

**As Reported by the Senate Insurance, Commerce and Labor
Committee**

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

Sub. S. B. No. 179

Senator Nein

A B I L L

To amend sections 715.27, 3703.10, 3781.102, 4740.01, 1
4740.02, 4740.03, 4740.04, 4740.05, 4740.06, 2
4740.07, 4740.08, 4740.09, 4740.10, 4740.101, 3
4740.11, 4740.12, 4740.13, and 5537.07 and to 4
enact sections 3703.21 and 4740.99 of the Revised 5
Code to change the name of the Ohio Construction 6
Industry Examining Board to the Ohio Construction 7
Industry Licensing Board, to make other changes 8
related to the licensing of trade contractors, and 9
to permit the Ohio Turnpike Commission to keep 10
cost estimates for specified construction projects 11
confidential until all bids are received. 12

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

Section 1. That sections 715.27, 3703.10, 3781.102, 4740.01, 13
4740.02, 4740.03, 4740.04, 4740.05, 4740.06, 4740.07, 4740.08, 14
4740.09, 4740.10, 4740.101, 4740.11, 4740.12, 4740.13, and 5537.07 15
be amended and sections 3703.21 and 4740.99 of the Revised Code be 16
enacted to read as follows: 17

Sec. 715.27. (A) Any municipal corporation may: 18

(1) Regulate the erection of fences, billboards, signs, and 19

other structures, within the municipal corporation, and provide 20
for the removal and repair of insecure billboards, signs, and 21
other structures; 22

(2) Regulate the construction and repair of wires, poles, 23
plants, and all equipment to be used for the generation and 24
application of electricity; 25

(3) Provide for the licensing of house movers; plumbers; 26
sewer tappers; vault cleaners; and specialty contractors who are 27
not required to hold a valid ~~and unexpired~~ license issued pursuant 28
to Chapter 4740. of the Revised Code. 29

~~A municipal corporation may, pursuant to division (A)(3) of 30
this section, require; 31~~

(4) Require all specialty contractors other than those who 32
hold a valid ~~and unexpired~~ license issued pursuant to Chapter 33
4740. of the Revised Code, to successfully complete an 34
examination, test, or demonstration of technical skills, and may 35
impose a fee and additional requirements for a license or 36
registration to engage in their respective occupations within the 37
jurisdiction of the municipal corporation. 38

(B) No municipal corporation shall require any specialty 39
contractor who holds a valid ~~and unexpired~~ license issued pursuant 40
to Chapter 4740. of the Revised Code to ~~successfully~~ complete an 41
examination, test, or demonstration of technical skills ~~in order~~ 42
to engage in the type of contracting for which the license is 43
held, within the municipal corporation. 44

(C) ~~For a specialty~~ A municipal corporation may require a 45
specialty contractor who holds a valid ~~and unexpired~~ license 46
issued pursuant to Chapter 4740. of the Revised Code, to register 47
with the municipal corporation and pay any fee the municipal 48
corporation imposes before that specialty contractor may engage 49
within the municipal corporation in the type of contracting for 50

which the license is held ~~within the municipal corporation, a~~ 51
~~municipal corporation may require the contractor to register with~~ 52
~~the municipal corporation and may impose a fee, provided that the~~ 53
Any fee is shall be the same for all specialty contractors who 54
~~wish to engage in that the same~~ type of contracting, ~~and. A~~ 55
municipal corporation may require a bond and proof of all of the 56
following: 57

(1) Insurance pursuant to division (B)(4) of section 4740.06 58
of the Revised Code; 59

(2) Compliance with Chapters 4121. and 4123. of the Revised 60
Code; 61

(3) Registration with the tax department of the municipal 62
corporation. 63

If a municipal corporation requires registration, imposes 64
such a fee, or requires a bond or proof of the items listed in 65
divisions (C)(1), (2), and (3) of this section, the municipal 66
corporation immediately shall permit a contractor who presents 67
proof of holding a valid ~~and unexpired~~ license issued pursuant to 68
Chapter 4740. of the Revised Code, who registers, pays the fee, 69
obtains a bond, and submits the proof described under divisions 70
(C)(1), (2), and (3) of this section, as required, to engage in 71
the type of contracting for which the license is held, within the 72
municipal corporation. 73

