

**As Introduced**

**125th General Assembly  
Regular Session  
2003-2004**

**H. B. No. 175**

**Representatives Buehrer, Widener, Olman, D. Evans**

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**A B I L L**

To amend sections 307.37, 307.38, 307.381, 307.40, 1  
505.73, 505.75, 505.77, 715.27, 3703.01, 3722.02, 2  
3722.041, 3781.01, 3781.03, 3781.031, 3781.06, 3  
3781.10, 3781.102, 3781.11, 3781.12, 3781.13, 4  
3781.18, 3781.183, 3781.99, 3791.04, 3791.99, 5  
4703.18, 4733.18, 4740.01, 4740.02, 4740.04, 6  
4740.05, 4740.06, 4740.10, 4740.12, 4740.13, 7  
4740.14, 4929.03, and 4929.04, to enact sections 8  
1312.01 to 1312.05, and to repeal sections 9  
3781.181, 3781.182, 3781.21, and 4933.31 of the 10  
Revised Code to require statewide licensing of 11  
residential contractors, to establish a statewide 12  
uniform building code for residential buildings, 13  
to establish a process for granting variances from 14  
the statewide uniform residential building code, 15  
and to make other changes in the laws governing 16  
residential contractors and residential 17  
construction. 18

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

**Section 1.** That sections 307.37, 307.38, 307.381, 307.40, 19  
505.73, 505.75, 505.77, 715.27, 3703.01, 3722.02, 3722.041, 20  
3781.01, 3781.03, 3781.031, 3781.06, 3781.10, 3781.102, 3781.11, 21

3781.12, 3781.13, 3781.18, 3781.183, 3781.99, 3791.04, 3791.99, 22  
4703.18, 4733.18, 4740.01, 4740.02, 4740.04, 4740.05, 4740.06, 23  
4740.10, 4740.12, 4740.13, 4740.14, 4929.03, and 4929.04 be 24  
amended and sections 1312.01, 1312.02, 1312.03, 1312.04, and 25  
1312.05 of the Revised Code be enacted to read as follows: 26

**Sec. 307.37.** (A)(1) The board of county commissioners, in 27  
addition to its other powers, may ~~adopt, amend, rescind,~~ 28  
~~administer,~~ and enforce ~~regulations pertaining to the erection,~~ 29  
~~construction, repair, alteration, redevelopment, and maintenance~~ 30  
~~of single family, two family, and three family dwellings~~ the 31  
residential or nonresidential building code, or both, established 32  
under rules adopted by the board of building standards pursuant to 33  
Chapter 3781. of the Revised Code, within the unincorporated 34  
territory of the county, ~~or the board may establish districts in~~ 35  
~~any part of the unincorporated territory and may adopt, amend,~~ 36  
~~rescind, administer, and enforce such regulations in the~~ 37  
~~districts. When adopted, all regulations, including service~~ 38  
~~charges, shall be uniform within all districts in which building~~ 39  
~~codes are established; however, more stringent regulations may be~~ 40  
~~imposed in flood hazard areas and in Lake Erie coastal erosion~~ 41  
~~areas identified under section 1506.06 of the Revised Code in~~ 42  
~~order to prevent or reduce the hazard resulting from flooding and~~ 43  
~~from erosion along Lake Erie. In no case shall the regulations go~~ 44  
~~beyond the scope of regulating the safety, health, and sanitary~~ 45  
~~conditions of such buildings. Any person adversely affected by an~~ 46  
~~order of the board adopting, amending, or rescinding a regulation~~ 47  
~~may appeal to the court of common pleas of the county on the~~ 48  
~~ground that the board failed to comply with the law in adopting,~~ 49  
~~amending, rescinding, publishing, or distributing the regulations,~~ 50  
~~or that the regulation, as adopted or amended by the board, is~~ 51  
~~unreasonable or unlawful, or that the revision of the regulation~~ 52

~~was unreasonable or unlawful. The board of county commissioners~~ 53  
~~may adopt regulations governing residential buildings, as defined~~ 54  
~~in section 3781.06 of the Revised Code, and separate regulations~~ 55  
~~governing property maintenance on the condition that the~~ 56  
~~regulations govern subject matter that is not addressed by and not~~ 57  
~~in conflict with the residential building code established under~~ 58  
~~rules adopted by the board of building standards pursuant to~~ 59  
~~Chapter 3781. of the Revised Code.~~ 60

(2) ~~A county building code~~ The board may include adopt 61  
regulations for participation in the national flood insurance 62  
program established in the "Flood Disaster Protection Act of 63  
1973," 87 Stat. 975, 42 U.S.C.A. 4002, as amended, and regulations 64  
adopted for the purposes of section 1506.04 or 1506.07 of the 65  
Revised Code governing the prohibition, location, erection, 66  
construction, redevelopment, or floodproofing of new buildings or 67  
structures, substantial improvements to existing buildings or 68  
structures, or other development in unincorporated territory 69  
within flood hazard areas identified under the "Flood Disaster 70  
Protection Act of 1973," 87 Stat. 975, 42 U.S.C.A. 4002, as 71  
amended, or within Lake Erie coastal erosion areas identified 72  
under section 1506.06 of the Revised Code, including, but not 73  
limited to, residential, commercial, institutional, or industrial 74  
buildings or structures or other permanent structures, as that 75  
term is defined in section 1506.01 of the Revised Code. Rules 76  
adopted under division (A)(2) of this section shall not conflict 77  
with the ~~Ohio~~ building code. 78

(B) Regulations or amendments may be adopted under this 79  
section only after public hearing at not fewer than two regular 80  
sessions of the board. The board shall cause to be published in a 81  
newspaper of general circulation in the county notice of the 82  
public hearings, including time, date, and place, once a week for 83  
two weeks immediately preceding the hearings. The proposed 84

regulations or amendments shall be made available by the board to 85  
the public at the board office. The regulations or amendments 86  
shall take effect on the thirty-first day following the date of 87  
their adoption. 88

(C) No person shall violate any regulation of the board under 89  
sections 307.37 to 307.40 of the Revised Code. 90

Each day during which an illegal location, erection, 91  
construction, floodproofing, repair, alteration, development, 92  
redevelopment, or maintenance continues may be considered a 93  
separate offense. 94

(D) ~~Regulations~~ Building regulations adopted by ~~resolution of~~ 95  
the board pursuant to division (A) of this section do not affect 96  
buildings or structures that exist or on which construction has 97  
begun on or before the date the regulation or amendment is adopted 98  
by the board. 99

(E) ~~The~~ For purposes of administering and enforcing the 100  
residential or nonresidential building code, or both, established 101  
under rules adopted by the board of building standards pursuant to 102  
Chapter 3781. of the Revised Code, and the building regulations 103  
adopted pursuant to division (A) of this section, the board of 104  
county commissioners may ~~provide for~~ create a building ~~regulation~~ 105  
department and may employ such personnel as it determines to be 106  
necessary for ~~the purpose of enforcing its regulations that~~ 107  
administration and enforcement. Upon certification of the building 108  
department under section 3781.10 of the Revised Code, the board 109  
may direct the ~~county~~ building department to exercise enforcement 110  
authority and to accept and approve plans pursuant to sections 111  
3781.03 and 3791.04 of the Revised Code on the condition that the 112  
building department and personnel accept plans only for any other 113  
kind or the class of building in the unincorporated territory of 114  
the county for which the building department and personnel are 115  
certified under section 3781.10 of the Revised Code. 116

Sec. 307.38. For the purposes of administering and enforcing 117  
the building regulations, ~~as provided by adopted under~~ section 118  
307.37 of the Revised Code and the residential or nonresidential 119  
building code, or both, established under rules adopted by the 120  
board of building standards pursuant to Chapter 3781. of the 121  
Revised Code, the board of county commissioners may create, 122  
establish, fill, and fix the compensation of the position of 123  
county building inspector. Such position shall be in the 124  
competitive classified service, and appointment, promotion, and 125  
removal shall be governed by Chapter 124. of the Revised Code. In 126  
lieu of the creation of any such position, the board may assign 127  
the duties of the office to an existing county officer if the 128  
officer is certified pursuant to section 3781.10 of the Revised 129  
Code. The duties of the inspector shall be the administration and 130  
enforcement of the building regulations and building code. 131

The board may contract with any municipal corporation in the 132  
county for the administration and enforcement of the building 133  
regulations and building code and any municipal corporation may 134  
contract with the board for the administration and enforcement of 135  
the building regulations of such municipal corporation and the 136  
building code. 137

The board, pursuant to a contract authorizing such action, 138  
may contract on behalf of one or more municipal corporations 139  
within its jurisdiction for another county or another municipal 140  
corporation within or outside the county to administer and enforce 141  
the ~~state~~ building code and building regulations within the 142  
jurisdiction of the municipal corporations seeking those services. 143  
The contract on behalf of these municipal corporations shall 144  
provide for obtaining the appropriate certification pursuant to 145  
division (E) of section 3781.10 of the Revised Code for the 146  
exercise of administration and enforcement authority within the 147

municipal corporations and shall specify which political 148  
subdivision is responsible for securing that certification. 149

In a county which has a building department certified 150  
pursuant to section 3781.10 of the Revised Code, but not certified 151  
through a contract with another political subdivision, and which 152  
has a board of building appeals certified pursuant to section 153  
3781.20 of the Revised Code, if the board of county commissioners 154  
contracts with a municipal corporation or other county for the 155  
first county to administer and enforce the ~~state~~ building code and 156  
building regulations within the municipal corporation or within 157  
the other county, the contract shall require the certified county 158  
board of building appeals to hear appeals from adjudication orders 159  
pertaining to the enforcement of Chapters 3781. and 3791. of the 160  
Revised Code and any rules adopted pursuant to these chapters 161  
within the municipal corporation or other county. 162

**Sec. 307.381.** The board of county commissioners of any county 163  
~~which adopts regulations pursuant to section 307.37 of the Revised~~ 164  
~~Code and which that~~ has a county building department certified 165  
pursuant to section 3781.10 of the Revised Code, but not certified 166  
through a contract with another political subdivision, may by 167  
resolution establish a county board of building appeals, make 168  
appointments to the board, and fix the compensation, if any, of 169  
the board members. Upon certification under section 3781.20 of the 170  
Revised Code, the county board of building appeals shall hear and 171  
decide appeals from adjudication orders of the county building 172  
inspector or other officer assigned to perform ~~his~~ the building 173  
official's duties pertaining to the enforcement within ~~his~~ the 174  
building official's jurisdiction of Chapters 3781. and 3791. of 175  
the Revised Code and any rules adopted pursuant thereto. 176

**Sec. 307.40.** No person shall erect, construct, alter, repair, 177  
or maintain any ~~single family, two family, or three family~~ 178

~~dwelling~~ residential building as defined in section 3781.06 of 179  
the Revised Code, within the unincorporated portion of any county, 180  
wherein the board of county commissioners has ~~enacted~~ created a 181  
building department to administer and enforce building regulations 182  
~~as provided in~~ adopted pursuant to section 307.37 of the Revised 183  
Code, and the residential building code established under rules 184  
adopted by the board of building standards pursuant to Chapter 185  
3781. of the Revised Code, unless such building regulations and 186  
residential building code are fully complied with. In the event 187  
any building is being erected, constructed, altered, repaired, or 188  
maintained in violation of the building regulations ~~adopted by~~ 189  
~~resolution under the authority granted by such section or~~ 190  
residential building code, the board, the prosecuting attorney, or 191  
the county building inspector of such county or any adjacent, 192  
contiguous, or neighboring property owner who would be especially 193  
damaged by such violation, in addition to the remedies provided by 194  
law, may institute a suit for injunction, abatement, or other 195  
appropriate action to prevent such violation of the building 196  
regulations ~~relating to the erection, construction, alteration,~~ 197  
~~repair, or maintenance of such~~ residential building code. Sections 198  
307.37 to 307.40, ~~inclusive~~, of the Revised Code do not confer any 199  
power on any board of county commissioners in respect to the 200  
location, erection, construction, reconstruction, change, 201  
alteration, maintenance, removal, use, or enlargement of any 202  
buildings or structures of any public utility or railroad, whether 203  
publicly or privately owned, or the use of land by any public 204  
utility or railroad for the operation of its business. 205

**Sec. 505.73.** The board of township trustees may, by 206  
resolution, adopt by incorporation by reference, administer, and 207  
enforce within the unincorporated area of the township an existing 208  
structures code pertaining to the repair and continued maintenance 209

of structures and the premises of such structures. For such 210  
purpose, the board shall adopt any model or standard code prepared 211  
and promulgated by the state, any department, board, or other 212  
agency of the state, or any public or private organization that 213  
publishes a recognized model or standard code on the subject. The 214  
board shall ensure that the code adopted is fully compatible with 215  
the ~~local~~ residential building code and ~~with the~~ all other rules 216  
of the board of building standards adopted pursuant to section 217  
3781.10 of the Revised Code. 218

The board shall assign the duties of administering and 219  
enforcing the code to a township officer or employee who is 220  
trained and qualified for such duties and shall establish by 221  
resolution the minimum qualifications necessary for performance of 222  
such duties. 223

After the board adopts a code, the township clerk shall post 224  
a notice which shall clearly identify the code, state the purpose 225  
of the code, state that a complete copy of the code is on file for 226  
inspection by the public with the township clerk and in the law 227  
library of the county in which the township is located, and state 228  
that the clerk has copies available for distribution to the public 229  
at cost. The township clerk shall post the notice in five 230  
conspicuous places in the township for thirty days before the code 231  
becomes effective. The clerk shall also publish the notice in a 232  
newspaper of general circulation in the township for three 233  
consecutive weeks. If the adopting township amends or deletes any 234  
provision of the code, the notice shall contain a brief summary of 235  
the deletion or amendment. 236

If the agency that originally promulgated or published the 237  
code thereafter amends the code, any township that has adopted the 238  
code pursuant to this section may adopt the amendment or change by 239  
incorporation by reference in the same manner as provided for 240



adoption of the original code. 241

**Sec. 505.75.** (A)(1) A board of township trustees may, ~~by~~ 242  
~~resolution adopt by incorporation by reference,~~ administer, and 243  
~~enforce a standard~~ the residential or nonresidential building code 244  
~~pertaining to the erection, construction, repair, alteration, and~~ 245  
~~maintenance of single family, two family, and three family~~ 246  
 ~~dwellings promulgated by the state, or any department, board, or~~ 247  
 ~~other agency thereof, or by any municipal corporation or county in~~ 248  
 ~~this state, or both, established under rules adopted by the board~~ 249  
 ~~of building standards pursuant to Chapter 3781. of the Revised~~ 250  
Code within the unincorporated territory of the township, ~~or~~ 251  
 ~~establish districts in any part of the unincorporated territory~~ 252  
 ~~and adopt, administer, and enforce such standard code in the~~ 253  
 ~~affected districts. When adopted, all regulations contained in~~ 254  
 ~~such code, including those establishing service charges, shall be~~ 255  
 ~~uniform within all districts in which building codes are~~ 256  
 ~~established, except that more stringent regulations may be imposed~~ 257  
 ~~in flood hazard areas in order to prevent or reduce the hazard~~ 258  
 ~~resulting from flooding. In no case shall regulations exceed the~~ 259  
 ~~scope of regulating the safety, health, and sanitary conditions of~~ 260  
 ~~such buildings. Any person adversely affected by a resolution of~~ 261  
 ~~the board adopting, amending, or rescinding a regulation may seek~~ 262  
 ~~a declaratory judgment pursuant to Chapter 2721. of the Revised~~ 263  
 ~~Code on the ground that the board failed to comply with the law in~~ 264  
 ~~adopting, amending, rescinding, publishing, or distributing the~~ 265  
 ~~regulation, or that the regulation, as adopted or amended by the~~ 266  
 ~~board, is unreasonable or unlawful, or that the revision of the~~ 267  
 ~~regulation was unreasonable or unlawful.~~ 268

~~A township building code~~ The board of township trustees may 269  
adopt building regulations governing residential buildings, as 270  
defined in section 3781.06 of the Revised Code, on the condition 271  
that the regulations govern subject matter that is not addressed 272

by and not in conflict with the residential building code 273  
established under rules adopted by the board of building standards 274  
pursuant to Chapter 3781. of the Revised Code. 275

(2) The board of township trustees may ~~include~~ adopt 276  
regulations that are necessary for participation in the national 277  
flood insurance program and are not in conflict with the ~~Ohio~~ 278  
building code, governing the prohibition, location, erection, 279  
construction, or floodproofing of new buildings or structures, or 280  
substantial improvements to existing buildings or structures, in 281  
unincorporated territory within flood hazard areas identified 282  
under the "Flood Disaster Protection Act of 1973," 87 Stat. 975, 283  
42 U.S.C.A. 4002, as amended, including, but not limited to, 284  
residential, commercial, or industrial buildings or structures. 285

(3) Except as provided in division (A)(4) of this section, a 286  
board of township trustees may adopt regulations governing 287  
property maintenance on the condition that the regulations govern 288  
subject matter that is not addressed by and not in conflict with 289  
the residential building code established under rules adopted by 290  
the board of building standards pursuant to Chapter 3781. of the 291  
Revised Code. 292

(4) No board of township trustees of a township located 293  
within a county in which the board of county commissioners has 294  
adopted regulations governing property maintenance shall adopt 295  
regulations governing property maintenance. 296

(B) Regulations or amendments may be adopted under this 297  
section only after public hearing at not fewer than two regular 298  
sessions of the board and only upon an affirmative vote of all 299  
members of the board. The board shall cause to be published in a 300  
newspaper of general circulation in the township notice of the 301  
public hearings, including time, date, and place, once a week for 302  
two weeks immediately preceding the hearings. The proposed 303  
regulations ~~or amendments~~ shall be made available by the board to 304

the public at the board office. 305

~~The township building code shall be adopted if it is approved 306  
by an affirmative vote of all members of the board of township 307  
trustees. 308~~

