

As Passed by the House

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

Sub. H. B. No. 424

**Representatives McGregor, Raga, Skindell, Collier, Allen, Barrett, Chandler,
Flowers, Hughes, Kearns, Otterman**

A B I L L

To amend sections 3781.19, 4105.01, 4105.011, 1
4105.02, 4105.05, 4105.10, 4105.12, 4105.13, 2
4105.15, 4105.16, 4105.17, 4105.99, and 4121.13, 3
to amend, for the purpose of adopting a new 4
section number as indicated in parentheses, 5
section 4105.011 (4105.012), and to enact new 6
section 4105.011 and sections 4105.021, 4105.022, 7
4105.023, 4105.22, and 4105.23 of the Revised Code 8
to require the superintendent of industrial 9
compliance to regulate elevator mechanics and 10
elevator contractors, to create the Elevator 11
Safety Advisory Committee, and to make changes to 12
the laws governing elevator servicing and 13
inspections. 14

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

Section 1. That sections 3781.19, 4105.01, 4105.011, 4105.02, 15
4105.05, 4105.10, 4105.12, 4105.13, 4105.15, 4105.16, 4105.17, 16
4105.99, and 4121.13 be amended, section 4105.011 (4105.012) be 17
amended for the purpose of adopting a new section number as 18
indicated in parentheses, and new section 4105.011 and sections 19
4105.021, 4105.022, 4105.023, 4105.22, and 4105.23 of the Revised 20

Code be enacted to read as follows: 21

Sec. 3781.19. There is hereby established in the department 22
of commerce a board of building appeals consisting of five members 23
who shall be appointed by the governor with the advice and consent 24
of the senate. Terms of office shall be for four years, commencing 25
on the fourteenth day of October and ending on the thirteenth day 26
of October. Each member shall hold office from the date of 27
appointment until the end of the term for which the member was 28
appointed. Any member appointed to fill a vacancy occurring prior 29
to the expiration of the term for which the member's predecessor 30
was appointed shall hold office for the remainder of such term. 31
Any member shall continue in office subsequent to the expiration 32
date of the member's term until a successor takes office, or until 33
a period of sixty days has elapsed, whichever occurs first. One 34
member shall be an attorney-at-law, admitted to the bar of this 35
state and of the remaining members, one shall be a registered 36
architect and one shall be a professional engineer, each of whom 37
shall be duly licensed to practice their respective professions in 38
this state, one shall be a fire prevention officer qualified under 39
section 3737.66 of the Revised Code, and one shall be a person 40
with recognized ability in the plumbing or pipefitting profession. 41
No member of the board of building standards shall be a member of 42
the board of building appeals. Each member shall be paid an amount 43
fixed pursuant to Chapter 124. of the Revised Code per diem. The 44
department shall provide and assign to the board such employees as 45
are required by the board to perform its functions. The board may 46
adopt its own rules of procedure not inconsistent with sections 47
3781.06 to 3781.18 and 3791.04 of the Revised Code, and may change 48
them in its discretion. The board may establish reasonable fees, 49
based on actual costs for administration of filing and processing, 50
not to exceed two hundred dollars, for the costs of filing and 51

processing appeals. A full and complete record of all proceedings 52
of the board shall be kept and be open to public inspection. 53

In the enforcement by any department of the state or any 54
political subdivision of this chapter and Chapter 3791., and 55
sections 3737.41, 3737.42, 4104.02, 4104.06, 4104.44, 4104.45, 56
~~4105.011~~ 4105.012, and 4105.11 of the Revised Code and any rule 57
made thereunder, such department is the agency referred to in 58
sections 119.07, 119.08, and 119.10 of the Revised Code. 59

The appropriate municipal or county board of appeals, where 60
one exists, certified pursuant to section 3781.20 of the Revised 61
Code shall conduct the adjudication hearing referred to in 62
sections 119.09 to 119.13 and required by section 3781.031 of the 63
Revised Code. If there is no certified municipal or county board 64
of appeals, the board of building appeals shall conduct the 65
adjudication hearing. If the adjudication hearing concerns section 66
3781.111 of the Revised Code or any rule made thereunder, 67
reasonable notice of the time, date, place, and subject of the 68
hearing shall be given to any local corporation, association, or 69
other organization composed of or representing handicapped 70
persons, as defined in section 3781.111 of the Revised Code, or if 71
there is no local organization, then to any statewide corporation, 72
association, or other organization composed of or representing 73
handicapped persons. 74

In addition to the provisions of Chapter 119. of the Revised 75
Code, the municipal, county, or state board of building appeals, 76
as the agency conducting the adjudication hearing, may reverse or 77
modify the order of the enforcing agency if it finds that the 78
order is contrary to this chapter and Chapters 3791. and 4104., 79
and sections 3737.41, 3737.42, ~~4105.011~~ 4105.012, and 4105.11 of 80
the Revised Code and any rule made thereunder or to a fair 81
interpretation or application of such laws or any rule made 82

thereunder, or that a variance from the provisions of such laws or 83
any rule made thereunder, in the specific case, will not be 84
contrary to the public interest where a literal enforcement of 85
such provisions will result in unnecessary hardship. 86

