

As Reported by the House Commerce and Labor Committee

124th General Assembly

Regular Session

2001-2002

Sub. H. B. No. 428

REPRESENTATIVES Widowfield, Faber, Otterman

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 139
acceptance of labels and laboratory analyses from other states 140
where the labeling requirements and laboratory analysis standards 141

are substantially equal to the requirements of this state, 142
provided the other state extends similar reciprocity to labels and 143
laboratory analysis conducted under this chapter; 144

(3) Any other rules necessary to administer and carry out 145
this chapter. 146

(C) The superintendent may do any of the following: 147

(1) Issue administrative orders, conduct hearings, and take 148
all actions necessary under the authority of Chapter 119. of the 149
Revised Code for the administration of this chapter. The authority 150
granted under this division shall include the authority to 151
suspend, revoke, or deny registration under this chapter. 152

(2) Establish and maintain facilities within the department 153
of commerce to make tests and analysis of materials used in the 154
manufacture of bedding and stuffed toys. The superintendent also 155
may designate established laboratories in various sections of the 156
state that are qualified to make these tests. If the 157
superintendent exercises this authority, the superintendent shall 158
adopt rules to determine the fees and charges to be paid for 159
making the tests or analyses authorized under this section. 160

(3) Exercise such other powers and duties as are necessary to 161
carry out the purpose and intent of this chapter. 162

~~If there is practical difficulty or undue hardship in~~ 163
~~carrying out this chapter or any rule adopted by the director, the~~ 164
~~director may make a variation of such rule if the spirit of such~~ 165
~~rule is being observed.~~ 166

~~The director may subsequently approve, amend, modify, or~~ 167
~~rescind the rule governing the condition requiring the variation.~~ 168

Sec. 3713.05. (A) Applications to register to import, 169
manufacture, renovate, wholesale, make, or reupholster stuffed 170
toys or bedding in this state shall be made in writing on forms 171

provided by the superintendent of industrial compliance. The 172
application shall be accompanied by a registration fee of fifty 173
dollars per person unless the applicant engages only in 174
renovation, in which case the registration fee shall be 175
thirty-five dollars. 176

(B) Upon receipt of the application and the appropriate fee, 177
the superintendent shall register the applicant and assign a 178
registration number to the registrant. 179

(C) Notwithstanding section 3713.02 of the Revised Code and 180
division (A) of this section, the following are exempt from 181
registration: 182

(1) An organization described in section 501(c)(3) of the 183
"Internal Revenue Code of 1986," and exempt from income tax under 184
section 501(a) of that code and that is operated exclusively to 185
provide recreation or social services; 186

(2) A person who is not regularly engaged in the business of 187
manufacturing, making, wholesaling, or importing stuffed toys but 188
who manufactures or makes stuffed toys as a leisure pursuit and 189
who sells one hundred or fewer stuffed toys within one calendar 190
year; 191

(3) A person who is not regularly engaged in the business of 192
manufacturing, making, wholesaling, or importing quilts, 193
comforters, pillows, or cushions, but who manufactures or makes 194
these items as a leisure pursuit and who sells five or fewer 195
quilts, ten or fewer comforters, or twenty or fewer pillows or 196
cushions within one calendar year. 197

(D) Notwithstanding division (C)(2) or (3) of this section, a 198
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 259
stuffed toys shall sanitize all items in accordance with rules 260
established by the superintendent prior to the sale of or the 261
offering for sale of any secondhand articles. 262

<u>(D) This section does not apply to any of the following:</u>	263
<u>(1) Persons who meet the qualifications of division (C)(2) or</u>	264
<u>(3) of section 3713.05 of the Revised Code;</u>	265
<u>(2) The sale of furniture more than fifty years old;</u>	266
<u>(3) The sale of furniture from the home of the owner directly</u>	267
<u>to the purchaser.</u>	268
<u>Sec. 3713.09. (A) The superintendent of industrial compliance</u>	269
<u>may appoint inspectors and periodically inspect and investigate</u>	270
<u>any establishment where bedding or stuffed toys are manufactured,</u>	271
<u>made, remade, renovated, repaired, sanitized, sold, or offered for</u>	272
<u>sale, or where previously used material is processed for use in</u>	273
<u>the manufacture of bedding or stuffed toys.</u>	274
<u>(1) Each inspector shall make a written report to the</u>	275
<u>superintendent of each examination and inspection complete with</u>	276
<u>the inspector's findings and recommendations. Inspectors may place</u>	277
<u>"off sale" any article of bedding or stuffed toy offered for sale,</u>	278
<u>or found in the possession of any person with the intent to sell,</u>	279
<u>in violation of section 3713.02 of the Revised Code. Inspectors</u>	280
<u>shall perform other duties related to inspection and examination</u>	281
<u>as prescribed by the superintendent.</u>	282
<u>(2) When articles are placed "off sale" under division (A)(1)</u>	283
<u>of this section, they shall be tagged, and the tag shall not be</u>	284
<u>removed except by an authorized representative of the division of</u>	285
<u>industrial compliance after the violator demonstrates to the</u>	286
<u>satisfaction of the superintendent proof of compliance with the</u>	287
<u>requirements of section 3713.08 of the Revised Code.</u>	288
<u>(B)(1) When an inspector has cause to believe that any</u>	289
<u>bedding or stuffed toy is not tagged or labeled in accordance with</u>	290
<u>section 3713.08 of the Revised Code, the inspector may open any</u>	291
<u>seam of the bedding or stuffed toy in question to examine the</u>	292