~~The building code and any amendments to the building code 309  
adopted by the board become effective thirty days after the date 310  
of adoption unless, within thirty days after the adoption of the 311  
building code or amendments, there is presented to the board a 312  
petition, signed by a number of qualified voters residing in the 313  
unincorporated area of the township equal to not less than eight 314  
per cent of the total vote cast for all candidates for governor in 315  
the area at the most recent general election at which a governor 316  
was elected, requesting the board to submit the building code or 317  
amendments to the electors of such area for approval or rejection 318  
at the next primary or general election. 319~~

~~No building code or amendments for which the referendum vote 320  
has been requested shall be put into effect unless a majority of 321  
the vote cast on the issue is in favor of the building code or 322  
amendments. Upon certification by the board of elections they take 323  
immediate effect. 324~~

(C) The For the purpose of administering and enforcing the 325  
residential or nonresidential building code, or both, established 326  
under rules adopted by the board of building standards pursuant to 327  
Chapter 3781. of the Revised Code, and the building regulations 328  
adopted pursuant to division (A) of this section, the board of 329  
township trustees may ~~establish~~ create a building ~~regulation~~ 330  
department and employ personnel as it determines necessary for 331  
such administration and enforcement. The board may direct the 332  
building department to administer and enforce the residential or 333  
nonresidential building code, or both, adopted by the board of 334  
building regulations standards. Upon certification of the building 335  
department under section 3781.10 of the Revised Code, the board of 336

township trustees may direct the ~~township~~ building department to 337  
exercise enforcement authority and to accept and approve plans 338  
pursuant to sections 3781.03 and 3791.04 of the Revised Code ~~for~~ 339  
~~any other kind or~~ on the condition that the building department 340  
and personnel accept plans for only the class of building in the 341  
unincorporated territory of the township for which the building 342  
department and personnel are certified under section 3781.10 of 343  
the Revised Code. 344

For the purposes of administering and enforcing the building 345  
regulations and building code, the board of township trustees may 346  
create, establish, fill, and fix the compensation of the position 347  
of township building inspector. The inspector shall be the chief 348  
administrative officer of the township building ~~regulation~~ 349  
department and shall administer and enforce the building 350  
regulations and building code. In lieu of the creation of the 351  
position of township building inspector, the board may assign the 352  
duties of the inspector to an existing township officer if the 353  
officer is certified pursuant to division (E) of section 3781.10 354  
of the Revised Code. 355

(D) The board of township trustees may contract with any 356  
municipal corporation or with a board of county commissioners for 357  
the administration and enforcement of building regulations and the 358  
building code, and any municipal corporation or board of county 359  
commissioners may contract with a board of township trustees for 360  
the administration and enforcement of the building regulations of 361  
the municipal corporation or county and the building code. 362

**Sec. 505.77.** (A) No person shall erect, construct, alter, 363  
repair, or maintain any ~~single family, two family, or three family~~ 364  
~~dwellings~~ residential building, as defined in section 3781.06 of 365  
the Revised Code, within the unincorporated portion of any 366  
township, if the board of township trustees has ~~adopted~~ created a 367

~~standard code under section 505.75~~ building department to 368  
administer and enforce building regulations adopted pursuant to 369  
division (A) of section 505.75 of the Revised Code and the 370  
residential building code adopted by the board of building 371  
standards pursuant to Chapter 3781. of the Revised Code, without 372  
complying with the building regulations and residential building 373  
code. No person shall erect, construct, alter, repair, or maintain 374  
any residential, commercial, or industrial buildings or structures 375  
within the unincorporated area of any township, if a board of 376  
township trustees has enacted building regulations under section 377  
505.75 of the Revised Code that are necessary for participation in 378  
the national flood insurance program, without complying with such 379  
regulations. If any building is being erected, constructed, 380  
altered, repaired, or maintained in violation of the building 381  
regulations or building code, the board or the township building 382  
inspector, or any adjacent, contiguous, or neighboring property 383  
owner who would be especially damaged by such violation, in 384  
addition to the remedies provided by law, may institute a suit for 385  
injunction, abatement, or other appropriate action to prevent the 386  
violation of the building regulations or building code relating to 387  
the erection, construction, alteration, repair, or maintenance of 388  
such building. 389

(B) Sections 505.75 to 505.77 of the Revised Code do not 390  
confer any power on any board with respect to the location, 391  
erection, construction, reconstruction, change, alteration, 392  
maintenance, removal, use, or enlargement of any buildings or 393  
structures of any public utility or railroad, whether publicly or 394  
privately owned, or the use of land by any public utility or 395  
railroad for the operation of its business. ~~Regulations or~~ 396  
~~amendments~~ Building regulations adopted by the board ~~shall~~ and the 397  
building code that the building department administers and 398  
enforces do not affect buildings or structures which exist or on 399

which construction has begun on or before the date on which the 400  
~~regulations or amendments are adopted by~~ building department 401  
begins enforcement of the building code or the date the board 402  
adopts the building regulations. 403

(C) No person shall violate any building regulation of the 404  
board adopted under division (A) of section 505.75 of the Revised 405  
Code. Each day during which an illegal location, erection, 406  
construction, ~~flood proofing~~ floodproofing, repair, alteration, or 407  
maintenance continues may be considered a separate offense. 408

**Sec. 715.27.** (A) Any municipal corporation may: 409

(1) Regulate the erection of fences, billboards, signs, and 410  
other structures, within the municipal corporation, and provide 411  
for the removal and repair of insecure billboards, signs, and 412  
other structures; 413

(2) Regulate the construction and repair of wires, poles, 414  
plants, and all equipment to be used for the generation and 415  
application of electricity; 416

(3) Provide for the licensing of house movers; plumbers; 417  
sewer tappers; and vault cleaners; ~~and specialty contractors who~~ 418  
~~are not required to hold a valid and unexpired license issued~~ 419  
~~pursuant to Chapter 4740. of the Revised Code.~~ 420

~~A municipal corporation may, pursuant to division (A)(3) of~~ 421  
~~this section, require all specialty contractors other than those~~ 422  
~~who hold a valid and unexpired license issued pursuant to Chapter~~ 423  
~~4740. of the Revised Code, to successfully complete an~~ 424  
~~examination, test, or demonstration of technical skills, and may~~ 425  
~~impose a fee and additional requirements for a license or~~ 426  
~~registration to engage in their respective occupations within the~~ 427  
~~jurisdiction of the municipal corporation.~~ 428

(B) No municipal corporation shall require any specialty 429

contractor who holds a valid and unexpired license issued pursuant 430  
to Chapter 4740. of the Revised Code to successfully complete an 431  
examination, test, or demonstration of technical skills in order 432  
to engage in the type of contracting for which the license is 433  
held, within the municipal corporation. 434

(C) For a specialty contractor who holds a valid and 435  
unexpired license issued pursuant to Chapter 4740. of the Revised 436  
Code, before that specialty contractor may engage in the type of 437  
contracting for which the license is held within the municipal 438  
corporation, a municipal corporation may require the contractor to 439  
register with the municipal corporation and may impose a fee, 440  
provided that the fee is the same for all specialty contractors 441  
who wish to engage in that type of contracting, and may require a 442  
bond and proof of all of the following: 443

(1) Insurance pursuant to division (B)(4) of section 4740.06 444  
of the Revised Code; 445

(2) Compliance with Chapters 4121. and 4123. of the Revised 446  
Code; 447

(3) Registration with the tax department of the municipal 448  
corporation. 449

If a municipal corporation requires registration, imposes 450  
such a fee, or requires a bond or proof of the items listed in 451  
divisions (C)(1), (2), and (3) of this section, the municipal 452  
corporation immediately shall permit a contractor who presents 453  
proof of holding a valid and unexpired license issued pursuant to 454  
Chapter 4740. of the Revised Code, who registers, pays the fee, 455  
obtains a bond, and submits the proof described under divisions 456  
(C)(1), (2), and (3) of this section, as required, to engage in 457  
the type of contracting for which the license is held, within the 458  
municipal corporation. 459

(D) A municipal corporation may revoke the registration of a 460

contractor registered with that municipal corporation for good 461  
cause shown. Good cause shown includes the failure of a contractor 462  
to maintain a bond or the items listed in divisions (C)(1), (2), 463  
and (3) of this section, if the municipal corporation requires 464  
those. 465

(E) A municipal corporation that ~~licenses~~ requires specialty 466  
contractors ~~pursuant to division (A)(3) of this section may~~ 467  
~~accept, for purposes of satisfying the requirements of that~~ 468  
~~division,~~ register with the municipal corporation shall not 469  
register a special contractor who does not have a valid and 470  
unexpired license issued pursuant to Chapter 4740. of the Revised 471  
Code ~~that is held by a specialty contractor, for the construction,~~ 472  
~~replacement, maintenance, or repair of one family, two family, or~~ 473  
~~three family dwelling houses or accessory structures incidental to~~ 474  
~~those dwelling houses.~~ 475

(F) As used in this section, "specialty contractor" means a 476  
heating, ventilating, and air conditioning contractor, 477  
refrigeration contractor, electrical contractor, plumbing 478  
contractor, ~~or~~ hydronics contractor, or residential contractor, as 479  
those terms are defined in section 4740.01 of the Revised Code. 480

**Sec. 1312.01. As used in this chapter:** 481

(A) "Claimant" means a homeowner or prospective homeowner who 482  
asserts a claim against a residential contractor concerning a 483  
construction defect. 484

(B) "Construction defect" means a deficiency or perceived 485  
deficiency that arises directly or indirectly out of the design, 486  
construction, alteration, or renovation of or addition to a 487  
residential building that is the subject of a claim against a 488  
residential contractor. 489

(C) "Dwelling action" means any civil action in contract or 490



tort for damages or indemnity brought against a residential 491  
contractor for damages or the loss of use of real property caused 492  
by a construction defect. 493

(D) "Residential building" has the same meaning as in section 494  
3781.06 of the Revised Code. 495

(E) "Residential contractor" has the same meaning as in 496  
section 4740.01 of the Revised Code. 497

**Sec. 1312.02.** (A) Before a claimant commences arbitration 498  
proceedings or brings a dwelling action against a residential 499  
contractor, the claimant, at least ninety days before commencing 500  
that proceeding or filing that dwelling action, shall serve a 501  
claim notice asserting a claim involving construction defects on 502  
the residential contractor. 503

(B) The claimant shall include all of the following 504  
information in the claim notice: 505

(1) The name, address, and telephone number of the claimant 506  
and residential contractor; 507

(2) The address of the residential building that is the 508  
subject of the claim; 509

(3) A statement asserting a claim involving construction 510  
defects; 511

(4) An itemized list of every construction defect for which 512  
the claim is asserted; 513

(5) A copy of any documentation concerning construction 514  
defects produced by a third party who inspected the construction 515  
defects for the claimant. 516

(C) A claimant shall provide to a residential contractor 517  
evidence or a description of evidence depicting the nature and, if 518  
known, the cause of the construction defects and, if known, the 519

nature and extent of repairs necessary to remedy the construction 520  
defects, if the residential contractor requests this information. 521

Sec. 1312.03. (A) By not later than twenty-one days after 522  
service of a claim notice under section 1312.02 of the Revised 523  
Code is complete, a residential contractor shall serve on the 524  
claimant a good faith written response to the claim notice. In the 525  
response, the residential contractor shall indicate one of the 526  
following: 527

(1) That the residential contractor is offering to inspect 528  
the residential building that is the subject of the claim; 529

(2) That the residential contractor is offering to compromise 530  
and settle the claim without an inspection; 531

(3) That the residential contractor disputes the claim and 532  
will not remedy the defect or compromise and settle the claim. 533

(B) If a residential contractor fails to comply with division 534  
(A) of this section, a claimant may commence an arbitration 535  
proceeding or file a dwelling action without further notice to the 536  
residential contractor and may preclude the residential contractor 537  
from asserting that the claimant failed to comply with this 538  
chapter. 539

(C) If a residential contractor makes or provides for repairs 540  
or replacements to remedy a construction defect, the residential 541  
contractor may take reasonable steps to document the repair and to 542  
inspect the repair or have it inspected. 543

Sec. 1312.04. (A) If a claimant rejects a residential 544  
contractor's offer either to inspect the residential building that 545  
is the subject of a claim or to settle the claim without an 546  
inspection, the claimant shall, within fourteen days after 547  
receiving notice of this offer, provide to the residential 548

contractor written notice of the rejection that includes the 549  
reason for the rejection. After providing this notice, a claimant 550  
may commence an arbitration proceeding or file a dwelling action. 551

(B) If a claimant agrees to allow a residential contractor to 552  
inspect the residential building that is the subject of a claim, 553  
the claimant shall, within fourteen days after receiving notice of 554  
this offer to inspect pursuant to division (A) of section 1312.03 555  
of the Revised Code, allow reasonable access to the residential 556  
building during normal working hours. The residential contractor 557  
shall inspect the residential building and undertake reasonable 558  
measures, including but not limited to testing, to determine the 559  
nature and cause of the construction defects and the appropriate 560  
remedy. 561

(C) By not later than fourteen days after a residential 562  
contractor conducts an inspection described in division (B) of 563  
this section, the residential contractor must serve on the 564  
claimant one of the following: 565

(1) A written offer to remedy the defect at no cost to the 566  
claimant along with all of the following: 567

(a) An inspection report; 568

(b) A prediction of the additional construction necessary to 569  
remedy the defects; 570

(c) A timetable for completion of the construction necessary 571  
to remedy the defects. 572

(2) A written offer to settle the claim; 573

(3) A written statement that the residential contractor does 574  
not intend to remedy the construction defects. 575

(D) A claimant may commence an arbitration proceeding or file 576  
a dwelling action if a residential contractor fails to remedy 577

construction defects within the time specified in a notice served 578  
on the claimant by the residential contractor pursuant to division 579  
(C)(1) of this section or fails to settle the claim as promised in 580  
a notice served on the claimant by the residential contractor 581  
pursuant to division (C)(2) of this section. 582

(E) If a claimant rejects a residential contractor's offer to 583  
remedy construction defects or settle a claim, the claimant, 584  
within fourteen days after receiving notice of this offer, shall 585  
serve on the residential contractor written notice of the 586  
rejection that includes the reason for the rejection. After 587  
service of this rejection notice is complete, the claimant may 588  
commence an arbitration proceeding or file a dwelling action. 589

**Sec. 1312.05.** Service of any notice under this chapter tolls 590  
all applicable statutes of limitations or repose until sixty days 591  
after the end of the time period allowed under this chapter for 592  
servng a notice. 593

If a claimant files a dwelling action without first complying 594  
with this chapter, the court shall dismiss the dwelling action 595  
without prejudice. The claimant may file the dwelling action again 596  
after the claimant complies with this chapter. 597

This chapter does not apply to personal injury or death 598  
claims. 599

**Sec. 3703.01.** The division of industrial compliance in the 600  
department of commerce shall: 601

(A) Inspect all nonresidential buildings within the meaning 602  
of section 3781.06 of the Revised Code; 603

(B) Condemn all unsanitary or defective plumbing that is 604  
found in connection with such places; 605

(C) Order such changes in plumbing as are necessary to insure 606

the safety of the public health. 607

The division of industrial compliance and boards of health of 608  
city and general health districts shall not inspect plumbing or 609  
collect fees for inspecting plumbing in particular types of 610  
buildings in any municipal corporation that has been certified by 611  
the board of building standards under section 3781.10 of the 612  
Revised Code to exercise enforcement authority for plumbing in 613  
such types of buildings. 614

The division shall not inspect plumbing or collect fees for 615  
inspecting plumbing in particular types of buildings in any health 616  
district that has employed one or more approved plumbing 617  
inspectors to enforce Chapters 3781. and 3791. of the Revised Code 618  
and the ~~regulations~~ rules adopted pursuant thereto relating to 619  
plumbing in such types of buildings. 620

A municipal corporation does not have jurisdiction to inspect 621  
plumbing or collect fees for the inspection of plumbing in types 622  
of buildings for which it has not been certified by the board of 623  
building standards under section 3781.10 of the Revised Code to 624  
exercise enforcement authority for plumbing in such types of 625  
buildings. A board of health of a health district does not have 626  
jurisdiction to inspect plumbing or collect fees for the 627  
inspection of plumbing in types of buildings for which it does not 628  
have an approved plumbing inspector for such types of buildings. 629

The superintendent of industrial compliance shall adopt rules 630  
prescribing minimum qualifications based on education, training, 631  
experience, or demonstrated ability, which the director shall use 632  
in approving plumbing inspectors to do plumbing inspections for 633  
health districts. Such minimum qualifications shall be related to 634  
the types of buildings for which a person seeks approval. 635

Standards and methods prescribed in local plumbing 636  
regulations shall not be less than those prescribed in Chapters 637

3781. and 3791. of the Revised Code and the ~~regulations~~ rules 638  
adopted thereunder. 639

~~The~~ Notwithstanding any other provision of this section, the 640  
division shall make a plumbing inspection of any building or other 641  
place that there is reason to believe is in such a condition as to 642  
be a menace to the public health. 643

**Sec. 3722.02.** A person seeking a license to operate an adult 644  
care facility shall submit to the director of health an 645  
application on a form prescribed by the director and the 646  
following: 647

(A) In the case of an adult group home seeking licensure as 648  
an adult care facility, evidence that the home has been inspected 649  
and approved by a local certified building department or by the 650  
division of industrial compliance in the department of commerce as 651  
meeting the applicable requirements of sections 3781.06 to 652  
~~3781.18, 3781.181, 3781.182,~~ and 3791.04 of the Revised Code and 653  
any rules adopted under those sections and evidence that the home 654  
has been inspected by the state fire marshal or fire prevention 655  
officer of a municipal, township, or other legally constituted 656  
fire department approved by the state fire marshal and found to be 657  
in compliance with rules adopted under section 3737.83 of the 658  
Revised Code regarding fire prevention and safety in adult group 659  
homes; 660

(B) Valid approvals of the facility's water and sewage 661  
systems issued by the responsible governmental entity, if 662  
applicable; 663