The state board of building appeals or a certified municipal 87
or county board of appeals shall render its decision within thirty 88
days after the date of the adjudication hearing. Following the 89
adjudication hearing, any municipal or county officer, official 90
municipal or county board, or person who was a party to the 91
hearing before the municipal or county board of appeals may apply 92
to the state board of appeals for a de novo hearing before the 93
state board, or may appeal directly to the court of common pleas 94
pursuant to section 3781.031 of the Revised Code. 95

In addition, any local corporation, association, or other 96
organization composed of or representing handicapped persons as 97
defined in section 3781.111 of the Revised Code, or, if no local 98
corporation, association, or organization exists, then any 99
statewide corporation, association, or other organization composed 100
of or representing handicapped persons may apply for the de novo 101
hearing or appeal to the court of common pleas from any decision 102
of a certified municipal or county board of appeals interpreting, 103
applying, or granting a variance from section 3781.111 of the 104
Revised Code and any rule made thereunder. Application for a de 105
novo hearing before the state board shall be made no later than 106
thirty days after the municipal or county board renders its 107
decision. 108

The state board of building appeals or the appropriate 109
certified local board of building appeals shall grant variances 110
and exemptions from the requirements of section 3781.108 of the 111
Revised Code in accordance with rules adopted by the board of 112
building standards pursuant to division (J) of section 3781.10 of 113
the Revised Code. 114

The state board of building appeals or the appropriate 115
certified local board of building appeals shall, in granting a 116
variance or exemption from section 3781.108 of the Revised Code, 117
in addition to any other considerations the state or the 118
appropriate local board determines appropriate, consider the 119
architectural and historical significance of the building. 120

Sec. 4105.01. As used in this chapter: 121

(A) "Elevator" means a hoisting and lowering apparatus 122
equipped with a car, cage, or platform which moves on or between 123
permanent rails or guides and serves two or more fixed landings in 124
a building or structure ~~to which section 3781.06 of the Revised~~ 125
~~Code applies.~~ "Elevator" includes dumb-waiters other than 126
hand-powered dumb-waiters, escalators, manlifts, moving walks, of 127
the endless belt type, other lifting or lowering apparatus 128
permanently installed on or between rails or guides, and all 129
equipment, machinery, and construction related to any elevator; 130
but does not include construction hoists and other similar 131
temporary lifting or lowering apparatuses, ski lifts, traveling, 132
portable amusement rides or devices that are not affixed to a 133
permanent foundation, or nonportable amusement rides or devices 134
that are affixed to a permanent foundation. 135

(B) "Passenger elevator" means an elevator that is designed 136
to carry persons to its contract capacity. 137

(C) "Freight elevator" means an elevator normally used for 138
carrying freight and on which only the operator and employees in 139
the pursuit of their duties, by the permission of the employer, 140
are allowed to ride. 141

(D) "Gravity elevator" means an elevator utilizing gravity to 142
move. 143

(E) "General inspector" means a state inspector examined and 144

hired to inspect elevators and lifting apparatus for that state. 145

(F) "Special inspector" means an inspector examined and 146
commissioned by the superintendent of the division of industrial 147
compliance to inspect elevators and lifting apparatus in the 148
state. 149

(G) "Inspector" means either a general or special inspector. 150

(H) "Elevator contractor" means any sole proprietor, firm, or 151
corporation, including any form of limited liability organization, 152
licensed under division (G) of section 4105.02 of the Revised 153
Code, that is engaged in the business of erecting, construction, 154
installing, altering, servicing, repairing, or maintaining 155
elevators. 156

(I) "Elevator mechanic" means any individual who is engaged 157
in erecting, constructing, installing, altering, servicing, 158
repairing, or maintaining elevators. 159

(J) "Elevator helper or apprentice" means an individual who 160
works under the general direction of an elevator mechanic who is 161
certified pursuant to section 4105.02 of the Revised Code. 162

Sec. 4105.011. (A) There is hereby created within the 163
department of commerce the elevator safety advisory committee 164
consisting of nine members. One member shall be the superintendent 165
of industrial compliance. The governor shall appoint the remaining 166
eight members with the advice and consent of the senate as 167
follows: one representative from the state fire marshal's office, 168
one representative from a major elevator manufacturing company, 169
one representative from an elevator servicing company, one 170
representative of the architectural design or elevator consulting 171
profession, one representative from the board of building 172
standards, one representative of an Ohio municipal corporation, 173
one building owner or manager, and one representative of a labor 174

organization involved in the installation, maintenance, and repair
of elevators. The governor shall make initial appointments to the
committee not later than the effective date of this amendment. Of
the initial appointments made to the committee, the representative
from a major elevator manufacturing company, the representative
from an elevator servicing company, and the representative of the
architectural design or elevator consulting profession shall serve
an initial term ending one year after the effective date of this
amendment; the representative of an Ohio municipality, the
building owner or manager, and the representative of a labor
organization involved in the installation, maintenance, and repair
of elevators shall serve an initial term ending two years after
the effective date of this amendment; the representative from the
board of building standards, shall serve an initial term ending
three years after the effective date of this amendment.
Thereafter, terms of office shall be for three years, with each
term ending on the same day of the same month as did the term that
it succeeds. Each member shall hold office from the date of
initial appointment until the end of the term that the member has
been appointed. Members may be reappointed. Vacancies shall be
filled in the same manner provided for original appointments. Any
member appointed to fill a vacancy occurring prior to the
expiration date of the term for which the member's predecessor was
appointed shall hold office as a member for the remainder of that
term. A member shall continue in office subsequent to the
expiration date of the member's term until the member's successor
takes office. The members who are the superintendent of industrial
compliance and the representative from the state fire marshal's
office shall serve continuously. The governor shall appoint one of
the members to serve as chairperson and the chairperson shall be
the deciding vote in the event of a tie vote by the committee.