(D) A municipal corporation may revoke the registration of a 74
contractor registered with that municipal corporation for good 75
cause shown. Good cause shown includes the failure of a contractor 76
to maintain a bond or the items listed in divisions (C)(1), (2), 77
and (3) of this section, if the municipal corporation requires 78
those. 79

(E) A municipal corporation that licenses specialty 80
contractors pursuant to division (A)(3) of this section may 81

accept, for purposes of satisfying ~~the requirements of that~~ 82
~~division its licensing requirements~~, a valid ~~and unexpired~~ license 83
issued pursuant to Chapter 4740. of the Revised Code that ~~is held~~ 84
~~by~~ a specialty contractor holds, for the construction, 85
replacement, maintenance, or repair of one-family, two-family, or 86
three-family dwelling houses or accessory structures incidental to 87
those dwelling houses. 88

(F) A municipal corporation shall not register a specialty 89
contractor who is required to hold a license under Chapter 4740. 90
of the Revised Code but does not hold a valid license issued under 91
that chapter. 92

(G) As used in this section, "specialty contractor" means a 93
heating, ventilating, and air conditioning contractor, 94
refrigeration contractor, electrical contractor, plumbing 95
contractor, or hydronics contractor, as those ~~terms~~ contractors 96
are ~~defined in section 4740.01~~ described in Chapter 4740. of the 97
Revised Code. 98

Sec. 3703.10. All prosecutions and proceedings by the 99
department of commerce for the violation of sections 3703.01 to 100
3703.09 of the Revised Code, or for the violation of any of the 101
orders or rules of the department under those sections, shall be 102
instituted by the director of commerce. All fines or judgments 103
collected by the department shall be paid into the state treasury 104
to the credit of the industrial compliance operating fund created 105
by section 121.084 of the Revised Code. 106

The director, the board of health of a general or city health 107
district, or any person charged with enforcing the rules of the 108
department adopted under sections 3703.01 to 3703.09 of the 109
Revised Code may petition the court of common pleas for injunctive 110
or other appropriate relief requiring any person violating a rule 111
adopted or order issued by the director under ~~this chapter~~ those 112

sections to comply with the rule or order. The court of common 113
pleas of the county in which the offense is alleged to be ~~occurring~~ 114
occurring may grant injunctive or other appropriate relief. 115

Sec. 3703.21. (A) Within ninety days after the effective date 116
of this section, the superintendent of the division of industrial 117
compliance shall appoint a backflow advisory board consisting of 118
not more than ten members, who shall serve at the pleasure of the 119
superintendent. The superintendent shall appoint a representative 120
from the plumbing section of the division of industrial 121
compliance, three representatives recommended by the plumbing 122
administrator of the division of industrial compliance, a 123
representative of the drinking water program of the Ohio 124
environmental protection agency, three representatives recommended 125
by the director of environmental protection, and not more than two 126
members who are not employed by the plumbing or water industry. 127

The board shall advise the superintendent on matters 128
pertaining to the training and certification of backflow 129
technicians. 130

(B) The superintendent shall adopt rules in accordance with 131
Chapter 119. of the Revised Code to provide for the certification 132
of backflow technicians. The rules shall establish all of the 133
following requirements, specifications, and procedures: 134

(1) Requirements and procedures for the initial certification 135
of backflow technicians, including eligibility criteria and 136
application requirements and fees; 137

(2) Specifications concerning and procedures for taking 138
examinations required for certification as a backflow technician, 139
including eligibility criteria to take the examination and 140
application requirements and fees for taking the examination; 141