(C) A statement of ownership containing the following 664  
information: 665

(1) If the owner is an individual, the owner's name, address, 666  
telephone number, business address, business telephone number, and 667

occupation. If the owner is an association, corporation, or 668  
partnership, the business activity, address, and telephone number 669  
of the entity and the name of every person who has an ownership 670  
interest of five per cent or more in the entity. 671

(2) If the owner does not own the building or if the owner 672  
owns only part of the building in which the facility is housed, 673  
the name of each person who has an ownership interest of five per 674  
cent or more in the building; 675

(3) The address of any adult care facility and any facility 676  
described in divisions (A)(9)(a) to (i) of section 3722.01 of the 677  
Revised Code in which the owner has an ownership interest of five 678  
per cent or more; 679

(4) The identity of the manager of the adult care facility, 680  
if different from the owner; 681

(5) The name and address of any adult care facility and any 682  
facility described in divisions (A)(9)(a) to (i) of section 683  
3722.01 of the Revised Code with which either the owner or manager 684  
has been affiliated through ownership or employment in the five 685  
years prior to the date of the application; 686

(6) The names and addresses of three persons not employed by 687  
or associated in business with the owner who will provide 688  
information about the character, reputation, and competence of the 689  
owner and the manager and the financial responsibility of the 690  
owner; 691

(7) Information about any arrest of the owner or manager for, 692  
or adjudication or conviction of, a criminal offense related to 693  
the provision of care in an adult care facility or any facility 694  
described in divisions (A)(9)(a) to (i) of section 3722.01 of the 695  
Revised Code or the ability to operate a facility; 696

(8) Any other information the director may require regarding 697  
the owner's ability to operate the facility. 698

(D) If the facility is an adult group home, a balance sheet 699  
showing the assets and liabilities of the owner and a statement 700  
projecting revenues and expenses for the first twelve months of 701  
the facility's operation; 702

(E) Proof of insurance in an amount and type determined in 703  
rules adopted by the public health council pursuant to this 704  
chapter to be adequate; 705

(F) A nonrefundable license application fee in an amount 706  
established in rules adopted by the public health council pursuant 707  
to this chapter. 708

**Sec. 3722.041.** (A) Sections 3781.06 to 3781.18, ~~3781.181,~~ 709  
~~3781.182,~~ and 3791.04 of the Revised Code do not apply to an adult 710  
family home for which application is made to the director of 711  
health for licensure as an adult care facility under this chapter. 712  
Adult family homes shall not be required to submit evidence to the 713  
director of health that the home has been inspected by a local 714  
certified building department or the division of industrial 715  
compliance in the department of commerce or by the state fire 716  
marshal or a fire prevention officer under section 3722.02 of the 717  
Revised Code, but shall be inspected by the director of health to 718  
determine compliance with this section. An inspection made under 719  
this section may be made at the same time as an inspection made 720  
under section 3722.04 of the Revised Code. 721

(B) The director shall not license or renew the license of an 722  
adult family home unless it meets the fire protection standards 723  
established by rules adopted by the public health council pursuant 724  
to this chapter. 725

**Sec. 3781.01.** (A) Chapters 3781. and 3791. of the Revised 726  
Code do not prevent the legislative authority of a municipal 727  
corporation from making further and additional regulations, not in 728



conflict with such chapters or with the rules ~~and regulations~~ of 729  
the board of building standards. Such chapters or the rules ~~and~~ 730  
~~regulations~~ of the board of building standards do not modify or 731  
repeal any portion of any building code adopted by a municipal 732  
corporation and in force on September 13, 1911, which is not in 733  
direct conflict with such chapters or with such rules ~~and~~ 734  
~~regulations~~. 735

(B) The statewide uniform residential building code 736  
established under rules adopted by the board pursuant to section 737  
3781.10 of the Revised Code does not prevent a local government 738  
authority from making further and additional regulations upon 739  
subject matter that is not addressed by and not in conflict with 740  
that residential building code. 741

(C)(1) In the event that a local governing authority makes 742  
regulations as described in division (B) of this section, the 743  
local governing authority shall, and any person may, notify the 744  
board of building standards of the regulation and request a 745  
determination regarding a possible conflict with the residential 746  
building code. 747

(2) Not later than sixty days after the date of receipt of a 748  
notice under division (C)(1) of this section, the board shall 749  
determine whether the regulation conflicts with the residential 750  
building code and shall notify the local governing authority that 751  
has made the regulation and, in the case of a person who has 752  
submitted the notice under division (C)(1) of this section, the 753  
person who submitted the notice, of the board's determination. 754

(3) If in the opinion of the board a conflict does not exist, 755  
then no further action with regard to the regulation shall be 756  
taken by the board. If in the opinion of the board a conflict does 757  
exist, and the regulation is not necessary to protect the health 758  
or safety of the persons within the jurisdiction of the local 759

governing authority that made the regulation, then the regulation 760  
is not valid or enforceable by the local governing authority. If 761  
the board determines that a conflict does exist but that the 762  
regulation is necessary to protect the health or safety of the 763  
persons within the jurisdiction of the local governing authority 764  
that made the regulation, then the board shall adopt a rule to 765  
incorporate the regulation into the residential building code. 766  
Until the time that the rule becomes a part of the residential 767  
building code, the board shall grant a variance to the appropriate 768  
jurisdiction and to all similarly situated political subdivisions 769  
to which the board determines the variance should apply. 770

(D) As used in this section, "local governing authority" 771  
means a board of county commissioners, a board of township 772  
trustees, or the legislative authority of a municipal corporation. 773

**Sec. 3781.03.** The fire marshal or fire chief of municipal 774  
corporations having fire departments or the fire chief of 775  
townships having fire departments shall enforce all provisions of 776  
Chapters 3781. and 3791. of the Revised Code relating to fire 777  
prevention. 778

The superintendent of the division of industrial compliance, 779  
the building inspector or commissioner of buildings in municipal 780  
corporations whose building departments have been certified by the 781  
board of building standards under section 3781.10 of the Revised 782  
Code, the building inspector or commissioner of buildings in 783  
townships whose building departments have been certified by the 784  
board of building standards under section 3781.10 of the Revised 785  
Code, and, in the unincorporated territory of counties outside the 786  
boundaries of townships that ~~have adopted~~ administer and enforce 787  
building regulations and the building code under sections 505.75 788  
to 505.77 of the Revised Code, the building inspector or 789  
commissioner of buildings in counties whose building departments 790

have been certified by the board of building standards under 791  
section 3781.10 of the Revised Code, shall enforce all the 792  
provisions in such chapters and any ~~regulations~~ rules adopted 793  
pursuant thereto relating to construction, arrangement, and the 794  
erection of all buildings or parts thereof, as defined in section 795  
3781.06 of the Revised Code, including the sanitary condition of 796  
the same in relation to heating and ventilation. 797

The division of industrial compliance in the department of 798  
commerce or the boards of health of health districts, or the 799  
certified departments of building inspection of municipal 800  
corporations, subject to the applicable provisions of Chapter 801  
3703. of the Revised Code, shall enforce such chapters and 802  
regulations relating to plumbing. 803

The department of the city engineer, in cities having such 804  
departments, shall have complete supervision and regulation of the 805  
entire sewerage and drainage system of the city, including the 806  
house drain and the house sewer and all laterals draining into the 807  
street sewers. 808

The department of the city engineer shall have control and 809  
supervision of the installation and construction of all drains and 810  
sewers that become a part of the sewerage system of the city and 811  
shall issue all the necessary permits and licenses for the 812  
construction and installation of all house drains and house sewers 813  
and of all other lateral drains that empty into the main sewers. 814  
The department shall keep a permanent record of the installation 815  
and location of every drain and sewer of the drainage and sewerage 816  
system of the city. 817

This section does not exempt any officer or department from 818  
the obligation to enforce Chapters 3781. and 3791. of the Revised 819  
Code. 820

**Sec. 3781.031.** Before any department or agency of the state 821

or any political subdivision attempts to enforce Chapters 3781. 822  
and 3791. of the Revised Code or any rules ~~or regulations~~ adopted 823  
pursuant thereto, by any remedy, civil or criminal, it shall issue 824  
an adjudication order within the meaning of sections 119.06 to 825  
119.13, ~~inclusive~~, of the Revised Code, or a stop work order as 826  
provided herein. 827

Any person charged with the duty of enforcing Chapters 3781. 828  
and 3791. of the Revised Code or the rules or regulations adopted 829  
pursuant thereto may issue a stop work order whenever ~~he~~ the 830  
person finds, after inspection, that the site preparations or 831  
structure to be constructed, or in the case of an industrialized 832  
unit, the installation of the unit, or that the use of an 833  
appliance, material, assemblage, or manufactured product does not 834  
comply with the provisions of Chapters 3781. and 3791. of the 835  
Revised Code or the rules ~~or regulations~~ adopted pursuant thereto. 836  
The effect of such an order shall be limited to the matter 837  
specified therein. 838

Every adjudication order shall specify what appliances, site 839  
preparations, additions, or alterations to structures, plans, 840  
materials, assemblages, or procedures are necessary for the same 841  
to comply with Chapters 3781. and 3791. of the Revised Code. 842

Upon the issuance of any order provided for herein, the 843  
person receiving such order shall cease work upon the site 844  
preparations or structure to be constructed, or in the case of an 845  
industrialized unit, the installation of the unit, or shall cease 846  
using the appliance, materials, assemblages, or manufactured 847  
product identified in the order until such time as the appeal 848  
provided for in accordance with the provisions of section 3781.19 849  
of the Revised Code, and all appeals from such hearing have been 850  
completed, or the order issued herein has been released. 851

Notwithstanding the provisions of Chapter 119. of the Revised 852

Code relating to adjudication hearings and the proceedings 853  
thereon, a stenographic or mechanical record of the testimony and 854  
other evidence submitted shall be taken at the expense of the 855  
agency; a party adversely affected by an order issued following 856  
such adjudication hearing may appeal to the court of common pleas 857  
of the county in which ~~he~~ the party is a resident or in which the 858  
premises affected by such order is located; the court in such case 859  
shall not be confined to the record as certified to it by the 860  
agency but any party may produce additional evidence and the court 861  
shall hear the matter upon such record and such additional 862  
evidence as is introduced by any party; and the court shall not 863  
affirm the order of the agency unless the preponderance of the 864  
evidence before it supports the reasonableness and lawfulness of 865  
such order and of any rule ~~or regulation~~ of the board of building 866  
standards upon which the order of the agency is based in its 867  
application to the particular set of facts or circumstances 868  
involved in the appeal. 869

Failure to cease work after receipt of a stop work order is 870  
hereby declared a public nuisance. 871

**Sec. 3781.06.** (A)(1) Any building that may be used as a place 872  
of resort, assembly, education, entertainment, lodging, dwelling, 873  
trade, manufacture, repair, storage, traffic, or occupancy by the 874  
public, any residential building, and all other buildings or parts 875  
and appurtenances thereof erected within this state, shall be so 876  
constructed, erected, equipped, and maintained that they shall be 877  
safe and sanitary for their intended use and occupancy, ~~except~~ 878  
~~that sections 3781.06 to 3781.18 and 3791.04 of the Revised Code~~ 879  
~~shall be considered as model provisions with no force and effect~~ 880  
~~when applied to single family, two family, and three family~~ 881  
~~dwelling houses, and accessory structures incidental to those~~ 882  
~~dwelling houses, that have not been constructed or erected as~~ 883  
~~industrialized one family, two family, or three family units or~~ 884

~~structures within the meaning of the term "industrialized unit" as 885  
provided in division (C)(3) of this section, except where the 886  
context specifies mandatory applicability. 887~~

(2) Nothing in sections 3781.06 to 3781.18 and 3791.04 of the 888  
Revised Code shall be construed to limit the power of the public 889  
health council to adopt rules of uniform application governing 890  
manufactured home parks pursuant to section 3733.02 of the Revised 891  
Code. 892

(B) Sections 3781.06 to 3781.18 and 3791.04 of the Revised 893  
Code shall not apply to either of the following: 894

(1) Buildings or structures that are incident to the use for 895  
agricultural purposes of the land on which such buildings or 896  
structures are located, provided such buildings or structures are 897  
not used in the business of retail trade. For purposes of this 898  
division, a building or structure is not considered used in the 899  
business of retail trade if fifty per cent or more of the gross 900  
income received from sales of products in the building or 901  
structure by the owner or operator is from sales of products 902  
produced or raised in a normal crop year on farms owned or 903  
operated by the seller. 904

(2) Existing single-family, two-family, and three-family 905  
detached dwelling houses for which applications have been 906  
submitted to the director of job and family services pursuant to 907  
section 5104.03 of the Revised Code for the purposes of operating 908  
type A family day-care homes as defined in section 5104.01 of the 909  
Revised Code. 910

(C) As used in sections 3781.06 to 3781.18 and 3791.04 of the 911  
Revised Code: 912

(1) "Agricultural purposes" include agriculture, farming, 913  
dairying, pasturage, apiculture, horticulture, floriculture, 914

viticulture, ornamental horticulture, olericulture, pomiculture, 915  
and animal and poultry husbandry. 916

(2) "Building" means any structure consisting of foundations, 917  
walls, columns, girders, beams, floors, and roof, or a combination 918  
of any number of these parts, with or without other parts or 919  
appurtenances. 920

(3) "Industrialized unit" means a building unit or assembly 921  
of closed construction fabricated in an off-site facility, that is 922  
substantially self-sufficient as a unit or as part of a greater 923  
structure, and that requires transportation to the site of 924  
intended use. "Industrialized unit" includes units installed on 925  
the site as independent units, as part of a group of units, or 926  
incorporated with standard construction methods to form a 927  
completed structural entity. "Industrialized unit" does not 928  
include a manufactured home as defined by division (C)(4) of this 929  
section or a mobile home as defined by division (O) of section 930  
4501.01 of the Revised Code. 931

(4) "Manufactured home" means a building unit or assembly of 932  
closed construction that is fabricated in an off-site facility and 933  
constructed in conformance with the federal construction and 934  
safety standards established by the secretary of housing and urban 935  
development pursuant to the "Manufactured Housing Construction and 936  
Safety Standards Act of 1974," 88 Stat. 700, 42 U.S.C.A. 5401, 937  
5403, and that has a permanent label or tag affixed to it, as 938  
specified in 42 U.S.C.A. 5415, certifying compliance with all 939  
applicable federal construction and safety standards. 940

(5) "Permanent foundation" means permanent masonry, concrete, 941  
or a locally approved footing or foundation, to which a 942  
manufactured or mobile home may be affixed. 943

(6) "Permanently sited manufactured home" means a 944  
manufactured home that meets all of the following criteria: 945

(a) The structure is affixed to a permanent foundation and is 946  
connected to appropriate facilities; 947

(b) The structure, excluding any addition, has a width of at 948  
least twenty-two feet at one point, a length of at least 949  
twenty-two feet at one point, and a total living area, excluding 950  
garages, porches, or attachments, of at least nine hundred square 951  
feet; 952

(c) The structure has a minimum 3:12 residential roof pitch, 953  
conventional residential siding, and a six-inch minimum eave 954  
overhang, including appropriate guttering; 955

(d) The structure was manufactured after January 1, 1995; 956

(e) The structure is not located in a manufactured home park 957  
as defined by section 3733.01 of the Revised Code. 958

(7) "Safe," with respect to a building, means it is free from 959  
danger or hazard to the life, safety, health, or welfare of 960  
persons occupying or frequenting it, or of the public and from 961  
danger of settlement, movement, disintegration, or collapse, 962  
whether such danger arises from the methods or materials of its 963  
construction or from equipment installed therein, for the purpose 964  
of lighting, heating, the transmission or utilization of electric 965  
current, or from its location or otherwise. 966

(8) "Sanitary," with respect to a building, means it is free 967  
from danger or hazard to the health of persons occupying or 968  
frequenting it or to that of the public, if such danger arises 969  
from the method or materials of its construction or from any 970  
equipment installed therein, for the purpose of lighting, heating, 971  
ventilating, or plumbing. 972

(9) "Residential building" means a one-family, two-family, or 973  
three-family dwelling house, and accessory structures incidental 974  
to those dwelling houses. "Residential building" includes a 975



one-family, two-family, or three-family dwelling house that is 976  
used as a model for the purpose of promoting the sale of similar 977  
dwelling houses. 978

(10) "Nonresidential building" means any building that is not 979  
a residential building. 980

(11) "Accessory structure" means a structure that satisfies 981  
all of the following criteria: 982

(a) Is constructed or installed on, above, or below the 983  
surface of a lot of real property; 984

(b) Is located on the same lot as a residential building; 985

(c) Is subordinate to or serves the principal use of the 986  
residential building; 987

"Accessory structure" includes but is not limited to a 988  
garage, greenhouse, shed, porch, and storage facility. 989

**Sec. 3781.10.** The board of building standards shall: 990

(A) Formulate and adopt rules governing the erection, 991  
construction, repair, alteration, and maintenance of all buildings 992  
or classes of buildings specified in section 3781.06 of the 993  
Revised Code, including land area incidental thereto, the 994  
construction of industrialized units, the installation of 995  
equipment, and the standards or requirements for materials to be 996  
used in connection therewith, and incorporate those rules into 997  
separate residential and nonresidential building codes. The 998  
standards shall relate to the conservation of energy in and to the 999  
safety and sanitation of such buildings. The rules governing 1000  
nonresidential buildings shall be the lawful minimum requirements 1001  
specified for ~~such~~ nonresidential buildings or industrialized 1002  
units, except that no rule, except as provided in division (C) of 1003  
section 3781.108 of the Revised Code, which specifies a higher 1004  
requirement than is imposed by any section of the Revised Code 1005

shall be enforceable; the rules governing residential buildings 1006  
shall be the statewide uniform requirements specified for 1007  
residential buildings; the rules shall be acceptable as complete 1008  
lawful alternatives to the requirements specified for such 1009  
buildings or industrialized units in any section of the Revised 1010  
Code; and the board shall on its own motion, or on application 1011  
made under sections 3781.12 and 3781.13 of the Revised Code, 1012  
formulate, propose, adopt, modify, amend, or repeal the rules to 1013  
the extent necessary or desirable to effectuate the purposes of 1014  
sections 3781.06 to 3781.18 of the Revised Code. 1015