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(B) The initial members of the committee shall meet not later

than ten days after the appointment of the members to the 207
committee and elect one member to serve as secretary to the 208
committee during the term to be fixed by the board of building 209
standards in rules adopted in accordance with Chapter 119. of the 210
Revised Code. A majority of the committee constitutes a quorum for 211
purposes of conducting business. The committee shall meet not less 212
than one time per quarter at a time and place to be fixed by the 213
committee and at other times as necessary to consider business 214
that is properly before the committee. The committee may call 215
special meetings as provided in rules adopted by the board of 216
building standards. Any member absent from three consecutive 217
meetings shall be dismissed from the committee. 218

(C) The members of the committee shall serve without 219
compensation except that the members shall be reimbursed for 220
necessary expenses incurred in the performance of their duties 221
from the industrial compliance operating fund created in section 222
121.084 of the Revised Code. 223

(D) Sections 101.82 to 101.87 of the Revised Code do not 224
apply to the elevator safety advisory committee. 225

Sec. 4105.011 4105.012. (A) The board of building standards, 226
established by section 3781.07 of the Revised Code, after 227
consideration of the recommendations of the elevator safety 228
advisory committee, shall: 229

(A)(1) Formulate and adopt rules governing the design, 230
construction, repair, alteration, and maintenance of elevators. 231
Such rules shall prescribe uniform minimum standards necessary for 232
the protection of the public health and safety and shall follow 233
generally accepted engineering standards, formulae, and practices 234
established and pertaining to such elevator design, construction, 235
repair, alteration, and maintenance standards relating to 236
conveyance developed by recognized professional engineering 237

societies. The board may adopt existing published standards as 238
well as amendments thereto subsequently published by the same 239
authority. 240

~~(B)~~(2) Prescribe the tests that shall be used to ascertain 241
the qualities of materials used in the construction, repair, or 242
alteration of elevators; 243

~~(C)~~(3) Make a standard form of certificate of inspection; 244

~~(D)~~(4) Prescribe the examinations for certificates of 245
competency provided for in section 4105.02 of the Revised Code; 246

(5) Adopt other rules in accordance with Chapter 119. of the 247
Revised Code necessary to carry out this chapter. 248

(B) The board may consult with engineering authorities and 249
organizations concerned with standard safety codes and rules and 250
regulations governing the operation, maintenance, servicing, 251
construction, alteration, installation, and inspection of 252
elevators, passenger elevators, freight elevators, and gravity 253
elevators and the qualifications that are adequate, reasonable, 254
and necessary for elevator mechanics, contractors, and inspectors. 255
The board also may make recommendations to the general assembly. 256

Sec. 4105.02. ~~(A) No person individual~~ may act, ~~either~~ as a 257
general ~~inspector~~ or as a special inspector, of elevators, or as 258
an elevator mechanic, unless ~~he~~ the individual holds a certificate 259
of competency from the division of industrial compliance. 260

An elevator helper or apprentice is not required to be 261
certified in order to perform work under an individual who 262
receives a certificate of competency in elevator mechanics. 263

(B) Application for ~~examination~~ a certificate of competency 264
as an inspector of elevators or an elevator mechanic shall be in 265
writing, accompanied by ~~a fee~~ the appropriate fees to be 266
established as provided in section 4105.17 of the Revised Code, 267

and upon a ~~blank~~ form to be furnished by the division and 268
submitted to the superintendent of industrial compliance, who 269
shall forward the application to the elevator safety advisory 270
committee, stating all of the following: 271

(1) The school education of the applicant,~~a;~~ 272

(2) A list of ~~his~~ the applicant's employers,~~his;~~ 273

(3) The applicant's period of employment, and the position 274
held with each employer; 275

(4) A complete list of criminal convictions, if any; 276

(5) Other information that the superintendent may require. ~~An~~ 277

An applicant ~~shall~~ shall submit a letter from one or 278
more of ~~his~~ the applicant's previous employers certifying as to 279
~~his~~ the applicant's character and experience. 280

(C) Applications shall be rejected which contain any willful 281
falsification or untruthful statements. ~~An applicant, if~~ If the 282
division committee considers ~~his~~ the applicant's history and 283
experience sufficient, the applicant shall be examined by the 284
superintendent ~~of the division of industrial compliance~~ by a 285
written examination dealing with the construction, installation, 286
operation, maintenance, and repair of elevators and their 287
appurtenances, and the applicant shall be accepted or rejected on 288
the merits of ~~his~~ the applicant's application and examination. 289