(3) Specifications concerning and procedures for renewing a 142

<u>certification as a backflow technician, including eligibility</u>	143
<u>criteria, application requirements, and fees for renewal;</u>	144
<u>(4) Specifications concerning and procedures for both of the</u>	145
<u>following:</u>	146
<u>(a) Approval of training agencies authorized to teach</u>	147
<u>required courses to candidates for certification as backflow</u>	148
<u>technicians or continuing education courses to certified backflow</u>	149
<u>technicians;</u>	150
<u>(b) Renewal of the approval described in division (B)(4)(a)</u>	151
<u>of this section.</u>	152
<u>(5) Education requirements that candidates for initial</u>	153
<u>certification as backflow technicians must satisfy and continuing</u>	154
<u>education requirements that certified backflow technicians must</u>	155
<u>satisfy;</u>	156
<u>(6) Grounds and procedures for denying, suspending, or</u>	157
<u>revoking certification, or denying the renewal of certification,</u>	158
<u>as a backflow technician;</u>	159
<u>(7) Procedures for issuing administrative orders for the</u>	160
<u>remedy of any violation of this section or any rule adopted</u>	161
<u>pursuant to division (B) of this section, including, but not</u>	162
<u>limited to, procedures for assessing a civil penalty authorized</u>	163
<u>under division (D) of this section;</u>	164
<u>(8) Any provision the superintendent determines is necessary</u>	165
<u>to administer or enforce this section.</u>	166
<u>(C) No individual shall engage in the installation, testing,</u>	167
<u>or repair of any isolation backflow prevention device unless that</u>	168
<u>individual possesses a valid certification as a backflow</u>	169
<u>technician. This division does not apply with respect to the</u>	170
<u>installation, testing, or repair of any containment backflow</u>	171
<u>prevention device.</u>	172

(D) Whoever violates division (C) of this section or any rule adopted pursuant to division (B) of this section shall pay a civil penalty of not more than five thousand dollars for each day that the violation continues. The superintendent may, by order, assess a civil penalty under this division, or may request the attorney general to bring a civil action to impose the civil penalty in the court of common pleas of the county in which the violation occurred or where the violator resides. 173
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(E) Any action taken under a rule adopted pursuant to division (B)(6) of this section is subject to the appeal process of Chapter 119. of the Revised Code. An administrative order issued pursuant to rules adopted under division (B)(7) of this section and an appeal to that type of administrative order shall be executed in accordance with Chapter 119. of the Revised Code. 181
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(F) As used in this section: 187

(1) "Isolation backflow prevention device" means a device for the prevention of the backflow of liquids, solids, or gases that is regulated by the building code adopted pursuant to section 3781.10 of the Revised Code and rules adopted pursuant to this section. 188
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(2) "Containment backflow prevention device" means a device for the prevention of the backflow of liquids, solids, or gases that is installed by the supplier of, or as a requirement of, any public water system as defined in division (A) of section 6109.01 of the Revised Code. 193
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Sec. 3781.102. (A) Any county or municipal building department certified pursuant to division (E) of section 3781.10 of the Revised Code as of September 14, 1970, and that, as of that date, was inspecting single-family, two-family, and three-family residences, and any township building department certified 198
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pursuant to division (E) of section 3781.10 of the Revised Code, 203
is hereby declared to be certified to inspect single-family, 204
two-family, and three-family residences containing industrialized 205
units, and ~~such building department~~ shall inspect the buildings or 206
classes of buildings subject to ~~the provisions of~~ division (E) of 207
section 3781.10 of the Revised Code. 208

(B) Each board of county commissioners may adopt, by 209
resolution, rules establishing standards and providing for the 210
licensing of electrical and heating, ventilating, and air 211
conditioning contractors who are not required to hold a valid and 212
unexpired license pursuant to Chapter 4740. of the Revised Code. 213