(B) Formulate and report to the general assembly such 1016  
amendments in existing statutes relating to the purposes declared 1017  
in section 3781.06 of the Revised Code as public health and safety 1018  
and the development of the arts require and such additional 1019  
legislation as it recommends with a view to carrying out fully, in 1020  
statutory form, the purposes declared in such section; and prepare 1021  
and submit to the general assembly a summary report of the number, 1022  
nature, and disposition of the petitions filed under sections 1023  
3781.13 and 3781.14 of the Revised Code; 1024

(C) Determine by rule, on its own motion or on application 1025  
made under sections 3781.12 and 3781.13 of the Revised Code, and 1026  
after thorough testing and evaluation that any particular fixture, 1027  
device, material, process of manufacture, manufactured unit or 1028  
component, method of manufacture, system, or method of 1029  
construction, complies with performance standards adopted pursuant 1030  
to section 3781.11 of the Revised Code, having regard to its 1031  
adaptability for safe and sanitary erection, use, or construction, 1032  
to that described in any section of the Revised Code, wherever the 1033  
use of a fixture, device, material, method of manufacture, system, 1034  
or method of construction which is described in such section of 1035  
the Revised Code, is permitted by law; and on like application 1036  
amend or annul any such rule or issue an authorization for the use 1037

of a new material or manufactured unit; and no department, 1038  
officer, board, or commission of the state other than the board of 1039  
building standards or the board of building appeals shall permit 1040  
the use of any fixture, device, material, method of manufacture, 1041  
newly designed product, system, or method of construction at 1042  
variance with what is described in any rule adopted or 1043  
authorization issued by the board of building standards or in any 1044  
section of the Revised Code. Nothing in this section shall be 1045  
construed as requiring approval, by rule, of plans for an 1046  
industrialized unit that conforms with the rules adopted by the 1047  
board of building standards pursuant to section 3781.11 of the 1048  
Revised Code. 1049

(D) Recommend to the bureau of workers' compensation, the 1050  
director of commerce, or any other department, officer, board, or 1051  
commission of the state, and to legislative authorities and 1052  
building departments of counties, townships, and municipal 1053  
corporations, the making, amending, fixing, or ordaining by such 1054  
appropriate action as such state, county, township, or municipal 1055  
authorities may be empowered by law or the constitution to take, 1056  
of such rules, codes, or standards as shall tend to carry out the 1057  
purposes declared in section 3781.06 of the Revised Code, with a 1058  
view to securing uniformity of state administrative ruling; and 1059  
local legislation and administrative action; 1060

(E) Certify municipal, township, and county building 1061  
departments to exercise enforcement authority, to accept and 1062  
approve plans and specifications, and to make inspections, 1063  
pursuant to sections 3781.03 and 3791.04 of the Revised Code. 1064

The board also shall certify personnel of municipal, 1065  
township, and county building departments, and persons and 1066  
employees of persons, firms, or corporations as described in 1067  
divisions (E)(1) and (2) of this section, to exercise enforcement 1068  
authority, to accept and approve plans and specifications, and to 1069

make inspections, pursuant to sections 3781.03 and 3791.04 of the Revised Code. The board shall specify, in rules adopted pursuant to Chapter 119. of the Revised Code, the requirements that shall be satisfied for certification purposes, which requirements shall be consistent with this division. Except as otherwise provided in this division, the requirements shall include, but are not limited to, the satisfactory completion of an initial examination and, in order to remain certified, the completion of a specified number of hours of continuing building code education within each three-year period following the date of certification. In adopting the requirements, the board shall not specify less than thirty hours of continuing building code education within a three-year period; shall provide that continuing education credits, and certification issued, by the council of American building officials, national model code organizations, and agencies or entities recognized by the board, are acceptable for purposes of this division; and shall specify requirements that are compatible, to the extent possible, with requirements established by the council of American building officials and national model code organizations. The board shall establish and collect a certification and renewal fee for building department personnel, and persons and employees of persons, firms, or corporations as described in divisions (E)(1) and (2) of this section, certified pursuant to this division.

All individuals certified pursuant to this division shall complete the number of hours of continuing building code education that the board requires or, for failure to do so, forfeit their certifications.

This division does not require or authorize the certification by the board of personnel of municipal, township, and county building departments, and persons and employees of persons, firms, or corporations as described in divisions (E)(1) and (2) of this section, whose responsibilities do not include the exercise of

enforcement authority, the approval of plans and specifications, 1102  
or the making of inspections, under the ~~Ohio~~ building code. 1103

(1) Enforcement authority for approval of plans and 1104  
specifications may be exercised, and plans and specifications may 1105  
be approved, on behalf of a municipal corporation, township, or 1106  
county, by any of the following who are certified by the board of 1107  
building standards: 1108

(a) Officers or employees of the municipal corporation, 1109  
township, or county; 1110

(b) Persons, or employees of persons, firms, or corporations, 1111  
when such persons, firms, or corporations are under contract to 1112  
furnish architectural or engineering services to the municipal 1113  
corporation, township, or county, and such authority is exercised 1114  
pursuant to such contract; 1115

(c) Officers or employees of any other municipal corporation, 1116  
township, county, health district, or other political subdivision, 1117  
or persons or employees of persons, firms, or corporations under 1118  
contract with the same pursuant to division (E)(1)(b) of this 1119  
section, when such other municipal corporation, township, county, 1120  
health district, or other political subdivision is under contract 1121  
to furnish architectural or engineering services to the municipal 1122  
corporation, township, or county, and such authority is exercised 1123  
pursuant to such contract. 1124

(2) Enforcement authority for inspections may be exercised, 1125  
and inspections may be made, on behalf of a municipal corporation, 1126  
township, or county, by any of the following who are certified by 1127  
the board of building standards: 1128

(a) Officers or employees of the municipal corporation, 1129  
township, or county; 1130

(b) Persons, or employees of persons, firms, or corporations, 1131  
when such persons, firms, or corporations are under contract to 1132

furnish inspection services to the municipal corporation, 1133  
township, or county, and such authority is exercised pursuant to 1134  
such contract; 1135

(c) Officers or employees of any other municipal corporation, 1136  
township, county, health district, or other political subdivision 1137  
under contract to furnish inspection services to the municipal 1138  
corporation, township, or county, when such authority is exercised 1139  
pursuant to such contract. 1140

(3) Municipal, township, and county building departments 1141  
shall have jurisdiction within the meaning of sections 3781.03 and 1142  
3791.04 of the Revised Code, only with respect to the types of 1143  
buildings and subject matters as to which they have been certified 1144  
under this section and as to which such certification remains in 1145  
effect. 1146

(4) Such certification shall be upon application by the 1147  
municipal corporation, the board of township trustees, or the 1148  
board of county commissioners and approval of such application by 1149  
the board of building standards. Such application shall set forth: 1150

(a) ~~The types of building occupancies as to which~~ Whether the 1151  
certification is requested for residential or nonresidential 1152  
buildings, or both; 1153

(b) The number and qualifications of the staff composing the 1154  
building department; 1155

(c) The names, addresses, and qualifications of persons, 1156  
firms, or corporations contracting to furnish work or services 1157  
pursuant to divisions (E)(1)(b) and (2)(b) of this section; 1158

(d) The names of other municipal corporations, townships, 1159  
counties, health districts, or other political subdivisions 1160  
contracting to furnish work or services pursuant to divisions 1161  
(E)(1)(c) and (2)(c) of this section; 1162

(e) The proposed budget for the operation of ~~such the~~ building department. 1163  
1164

(5) The board of building standards shall adopt rules 1165  
governing: 1166

(a) The certification of building department personnel and of 1167  
those persons and employees of persons, firms, or corporations 1168  
exercising authority pursuant to divisions (E)(1) and (2) of this 1169  
section. Any employee of the department or person who contracts 1170  
for services with the department is disqualified from performing 1171  
services for the department when the same would require the 1172  
employee or person to pass upon, inspect, or otherwise exercise 1173  
any authority given by the ~~Ohio~~ building code over any labor, 1174  
material, or equipment furnished by the employee or person for the 1175  
construction, alteration, or maintenance of a building or the 1176  
preparation of working drawings or specifications for work within 1177  
the jurisdictional area of the department. The department shall 1178  
provide other similarly qualified personnel to enforce the 1179  
requirements of the Ohio building code as it pertains to such 1180  
work. 1181

(b) The minimum services to be provided by a certified 1182  
building department. 1183

(6) Such certification may be revoked or suspended with 1184  
respect to ~~any or all~~ enforcement of the residential or 1185  
nonresidential building ~~occupancies to which it relates~~ code, or 1186  
for enforcement of both codes, on petition to the board of 1187  
building standards by any person affected by such enforcement or 1188  
approval of plans, or by the board on its own motion. Hearings 1189  
shall be held and appeals permitted on any such proceedings for 1190  
certification or for revocation or suspension of certification in 1191  
the same manner as provided in section 3781.101 of the Revised 1192  
Code for other proceedings of the board of building standards. 1193

(7) Upon certification, and until such authority is revoked, 1194  
county and township building departments shall enforce such rules 1195  
~~over those occupancies listed in the application governing the~~ 1196  
residential and nonresidential buildings to which its 1197  
certification applies without regard to limitation upon the 1198  
authority of boards of county commissioners under Chapter 307. of 1199  
the Revised Code or boards of township trustees under Chapter 505. 1200  
of the Revised Code. 1201

(8) In certifying building departments and personnel thereof, 1202  
persons and employees of persons, firms, and corporations 1203  
described in divisions (E)(1) and (2) of this section, the board 1204  
shall certify departments, personnel, and persons as residential 1205  
or nonresidential, or both. A department and personnel and other 1206  
persons certified as: 1207

(a) Residential, only may enforce the residential building 1208  
code; 1209

(b) Nonresidential, only may enforce the nonresidential 1210  
building code; 1211

(c) Both residential and nonresidential, may enforce the 1212  
residential and nonresidential building codes. 1213

In adopting rules under division (E) of this section, the 1214  
board shall specify the qualifications and requirements for 1215  
certification as residential and nonresidential departments, 1216  
personnel, and persons, and those qualifications and requirements 1217  
may, as the board determines appropriate, differ. The board shall 1218  
not require a building department or its personnel or any other 1219  
personnel or person to be certified for residential buildings if 1220  
the building department for which the personnel or persons are 1221  
employed does not enforce the residential code. 1222

(F) Conduct such hearings, in addition to those required by 1223  
sections 3781.06 to 3781.18 and 3791.04 of the Revised Code, and 1224



make such investigations and tests, and require from other state departments, officers, boards, and commissions such information as the board considers necessary or desirable in order to assist it in the discharge of any duty or in the exercise of any power mentioned in this section or in sections 3781.06 to 3781.18 and 3791.04 of the Revised Code;

(G) Formulate rules and establish reasonable fees for the review of all applications submitted where the applicant applies for authority to use a new material, assembly, or product of a manufacturing process. The fee established shall bear some reasonable relationship to the cost of such review or testing of the materials, assembly, or products submitted and notification of approval or disapproval as provided in section 3781.12 of the Revised Code.

~~(H) Compile and publish, in the form of a model code, rules pertaining to one family, two family, and three family dwelling houses that any municipal corporation, township, or county may incorporate into its building code~~ Receive from the residential construction advisory committee the residential building code that the committee recommends pursuant to division (C)(1) of section 4740.14 of the Revised Code and, upon receipt of a recommendation from the committee that is acceptable to the board, the board shall adopt rules establishing that code as the statewide uniform residential building code;

(I) Cooperate with the director of job and family services when the director promulgates rules pursuant to section 5104.05 of the Revised Code regarding safety and sanitation in type A family day-care homes;

(J) Adopt rules to implement the requirements of section 3781.108 of the Revised Code.

**Sec. 3781.102.** (A) Any county or municipal building

artment certified pursuant to division (E) of section 3781.10 of 1256  
the Revised Code as of September 14, 1970, and that, as of that 1257  
date, was inspecting single-family, two-family, and three-family 1258  
residences, and any township building department certified 1259  
pursuant to division (E) of section 3781.10 of the Revised Code, 1260  
is hereby declared to be certified to inspect single-family, 1261  
two-family, and three-family residences containing industrialized 1262  
units, and such building department shall inspect the buildings or 1263  
classes of buildings subject to the provisions of division (E) of 1264  
section 3781.10 of the Revised Code. 1265

~~(B) Each board of county commissioners may adopt, by 1266  
resolution, rules establishing standards and providing for the 1267  
licensing of electrical and heating, ventilating, and air 1268  
conditioning contractors who are not required to hold a valid and 1269  
unexpired license pursuant to Chapter 4740. of the Revised Code. 1270~~

~~Rules Regulations adopted by a board of county commissioners 1271  
pursuant to ~~this~~ division (A) of section 307.37 of the Revised 1272  
Code may be enforced within the unincorporated areas of the county 1273  
and within any municipal corporation where the legislative 1274  
authority of the municipal corporation has contracted with the 1275  
board for the enforcement of the county rules within the municipal 1276  
corporation pursuant to section 307.15 of the Revised Code. The 1277  
rules shall not conflict with the building code established under 1278  
rules adopted by the board of building standards pursuant to 1279  
section 3781.10 of the Revised Code or with rules adopted by the 1280  
department of commerce pursuant to Chapter 3703. of the Revised 1281  
Code. This division does not impair or restrict the power of 1282  
municipal corporations under Section 3 of Article XVIII, Ohio 1283  
Constitution, to adopt rules concerning the erection, 1284  
construction, repair, alteration, and maintenance of 1285  
nonresidential buildings and structures ~~or of establishing~~ 1286  
~~standards and providing for the licensing of specialty contractors~~ 1287~~

~~pursuant to section 715.27 of the Revised Code.~~ 1288

~~A board of county commissioners, pursuant to this division,~~ 1289  
~~may require all electrical contractors and heating, ventilating,~~ 1290  
~~and air conditioning contractors, other than those who hold a~~ 1291  
~~valid and unexpired license issued pursuant to Chapter 4740. of~~ 1292  
~~the Revised Code, to successfully complete an examination, test,~~ 1293  
~~or demonstration of technical skills, and may impose a fee and~~ 1294  
~~additional requirements for a license to engage in their~~ 1295  
~~respective occupations within the jurisdiction of the board's~~ 1296  
~~rules under this division.~~ 1297

(C) No board of county commissioners shall require any 1298  
specialty contractor who holds a valid and unexpired license 1299  
issued pursuant to Chapter 4740. of the Revised Code to 1300  
successfully complete an examination, test, or demonstration of 1301  
technical skills in order to engage in the type of contracting for 1302  
which the license is held, within the unincorporated areas of the 1303  
county and within any municipal corporation whose legislative 1304  
authority has contracted with the board for the enforcement of 1305  
county regulations within the municipal corporation, pursuant to 1306  
section 307.15 of the Revised Code. 1307

(D) A board of county commissioners may impose a fee for 1308  
registration of a specialty contractor who holds a valid and 1309  
unexpired license issued pursuant to Chapter 4740. of the Revised 1310  
Code before that specialty contractor may engage in the type of 1311  
contracting for which the license is held within the 1312  
unincorporated areas of the county and within any municipal 1313  
corporation whose legislative authority has contracted with the 1314  
board for the enforcement of county regulations within the 1315  
municipal corporation, pursuant to section 307.15 of the Revised 1316  
Code, provided that the fee is the same for all specialty 1317  
contractors who wish to engage in that type of contracting. If a 1318  
board imposes such a fee, the board immediately shall permit a 1319

specialty contractor who presents proof of holding a valid and 1320  
unexpired license and pays the required fee to engage in the type 1321  
of contracting for which the license is held within the 1322  
unincorporated areas of the county and within any municipal 1323  
corporation whose legislative authority has contracted with the 1324  
board for the enforcement of county regulations within the 1325  
municipal corporation, pursuant to section 307.15 of the Revised 1326  
Code. 1327

A board of county commissioners that requires specialty 1328  
contractors to register with the board shall not register a 1329  
special contractor who does not have a valid and unexpired license 1330  
issued pursuant to Chapter 4740. of the Revised Code. 1331

(E) The political subdivision associated with each municipal, 1332  
township, and county building department certified by the board of 1333  
building standards pursuant to division (E) of section 3781.10 of 1334  
the Revised Code may prescribe fees to be paid by persons, 1335  
political subdivisions, or any department, agency, board, 1336  
commission, or institution of the state, for the acceptance and 1337  
approval of plans and specifications, and for the making of 1338  
inspections, pursuant to sections 3781.03 and 3791.04 of the 1339  
Revised Code. 1340

(F) Each political subdivision that prescribes fees pursuant 1341  
to division (E) of this section shall collect, on behalf of the 1342  
board of building standards, a fee equal to ~~three~~ the following: 1343

(1) Three per cent of ~~such~~ those fees the political 1344  
subdivision collects in connection with nonresidential buildings; 1345

(2) One per cent of those fees the political subdivision 1346  
collects in connection with residential buildings. The board shall 1347  
adopt rules, in accordance with Chapter 119. of the Revised Code, 1348  
specifying the manner in which the fee assessed pursuant to this 1349  
division shall be collected and remitted monthly to the board. The 1350

board shall pay the fee assessed pursuant to this division into 1351  
the state treasury to the credit of the industrial compliance 1352  
operating fund created in section 121.084 of the Revised Code. 1353

All money credited to the fund under this division shall be 1354  
used exclusively for both of the following: 1355

(1) Operating costs of the board; 1356

(2) Providing services, including educational programs, for 1357  
the building departments that are certified by the board pursuant 1358  
to division (E) of section 3781.10 of the Revised Code. 1359