(D) The superintendent shall issue a certificate of 290
competency in the inspection of elevators or elevator mechanics, 291
as appropriate, to any applicant found competent upon examination 292
and who has paid the appropriate fees established under section 293
4105.17 of the Revised Code. A rejected applicant shall be 294
entitled, after the expiration of ninety days and upon payment of 295
an examination fee to be established as provided in section 296
4105.17 of the Revised Code, to another examination. Should an 297

applicant fail to pass the prescribed examination on second trial, 298
~~he will~~ the applicant shall not be permitted to be an applicant 299
for another examination for a period of one year after the second 300
examination. 301

(E) Notwithstanding divisions (C) or (D) of this section, the 302
superintendent shall issue a certificate of competency in elevator 303
mechanics to an applicant without examination if the committee 304
determines any of the following cases apply to the applicant: 305

(1) When an applicant successfully completes an application 306
and can provide evidence satisfactory to the committee that the 307
applicant has successfully passed the mechanic examination of a 308
nationally recognized training program for the elevator industry 309
as determined by the committee, including, but not limited to, the 310
national elevator industry educational program or its equivalent; 311

(2) When an applicant can produce evidence satisfactory to 312
the committee that the applicant has successfully completed an 313
elevator mechanic apprenticeship program that is registered with 314
the bureau of apprenticeship and training in the United States 315
department of labor or a state apprenticeship council; 316

(3) When an applicant holds a current, valid license from 317
another state with substantially the same licensing requirements 318
as Ohio, as determined by the committee. 319

The committee shall make its determinations and 320
recommendations to the superintendent within thirty business days 321
after receiving an application. 322

(F) No sole proprietor, firm, or corporation shall act as an 323
elevator contractor unless the superintendent licenses the 324
business to do so. Applications for an elevator contractor license 325
shall be in writing, accompanied by a fee to be established as 326
provided in division (H) of this section, and upon a form provided 327
by the superintendent. Upon receipt of the application, the 328

superintendent shall forward the application to the elevator 329
safety advisory committee. The applicant shall provide all of the 330
following information on the form: 331

(1) The name, residence, and business address of the 332
applicant; 333

(2) The type of business entity under which the applicant is 334
organized. If a partnership, the applicant shall provide the name 335
and residence address of each partner. If a corporation, the 336
applicant shall provide the name and business address of the 337
corporation, the name and residence address of the principal 338
officer of the corporation, and the name and address of an agent 339
located in the state who is authorized to accept service of 340
process on behalf of the corporation. 341

(3) The approximate number of persons to be employed by the 342
elevator contractor and evidence satisfactory to the committee 343
that the applicant is in compliance with Chapters 4121. and 4123. 344
of the Revised Code; 345

(4) Evidence satisfactory to the superintendent that the 346
applicant is in compliance with the insurance requirements under 347
section 4105.22 of the Revised Code; 348

(5) Other information that the committee may require. 349

The committee shall make its determinations and 350
recommendations to the superintendent within thirty business days 351
of receiving an application. 352

(G) The superintendent shall issue an elevator contractor 353
license to an applicant who the committee recommends, meets the 354
requirements set forth in division (F) of this section, and pays 355
the fee as established under division (H) of this section. 356

(H) The director of commerce or a designee of the director 357
shall establish fees, in accordance with section 4105.17 of the 358

Revised Code, for issuance of licenses under division (F) of this 359
section. 360

Sec. 4105.021. (A) Notwithstanding section 4105.02 of the 361
Revised Code, in the event that the governor declares the state of 362
Ohio to be in a state of emergency due to a natural disaster or a 363
mass work stoppage that results in an insufficient number of 364
certified elevator mechanics required to safely inspect or erect, 365
construct, install, alter, service, repair, or maintain elevators 366
in this state, the superintendent of industrial compliance may 367
issue temporary emergency elevator mechanic licenses to qualified 368
individuals upon receiving recommendation from the elevator safety 369
advisory committee. 370

(B) An individual may qualify to receive a temporary 371
emergency elevator mechanic license under division (A) of this 372
section or a temporary elevator mechanic license under division 373
(D) of this section if the individual meets the following 374
requirements: 375

(1) Applies to the superintendent on a form provided by the 376
superintendent to receive a temporary emergency elevator mechanic 377
license or temporary mechanic license, as applicable; 378

(2) Provides to the superintendent written documentation 379
obtained from a licensed elevator contractor attesting to the fact 380
that the applicant possesses a sufficient amount of education and 381
documented experience to perform elevator mechanic work without 382
direct supervision; 383

(3) Provides evidence to the superintendent that the 384
applicant has worked in the elevator industry within the 385
thirty-six-month period of time that precedes the state of 386
emergency; 387

(4) Provides to the superintendent any other information the 388

superintendent requires.

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The superintendent shall forward the information received to the elevator safety advisory committee to determine within five business days whether the applicant sufficiently meets the requirements listed in division (B) of this section.

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(C) The superintendent shall issue a temporary emergency mechanic license to an individual who completes an application to the satisfaction of the committee and meets the other requirements of division (B) of this section. The temporary emergency mechanic license is valid for a period of not more than thirty days from the date that it is issued. The superintendent may renew the temporary emergency mechanic license for an additional period of thirty days upon the license holder's request in the event that the state of emergency is still in effect at the time of the request. No fees shall be charged for the issuance or renewal of a temporary emergency mechanic license.