Rules adopted by a board of county commissioners pursuant to 214
this division may be enforced within the unincorporated areas of 215
the county and within any municipal corporation where the 216
legislative authority of the municipal corporation has contracted 217
with the board for the enforcement of the county rules within the 218
municipal corporation pursuant to section 307.15 of the Revised 219
Code. The rules shall not conflict with rules adopted by the board 220
of building standards pursuant to section 3781.10 of the Revised 221
Code or by the department of commerce pursuant to Chapter 3703. of 222
the Revised Code. This division does not impair or restrict the 223
power of municipal corporations under Section 3 Article XVIII, 224
Ohio Constitution, to adopt rules concerning the erection, 225
construction, repair, alteration, and maintenance of buildings and 226
structures or of establishing standards and providing for the 227
licensing of specialty contractors pursuant to section 715.27 of 228
the Revised Code. 229

A board of county commissioners, pursuant to this division, 230
may require all electrical contractors and heating, ventilating, 231
and air conditioning contractors, other than those who hold a 232
valid and unexpired license issued pursuant to Chapter 4740. of 233

the Revised Code, to successfully complete an examination, test, 234
or demonstration of technical skills, and may impose a fee and 235
additional requirements for a license to engage in their 236
respective occupations within the jurisdiction of the board's 237
rules under this division. 238

(C) No board of county commissioners shall require any 239
specialty contractor who holds a valid and unexpired license 240
issued pursuant to Chapter 4740. of the Revised Code to 241
successfully complete an examination, test, or demonstration of 242
technical skills in order to engage in the type of contracting for 243
which the license is held, within the unincorporated areas of the 244
county and within any municipal corporation whose legislative 245
authority has contracted with the board for the enforcement of 246
county regulations within the municipal corporation, pursuant to 247
section 307.15 of the Revised Code. 248

(D) A board may impose a fee for registration of a specialty 249
contractor who holds a valid and unexpired license issued pursuant 250
to Chapter 4740. of the Revised Code before that specialty 251
contractor may engage in the type of contracting for which the 252
license is held within the unincorporated areas of the county and 253
within any municipal corporation whose legislative authority has 254
contracted with the board for the enforcement of county 255
regulations within the municipal corporation, pursuant to section 256
307.15 of the Revised Code, provided that the fee is the same for 257
all specialty contractors who wish to engage in that type of 258
contracting. If a board imposes such a fee, the board immediately 259
shall permit a specialty contractor who presents proof of holding 260
a valid and unexpired license and pays the required fee to engage 261
in the type of contracting for which the license is held within 262
the unincorporated areas of the county and within any municipal 263
corporation whose legislative authority has contracted with the 264
board for the enforcement of county regulations within the 265

municipal corporation, pursuant to section 307.15 of the Revised Code. 266
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(E) The political subdivision associated with each municipal, township, and county building department certified by the board of building standards pursuant to division (E) of section 3781.10 of the Revised Code may prescribe fees to be paid by persons, political subdivisions, or any department, agency, board, commission, or institution of the state, for the acceptance and approval of plans and specifications, and for the making of inspections, pursuant to sections 3781.03 and 3791.04 of the Revised Code. 268
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(F) Each political subdivision that prescribes fees pursuant to division (E) of this section shall collect, on behalf of the board of building standards, a fee equal to three per cent of ~~such~~ those fees. The board shall adopt rules, in accordance with Chapter 119. of the Revised Code, specifying the manner in which the fee assessed pursuant to this division shall be collected and remitted monthly to the board. The board shall pay the fee assessed pursuant to this division into the state treasury to the credit of the industrial compliance operating fund created in section 121.084 of the Revised Code. 277
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All money credited to the fund under this division shall be used exclusively for both of the following: 287
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(1) Operating costs of the board; 289