~~(G) A board of county commissioners that adopts rules 1360  
providing for the licensing of electrical and heating, 1361  
ventilating, and air conditioning contractors, pursuant to 1362  
division (B) of this section, may accept, for purposes of 1363  
satisfying the requirements of rules adopted under that division, 1364  
a valid and unexpired license issued pursuant to Chapter 4740. of 1365  
the Revised Code that is held by an electrical or heating, 1366  
ventilating, and air conditioning contractor, for the 1367  
construction, replacement, maintenance, or repair of one family, 1368  
two family, or three family dwelling houses or accessory 1369  
structures incidental to those dwelling houses. 1370~~

~~(H)~~ As used in this section, "specialty contractor" means a 1371  
heating, ventilating, and air conditioning contractor, 1372  
refrigeration contractor, electrical contractor, plumbing 1373  
contractor, ~~or~~ hydronics contractor, or residential contractor as 1374  
those terms are defined in section 4740.01 of the Revised Code. 1375

**Sec. 3781.11.** (A) The rules of the board of building 1376  
standards shall: 1377

(1) Provide For nonresidential buildings, provide uniform 1378  
minimum standards and requirements, and for residential buildings, 1379  
provide statewide uniform standards and requirements, for 1380

construction and construction materials, including construction of 1381  
industrialized units, to make residential and nonresidential 1382  
buildings safe and sanitary as defined in section 3781.06 of the 1383  
Revised Code; 1384

(2) Formulate such standards and requirements, so far as may 1385  
be practicable, in terms of performance objectives, so as to make 1386  
adequate performance for the use intended the test of 1387  
acceptability; 1388

(3) Permit, to the fullest extent feasible, the use of 1389  
materials and technical methods, devices, and improvements, 1390  
including the use of industrialized units which tend to reduce the 1391  
cost of construction and erection without affecting minimum 1392  
requirements for the health, safety, and security of the occupants 1393  
or users of buildings or industrialized units and without 1394  
preferential treatment of types or classes of materials or 1395  
products or methods of construction; 1396

(4) Encourage, so far as may be practicable, the 1397  
standardization of construction practices, methods, equipment, 1398  
material, and techniques, including methods employed to produce 1399  
industrialized units; 1400

(5) Not require any alteration or repair of any part of a 1401  
school building owned by a chartered nonpublic school or a city, 1402  
local, exempted village, or joint vocational school district and 1403  
operated in conjunction with any primary or secondary school 1404  
program that is not being altered or repaired if all of the 1405  
following apply: 1406

(a) The school building meets all of the applicable building 1407  
code requirements in existence at the time of the construction of 1408  
the building. 1409

(b) The school building otherwise satisfies the requirements 1410  
of section 3781.06 of the Revised Code. 1411

(c) The part of the school building altered or repaired 1412  
conforms to all rules of the board existing on the date of the 1413  
repair or alteration. 1414

(6) Not require any alteration or repair to any part of a 1415  
workshop or factory that is not otherwise being altered, repaired, 1416  
or added to if all of the following apply: 1417

(a) The workshop or factory otherwise satisfies the 1418  
requirements of section 3781.06 of the Revised Code. 1419

(b) The part of the workshop or factory altered, repaired, or 1420  
added conforms to all rules of the board existing on the date of 1421  
plan approval of the repair, alteration, or addition. 1422

(B) The rules of the board shall supersede and govern any 1423  
order, standard, or rule of the division of industrial compliance 1424  
in the department of commerce, division of the fire marshal, the 1425  
department of health, and of counties and townships, in all cases 1426  
where such orders, standards, or rules are in conflict with the 1427  
rules of the board, except that rules adopted and orders issued by 1428  
the fire marshal pursuant to Chapter 3743. of the Revised Code 1429  
prevail in the event of a conflict. 1430

(C) The construction, alteration, erection, and repair of 1431  
buildings including industrialized units, and the materials and 1432  
devices of any kind used in connection with them and the heating 1433  
and ventilating of them and the plumbing and electric wiring in 1434  
them shall conform to the statutes of this state or the rules 1435  
adopted and promulgated by the board, and to provisions of local 1436  
ordinances not inconsistent therewith. Any building, structure, or 1437  
part thereof, constructed, erected, altered, manufactured, or 1438  
repaired not in accordance with the statutes of this state or with 1439  
the rules of the board, and any building, structure, or part 1440  
thereof in which there is installed, altered, or repaired any 1441  
fixture, device, and material, or plumbing, heating, or 1442

ventilating system, or electric wiring not in accordance with such statutes or rules is a public nuisance.

(D) As used in this section:

(1) "Nonpublic school" means a chartered school for which minimum standards are prescribed by the state board of education pursuant to division (D) of section 3301.07 of the Revised Code.

(2) "Workshop or factory" includes manufacturing, mechanical, electrical, mercantile, art, and laundering establishments, printing, telegraph, and telephone offices, railroad depots, and memorial buildings, but does not include hotels and tenement and apartment houses.

**Sec. 3781.12.** Any person may petition the board of building standards to adopt, amend, or annul a rule ~~or regulation~~ pursuant to section 3781.10 of the Revised Code, or to permit the use of any particular fixture, device, material, system, method of manufacture, product of a manufacturing process, or method or manner of construction or installation, which complies with performance standards adopted pursuant to section 3781.11 of the Revised Code, as regards the purposes declared in section 3781.06 of the Revised Code, of the fixtures, devices, materials, systems, or methods or manners of construction, manufacture or installation described in any section of the Revised Code relating to said purposes, where the use is permitted by law. Upon petition the board shall cause to be conducted such testing and evaluation as the board shall determine desirable of any fixture, device, material, system, assembly or product of a manufacturing process, or method or manner of construction or installation sought to be used under the rules ~~and regulations~~ adopted by the board by virtue of section 3781.10 of the Revised Code. If the board, after hearing, deems it advisable to adopt the rule ~~or regulation~~ or amendment or annulment thereof, or to permit the use of the



materials or assemblages petitioned for, it shall give at least 1474  
thirty days' notice of the time and place of a public hearing 1475  
thereon, which notice shall be given in accordance with the 1476  
provisions set forth in section 119.03 of the Revised Code. No 1477  
such rule ~~or regulation~~ shall be adopted, amended, or annulled, or 1478  
the use of such materials or assemblages authorized, until after 1479  
such public hearing. A copy of every such rule ~~or regulation~~ and 1480  
every amendment or annulment thereof, and a copy of every approved 1481  
material or assembly authorization signed by the ~~chairman~~ 1482  
chairperson of the board of building standards, and sealed with 1483  
the seal of the department of commerce, shall, after final 1484  
adoption or authorization by the board, be filed with the 1485  
secretary of state and shall be published in such manner as the 1486  
board determines. The issuance of the authorization for the use of 1487  
the materials or assemblages described in the petition shall 1488  
constitute approval for their use anywhere in Ohio. Any such rule 1489  
~~or regulation~~ or amendment or annulment thereof shall not take 1490  
effect until a date fixed by the board and stated therein. No such 1491  
rule, ~~regulation,~~ amendment, or annulment shall apply to any 1492  
building the plans or drawings, specifications, and data of which 1493  
have been approved prior to the time such rule, ~~regulation,~~ 1494  
amendment, or annulment takes effect. All hearings of the board 1495  
shall be open to the public. Each of the members of the board may 1496  
administer oaths in the performance of ~~his~~ the member's duties. 1497

**Sec. 3781.13.** Any person interested, either because of 1498  
ownership or occupation of any property affected by any rule ~~or~~ 1499  
~~regulation~~ described in section 3781.12 of the Revised Code, or as 1500  
the producer, manufacturer, seller, or distributor, of any 1501  
building material, industrialized unit, plumbing, heating, or 1502  
ventilating system or device, or any other device, product, 1503  
assembly, or equipment, the use of which is not provided for by 1504

any such rule ~~or regulation~~, may petition for a hearing on the 1505  
reasonableness and lawfulness of any action of the board of 1506  
building standards, adopting, amending, or annulling or refusing 1507  
to adopt, amend, or annul such rule ~~or regulation~~, in the manner 1508  
provided in sections 3781.06 to 3781.18, ~~inclusive~~, and section 1509  
3791.04 of the Revised Code. Such petition for hearing shall be by 1510  
verified petition filed with the board setting out specifically 1511  
and in full detail the action of the board upon which a hearing is 1512  
desired, and the reason why such action is unreasonable or 1513  
unlawful, and every issue to be considered by the board on the 1514  
hearing. Such petition shall be filed within thirty days after the 1515  
record of the action of the board is filed in the office of the 1516  
secretary of state, in cases where such record is required to be 1517  
so filed; otherwise within thirty days after the action is taken. 1518  
Upon receipt of said petition, after a hearing which shall be held 1519  
within thirty days thereafter and of which notice has been given 1520  
the petitioner, the board may determine that such action is 1521  
unreasonable or unlawful and annul any rule ~~or regulation~~ 1522  
forthwith, or it may confirm its prior action forthwith, or it may 1523  
re-enact or amend any rule ~~or regulation~~ in the manner provided in 1524  
section 3781.12 of the Revised Code. If the matter in hearing is 1525  
not determined by the board within two weeks after such hearing, 1526  
the action may, at the option of the petitioner, be deemed to have 1527  
been confirmed. 1528

**Sec. 3781.18.** Wherever in Chapters 3781. and 3791. of the 1529  
Revised Code or rules ~~or regulations~~ adopted pursuant thereto 1530  
particular fixtures, devices, materials, systems, method of 1531  
manufacture, product of a manufacturing process, or methods or 1532  
manners of construction or installation pertaining to 1533  
nonresidential buildings are described, such description 1534  
prescribes minimum standards of safety and sanitary conditions 1535

exemplified by such particular fixtures, devices, materials, 1536  
systems, method of manufacture, product of a manufacturing 1537  
process, or methods or manners of construction or installation. 1538  
Where the use of another fixture, device, material, system, 1539  
industrialized unit, newly designed product, or method, or manner 1540  
of construction or installation is desired which is at variance 1541  
with what is described in such chapters, such use is permissible, 1542  
if such other fixture, device, material, system, manufactured 1543  
component or unit, product, method, or manner of construction 1544  
complies with performance standards as determined by the board. 1545

**Sec. 3781.183.** If the board of building standards adopts 1546  
rules under sections 3781.06 to 3781.18, ~~3781.181, and 3781.182~~ of 1547  
the Revised Code concerning the requirements an adult group home 1548  
seeking licensure as an adult care facility must meet under 1549  
section 3722.02 of the Revised Code, the board shall adopt the 1550  
rules in consultation with the directors of health and of aging 1551  
and any interested party designated by the directors of health and 1552  
of aging. 1553

**Sec. 3781.99.** Whoever violates division (E) of section 1554  
3781.111 of the Revised Code shall be issued a warning for a first 1555  
offense. On each subsequent offense, the person shall be fined 1556  
twenty-five dollars for each parking location that is not properly 1557  
marked or whose markings are not properly maintained. 1558

Whoever violates this chapter or any rule adopted or order 1559  
issued pursuant thereto, which violation relates to the 1560  
construction, alteration, or repair of any building and which is 1561  
not detrimental to the health, safety, or welfare of any person, 1562  
is guilty of a minor misdemeanor. 1563

Whoever violates this chapter or any rule adopted or order 1564  
issued pursuant thereto, which violation relates to the 1565

construction, alteration, or repair of any building and which is 1566  
detrimental to the health, safety, or welfare of any person, is 1567  
guilty of a misdemeanor of the fourth degree. 1568

**Sec. 3791.04.** (A) Before (1) Except as provided in division 1569  
(A)(3) of this section, before beginning the construction, 1570  
erection, or manufacture of any building to which section 3781.06 1571  
of the Revised Code is applicable, including all industrialized 1572  
units, the owner thereof, in addition to any other submission of 1573  
plans or drawings, specifications, and data required by law, shall 1574  
submit the plans or drawings, specifications, and data prepared 1575  
for the construction, erection, and equipment thereof, or the 1576  
alteration thereof or addition thereto, which plans or drawings, 1577  
and specifications shall indicate thereon the portions that have 1578  
been approved pursuant to section 3781.12 of the Revised Code, for 1579  
which no further approval shall be required, to the municipal, 1580  
township, or county building department having jurisdiction if 1581  
such department has been certified as provided in division (E) of 1582  
section 3781.10 of the Revised Code, ~~and if,~~ 1583

(2) If there is no appropriate certified municipal, township, 1584  
or county building department, to which to make submissions for a 1585  
nonresidential building, as defined in section 3781.06 of the 1586  
Revised Code, the owner shall make the submissions described in 1587  
division (A)(1) of this section to the superintendent of the 1588  
division of industrial compliance, for approval. 1589

(3) If there is no appropriate certified municipal, township, 1590  
or county building department to which to make submissions for a 1591  
residential building, as defined in section 3781.06 of the Revised 1592  
Code, the owner is not required to make the submissions described 1593  
in division (A)(1) of this section and is not required to obtain a 1594  
license, as described in division (E) of this section. 1595

The seal of an architect registered under Chapter 4703. of 1596

the Revised Code or an engineer registered under Chapter 4733. of 1597  
the Revised Code shall be required for any plans, drawings, 1598  
specifications, or data submitted for approval, unless the plans, 1599  
drawings, specifications, or data may be prepared by persons other 1600  
than registered architects pursuant to division (C) or (D) of 1601  
section 4703.18 of the Revised Code, or by persons other than 1602  
registered engineers pursuant to division (C) or (D) of section 1603  
4733.18 of the Revised Code. 1604

No seal shall be required for any plans, drawings, 1605  
specifications, or data submitted for approval for any residential 1606  
~~buildings or structures subject to the requirements of section~~ 1607  
~~3781.181 of the Revised Code, exempt from the requirements of~~ 1608  
~~sections, as defined in section 3781.06 to 3781.18 and 3791.04 of~~ 1609  
the Revised Code, or erected as industrialized one-, two-, or 1610  
three-family units or structures within the meaning of 1611  
"industrialized unit" as defined in section 3781.06 of the Revised 1612  
Code. 1613

No seal shall be required for approval of the installation of 1614  
replacement equipment or systems that are similar in type or 1615  
capacity to the equipment or systems being replaced. No seal shall 1616  
be required for approval for any new construction, improvement, 1617  
alteration, repair, painting, decorating, or other modification of 1618  
any buildings or structures subject to sections 3781.06 to 3781.18 1619  
and 3791.04 of the Revised Code if the proposed work does not 1620  
involve technical design analysis, as defined by rule adopted by 1621  
the board of building standards. 1622

(B) No owner shall proceed with the construction, erection, 1623  
alteration, or equipment of any such building until such plans or 1624  
drawings, specifications, and data have been so approved, or the 1625  
industrialized unit inspected at the point of origin. No plans or 1626  
specifications shall be approved or inspection approval given 1627  
unless the building represented thereby would, if constructed, 1628

repaired, erected, or equipped according to the same, comply with 1629  
Chapters 3781. and 3791. of the Revised Code and any rule made 1630  
under such chapters. 1631

(C) The approval of plans or drawings and specifications or 1632  
data pursuant to this section is invalid if construction, 1633  
erection, alteration, or other work upon the building has not 1634  
commenced within twelve months of the approval of the plans or 1635  
drawings and specifications. One extension shall be granted for an 1636  
additional twelve-month period if requested by the owner at least 1637  
ten days in advance of the expiration of the permit and upon 1638  
payment of a fee not to exceed one hundred dollars. If in the 1639  
course of construction, work is delayed or suspended for more than 1640  
six months, the approval of plans or drawings and specifications 1641  
or data is invalid. Two extensions shall be granted for six months 1642  
each if requested by the owner at least ten days in advance of the 1643  
expiration of the permit and upon payment of a fee for each 1644  
extension of not more than one hundred dollars. Before any work 1645  
may continue on the construction, erection, alteration, or 1646  
equipment of any building for which the approval is invalid, the 1647  
owner of the building shall resubmit the plans or drawings and 1648  
specifications for approval pursuant to this section. 1649

(D) Subject to section 3791.042 of the Revised Code, the 1650  
board of building standards or the legislative authority of a 1651  
municipal corporation, township, or county, by rule, may regulate 1652  
the requirements for the submission of plans and specifications to 1653  
the respective enforcing departments and for the processing of the 1654  
same by such departments. The board of building standards or the 1655  
legislative authority of a municipal corporation, township, or 1656  
county may adopt rules to provide for the approval, subject to 1657  
section 3791.042 of the Revised Code, by the department having 1658  
jurisdiction of the plans for construction of a foundation or any 1659  
other part of a building or structure before the complete plans 1660

and specifications for the entire building or structure have been 1661  
submitted. When any plans are approved by the department having 1662  
jurisdiction, the structure and every particular thereof 1663  
represented by those plans and disclosed therein shall, in the 1664  
absence of fraud or a serious safety or sanitation hazard, be 1665  
conclusively presumed to comply with Chapters 3781. and 3791. of 1666  
the Revised Code and any rule issued pursuant thereto, if 1667  
constructed, altered, or repaired in accordance with those plans 1668  
and any such rule in effect at the time of approval. 1669

(E) The approval of plans and specifications, including 1670  
inspection of the industrialized units, under this section is a 1671  
"license" and the failure to approve such plans or specifications 1672  
as submitted or to inspect the unit at the point of origin within 1673  
thirty days after the plans or specifications are filed, or the 1674  
request for inspection of the industrialized unit is made, or the 1675  
disapproval of such plans and specifications, or the refusal to 1676  
approve such industrialized unit, following inspection at the 1677  
point of origin is "an adjudication order denying the issuance of 1678  
a license" requiring an "adjudication hearing" as provided by 1679  
sections 119.07 to 119.13 of the Revised Code and as modified by 1680  
sections 3781.031 and 3781.19 of the Revised Code. An adjudication 1681  
order denying the issuance of a license shall specify the reasons 1682  
for such denial. 1683