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(D) A licensed elevator contractor shall notify the superintendent of the licensed elevator contractor's inability to secure a qualified workforce in the event that the licensed elevator contractor is unable to locate available elevator mechanics that hold certificates of competency. If the superintendent determines that there is a shortage of elevator mechanics who hold certificates of competency, the superintendent may issue a temporary mechanic license to an individual who completes an application to the satisfaction of the committee and meets the other requirements of division (B) of this section. The temporary mechanic license is valid for a period of not more than thirty days from the date that it is issued and remains valid only while a licensed elevator contractor employs the license holder. The superintendent may renew the temporary mechanic license for an additional period of thirty days upon the license holder's request in the event that the superintendent determines that there

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continues to be a shortage of elevator mechanics who hold 421
certificates of competency at the time of the request. The 422
director of commerce shall determine the fees for the initial 423
issuance of a temporary mechanic license and the renewal fee for 424
that license in accordance with division (F) of section 4105.17 of 425
the Revised Code. 426

Sec. 4105.022. The superintendent of industrial compliance 427
shall adopt rules after consideration of the recommendations of 428
the elevator safety advisory committee, requiring each holder of a 429
certificate of competency as an inspector of elevators issued 430
under section 4105.02 of the Revised Code, and who wishes to 431
renew, to renew that certificate not later than one year after the 432
date that the certificate of competency is issued and every year 433
thereafter. The superintendent shall adopt rules requiring each 434
holder of a certificate of competency as an elevator mechanic, and 435
who wishes to renew, to renew that certificate not later than two 436
years after the certificate is issued and every two years 437
thereafter. The rules related to the renewal of a certificate of 438
competency shall include all of the following: 439

(A) A requirement that the applicant for renewal of a 440
certificate demonstrate to the satisfaction of the committee that 441
the holder of the certificate has maintained a high level of 442
professional competence by completing at least eight hours per 443
year of continuing education from a course provider approved by 444
the committee, except that an applicant for renewal of a 445
certificate of competency as an elevator mechanic is required only 446
to complete a total of eight hours during the two-year period of 447
the certificate; 448

(B) The process by which a provider becomes approved by the 449
committee to provide continuing education courses which includes 450
approval of the courses; 451

(C) A requirement that course providers retain uniform records of attendance approved by the committee and make such records available to the committee upon request;

(D) Exemptions from continuing education courses, including an exemption for approved instructors of course providers;

(E) Time extensions for individuals who are unable to complete continuing education requirements due to a disability when accompanied by a written statement from the individual's treating physician. Upon the removal of a temporary disability, a certificate holder has not more than ninety days to complete the continuing education requirements necessary to bring the certificate holder into compliance.

Sec. 4105.023. The superintendent of the division of industrial compliance shall adopt rules after consideration of the recommendations of the elevator safety advisory committee requiring each holder of an elevator contractor license issued under section 4105.02 of the Revised Code, and who wishes to renew, to annually renew that license not later than one year after issuance of the license and every year thereafter.

Sec. 4105.05. (A) A commission to serve as a special inspector may be suspended or revoked by the superintendent of the division of industrial compliance, for the incompetence or untrustworthiness of the holder thereof, or for the falsification of any matter or statement contained in ~~his~~ the holder's application or in a report of any inspection.

(B) In accordance with Chapter 119. of the Revised Code, the superintendent, upon recommendation of the elevator safety advisory committee, may deny, revoke, or suspend a certificate of competency as an inspector of elevators or elevator mechanic or an elevator contractor license issued by the superintendent if the

committee determines that any of the following apply to the 482
applicant: 483

(1) Falsification of any record or application required to be 484
filed with the superintendent; 485

(2) Failure to abide by any suspension or order issued by the 486
superintendent; 487

(3) Engaging in fraud, misrepresentation, or bribery to 488
secure a certificate or license, or aiding another person to 489
obtain a certificate or license using fraud, misrepresentation, or 490
bribery; 491

(4) Failure to notify the superintendent or the owner or 492
user, or any combination thereof, that an elevator is not in 493
compliance with this chapter; 494

(5) Violation of any requirement of this chapter. 495

(C) An individual whose certificate of competency or an 496
elevator contractor whose license has been denied, revoked, or 497
suspended may appeal the determination to the appropriate court of 498
common pleas of this state in accordance with Chapter 119. of the 499
Revised Code. 500

Sec. 4105.10. (A) Every passenger elevator, escalator, moving 501
walk, and freight elevator, including gravity elevators, shall be 502
inspected twice every twelve months. 503

(B) Power dumb-waiters, hoists, and other lifting or lowering 504
apparatus, not designed to carry persons, permanently installed, 505
either on or between rails or guides, shall be inspected at least 506
once every twelve months. 507

(C) The board of building standards may designate, by rule 508
adopted after consideration of the recommendations of the elevator 509
safety advisory committee, classifications of passenger elevators 510

with a capacity of seven hundred fifty pounds or less that shall 511
be inspected once every twelve months. 512

(D) Inspections of and issuance of certificates of operation 513
for elevators, escalators, and moving walks located in a 514
single-family, two-family, or three-family dwelling house or an 515
accessory structure incidental to those dwelling houses shall be 516
on a voluntary basis and performed only upon the request of the 517
resident of those dwelling houses. The resident shall pay a fee as 518
determined by the board under division (J) of section 4105.17 of 519
the Revised Code, and may renew the certificate for additional 520
three-year periods after the initial inspection and issuance. 521