(2) Providing services, including educational programs, for the building departments that are certified by the board pursuant to division (E) of section 3781.10 of the Revised Code. 290
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(G) A board of county commissioners that adopts rules providing for the licensing of electrical and heating, ventilating, and air conditioning contractors, pursuant to division (B) of this section, may accept, for purposes of 293
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satisfying the requirements of rules adopted under that division, 297
a valid and unexpired license issued pursuant to Chapter 4740. of 298
the Revised Code that is held by an electrical or heating, 299
ventilating, and air conditioning contractor, for the 300
construction, replacement, maintenance, or repair of one-family, 301
two-family, or three-family dwelling houses or accessory 302
structures incidental to those dwelling houses. 303

(H) A board of county commissioners shall not register a 304
specialty contractor who is required to hold a license under 305
Chapter 4740. of the Revised Code but does not hold a valid 306
license issued under that chapter. 307

(I) As used in this section, "specialty contractor" means a 308
heating, ventilating, and air conditioning contractor, 309
refrigeration contractor, electrical contractor, plumbing 310
contractor, or hydronics contractor, as those ~~terms~~ contractors 311
are ~~defined in section 4740.01~~ described in Chapter 4740. of the 312
Revised Code. 313

Sec. 4740.01. As used in this chapter: 314

(A) "License" means a license ~~issued by~~ the Ohio construction 315
industry ~~examining~~ licensing board issues to an individual as a 316
heating, ventilating, and air conditioning contractor, 317
refrigeration contractor, electrical contractor, plumbing 318
contractor, or hydronics contractor. 319

(B) "~~Heating, ventilating, and air conditioning contractor~~ 320
Contractor" means any individual or business entity ~~who~~ that 321
satisfies both of the following: 322

(1) For compensation, directs, supervises, or has 323
responsibility for the means, method, and manner of ~~heating,~~ 324
~~ventilating, and air conditioning~~ construction, improvement, 325
renovation, repair, testing, or maintenance on a construction 326

project with respect to one or more trades and who offers, 327
identifies, advertises, or otherwise holds out or represents that 328
the individual or business entity is permitted or qualified to 329
perform, direct, supervise, or have responsibility for the means, 330
method, and manner of ~~heating, ventilating, and air conditioning~~ 331
construction, improvement, renovation, repair, or maintenance with 332
respect to one or more trades on a construction project; 333

(2) ~~Is a tradesperson~~ Performs or employs tradespersons who 334
perform and who are trained to perform ~~heating, ventilating, and~~ 335
~~air conditioning~~ construction, improvement, renovation, repair, or 336
maintenance on a construction project with respect to the 337
contractor's trades. 338

(C) ~~"Refrigeration contractor" means any individual or~~ 339
~~business entity who satisfies both of the following:~~ 340

~~(1) For compensation, directs, supervises, or has~~ 341
~~responsibility for the means, method, and manner of refrigeration~~ 342
~~construction, improvement, renovation, repair, or maintenance on a~~ 343
~~construction project and who offers, identifies, advertises, or~~ 344
~~otherwise holds out or represents that the individual or business~~ 345
~~entity is permitted or qualified to direct, supervise, or have~~ 346
~~responsibility for the means, method, and manner of refrigeration~~ 347
~~construction, improvement, renovation, repair, or maintenance on a~~ 348
~~construction project;~~ 349

~~(2) Is a tradesperson or employs tradespersons who perform~~ 350
~~and who are trained to perform refrigeration construction,~~ 351
~~improvement, renovation, repair, or maintenance on a construction~~ 352
~~project.~~ 353

~~(D) "Electrical contractor" means any individual or business~~ 354
~~entity who satisfies both of the following:~~ 355

~~(1) For compensation, directs, supervises, or has~~ 356
~~responsibility for the means, method, and manner of electrical~~ 357

~~construction, improvement, renovation, repair, or maintenance on a~~ 358
~~construction project and who offers, identifies, advertises, or~~ 359
~~otherwise holds out or represents that the individual or business~~ 360
~~entity is permitted or qualified to direct, supervise, or have~~ 361
~~responsibility for the means, method, and manner of electrical~~ 362
~~construction, improvement, renovation, repair, or maintenance on a~~ 363
~~construction project;~~ 364