(F) The board of building standards shall not require the 1684  
submission of site preparation plans or plot plans to the division 1685  
of industrial compliance in situations where industrialized units 1686  
are used exclusively as one-, two-, or three-family dwellings. 1687

(G) Notwithstanding any procedures established by the board, 1688  
the agency having jurisdiction, if it objects to any portion of 1689  
the plans or specifications, upon the request of the owner or 1690  
representative of the owner, may issue conditional approval to 1691  
proceed with construction up to the point where there is 1692

objection. Approval shall be issued only when the objection 1693  
results from conflicting interpretations of the rules of the board 1694  
of building standards rather than the application of specific 1695  
technical requirements of the rules. Approval shall not be issued 1696  
where the correction of the objection would cause extensive 1697  
changes in the building design or construction. The giving of 1698  
conditional approval is a "conditional license" to proceed with 1699  
construction up to the point where construction or materials 1700  
objected to by the agency are to be incorporated into the 1701  
building. No construction shall proceed beyond this point without 1702  
the prior approval of the agency or another agency which conducts 1703  
an adjudication hearing relative to the objection. The agency 1704  
having jurisdiction shall specify its objections to the plans or 1705  
specifications, which is an "adjudication order denying the 1706  
issuance of a license" and may be appealed pursuant to sections 1707  
119.07 to 119.13 of the Revised Code and as modified by sections 1708  
3781.031 and 3781.19 of the Revised Code. 1709

(H) A certified municipal, township, or county building 1710  
department having jurisdiction, or the superintendent of the 1711  
division of industrial compliance, as appropriate, shall review 1712  
any plans, drawings, specifications, or data described in this 1713  
section that are submitted to it or to the superintendent. 1714

(I) No owner or persons having control as an officer, or as a 1715  
member of a board or committee, or otherwise, of a building to 1716  
which section 3781.06 of the Revised Code is applicable, and no 1717  
architect, designer, engineer, builder, contractor, subcontractor, 1718  
or any officer or employee of a municipal, township, or county 1719  
building ~~inspection~~ department shall violate this section. 1720

(J) Whoever violates this section shall be fined not more 1721  
than five hundred dollars. 1722

**Sec. 3791.99.** Whoever violates division (B) of section 1723



3791.11 or division (D) of section 3791.21 of the Revised Code is 1724  
guilty of a minor misdemeanor, and each day the violation 1725  
continues constitutes a separate offense. 1726

Whoever violates section 3791.04 of the Revised Code, which 1727  
violation relates to the construction, alteration, or repair of 1728  
any building and which is not detrimental to the health, safety, 1729  
or welfare of any person, is guilty of a minor misdemeanor. 1730

Whoever violates section 3791.04 of the Revised Code, which 1731  
violation relates to the construction, alteration, or repair of 1732  
any building and which is detrimental to the health, safety, or 1733  
welfare of any person, is guilty of a misdemeanor of the fourth 1734  
degree. 1735

**Sec. 4703.18.** (A) No person shall enter upon the practice of 1736  
architecture or hold ~~himself or herself~~ self forth as an architect 1737  
or registered architect, unless the person has complied with 1738  
sections 4703.01 to 4703.19 of the Revised Code and is the holder 1739  
of a certificate of qualification to practice architecture issued 1740  
or renewed and registered under those sections. 1741

(B) Sections 4703.01 to 4703.19 of the Revised Code do not 1742  
prevent persons other than architects from filing applications for 1743  
building permits or obtaining those permits. 1744

(C) Sections 4703.01 to 4703.19 of the Revised Code do not 1745  
prevent persons other than architects from preparing plans, 1746  
drawings, specifications, or data, filing applications for 1747  
building permits, or obtaining those permits for residential 1748  
~~buildings or structures subject to the requirements of, as defined~~ 1749  
~~by section 3781.181 of the Revised Code, exempted from the~~ 1750  
~~requirements of sections 3781.06 to 3781.18 and 3791.04 of the~~ 1751  
Revised Code, or buildings erected as industrialized one-, two-, 1752  
or three-family units or structures within the meaning of the term 1753

"industrialized unit" as provided in section 3781.06 of the Revised Code. 1754  
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(D) Sections 4703.01 to 4703.19 of the Revised Code do not prevent persons other than architects from preparing drawings or data, from filing applications for building permits, or from obtaining those permits for the installation of replacement equipment or systems that are similar in type or capacity to the equipment or systems being replaced, and for any improvement, alteration, repair, painting, decorating, or other modification of any buildings or structures subject to sections 3781.06 to 3781.18 and 3791.04 of the Revised Code where the building official determines that no plans or specifications are required for approval. 1756  
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(E) Sections 4703.01 to 4703.19 of the Revised Code do not exclude a registered professional engineer from architectural practice that may be incident to the practice of ~~his or her~~ the registered professional engineer's engineering profession or exclude a registered architect from engineering practice that may be incident to the practice of architecture. 1767  
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(F) Sections 4703.01 to 4703.19 of the Revised Code do not prevent a firm, partnership, association, limited liability company, or corporation of architects registered under those sections from providing architectural services and do not prevent an individual registered as a landscape architect under sections 4703.30 to 4703.49 of the Revised Code or as a professional engineer under ~~sections~~ Chapter 4733. of the Revised Code from being a member of a firm, partnership, association, limited liability company, or corporation of that type, but a member of that type shall not engage in the practice of architecture or hold ~~himself or herself~~ self forth as an architect contrary to sections 4703.01 to 4703.19 of the Revised Code and shall not practice a profession in which the person is not licensed. 1773  
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(G) A firm, partnership, association, limited liability company, or corporation may provide architectural services in this state as long as the services are provided only through natural persons registered to provide those services in this state, subject to the exemptions in section 4703.17 of the Revised Code and subject otherwise to the requirements of sections 4703.01 to 4703.19 of the Revised Code.

(H) No firm, partnership, association, limited liability company, or corporation, except a corporation that was granted a charter prior to August 7, 1943, to engage in providing architectural services or that was otherwise lawfully providing architectural services prior to November 15, 1982, shall provide architectural services, hold itself out to the public as providing architectural services, or use a name including the word "architect" or any modification or derivation of the word, unless the firm, partnership, association, limited liability company, or corporation files all information required to be filed under this section with the state board of examiners of architects and otherwise complies with all requirements of sections 4703.01 to 4703.19 of the Revised Code. A nonprofit membership corporation may use a name including the word "architect" or any modification or derivation of the word without complying with this section.

(I) A corporation may be organized under Chapter 1701. of the Revised Code, a professional association may be organized under Chapter 1785. of the Revised Code, or a limited liability company may be formed under Chapter 1705. of the Revised Code for the purpose of providing professional engineering, surveying, architectural, or landscape architectural services, or any combination of those services. A corporation organized under Chapter 1701. of the Revised Code for the purpose of providing those services also may be organized for any other purpose in accordance with that chapter.

(J) No firm, partnership, association, limited liability company, or corporation shall provide or offer to provide architectural services in this state unless more than fifty per cent of the partners, members, or shareholders, more than fifty per cent of the directors in the case of a corporation or professional association, and more than fifty per cent of the managers in the case of a limited liability company the management of which is not reserved to its members, are professional engineers, surveyors, architects, or landscape architects or a combination of those professions, who are registered in this state and who own more than fifty per cent of the interests in the firm, partnership, association, limited liability company, or corporation; unless the requirements of this division and of section 1785.02 of the Revised Code are satisfied with respect to any professional association organized under Chapter 1785. of the Revised Code; or unless the requirements of this division and of Chapter 1705. of the Revised Code are satisfied with respect to a limited liability company formed under that chapter.

(K) Each firm, partnership, association, limited liability company, or corporation through which architectural services are offered or provided in this state shall designate one or more partners, managers, members, officers, or directors as being in responsible charge of the professional architectural activities and decisions, and those designated persons shall be registered in this state. In the case of a corporation holding a certificate of authorization provided for in division (L) of this section, at least one of the persons so designated shall be a director of the corporation. Each firm, partnership, association, limited liability company, or corporation of that type shall annually file with the state board of examiners of architects the name and address of each partner, manager, officer, director, member, or shareholder, and each firm, partnership, association, limited

liability company, or corporation of that type shall annually file 1850  
with the board the name and address of all persons designated as 1851  
being in responsible charge of the professional architectural 1852  
activities and decisions and any other information the board may 1853  
require. If there is a change in any such person in the interval 1854  
between filings, the change shall be filed with the board in the 1855  
manner and within the time that the board determines. 1856

(L) No corporation organized under Chapter 1701. of the 1857  
Revised Code shall engage in providing architectural services in 1858  
this state without obtaining a certificate of authorization from 1859  
the state board of examiners of architects. A corporation desiring 1860  
a certificate of authorization shall file with the board a copy of 1861  
its articles of incorporation and a listing on the form that the 1862  
board directs of the names and addresses of all officers, 1863  
directors, and shareholders of the corporation, the names and 1864  
addresses of any individuals providing professional services on 1865  
behalf of the corporation who are registered to practice 1866  
architecture in this state, and any other information the board 1867  
requires. If all requirements of sections 4703.01 to 4703.19 of 1868  
the Revised Code are met, the board may issue a certificate of 1869  
authorization to the corporation. No certificate of authorization 1870  
shall be issued unless persons owning more than fifty per cent of 1871  
the corporation's shares and more than fifty per cent of the 1872  
interests in the corporation are professional engineers, 1873  
surveyors, architects, or landscape architects, or a combination 1874  
of those professions, who are registered in this state. Any 1875  
corporation that holds a certificate of authorization under this 1876  
section and otherwise meets the requirements of sections 4703.01 1877  
to 4703.19 of the Revised Code may be organized for any purposes 1878  
for which corporations may be organized under Chapter 1701. of the 1879  
Revised Code and shall not be limited to the purposes of providing 1880  
professional engineering, surveying, architectural, or landscape 1881  
architectural services or any combination of those professions. 1882

The board, by rules adopted in accordance with Chapter 119. of the 1883  
Revised Code, may require any firm, partnership, association, or 1884  
limited liability company not organized under Chapter 1701. of the 1885  
Revised Code that provides architectural services to obtain a 1886  
certificate of authorization. If the board so requires, no firm, 1887  
partnership, association, or limited liability company shall 1888  
engage in providing architectural services without obtaining the 1889  
certificate and complying with the rules. 1890

(M) This section does not modify any law applicable to the 1891  
relationship between a person furnishing a professional service 1892  
and a person receiving that service, including liability arising 1893  
out of that service. 1894

(N) Nothing in this section shall restrict or limit in any 1895  
manner the authority or duty of the state board of examiners of 1896  
architects with respect to natural persons providing professional 1897  
services or any law or rule pertaining to standards of 1898  
professional conduct. 1899

**Sec. 4733.18.** (A) The state board of registration for 1900  
professional engineers and surveyors may authorize a temporary 1901  
registration in the case of an individual who has filed with the 1902  
board an application for a temporary registration and has paid the 1903  
required fee. The temporary registration continues only for the 1904  
time the board requires for consideration of the application for 1905  
registration, provided a person is legally qualified to practice 1906  
that profession in the person's own state in which the 1907  
requirements and qualifications of registration are not lower than 1908  
those specified in this chapter. 1909

(B)(1) The following persons are exempt from this chapter: 1910

(a) An employee or a subordinate of a person registered under 1911  
this chapter or an employee of a person holding temporary 1912  
registration under division (A) of this section, provided the 1913

employee's or subordinate's duties do not include responsible charge of engineering or surveying work;

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

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

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

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

(D) Nothing in this chapter prevents persons other than engineers from preparing drawings or data, from filing applications for building permits, or from obtaining those permits for the installation of replacement equipment or systems that are similar in type or capacity to the equipment or systems being replaced, and for any improvement, alteration, repair, painting,

decorating, or other modification of any buildings or structures 1945  
subject to sections 3781.06 to 3781.18 and 3791.04 of the Revised 1946  
Code where the building official determines that no plans or 1947  
specifications are required for approval. 1948

**Sec. 4740.01.** As used in this chapter: 1949

(A) "License" means a license issued by the Ohio construction 1950  
industry examining board to an individual as a heating, 1951  
ventilating, and air conditioning contractor, refrigeration 1952  
contractor, electrical contractor, plumbing contractor, ~~or~~ 1953  
hydronics contractor, or residential contractor. 1954

(B) "Heating, ventilating, and air conditioning contractor" 1955  
means any individual or business entity who satisfies both of the 1956  
following: 1957

(1) For compensation, directs, supervises, or has 1958  
responsibility for the means, method, and manner of heating, 1959  
ventilating, and air conditioning construction, improvement, 1960  
renovation, repair, or maintenance on a construction project and 1961  
who offers, identifies, advertises, or otherwise holds out or 1962  
represents that the individual or business entity is permitted or 1963  
qualified to perform, direct, supervise, or have responsibility 1964  
for the means, method, and manner of heating, ventilating, and air 1965  
conditioning construction, improvement, renovation, repair, or 1966  
maintenance on a construction project; 1967

(2) Is a tradesperson or employs tradespersons who perform 1968  
and who are trained to perform heating, ventilating, and air 1969  
conditioning construction, improvement, renovation, repair, or 1970  
maintenance on a construction project. 1971

(C) "Refrigeration contractor" means any individual or 1972  
business entity who satisfies both of the following: 1973

(1) For compensation, directs, supervises, or has 1974



responsibility for the means, method, and manner of refrigeration 1975  
construction, improvement, renovation, repair, or maintenance on a 1976  
construction project and who offers, identifies, advertises, or 1977  
otherwise holds out or represents that the individual or business 1978  
entity is permitted or qualified to direct, supervise, or have 1979  
responsibility for the means, method, and manner of refrigeration 1980  
construction, improvement, renovation, repair, or maintenance on a 1981  
construction project; 1982

(2) Is a tradesperson or employs tradespersons who perform 1983  
and who are trained to perform refrigeration construction, 1984  
improvement, renovation, repair, or maintenance on a construction 1985  
project. 1986

(D) "Electrical contractor" means any individual or business 1987  
entity who satisfies both of the following: 1988

(1) For compensation, directs, supervises, or has 1989  
responsibility for the means, method, and manner of electrical 1990  
construction, improvement, renovation, repair, or maintenance on a 1991  
construction project and who offers, identifies, advertises, or 1992  
otherwise holds out or represents that the individual or business 1993  
entity is permitted or qualified to direct, supervise, or have 1994  
responsibility for the means, method, and manner of electrical 1995  
construction, improvement, renovation, repair, or maintenance on a 1996  
construction project; 1997

(2) Is a tradesperson or employs tradespersons who perform 1998  
and who are trained to perform electrical construction, 1999  
improvement, renovation, repair, or maintenance on a construction 2000  
project. 2001

As used in this chapter, "electrical contracting" does not 2002  
include the construction, improvement, renovation, repair, or 2003  
maintenance of any of the following systems using less than fifty 2004  
volts: 2005

(a) Fire alarm or burglar alarm;	2006
(b) Tele-data;	2007
(c) Cabling;	2008
(d) Sound;	2009
(e) Communication;	2010
(f) Landscape lighting and irrigation.	2011
(E) "Plumbing contractor" means any individual or business	2012
entity who satisfies both of the following:	2013
(1) For compensation, directs, supervises, or has	2014
responsibility for the means, method, and manner of plumbing	2015
construction, improvement, renovation, repair, or maintenance on a	2016
construction project and who offers, identifies, advertises, or	2017
otherwise holds out or represents that the individual or business	2018
entity is permitted or qualified to direct, supervise, or have	2019
responsibility for the means, method, and manner of plumbing	2020
construction, improvement, renovation, repair, or maintenance on a	2021
construction project;	2022
(2) Is a tradesperson or employs tradespersons who perform	2023
and who are trained to perform plumbing construction, improvement,	2024
renovation, repair, or maintenance on a construction project.	2025
(F) "Hydronics contractor" means any individual or business	2026
entity who satisfies both of the following:	2027
(1) For compensation, directs, supervises, or has	2028
responsibility for the means, method, and manner of hydronics	2029
construction, improvement, renovation, repair, or maintenance on a	2030
construction project and who offers, identifies, advertises, or	2031
otherwise holds out or represents that the individual or business	2032
entity is permitted or qualified to direct, supervise, or have	2033
responsibility for the means, method, and manner of hydronics	2034
construction, improvement, renovation, repair, or maintenance on a	2035

construction project; 2036

(2) Is a tradesperson or employs tradespersons who perform 2037  
and who are trained to perform hydronics construction, 2038  
improvement, renovation, repair, or maintenance on a construction 2039  
project. 2040

(G) "Residential contractor" means any individual or business 2041  
entity who, for compensation, directs, supervises, or has 2042  
responsibility for the means, method, and manner of residential 2043  
construction, and identifies, advertises, or otherwise holds out 2044  
or represents that the individual or business entity is permitted 2045  
or qualified to perform, direct, supervise, or have responsibility 2046  
for the means, method, and manner of residential construction. 2047

(H) "Residential construction" means the construction of a 2048  
residential building and the substantial alteration to, or 2049  
rearranging, remodeling, removal, refurbishing, or installation 2050  
of, any wall, partition, or portion of the structural design, 2051  
formation, or plan of a residential building. 2052

(I) "Residential building" has the same meaning as in section 2053  
3781.06 of the Revised Code. 2054

(J) "Contractor" means a heating, ventilating, and air 2055  
conditioning contractor, a refrigeration contractor, an electrical 2056  
contractor, a plumbing contractor, ~~or~~ a hydronics contractor, or a 2057  
residential contractor. 2058

~~(H)~~(K) "Tradesperson" means an individual who, for 2059  
compensation, engages in construction, improvement, renovation, 2060  
repair, or maintenance of buildings or structures without assuming 2061  
responsibility for the means, method, or manner of that 2062  
construction, improvement, renovation, repair, or maintenance. 2063

~~(I)~~(L) "Construction project" means a construction project 2064  
involving a building or structure that is subject to Chapter 3781. 2065  
of the Revised Code and the rules adopted under that chapter, but 2066

not involving ~~the following buildings or structures:~~ 2067

~~(1) An an industrialized unit as defined in division (C)(3) 2068  
of section 3781.06 of the Revised Code:~~ 2069

