an inspection fee required 1041  
for any inspection conducted by the division pursuant to this 1042  
chapter within forty-five days after the inspection is conducted 1043  
shall pay a late payment fee equal to twenty-five per cent of the 1044  
inspection fee. 1045

~~(E)~~(I) In addition to the ~~fee~~ fees assessed in ~~division~~ 1046  
divisions (A), (B), (C), and (D) of this section, the board of 1047  
building standards shall assess a fee of three dollars and 1048  
twenty-five cents for each certificate of operation or renewal 1049  
thereof issued under division (A) of this section and for each 1050  
permit issued under section 4105.16 of the Revised Code. The board 1051  
shall adopt rules, in accordance with Chapter 119. of the Revised 1052  
Code, specifying the manner by which the superintendent ~~of the~~ 1053  
~~division~~ of industrial compliance shall collect and remit to the 1054  
board the fees assessed under this division and requiring that 1055  
remittance of the fees be made at least quarterly. 1056

(J) For purposes of this section: 1057

(1) "Escalator" means a power driven, inclined, continuous 1058  
stairway used for raising or lowering passengers. 1059

(2) "Moving walk" means a passenger carrying device on which 1060  
passengers stand or walk, with a passenger carrying surface that 1061  
is uninterrupted and remains parallel to its direction of motion. 1062

1063

**Section 2.** That existing sections 121.084, 3713.01, 3713.04, 1064  
3713.10, 3713.99, 4104.01, 4104.02, 4104.04, 4104.06, 4104.07, 1065  
4104.08, 4104.09, 4104.10, 4104.101, 4104.14, 4104.15, 4104.17, 1066  
4104.18, 4104.21, 4104.99, 4105.01, 4105.10, 4105.16, and 4105.17 1067  
and sections 3713.02, 3713.03, 3713.05, 3713.051, 3713.06, 1068  
3713.07, 3713.08, 3713.09, 3713.11, 4739.01, 4739.02, 4739.03, 1069  
4739.04, 4739.05, 4739.06, 4739.07, 4739.08, 4739.09, 4739.10, 1070  
4739.11, 4739.12, 4739.13, 4739.14, 4739.15, 4739.16, and 4739.99 1071  
of the Revised Code are hereby repealed. 1072