material used or contained within it and take a reasonable amount 293
of the material for testing and analysis and, if necessary, 294
examine any and all purchase records in order to determine the 295
contents or the kind of material used in the bedding or stuffed 296
toy in question. An inspector may seize and hold evidence of any 297
article of bedding, stuffed toy, or material manufactured, made, 298
possessed, renovated, remade, or repaired, sold, or offered for 299
sale contrary to this chapter. 300

(2) Immediately after seizing articles believed to be in 301
violation of this chapter, the inspector immediately shall report 302
the seizure to the superintendent. The superintendent shall hold a 303
hearing in accordance with Chapter 119. of the Revised Code or 304
make a ruling in the matter. If the superintendent finds that the 305
article of bedding, stuffed toy, or material is not in violation 306
of this chapter, the superintendent shall order the item or items 307
returned to the owner. If the superintendent finds a violation of 308
this chapter, the superintendent may do either of the following: 309

(a) Return the articles to the owner for proper treatment, 310
tagging or labeling, or other action as ordered by the 311
superintendent, subject to the requirement that the articles be 312
reinspected at cost to the owner, prior to being sold or offered 313
for sale; 314

(b) Report the violation to the appropriate prosecuting 315
attorney or city law director. 316

(C) The superintendent, at reasonable times and upon 317
reasonable notice, may examine or cause to be examined the records 318
of any importer, manufacturer, or wholesaler of stuffed toys or 319
articles of bedding, mobile home and recreational vehicle dealer, 320
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
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,
that requires investigation or examination outside of this state
of any importer, manufacturer, or wholesaler of stuffed toys or
articles of bedding, or of any mobile home or recreational vehicle
dealer, conversion van dealer, secondhand dealer, or auction
house, the superintendent may require the investigated or examined
person to pay the actual expense of the investigation or
examination. The superintendent shall provide an itemized
statement of actual expenses to the investigated or examined
person.

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

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

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(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 413
pressures not exceeding fifteen psig, or a hot water heating 414
boiler operating at pressures not exceeding one hundred sixty psig 415
or temperatures not exceeding two hundred fifty degrees 416

Fahrenheit.

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(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.

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

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

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

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(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.

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(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.

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Sec. 4104.02. The board of building standards shall:

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(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;

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(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 504
on farms and used solely for agricultural purposes; 505

(2) Steam or vapor boilers carrying a pressure of not more 506

than fifteen psig, which are located in private residences or in
apartment houses of less than six family units; 507
508

(3) Hot water boilers operated at pressures not exceeding one 509
hundred sixty psig, or temperatures not exceeding two hundred 510
fifty degrees ~~Fahrenheit~~ fahrenheit, which are located in private 511
residences or in apartment houses of less than six family units; 512

(4) Unfired pressure vessels containing only water under 513
pressure for domestic supply purposes, including those containing 514
air, the compression of which serves only as a cushion or airlift 515
pumping system, when located in private residences or in apartment 516
houses of less than six family units; 517

(5) Portable boilers used in pumping, heating, steaming, and 518
drilling, in the open field, for water, gas, and oil; 519

(6) Portable boilers used in the construction of and repair 520
to public roads, railroads, and bridges; 521

(7) Historical steam boilers of riveted construction, 522
preserved, restored, or maintained for hobby or demonstration use. 523

Sec. 4104.05. (A) No person shall operate a low pressure 524
boiler at more than thirty horsepower, unless one of the following 525
applies to that person: 526