~~(2) A building or structure constructed pursuant to rules 2070  
adopted under section 3781.181 or 3781.21 of the Revised Code. 2071~~

**Sec. 4740.02.** (A) There is hereby created within the 2072  
department of commerce, the Ohio construction industry examining 2073  
board, consisting of ~~seventeen~~ twenty-two residents of this state. 2074  
The board shall consist of an administrative section, a plumbing 2075  
section, an electrical section, ~~and~~ a heating, ventilating, air 2076  
conditioning, and refrigeration section, and a residential 2077  
construction section. The director of commerce shall appoint all 2078  
members of the board. The director or the director's designee 2079  
shall serve as a member of the administrative section and the 2080  
director shall appoint to the administrative section, one member 2081  
who is a representative of the public who is not a member of any 2082  
group certified by any section of the board. The plumbing, 2083  
electrical, ~~and~~ heating, ventilating, air conditioning, and 2084  
refrigeration, and residential construction sections each shall 2085  
annually elect a member of their own respective section to serve a 2086  
one-year term on the administrative section. 2087

(B) The plumbing section shall consist of five members, one 2088  
of whom is a plumbing inspector employed by the department of 2089  
commerce, a municipal corporation, or a health district, two of 2090  
whom are plumbing contractors who have no affiliation with any 2091  
union representing plumbers, and two of whom are plumbing 2092  
contractors who are signatories to agreements with unions 2093  
representing plumbers. 2094

(C) The electrical section shall consist of five members, one 2095  
of whom is an electrical inspector employed by the department of 2096  
commerce, a municipal corporation, or a county, two of whom are 2097

electrical contractors who have no affiliation with any union 2098  
representing electricians, and two of whom are electrical 2099  
contractors who are signatories to agreements with unions 2100  
representing electricians. 2101

(D) The heating, ventilating, air conditioning, and 2102  
refrigeration section shall consist of five members, one of whom 2103  
is a heating, ventilating, air conditioning, and refrigeration 2104  
inspector employed by either the department of commerce or a 2105  
municipal corporation; two of whom are heating, ventilating, and 2106  
air conditioning contractors or refrigeration contractors who have 2107  
no affiliation with any union representing heating, ventilating, 2108  
and air conditioning tradespersons or refrigeration tradespersons; 2109  
and two of whom are heating, ventilating, and air conditioning 2110  
contractors or refrigeration contractors who are signatories to 2111  
agreements with unions representing heating, ventilating, and air 2112  
conditioning tradespersons or refrigeration tradespersons. 2113

(E) The residential construction section shall consist of 2114  
five members, one of whom is a building official employed by a 2115  
municipal corporation or a county, with experience administering 2116  
or enforcing a residential building code; two of whom are 2117  
residential contractors with recognized ability and experience in 2118  
the construction of residential buildings; one of whom is a 2119  
residential contractor who has recognized ability and experience 2120  
in the remodeling of residential buildings; and one of whom is an 2121  
architect registered pursuant to Chapter 4703. of the Revised 2122  
Code, with recognized ability and experience in the architecture 2123  
of residential buildings. 2124

(F) Within ninety days after July 31, 1992, initial 2125  
appointments shall be made to the board. Of the initial 2126  
appointments to the board, two appointments in each section, other 2127  
than the administrative section, are for terms ending one year 2128  
after July 31, 1992, and two are for terms ending two years after 2129

July 31, 1992. All other appointments to the board are for terms 2130  
ending three years after July 31, 1992. Thereafter, terms of 2131  
office are for three years, each term ending on the same day of 2132  
the same month of the year as did the term that it succeeds. Each 2133  
member shall hold office from the date of appointment until the 2134  
end of the term for which the member was appointed. Members may be 2135  
reappointed. Vacancies shall be filled in the manner provided for 2136  
original appointments. Any member appointed to fill a vacancy 2137  
occurring prior to the expiration date of the term for which the 2138  
member's predecessor was appointed shall hold office as a member 2139  
for the remainder of that term. A member shall continue in office 2140  
subsequent to the expiration date of the member's term until the 2141  
member's successor takes office or until a period of sixty days 2142  
has elapsed, whichever occurs first. 2143

~~(F)~~(G) Before entering upon the discharge of official duties, 2144  
each member shall take, and file with the secretary of state, the 2145  
oath of office required by Section 7 of Article XV, Ohio 2146  
Constitution. 2147

~~(G)~~(H) Each member of the board, except for the director or 2148  
the designee the director appoints under division (A) of this 2149  
section, shall receive a per diem amount fixed pursuant to section 2150  
124.15 of the Revised Code when actually attending to matters of 2151  
the board and for the time spent in necessary travel, and all 2152  
actual and necessary expenses incurred in the discharge of 2153  
official duties. 2154

~~(H)~~(I) The director of commerce may remove any member of the 2155  
board the director appoints for malfeasance, misfeasance, or 2156  
nonfeasance. 2157

~~(I)~~(J) Membership on the board and holding any office of the 2158  
board does not constitute the holding of a public office or 2159  
employment within the meaning of any section of the Revised Code, 2160  
or an interest, either direct or indirect, in a contract or 2161

expenditure of money by the state or any municipal corporation, 2162  
township, special district, school district, county, or other 2163  
political subdivision. No member or officer of the board is 2164  
disqualified from holding any public office or employment nor 2165  
shall the officer or member forfeit any public office or 2166  
employment by reason of holding a position as an officer or member 2167  
of the board. 2168

~~(J)~~(K) The board, and each section of the board, shall meet 2169  
only after adequate advance notice of the meeting has been given 2170  
to each member of the board or section, as appropriate. 2171

**Sec. 4740.04.** The administrative section of the Ohio 2172  
construction industry examining board is responsible for the 2173  
administration of this chapter and shall do all of the following: 2174

(A) Schedule the examinations for heating, ventilating, and 2175  
air conditioning contractors, refrigeration contractors, 2176  
electrical contractors, plumbing contractors, ~~and~~ hydronics 2177  
contractors, and residential contractors as directed by the 2178  
applicable section of the board. The administrative section shall 2179  
schedule examinations to be held at least four times per year. 2180

(B) Select and contract with one or more persons to do all of 2181  
the following relative to the examinations described in division 2182  
(A) of this section: 2183

(1) Prepare, administer, score, and maintain the 2184  
confidentiality of the examinations; 2185

(2) Be responsible for all the expenses required to fulfill 2186  
division (B)(1) of this section; 2187

(3) Charge an applicant a fee, in an amount authorized by the 2188  
administrative section of the board, for administering the 2189  
examination; 2190

(4) Design the examination for each type of contractor to 2191

determine an applicant's competence to perform the type of 2192  
contracting for which the applicant is seeking licensure. 2193

(C) Issue and renew licenses to individuals who have attained 2194  
at least the minimum score on an examination authorized by the 2195  
plumbing section for plumbing contractors, the electrical section 2196  
for electrical contractors, the heating, ventilating, air 2197  
conditioning, and refrigeration section for heating, ventilating, 2198  
and air conditioning contractors and refrigeration contractors, 2199  
~~and~~ both the heating, ventilating, air conditioning, and 2200  
refrigeration and plumbing sections for hydronics contractors, and 2201  
the residential construction section for residential contractors 2202  
on the condition that the appropriate section of the board 2203  
determines that the individual also is qualified as required by 2204  
section 4740.06 of the Revised Code to hold a license; 2205

(D) Make an annual written report to the director of commerce 2206  
on proceedings had by or before the board for the previous year 2207  
and make an annual statement of all money received and expended by 2208  
the board during the year; 2209

(E) Keep a record containing the name, address, the date on 2210  
which the board issues or renews a license to, and the license 2211  
number of, every heating, ventilating, and air conditioning 2212  
contractor, refrigeration contractor, electrical contractor, 2213  
plumbing contractor, ~~and~~ hydronics contractor, and residential 2214  
contractor issued a license pursuant to this chapter; 2215

(F) Regulate a contractor's use and display of a license 2216  
issued pursuant to this chapter and of any information contained 2217  
in that license; 2218

(G) Adopt rules in accordance with Chapter 119. of the 2219  
Revised Code as necessary to properly discharge the administrative 2220  
section's duties under this chapter; 2221

(H) Keep a record of its proceedings and do all things 2222



necessary to carry out this chapter. 2223

**Sec. 4740.05.** The heating, ventilating, air conditioning, and 2224  
refrigeration section of the Ohio construction industry examining 2225  
board for heating, ventilating, and air conditioning contractors 2226  
and refrigeration contractors; the plumbing section of the board 2227  
for plumbing contractors; the electrical section for electrical 2228  
contractors; ~~and~~ both the heating, ventilating, air conditioning, 2229  
and refrigeration and the plumbing sections for hydronics 2230  
contractors; and the residential construction section for 2231  
residential contractors, shall do all of the following: 2232

(A) Adopt rules in accordance with Chapter 119. of the 2233  
Revised Code as this chapter relates to their respective sections. 2234  
The rules shall be limited to the following: 2235

(1) Application procedures for examinations; 2236

(2) Specifications concerning continuing education 2237  
requirements for license renewal that address all of the 2238  
following: 2239

(a) Criteria for selecting and approving courses and persons 2240  
to provide those courses; 2241

(b) A specification that individuals holding a valid and 2242  
unexpired license be required to accrue no more than thirty hours 2243  
of continuing education courses over a period of three years; 2244

(c) A requirement that persons seeking approval to provide 2245  
continuing education courses submit information regarding the 2246  
courses to the appropriate section of the board for approval not 2247  
less than ninety days nor more than one year prior to the date on 2248  
which the courses are offered, unless a section of the board 2249  
permits submission at a different time; 2250

(d) A prohibition against any person providing a course for 2251  
the purpose of meeting continuing education requirements unless, 2252

not more than one year prior to the date the course is offered,	2253
the person has been approved by the appropriate section of the	2254
board to provide that course;	2255
(e) A provision limiting approval of continuing education	2256
courses to one year;	2257
(f) A provision establishing the following annual fees, to be	2258
paid to the board by persons approved to provide continuing	2259
education courses:	2260
(i) For the approval of each continuing education course, not	2261
more than ten dollars plus one dollar per credit hour;	2262
(ii) For the approval of each person providing continuing	2263
education courses, twenty-five dollars.	2264
(3) Criteria the section of the board shall use in evaluating	2265
the qualifications of an individual;	2266
(4) Criteria the section of the board shall use in deciding	2267
whether to issue, renew, suspend, revoke, or refuse to issue or	2268
renew a license;	2269
(5) Determinations and approvals made under the reciprocity	2270
provision of section 4740.08 of the Revised Code;	2271
<u>(6) Criteria establishing, as appropriate by each section,</u>	2272
<u>guidelines, requirements, and limitations regarding the issuance</u>	2273
<u>of a license to a heating, ventilating, and air conditioning</u>	2274
<u>contractor, a refrigeration contractor, a plumbing contractor, an</u>	2275
<u>electrical contractor, or a hydronics contractor who requests to</u>	2276
<u>be licensed only for construction projects involving residential</u>	2277
<u>buildings.</u>	2278
(B) Investigate allegations in reference to violations of	2279
this chapter and the rules adopted pursuant thereto pertaining to	2280
the section and determine by rule a procedure for investigations	2281
and hearings on these allegations;	2282

(C) Maintain a record of its proceedings;	2283
(D) Grant approval to persons to offer continuing education courses pursuant to rules adopted under division (A)(2) of this section;	2284 2285 2286
(E) <u>In accordance with rules adopted pursuant to division (A)(6) of this section, issue a license that is limited to construction projects involving residential buildings to a contractor who requests this limitation under those rules;</u>	2287 2288 2289 2290
(F) As required, do all things necessary to carry out this chapter.	2291 2292
<b>Sec. 4740.06.</b> (A) Any individual who applies for a license shall file a written application with the appropriate section of the Ohio construction industry examining board, accompanied with the application fee as determined pursuant to section 4740.09 of the Revised Code. The individual shall file the application with the appropriate section not more than sixty days nor less than thirty days prior to the date of the examination. The application shall be on the form prescribed by the appropriate section of the board and verified by the applicant's oath. It shall contain information satisfactory to the appropriate section showing that the applicant meets the requirements of division (B) of this section.	2293 2294 2295 2296 2297 2298 2299 2300 2301 2302 2303 2304
(B) To qualify to take the examination required to obtain a license for a heating, ventilating, and air conditioning contractor, refrigeration contractor, electrical contractor, plumbing contractor, <del>or</del> <u>hydronics contractor, or residential contractor</u> , an individual shall:	2305 2306 2307 2308 2309
(1) Be at least eighteen years of age;	2310
(2) Be a United States citizen;	2311
(3) Either have been a tradesperson for the type of	2312

contractor for which the application is filed for not less than 2313  
five years immediately prior to the date the application is filed, 2314  
be an engineer, have three years of business experience in the 2315  
construction industry, or have other experience acceptable to the 2316  
section of the board that authorizes issuance of the type of 2317  
license sought; 2318

(4) Maintain contractor's liability insurance, including 2319  
without limitation, complete operations coverage, in an amount 2320  
determined by the appropriate section of the board; 2321

(5) Not have done any of the following: 2322

(a) Been convicted of or pleaded guilty to a misdemeanor 2323  
involving moral turpitude or of any felony; 2324

(b) Violated this chapter or any rule adopted pursuant to 2325  
this chapter; 2326

(c) Obtained or renewed a license issued pursuant to this 2327  
chapter, or any order, ruling, or authorization of the board or a 2328  
section of the board by fraud, misrepresentation, or deception; 2329

(d) Engaged in fraud, ~~misrepresentation, or deception~~ in the 2330  
conduct of business. 2331

(C) If the applicant for licensure as a heating, ventilating, 2332  
and air conditioning contractor, refrigeration contractor, 2333  
electrical contractor, plumbing contractor, ~~or~~ hydropneumatics 2334  
contractor, or residential contractor meets the qualifications set 2335  
forth in division (B) of this section and passes the required 2336  
examination, the appropriate section of the board, within ninety 2337  
days after the applicant filed the application, shall authorize 2338  
the administrative section of the board to license the applicant 2339  
for the type of contractor's license for which the applicant 2340  
qualifies. A section of the board may withdraw its authorization 2341  
to the administrative section for issuance of a license for good 2342  
cause shown, on the condition that notice of that withdrawal is 2343

given prior to the administrative section's issuance of the license. 2344  
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(D) Each license issued under this chapter expires one year after the date of issue, but each individual holding a valid, unexpired license may renew the license, without reexamination, by applying to the appropriate section of the board not more than ninety days before the expiration of the license, and submitting with the application the renewal fee as determined pursuant to section 4740.09 of the Revised Code and proof of compliance with the continuing education requirements applicable to that contractor. The renewal application shall contain information satisfactory to the appropriate section of the board showing that the applicant continues to meet the requirements of division (B) of this section. 2346  
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The appropriate section of the board may waive any of the requirements for renewal of a license upon finding that the applicant substantially has met the renewal requirements or that failure to timely apply for renewal is due to excusable neglect. If, in renewing a license, a section of the board waives requirements for renewal, that section may impose conditions upon that licensee and assess a late filing fee of not more than double the usual renewal fee. 2358  
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(E) An individual holding a valid and unexpired license may request the section of the board that authorized the issuance of that license to place the license in inactive status under conditions and for a period of time as determined by that section of the board. 2366  
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(F) Except for the ninety-day extension provided for under division (D) of section 4740.07 of the Revised Code, a license held by an individual immediately terminates upon the death of the individual. 2371  
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(G) Nothing in any license issued by the Ohio construction industry examining board shall be construed to limit or eliminate any requirement of or any license issued by the Ohio fire marshal.

**Sec. 4740.10.** (A) The heating, ventilating, air conditioning, and refrigeration section of the Ohio construction industry examining board for heating, ventilating, and air conditioning contractors and for refrigeration contractors; the electrical section of the board for electrical contractors; the plumbing section of the board for plumbing contractors; ~~and~~ both the plumbing section and the heating, ventilating, air conditioning, and refrigeration section for hydronics contractors; and the residential construction section for residential contractors may suspend or revoke a license and may direct the administrative section of the board to refuse to issue or renew a license if the section of the board finds that the applicant or licensee has done any of the following:

(1) Been convicted of a misdemeanor involving moral turpitude or a felony;

(2) Violated any provision of this chapter or the rules adopted pursuant thereto;

(3) Obtained a license or any order, ruling, or authorization of the board by fraud, misrepresentation, or deception;

(4) Engaged in fraud, misrepresentation, or deception in the conduct of business.

(B) The appropriate section of the board shall determine the length of time that a license is to be suspended and whether or when an individual whose license has been revoked may apply for reinstatement. The appropriate section of the board may accept or refuse an application for reinstatement and may require an examination for reinstatement.