Sec. 4105.12. (A) The superintendent of the division of 522
industrial compliance after consideration of the recommendations 523
of the elevator safety advisory committee, shall adopt, amend, and 524
repeal rules exclusively for the issuance, renewal, suspension, 525
and revocation of certificates of competency and certificates of 526
operation, for elevator contractor licenses, for the conduct of 527
hearings related to these actions, for investigations performed 528
under section 4105.23 of the Revised Code, and for the inspection 529
of elevators. The rules shall conform to the standard renewal 530
procedure established under Chapter 4745. of the Revised Code. 531

(B) Notwithstanding division (A) of this section, the 532
superintendent shall not adopt rules relating to construction, 533
maintenance, and repair of elevators. 534

Sec. 4105.13. Every elevator shall be constructed, equipped, 535
maintained, and operated, with respect to the supporting members, 536
elevator car, shaftways, guides, cables, doors, and gates, safety 537
stops and mechanism, electrical apparatus and wiring, mechanical 538
apparatus, counterweights, and all other appurtenances, in 539
accordance with state laws and rules as are authorized in respect 540

thereto. Where reasonable safety is obtained without complying to 541
the literal requirements of such rules as in cases of practical 542
difficulty or unnecessary hardship, the literal requirements of 543
such rules shall not be required. The superintendent of the 544
division of industrial compliance, upon approval of the elevator 545
safety advisory committee, may permit the installation of vertical 546
wheelchair lifts in public buildings to provide for handicapped 547
accessibility where such lifts do not meet the literal 548
requirements of the rules adopted by the board of building 549
standards pursuant to section ~~4105.011~~ 4105.012 of the Revised 550
Code, provided that reasonable safety may be obtained. 551

Sec. 4105.15. No certificate of operation for any elevator 552
shall be issued by the director of commerce until such elevator 553
has been inspected as required by this chapter. Certificates of 554
operation shall be renewed by the owner or user of the elevator in 555
accordance with rules adopted by the superintendent of the 556
division of industrial compliance pursuant to section 4105.12 of 557
the Revised Code. Certificates of operation shall be displayed 558
clearly in each elevator or in the machine room of the building 559
where the elevator is located and made readily available to 560
inspectors and elevator mechanics. 561

Sec. 4105.16. (A) Before any new installation of an elevator 562
of permanent nature is erected or before any existing elevator is 563
removed to and installed in a different location, an elevator 564
contractor shall submit an application of specifications in 565
duplicate ~~shall be submitted~~ to the ~~division~~ superintendent of 566
industrial compliance giving such information concerning the 567
construction, installation, and operation of said elevator as the 568
~~division~~ superintendent may require on forms to be furnished by 569
the ~~division~~ superintendent, together with complete construction 570

plans in duplicate. In all cases where any changes or repairs are 571
made which alter its construction or classification, grade or 572
rated lifting capacity, except when made pursuant to a report of 573
an inspector, an application of specifications in duplicate shall 574
be submitted to the ~~division~~ superintendent, containing such 575
information, or approval, except in those municipal corporations 576
which maintain their own elevator inspection departments, in which 577
event such specifications shall be submitted to the elevator 578
department of the municipal corporation for its approval, and if 579
approved, a permit for the erection or repair of such elevator 580
shall be issued by the municipal corporation. Upon approval of 581
such application and construction plans, the superintendent ~~of~~ 582
~~industrial compliance~~ shall issue a permit for the erection or 583
repair of such elevator. A copy of the permit shall be posted at 584
the worksite at all times while work is in progress. No new 585
elevator shall be operated until completion in accordance with the 586
approved plans and specifications, unless a temporary permit is 587
granted by the ~~division~~ superintendent. 588

(B) The final inspection, before operation, of a permanent, 589
new or repaired elevator shall be made by a general inspector or a 590
special inspector designated by the superintendent. 591

(C) The superintendent may revoke a permit issued under 592
division (A) of this section for any of the following reasons: 593

(1) When any false statement or misrepresentation as to a 594
material fact is made regarding the application, plans, or 595
specifications on which the permit is based; 596

(2) When the permit is issued in error and should not have 597
been issued in accordance with this chapter; 598

(3) When the work detailed under the permit is not being 599
performed in accordance with the provision of the application, 600
plans, specifications, or within the conditions of the permit; 601

(4) When the elevator contractor to whom the permit is issued 602
fails or refuses to comply with the requirements of a notice 603
related to a sealed elevator under section 4105.21 of the Revised 604
Code. 605

(D) In the event that work authorized under a permit issued 606
under division (A) of this section is not commenced within six 607
months after the day on which the permit is issued, or within a 608
shorter time period if specified by the superintendent at the time 609
the permit is issued, the permit shall expire. For good cause 610
shown, the superintendent may extend the time period before which 611
the permit expires. 612