~~(2) Is a tradesperson or employs tradespersons who perform~~ 365
~~and who are trained to perform electrical construction,~~ 366
~~improvement, renovation, repair, or maintenance on a construction~~ 367
~~project.~~ 368

~~As used in this chapter, "electrical contracting" does not~~ 369
~~include the construction, improvement, renovation, repair, or~~ 370
~~maintenance of any of the following systems using less than fifty~~ 371
~~volts:~~ 372

~~(a) Fire alarm or burglar alarm;~~ 373

~~(b) Tele-data;~~ 374

~~(c) Cabling;~~ 375

~~(d) Sound;~~ 376

~~(e) Communication;~~ 377

~~(f) Landscape lighting and irrigation.~~ 378

~~(E) "Plumbing contractor" means any individual or business~~ 379
~~entity who satisfies both of the following:~~ 380

~~(1) For compensation, directs, supervises, or has~~ 381
~~responsibility for the means, method, and manner of plumbing~~ 382
~~construction, improvement, renovation, repair, or maintenance on a~~ 383
~~construction project and who offers, identifies, advertises, or~~ 384
~~otherwise holds out or represents that the individual or business~~ 385
~~entity is permitted or qualified to direct, supervise, or have~~ 386
~~responsibility for the means, method, and manner of plumbing~~ 387

~~construction, improvement, renovation, repair, or maintenance on a~~ 388
~~construction project;~~ 389

~~(2) Is a tradesperson or employs tradespersons who perform~~ 390
~~and who are trained to perform plumbing construction, improvement,~~ 391
~~renovation, repair, or maintenance on a construction project.~~ 392

~~(F) "Hydronics contractor" means any individual or business~~ 393
~~entity who satisfies both of the following:~~ 394

~~(1) For compensation, directs, supervises, or has~~ 395
~~responsibility for the means, method, and manner of hydronics~~ 396
~~construction, improvement, renovation, repair, or maintenance on a~~ 397
~~construction project and who offers, identifies, advertises, or~~ 398
~~otherwise holds out or represents that the individual or business~~ 399
~~entity is permitted or qualified to direct, supervise, or have~~ 400
~~responsibility for the means, method, and manner of hydronics~~ 401
~~construction, improvement, renovation, repair, or maintenance on a~~ 402
~~construction project;~~ 403

~~(2) Is a tradesperson or employs tradespersons who perform~~ 404
~~and who are trained to perform hydronics construction,~~ 405
~~improvement, renovation, repair, or maintenance on a construction~~ 406
~~project.~~ 407

~~(G) "Contractor" "Licensed trade" means a trade performed by~~ 408
~~a heating, ventilating, and air conditioning contractor, a~~ 409
~~refrigeration contractor, an electrical contractor, a plumbing~~ 410
~~contractor, or a hydronics contractor.~~ 411

~~(H)(D) "Tradesperson" means an individual who, for~~ 412
~~compensation, engages in construction, improvement, renovation,~~ 413
~~repair, or maintenance of buildings or structures without assuming~~ 414
~~responsibility for the means, method, or manner of that~~ 415
~~construction, improvement, renovation, repair, or maintenance.~~ 416

~~(I)(E) "Construction project" means a construction project~~ 417

involving a building or structure ~~that is~~ subject to Chapter 3781. 418
of the Revised Code and the rules adopted under that chapter, but 419
not ~~involving the following buildings or structures:~~ 420

~~(1) An an industrialized unit as defined in division (C)(3)~~ 421
~~of section 3781.06 of the Revised Code.~~ 422

~~(2) A or a building or structure constructed pursuant to~~ 423
~~rules adopted under section 3781.181 or 3781.21 of the Revised~~ 424
~~Code.~~ 425