(C) The appropriate section of the board may investigate any 2405  
alleged violation of this chapter or rules adopted pursuant 2406  
thereto. If, after its investigation, a section of the board 2407  
determines that any person has engaged or is engaging in any 2408  
practice that violates this chapter or the rules adopted pursuant 2409  
thereto, that section may apply to the court of common pleas of 2410  
the county in which the section determined that the violation 2411  
occurred or is occurring for an injunction or other appropriate 2412  
relief to enjoin or terminate the violation. 2413

(D) Any person who wishes to make a complaint against a 2414  
person who holds a license shall submit the complaint in writing 2415  
to the appropriate section of the board within one year after the 2416  
date of the action or event upon which the complaint is based. 2417

**Sec. 4740.12.** Nothing in this chapter shall be construed to 2418  
limit the operation of any statute or rule of this state or any 2419  
ordinance or rule of any political subdivision, district, or 2420  
agency of the state that: 2421

(A) Regulates the installation, repair, maintenance, or 2422  
alteration of plumbing systems, electrical systems, heating, 2423  
ventilating, and air conditioning systems, or refrigeration 2424  
systems; 2425

(B) Requires the registration and assessment of a 2426  
registration or license fee of tradespersons who perform heating, 2427  
ventilating, and air conditioning, refrigeration, electrical, 2428  
plumbing, ~~or~~ hydronics, or residential construction, improvement, 2429  
renovation, repair, or maintenance. 2430

**Sec. 4740.13.** No person shall act as or claim to be a 2431  
heating, ventilating, and air conditioning contractor, 2432  
refrigeration contractor, plumbing contractor, electrical 2433  
contractor, ~~or~~ hydronics contractor, or residential contractor 2434

unless that person holds or has been assigned a license issued 2435  
pursuant to this chapter for the type of contractor that person is 2436  
acting as or claiming to be. 2437

Contractors licensed under this chapter may install, service, 2438  
and maintain the related or interfaced control wiring for 2439  
equipment and devices related to their specific license, on the 2440  
condition that the control wiring is less than twenty-five volts. 2441

**Sec. 4740.14.** (A) There is hereby created within the 2442  
department of commerce the residential construction advisory 2443  
committee consisting of eight persons appointed by the director of 2444  
commerce. Of the advisory committee's members, three shall be 2445  
general contractors who have recognized ability and experience in 2446  
the construction of residential buildings, two shall be building 2447  
officials who have experience administering and enforcing a 2448  
residential building code, one, chosen from a list of three names 2449  
submitted by the Ohio fire chief's association, shall be from the 2450  
fire service certified as a fire safety inspector who has at least 2451  
ten years of experience enforcing fire or building codes, one 2452  
shall be a residential contractor who has recognized ability and 2453  
experience in the remodeling and construction of residential 2454  
buildings, and one shall be an architect registered pursuant to 2455  
Chapter 4703. of the Revised Code, with recognized ability and 2456  
experience in the architecture of residential buildings. 2457

(B) The director shall make appointments to the advisory 2458  
committee within ninety days after ~~the effective date of this~~ 2459  
~~section~~ September 18, 2001. Terms of office shall be for three 2460  
years, with each term ending on the date three years after the 2461  
date of appointment. Each member shall hold office from the date 2462  
of appointment until the end of the term for which the member was 2463  
appointed. The director shall fill a vacancy in the manner 2464  
provided for initial appointments. Any member appointed to fill a 2465



vacancy in an unexpired term shall hold office as a member for the remainder of that term.

(C) The advisory committee shall do all of the following:

(1) Within one hundred eighty days after the director has completed appointing all members of the advisory committee, recommend to the board of building standards a ~~model~~ building code for residential buildings. The committee may recommend a code that is modeled after a residential building code issued by national model code organizations, with adaptations necessary for implementation of the code in this state. If the board of building standards decides not to adopt a code as recommended by the committee, the committee shall revise the code and resubmit the code until the board agrees to adopt a code recommended by the committee as the statewide uniform residential building code;

(2) Advise the board regarding the establishment of standards for certification of building officials who enforce a building code for residential buildings;

(3) Assist the board in providing information and guidance to ~~contractors of residential buildings~~ contractors and building officials who enforce a building code for residential buildings;

(4) Advise the board regarding the interpretation of the residential building code established under rules adopted by the board pursuant to section 3781.10 of the Revised Code;

(5) Provide other assistance as it considers necessary.

(D) In making its recommendation to the board pursuant to division (C)(1) of this section, the advisory committee shall consider all of the following:

(1) The impact that the ~~model~~ residential building code may have upon the health, safety, and welfare of the public;

(2) The economic reasonableness of the ~~model~~ residential

building code;	2496
(3) The technical feasibility of the <del>model</del> <u>residential</u> building code;	2497 2498
(4) The financial impact that the <del>model</del> <u>residential</u> building code may have on the public's ability to purchase affordable housing.	2499 2500 2501
(E) Members of the advisory committee shall receive no salary for the performance of their duties as members, but shall receive their actual and necessary expenses incurred in the performance of their duties as members of the advisory committee.	2502 2503 2504 2505
(F) The advisory committee is not subject to divisions (A) and (B) of section 101.84 of the Revised Code.	2506 2507
<del>(G) As used in this section, "residential building" means a one family, two family, or three family dwelling house.</del>	2508 2509
<b>Sec. 4929.03.</b> Except as otherwise provided in section 4929.04 of the Revised Code, only the commodity sales services, distribution services, and ancillary services of a natural gas company are subject to the jurisdiction of the public utilities commission. Chapter 4905. with the exception of section 4905.10, Chapter 4909., Chapter 4935. with the exception of sections 4935.01 and 4935.03, and sections 4933.08, 4933.09, 4933.11, 4933.123, 4933.17, 4933.28, <del>4933.31</del> , and 4933.32 of the Revised Code do not apply to any other service or goods provided by a natural gas company. Nothing in this chapter prevents the commission from exercising its authority under Title XLIX of the Revised Code to protect customers of nonexempt, regulated services or goods from any adverse effects of the provision of unregulated services or goods. Nothing in this chapter affects the authority of the commission to enforce sections 4905.90 to 4905.96 of the Revised Code.	2510 2511 2512 2513 2514 2515 2516 2517 2518 2519 2520 2521 2522 2523 2524 2525

**Sec. 4929.04.** (A) The public utilities commission, upon the application of a natural gas company, after notice, after affording the public a period for comment, and in the case of a natural gas company with fifteen thousand or more customers after a hearing and in the case of a natural gas company with fewer than fifteen thousand customers after a hearing if the commission considers a hearing necessary, shall exempt, by order, any commodity sales service or ancillary service of the natural gas company from all provisions of Chapter 4905. with the exception of section 4905.10, Chapter 4909., and Chapter 4935. with the exception of sections 4935.01 and 4935.03 of the Revised Code, from sections 4933.08, 4933.09, 4933.11, 4933.123, 4933.17, 4933.28, ~~4933.31~~, and 4933.32 of the Revised Code, and from any rule or order issued under those Chapters or sections, including the obligation under section 4905.22 of the Revised Code to provide the commodity sales service or ancillary service, subject to divisions (E) and (F) of this section, and provided the commission finds that the natural gas company is in substantial compliance with the policy of this state specified in section 4929.02 of the Revised Code and that either of the following conditions exists:

(1) The natural gas company is subject to effective competition with respect to the commodity sales service or ancillary service;

(2) The customers of the commodity sales service or ancillary service have reasonably available alternatives.

(B) In determining whether the conditions in division (A)(1) or (2) of this section exist, factors the commission shall consider include, but are not limited to:

(1) The number and size of alternative providers of the commodity sales service or ancillary service;

(2) The extent to which the commodity sales service or ancillary service is available from alternative providers in the relevant market;	2557 2558 2559
(3) The ability of alternative providers to make functionally equivalent or substitute services readily available at competitive prices, terms, and conditions;	2560 2561 2562
(4) Other indicators of market power, which may include market share, growth in market share, ease of entry, and the affiliation of providers of services.	2563 2564 2565
(C) The applicant shall have the burden of proof under this section.	2566 2567
(D) No application may be filed under division (A) of this section prior to one hundred eighty days after <del>the effective date of this section</del> <u>September 17, 1996</u> .	2568 2569 2570
(E) The commission shall not issue an order under division (A) of this section that exempts all of a natural gas company's commodity sales services from the chapters and sections specified in that division unless the commission finds that the company offers distribution services on a fully open, equal, and unbundled basis to all its customers and that all such customers reasonably may acquire commodity sales services from suppliers other than the natural gas company.	2571 2572 2573 2574 2575 2576 2577 2578
(F) An order exempting any or all of a natural gas company's commodity sales services or ancillary services under division (A) of this section shall prescribe both of the following:	2579 2580 2581
(1) A separation plan that ensures, to the maximum extent practicable, that the operations, resources, and employees involved in the provision or marketing of exempt commodity sales services or ancillary services, and the books and records associated with those services, shall be separate from the	2582 2583 2584 2585 2586

operations, resources, and employees involved in the provision or 2587  
marketing of nonexempt commodity sales services or ancillary 2588  
services and the books and records associated with those services; 2589

(2) A code of conduct that governs both the company's 2590  
adherence to the state policy specified in section 4929.02 of the 2591  
Revised Code and its sharing of information and resources between 2592  
those employees involved in the provision or marketing of exempt 2593  
commodity sales services or ancillary services and those employees 2594  
involved in the provision or marketing of nonexempt commodity 2595  
sales services or ancillary services. 2596

The commission, however, shall not prescribe, as part of any 2597  
such separation plan or code of conduct, any requirement that 2598  
unreasonably limits or restricts a company's ability to compete 2599  
with unregulated providers of commodity sales services or 2600  
ancillary services. 2601

(G) Notwithstanding division (A)(2) of section 4929.08 of the 2602  
Revised Code or any exemption granted under division (A) of this 2603  
section, the commission has jurisdiction under section 4905.26 of 2604  
the Revised Code, upon complaint of any person or upon the 2605  
complaint or initiative of the commission, to determine whether a 2606  
natural gas company has failed to comply with a separation plan or 2607  
code of conduct prescribed under division (F) of this section. If, 2608  
after notice and hearing as provided in section 4905.26 of the 2609  
Revised Code, the commission is of the opinion that a natural gas 2610  
company has failed to comply with such a plan or code, the 2611  
commission may do any of the following: 2612

(1) Issue an order directing the company to comply with the 2613  
plan or code; 2614

(2) Modify the plan or code, if the commission finds that 2615  
such a modification is reasonable and appropriate, and order the 2616  
company to comply with the plan or code as modified; 2617

(3) Abrogate the order granting the company's exemption under 2618  
division (A) of this section, if the commission finds that the 2619  
company has engaged in one or more material violations of the plan 2620  
or code, that the violation or violations were intentional, and 2621  
that the abrogation is in the public interest. 2622

(H) An order issued under division (G) of this section is 2623  
enforceable in the manner set forth in section 4905.60 of the 2624  
Revised Code. Any violation of such an order shall be deemed a 2625  
violation of a commission order for the purpose of section 4905.54 2626  
of the Revised Code. 2627

**Section 2.** That existing sections 307.37, 307.38, 307.381, 2628  
307.40, 505.73, 505.75, 505.77, 715.27, 3703.01, 3722.02, 2629  
3722.041, 3781.01, 3781.03, 3781.031, 3781.06, 3781.10, 3781.102, 2630  
3781.11, 3781.12, 3781.13, 3781.18, 3781.183, 3781.99, 3791.04, 2631  
3791.99, 4703.18, 4733.18, 4740.01, 4740.02, 4740.04, 4740.05, 2632  
4740.06, 4740.10, 4740.12, 4740.13, 4740.14, 4929.03, and 4929.04 2633  
and sections 3781.181, 3781.182, 3781.21, and 4933.31 of the 2634  
Revised Code are hereby repealed. 2635

**Section 3.** On or before ninety days after the effective date 2636  
of this section, the Ohio Construction Industry Examining Board 2637  
shall send notice by regular mail to the legislative authority of 2638  
a municipal corporation and to the board of county commissioners 2639  
of every county that, prior to the effective date of this section, 2640  
provided for the licensing or registration of residential 2641  
contractors, informing the municipal corporation and board of 2642  
county commissioners of the provisions of this act. 2643

On or before ninety days after the effective date of this 2644  
section, the Ohio Construction Industry Examining Board shall 2645  
publish notice of the provisions of this act in appropriate trade 2646  
publications and in a newspaper of general circulation in each of 2647

the nine most populous metropolitan areas of this state, once a 2648  
week for three consecutive weeks. 2649

**Section 4.** On or before ninety days after the effective date 2650  
of this section, the Director of Commerce shall appoint members to 2651  
the residential construction section of the Ohio Construction 2652  
Industry Examining Board as required under division (E) of section 2653  
4740.02, as amended by this act. The director shall appoint the 2654  
initial members to terms as follows and thereafter terms shall be 2655  
for three years in accordance with section 4740.02 of the Revised 2656  
Code: 2657

(A) The building official employed by a municipal corporation 2658  
or a county, to an initial term ending on July 31, 2005; 2659

(B) The residential contractor who has recognized ability and 2660  
experience in the remodeling of residential buildings and the 2661  
architect registered pursuant to Chapter 4703. of the Revised 2662  
Code, to an initial term ending on July 31, 2006; 2663

(C) The two residential contractors with recognized ability 2664  
and experience in the construction of residential buildings, to an 2665  
initial term ending on July 31, 2007. 2666

**Section 5.** (A) The residential construction section of the 2667  
Ohio Construction Industry Examining Board shall issue a license 2668  
to any individual who meets the criteria described in division (B) 2669  
or (C) of this section. 2670

(B) The individual does all of the following: 2671

(1) Applies to the residential construction section of the 2672  
Board on or before one hundred eighty days after the effective 2673  
date of this section; 2674

(2) Pays the appropriate fee determined by the residential 2675  
construction section of the Board; 2676

(3) Has been actively engaged as a residential contractor in this state for at least three years immediately prior to the effective date of this section;	2677 2678 2679
(4) Furnishes business records or other evidence to verify the experience required under division (B)(3) of this section to the satisfaction of the residential construction section of the Board;	2680 2681 2682 2683
(5) Provides evidence of all of the following:	2684
(a) Current contractor's liability insurance, including without limitation, complete operations coverage, in the amount of three hundred thousand dollars;	2685 2686 2687
(b) Compliance with Chapters 4121. and 4123. of the Revised Code;	2688 2689
(c) Compliance with any other applicable legal requirements to do business in this state, as determined by the Board.	2690 2691
(C) The individual applies to the residential construction section of the Board on or before one year after the effective date of this section, pays the appropriate fee determined by each respective section of the Board, and demonstrates that the individual satisfies qualification requirements as the Board determines, to the Board's satisfaction.	2692 2693 2694 2695 2696 2697
(D) Notwithstanding division (B)(5)(a) of this section, when more than one individual affiliated with a business entity is issued a license pursuant to division (B) or (C) of this section, those individuals collectively shall provide to the residential construction section of the Board evidence of current contractor's liability coverage, including complete operations coverage, in the total amount of three hundred thousand dollars.	2698 2699 2700 2701 2702 2703 2704
(E) As used in this section, "residential building" has the same meaning as in section 3781.06 of the Revised Code.	2705 2706



**Section 6.** Sections 1 and 2 of this act shall take effect 2707  
nine months after the effective date of this section. 2708

**Section 7.** The Director of Commerce shall appoint a 2709  
residential contractor to the Residential Construction Advisory 2710  
Committee in accordance with division (A) of section 4740.14 of 2711  
the Revised Code, as amended by this act, to replace the member 2712  
who, on the effective date of this section, is serving on the 2713  
Residential Construction Advisory Committee as a contractor who 2714  
has recognized ability and experience in the remodeling of 2715  
residential buildings. The Director shall make this appointment on 2716  
or after the eighteenth day of September of the year of expiration 2717  
of the term of the contractor who has recognized ability and 2718  
experience in the remodeling of residential buildings. 2719

**Section 8.** (A) On or before ninety days after the effective 2720  
date of this section, the Residential Construction Advisory 2721  
Committee shall recommend to the Board of Building Standards a 2722  
building code for residential buildings to replace the model code 2723  
that the Committee was required to recommend pursuant to division 2724  
(C)(1) of section 4740.14 of the Revised Code as it existed before 2725  
the effective date of its amendment by this act. The committee 2726  
shall recommend a code that is modeled after a residential 2727  
building code issued by national model code organizations, with 2728  
adaptations necessary for implementation of the code in this 2729  
state. The committee shall recommend a code that does not address 2730  
zoning, statutory requirements concerning the percentage of 2731  
contracts that shall be awarded to any specifically identified 2732  
type of disadvantaged contractors, or architectural preferences 2733  
that are not integral to the safety of residential buildings. If 2734  
the board of building standards decides not to adopt a code as 2735  
recommended by the committee, the committee shall revise the code 2736

and resubmit the code until the board agrees to adopt a code 2737  
recommended by the committee as the statewide uniform residential 2738  
building code. 2739

(B) The Board of Building Standards shall receive from the 2740  
Residential Construction Advisory Committee a residential building 2741  
code that the committee recommends pursuant to division (A) of 2742  
this section and, upon receipt of a recommendation that is 2743  
acceptable to the board, the board shall adopt rules establishing 2744  
that code as the statewide uniform residential building code. The 2745  
committee and the board shall agree to a code on or before one 2746  
hundred twenty days after the effective date of this section and 2747  
the Board shall adopt rules establishing that code as the 2748  
statewide uniform residential building code on or before one 2749  
hundred eighty days after the effective date of this section. 2750

(C) The rules the Board adopts pursuant to division (B) of 2751  
this section shall have no force or effect until nine months after 2752  
the effective date of this section. 2753

**Section 9.** Any building department that enforces a 2754  
residential building code on or before the effective date of this 2755  
section and that wishes to enforce the residential building code 2756  
adopted by the Board of Building Standards pursuant to this act, 2757  
may, notwithstanding section 3781.10 of the Revised Code, enforce 2758  
the residential building code adopted by the Board, without being 2759  
certified under section 3781.10 of the Revised Code to enforce 2760  
that residential building code, for not more than one year after 2761  
the Board adopts that residential building code. Thereafter, to 2762  
continue enforcement, that building department shall become 2763  
certified to enforce the residential building code pursuant to 2764  
section 3781.10 of the Revised Code. 2765

**Section 10.** In enacting the legislation, both of the 2766

following are the intent of the General Assembly: 2767

(A) That the provisions of this act are general laws created 2768  
in the exercise of the state's police power, arising out of 2769  
matters of statewide concern, and are designed for the health 2770  
safety, and welfare of contractors, their employees, and the 2771  
public; 2772

(B) That the provisions of this act eliminate duplicative 2773  
bureaucracies to create a system under which an affected 2774  
contractor may obtain a single license to permit the contractor to 2775  
do business in all parts of this state and to obtain authorization 2776  
to do business in other states. 2777