Sec. 4105.17. (A) The fee for each inspection, or attempted 613
inspection that, due to no fault of a general inspector or the 614
division of industrial compliance, is not successfully completed, 615
by a general inspector before the operation of a permanent new 616
elevator prior to the issuance of a certificate of operation, 617
before operation of an elevator being put back into service after 618
a repair, or as a result of the operation of section 4105.08 of 619
the Revised Code and is an elevator required to be inspected under 620
this chapter is twenty dollars plus ten dollars for each floor 621
where the elevator stops. The superintendent of industrial 622
compliance may assess an additional fee of one hundred twenty-five 623
dollars plus five dollars for each floor where an elevator stops 624
for the reinspection of an elevator when a previous attempt to 625
inspect that elevator has been unsuccessful through no fault of a 626
general inspector or the division of industrial compliance. 627

(B) The fee for each inspection, or attempted inspection, 628
that due to no fault of the general inspector or the division of 629
industrial compliance, is not successfully completed by a general 630
inspector before operation of a permanent new escalator or moving 631
walk prior to the issuance of a certificate of operation, before 632

operation of an escalator or moving walk being put back in service 633
after a repair, or as a result of the operation of section 4105.08 634
of the Revised Code is three hundred dollars. The superintendent 635
~~of the division of industrial compliance~~ may assess an additional 636
fee of one hundred fifty dollars for the reinspection of an 637
escalator or moving walk when a previous attempt to inspect that 638
escalator or moving walk has been unsuccessful through no fault of 639
the general inspector or the division of industrial compliance. 640

(C) The fee for issuing or renewing a certificate of 641
operation under section 4105.15 of the Revised Code for an 642
elevator that is inspected every six months in accordance with 643
division (A) of section 4105.10 of the Revised Code is two hundred 644
dollars plus ten dollars for each floor where the elevator stops, 645
except where the elevator has been inspected by a special 646
inspector in accordance with section 4105.07 of the Revised Code. 647

(D) The fee for issuing or renewing a certificate of 648
operation under section ~~4105.05~~ 4105.15 of the Revised Code for an 649
elevator that is inspected every twelve months in accordance with 650
division ~~(A)~~(B) of section 4105.10 of the Revised Code is 651
fifty-five dollars plus ten dollars for each floor where the 652
elevator stops, except where the elevator has been inspected by a 653
special inspector in accordance with section 4105.07 of the 654
Revised Code. 655

(E) The fee for issuing or renewing a certificate of 656
operation under section 4105.15 of the Revised Code for an 657
escalator or moving walk is three hundred dollars, except where 658
the escalator or moving walk has been inspected by a special 659
inspector in accordance section 4105.07 of the Revised Code. 660

(F) All other fees to be charged for any examination given or 661
other service performed by the division of industrial compliance 662
pursuant to this chapter shall be prescribed by the director of 663
commerce or a designee of the director, including the fees for the 664

application, the initial certificate, and renewal of the 665
certificates of competency and the initial license for and renewal 666
of elevator contractor licenses and of temporary mechanic licenses 667
under this chapter. The fees shall be reasonably related to the 668
costs of such examination or other service. 669

(G) The director of commerce, subject to the approval of the 670
controlling board, may establish fees in excess of the fees 671
provided in divisions (A), (B), (C), (D), and (E) of this section. 672
Any moneys collected under this section shall be paid into the 673
state treasury to the credit of the industrial compliance 674
operating fund created in section 121.084 of the Revised Code. 675

(H) Any person who fails to pay an inspection fee required 676
for any inspection conducted by the division pursuant to this 677
chapter within forty-five days after the inspection is conducted 678
shall pay a late payment fee equal to twenty-five per cent of the 679
inspection fee. 680

(I) In addition to the fees assessed in divisions (A), (B), 681
(C), (D), and (E) of this section, the board of building standards 682
shall assess a fee of three dollars and twenty-five cents for each 683
certificate of operation or renewal thereof issued under divisions 684
(A), (B), (C), (D), or (E) of this section and for each permit 685
issued under section 4105.16 of the Revised Code. The board shall 686
adopt rules, in accordance with Chapter 119. of the Revised Code, 687
specifying the manner by which the superintendent of industrial 688
compliance shall collect and remit to the board the fees assessed 689
under this division and requiring that remittance of the fees be 690
made at least quarterly. 691

(J) For the purposes of this section the superintendent of 692
the division of industrial compliance shall determine a reduced 693
fee for the inspections conducted and certificates of operation 694
issued pursuant to division (D) of section 4105.10 of the Revised 695
Code. 696

(K) For purposes of this section: 697

(1) "Escalator" means a power driven, inclined, continuous 698
stairway used for raising or lowering passengers. 699

(2) "Moving walk" means a passenger carrying device on which 700
passengers stand or walk, with a passenger carrying surface that 701
is uninterrupted and remains parallel to its direction of motion. 702

Sec. 4105.22. (A) Each elevator contractor shall maintain an 703
insurance policy with general liability coverage of not less than 704
one million dollars for injury or death of any number of persons 705
in any one occurrence and not less than five hundred thousand 706
dollars for property damage in any one occurrence, issued by an 707
insurance company authorized to do business in Ohio. Each elevator 708
contractor shall submit proof of the required insurance to the 709
superintendent of industrial compliance on or before the date that 710
the elevator contractor receives a license under section 4105.02 711
of the Revised Code. Each elevator contractor shall give the 712
superintendent not less than ten calendar days written notice of 713
any material alteration to the policy or cancellation of the 714
policy. 715