Sec. 4740.02. (A) There is hereby created within the 426
department of commerce, the Ohio construction industry ~~examining~~ 427
licensing board, consisting of seventeen residents of this state. 428
The board shall ~~consist of~~ have an administrative section, a 429
plumbing section, an electrical section, and a heating, 430
ventilating, air conditioning, and refrigeration section. The 431
director of commerce shall appoint all members of the board. The 432
director or the director's designee shall serve as a member of the 433
administrative section and the director shall appoint to the 434
~~administrative section to represent the public,~~ one member ~~who is~~ 435
~~a representative of the public~~ who is not a member of any group 436
certified by any section of the board. ~~The plumbing, electrical,~~ 437
~~and heating, ventilating, air conditioning, and refrigeration~~ 438
~~sections each~~ Each section, other than the administrative section, 439
shall annually elect a member of ~~their own respective~~ its section 440
to serve a one-year term on the administrative section. 441

(B) The plumbing section ~~shall consist~~ consists of five 442
members, one of whom is a plumbing inspector employed by the 443
department of commerce, a municipal corporation, or a health 444
district, two of whom are plumbing contractors who have no 445
affiliation with any union representing plumbers, and two of whom 446
are plumbing contractors who are signatories to agreements with 447
unions representing plumbers. 448

The plumbing section has primary responsibility for the 449
licensure of plumbing contractors and hydronics contractors. 450

(C) The electrical section ~~shall consist~~ consists of five 451
members, one of whom is an electrical inspector employed by the 452
department of commerce, a municipal corporation, or a county, two 453
of whom are electrical contractors who have no affiliation with 454
any union representing electricians, and two of whom are 455
electrical contractors who are signatories to agreements with 456
unions representing electricians. 457

The electrical section has primary responsibility for the 458
licensure of electrical contractors. 459

(D) The heating, ventilating, air conditioning, and 460
refrigeration section ~~shall consist~~ consists of five members, one 461
of whom is a heating, ventilating, air conditioning, and 462
refrigeration inspector employed by either the department of 463
commerce or a municipal corporation; two of whom are heating, 464
ventilating, and air conditioning contractors or refrigeration 465
contractors who have no affiliation with any union representing 466
heating, ventilating, and air conditioning tradespersons or 467
refrigeration tradespersons; and two of whom are heating, 468
ventilating, and air conditioning contractors or refrigeration 469
contractors who are signatories to agreements with unions 470
representing heating, ventilating, and air conditioning 471
tradespersons or refrigeration tradespersons. 472

The heating, ventilating, air conditioning, and refrigeration 473
section has primary responsibility for the licensure of heating, 474
ventilating, and air conditioning contractors and refrigeration 475
contractors. 476

(E) Within ninety days after July 31, 1992, initial 477
appointments shall be made to the board. Of the initial 478
appointments to the board, two appointments in each section, other 479

than the administrative section, are for terms ending one year 480
after July 31, 1992, and two are for terms ending two years after 481
July 31, 1992. All other appointments to the board are for terms 482
ending three years after July 31, 1992. Thereafter, terms of 483
office are for three years, each term ending on the same day of 484
the same month of the year as did the term that it succeeds. Each 485
member shall hold office from the date of appointment until the 486
end of the term for which the member was appointed. Members may be 487
reappointed. Vacancies shall be filled in the manner provided for 488
original appointments. Any member appointed to fill a vacancy 489
occurring prior to the expiration ~~date~~ of the term for which the 490
member's predecessor was appointed shall hold office as a member 491
for the remainder of that term. A member shall continue in office 492
subsequent to the expiration ~~date~~ of ~~the member's~~ a term until ~~the~~ 493
~~member's~~ a successor takes office or until a period of sixty days 494
has elapsed, whichever occurs first. 495

(F) Before entering upon the discharge of official duties, 496
each member shall take, and file with the secretary of state, the 497
oath of office required by Section 7 of Article XV, Ohio 498
Constitution. 499

(G) Each member ~~of the board~~, except for the director or the 500
director's designee ~~the director appoints under division (A) of~~ 501
~~this section~~, shall receive a per diem amount fixed pursuant to 502
section 124.15 of the Revised Code when actually attending to 503
matters of the board and for the time spent in necessary travel, 504
and all actual and necessary expenses incurred in the discharge of 505
official duties. 506