(1) The person is licensed as a steam engineer, high pressure 527
boiler operator, or low pressure boiler operator in accordance 528
with section 4104.19 of the Revised Code. 529

(2) The person is working under the direct supervision of a 530
steam engineer, high pressure boiler operator, or low pressure 531
boiler operator. 532

(B) No person shall operate a power boiler at more than 533
thirty horsepower unless one of the following applies to that 534
person: 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
542
543

(1) The person is licensed as a steam engineer in accordance with section 4104.19 of the Revised Code. 544
545

(2) The person is working under the direct supervision of a steam engineer. 546
547

(D) For purposes of this section, a horsepower means twelve square feet of boiler heating surface. 548
549

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 563
564
565

repair of unfired pressure vessels. 566

(D) The superintendent and each general inspector may enter 567
any premises and any building or room at all reasonable hours to 568
perform an examination or inspection. 569

Sec. 4104.07. (A) An application for examination as an 570
inspector of boilers and unfired pressure vessels shall be in 571
writing, accompanied by a fee of fifty dollars, upon a blank to be 572
furnished by the superintendent of ~~the division of~~ industrial 573
compliance. Any moneys collected under this section shall be paid 574
into the state treasury to the credit of the industrial compliance 575
operating fund created in section 121.084 of the Revised Code. 576

(B) The superintendent shall determine if an applicant meets 577
all the requirements for examination in accordance with rules 578
adopted by the board of building standards under section 4104.02 579
of the Revised Code. An application shall be rejected which 580
contains any willful falsification, or untruthful statements. 581

(C) An applicant shall be examined by the superintendent, by 582
a written examination, prescribed by the board, dealing with the 583
construction, installation, operation, maintenance, and repair of 584
boilers and unfired pressure vessels and their appurtenances, and 585
the applicant shall be accepted or rejected on the merits of ~~his~~ 586
the applicant's application and examination. 587

~~A rejected applicant is entitled, after the expiration of~~ 588
~~ninety days and upon payment of an examination fee of fifty~~ 589
~~dollars, to another examination.~~ 590

(D) Upon a favorable report by the superintendent of the 591
result of an examination, the superintendent shall immediately 592
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,~~ 624
~~either~~ as a general inspector or a special inspector, who is 625

directly or indirectly interested in the manufacture or sale of 626
boilers or unfired pressure vessels. 627

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

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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 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
requirements: 844

(1) Be at least eighteen years of age; 845

(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. 846
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(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. 851
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(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. 855
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(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: 859
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(1) Prepare, administer, score, and maintain the confidentiality of the examination; 863
864

(2) Maintain responsibility for all expenses required to fulfill division (E)(1) of this section; 865
866

(3) Charge each applicant a fee for administering the examination, in an amount authorized by the superintendent; 867
868

(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. 869
870
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(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 872
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874
875

expiration of the license, and submitting with the application the 876
renewal fee established in section 4104.18 of the Revised Code. 877
Upon receipt of the renewal information and fee, the 878
superintendent shall issue the licensee a certificate of renewal. 879

(G) The superintendent, in accordance with Chapter 119. of 880
the Revised Code, may suspend or revoke any license, or may refuse 881
to issue a license under this chapter upon finding that a licensee 882
or an applicant for a license has violated or is violating the 883
requirements of this chapter. 884

Sec. 4104.21. On receipt of a notice pursuant to section 885
3123.43 of the Revised Code, the ~~chief of the division of boiler~~ 886
~~inspection~~ superintendent of industrial compliance shall comply 887
with sections 3123.41 to 3123.50 of the Revised Code and any 888
applicable rules adopted under section 3123.63 of the Revised Code 889
with respect to a certificate or license issued pursuant to this 890
chapter. 891

Sec. 4104.99. (A) Whoever violates division (A) or (B) of 892
section 4104.101 or section 4104.20 of the Revised Code ~~shall be~~ 893
~~fined not less than twenty nor more than five hundred dollars~~ is 894
guilty of a misdemeanor of the third degree. 895

(B) Whoever violates section ~~4104.101~~ 4104.05 of the Revised 896
Code ~~shall be fined not more than five hundred dollars~~ is guilty 897
of a minor misdemeanor. 898

~~(C) Whoever violates section 4104.46 of the Revised Code~~ 899
~~shall be fined not less than fifty nor more than one thousand~~ 900
~~dollars for a first offense; for each subsequent offense such~~ 901
~~person shall be fined not less than one hundred nor more than five~~ 902
~~thousand dollars.~~ 903

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.

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

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