(B) Each elevator inspector who is not employed by the state 716
of Ohio or one of its instrumentalities as an elevator inspector 717
shall maintain an insurance policy with general liability coverage 718
of not less than one million dollars for injury or death of any 719
number of persons in any one occurrence and not less than five 720
hundred thousand dollars for property damage in any one 721
occurrence, issued by an insurance company authorized to do 722
business in Ohio. Each elevator inspector shall give the 723
superintendent not less than ten calendar days written notice of 724
any material alteration to the policy or cancellation of the 725
policy. 726

Sec. 4105.23. Any person may make a written request to the 727
elevator safety advisory committee to request an investigation 728
into any alleged violation of this chapter. The request shall set 729
forth with reasonable detail the grounds for the request and shall 730
be signed by the person who makes the request. Notwithstanding 731
section 149.43 of the Revised Code, upon the request of the person 732
signing the request for an investigation, the person's name shall 733
be omitted on any copy of the notice or any record published, 734
released, or made available to the public. If the committee 735
determines that there are reasonable grounds to believe that a 736
violation of the chapter has occurred or will occur, the 737
superintendent of industrial compliance shall investigate the 738
alleged violation in accordance with rules adopted under section 739
4105.12 of the Revised Code. If the committee determines that 740
there are no reasonable grounds to believe that violation of this 741
chapter has occurred or will occur, the secretary of the committee 742
shall notify the person who requested the investigation in writing 743
of the determination. 744

Sec. 4105.99. Whoever violates section 4105.20 of the Revised 745
Code shall be fined not more than two hundred dollars, for each 746
subsequent offense such person shall be fined not more than one 747
thousand five hundred dollars. 748

Sec. 4121.13. The administrator of workers' compensation 749
shall: 750

(A) Investigate, ascertain, and declare and prescribe what 751
hours of labor, safety devices, safeguards, or other means or 752
methods of protection are best adapted to render the employees of 753
every employment and place of employment and frequenters of every 754
place of employment safe, and to protect their welfare as required 755
by law or lawful orders, and establish and maintain museums of 756

safety and hygiene in which shall be exhibited safety devices, 757
safeguards, and other means and methods for the protection of 758
life, health, safety, and welfare of employees; 759

(B) Ascertain and fix reasonable standards and prescribe, 760
modify, and enforce reasonable orders for the adoption of safety 761
devices, safeguards, and other means or methods of protection to 762
be as nearly uniform as possible as may be necessary to carry out 763
all laws and lawful orders relative to the protection of the life, 764
health, safety, and welfare of employees in employments and places 765
of employment or frequenters of places of employment; 766

(C) Ascertain, fix, and order reasonable standards for the 767
construction, repair, and maintenance of places of employment as 768
shall render them safe; 769

(D) Investigate, ascertain, and determine reasonable 770
classifications of persons, employments, and places of employment 771
as are necessary to carry out the applicable sections of sections 772
4101.01 to 4101.16 and 4121.01 to 4121.29 of the Revised Code; 773

(E) Adopt reasonable and proper rules relative to the 774
exercise of ~~his~~ the administrator's powers and authorities, and 775
proper rules to govern ~~his~~ the administrator's proceedings and to 776
regulate the mode and manner of all investigations and hearings, 777
which rules shall not be effective until ten days after their 778
publication; a copy of the rules shall be delivered at cost to 779
every citizen making application therefor; 780

(F) Investigate all cases of fraud or other illegalities 781
pertaining to the operation of the workers' compensation system 782
and its several insurance funds and for that purpose, the 783
administrator has every power of an inquisitorial nature granted 784
to the industrial commission in this chapter and Chapter 4123. of 785
the Revised Code; 786

(G) Do all things convenient and necessary to accomplish the 787

purposes directed in sections 4101.01 to 4101.16 and 4121.01 to 788
4121.28 of the Revised Code; 789

(H) Nothing in this section shall be construed to supersede 790
section ~~4105.011~~ 4105.012 of the Revised Code in particular, or 791
Chapter 4105. of the Revised Code in general. 792

Section 2. That existing sections 3781.19, 4105.01, 4105.011, 793
4105.02, 4105.05, 4105.10, 4105.12, 4105.13, 4105.15, 4105.16, 794
4105.17, 4105.99, and 4121.13 of the Revised Code are hereby 795
repealed. 796

Section 3. Sections 1 and 2 of this act take effect one 797
hundred eighty days after the effective date of this act. 798

Section 4. Notwithstanding section 4105.02 of the Revised 799
Code, any person who, not later than one year after the effective 800
date of this act makes an application to the Superintendent of 801
Industrial Compliance on a form provided by the Superintendent and 802
who submits proof satisfactory to the Superintendent that the 803
applicant meets both of the following requirements, may receive a 804
certificate of competency as an elevator mechanic without 805
examination: 806

(A) That the applicant has worked without direct and 807
immediate supervision as an elevator mechanic for an elevator 808
contractor in the elevator industry; 809

(B) That the applicant has worked as an elevator mechanic for 810
an elevator contractor in the elevator industry within three years 811
immediately prior to the effective date of this act. 812