(H) The director of commerce may remove any member of the 507
board the director appoints for malfeasance, misfeasance, or 508
nonfeasance. 509

(I) Membership on the board and holding any office of the 510
board does not constitute ~~the~~ holding ~~of~~ a public office or 511

employment within the meaning of any section of the Revised Code, 512
or an interest, either direct or indirect, in a contract or 513
expenditure of money by the state or any municipal corporation, 514
township, special district, school district, county, or other 515
political subdivision. No member or officer of the board is 516
disqualified from holding any public office or employment nor 517
shall the officer or member forfeit any public office or 518
employment by reason of holding a position as an officer or member 519
of the board. 520

(J) The board, and each section of the board, shall meet only 521
after adequate advance notice of the meeting has been given to 522
each member of the board or section, as appropriate. 523

Sec. 4740.03. (A) The administrative section of the Ohio 524
construction industry ~~examining~~ licensing board annually shall 525
elect from among its members a chairperson and other officers as 526
the board, by rule, designates. The chairperson shall preside over 527
meetings of the administrative section or designate another member 528
to preside in the chairperson's absence. The administrative 529
section shall hold at least two regular meetings each year, but 530
may meet at additional times as specified by rule, at the call of 531
the chairperson, or upon the request of two or more members. A 532
majority of the members of the administrative section constitutes 533
a quorum for the transaction of all business. The administrative 534
section may not take any action without the concurrence of at 535
least three of its members. 536

(B)(1) The administrative section shall employ a secretary, 537
who is not a member of the board, to serve at the pleasure of the 538
administrative section, and shall fix the compensation of the 539
secretary. The secretary shall be in the unclassified civil 540
service of the state. 541

(2) The secretary shall do all of the following: 542

(a) Keep or set standards for and delegate to another person	543
the keeping of the minutes, books, and other records and files of	544
the board and each section of the board;	545
(b) Issue all licenses in the name of the board;	546
(c) Send out all notices, including advance notices of	547
meetings of the board and each section of the board, and attend to	548
all correspondence of the board and each section of the board,	549
under the direction of the administrative section;	550
(d) Receive and deposit all fees payable pursuant to this	551
chapter into the construction industry examining <u>industrial</u>	552
<u>compliance operating</u> fund created pursuant to section 4740.11	553
<u>121.084</u> of the Revised Code;	554
(e) Perform all other duties incidental to the office of the	555
secretary or properly assigned to the secretary by the	556
administrative section of the board.	557
(3) Before entering upon the discharge of the duties of the	558
secretary, the secretary shall file with the treasurer of state a	559
bond in the sum of five thousand dollars, payable to the state, to	560
ensure the faithful performance of the secretary's duties. The	561
board shall pay the premium of the bond in the same manner as it	562
pays other expenditures of the board.	563
(C) Upon the request of the administrative section of the	564
board, the director of commerce shall supply the board and its	565
sections with personnel, office space, and supplies, as the	566
director determines appropriate. The administrative section of the	567
board shall employ any additional staff it considers necessary and	568
appropriate.	569
(D) The chairperson of the board or the secretary, or both,	570
as authorized by the board, shall approve all vouchers of the	571
board.	572

Sec. 4740.04. The administrative section of the Ohio 573
construction industry ~~examining~~ licensing board is responsible for 574
the administration of this chapter and shall do all of the 575
following: 576

(A) Schedule the contractor examinations ~~for heating,~~ 577
~~ventilating, and air conditioning contractors, refrigeration~~ 578
~~contractors, electrical contractors, plumbing contractors, and~~ 579
~~hydronics contractors, as directed by the applicable section~~ each 580
of the other sections of the board directs. ~~The administrative~~ 581
~~section shall schedule examinations to~~ Each type of examination 582
shall be held at least four times per year. 583

(B) Select and contract with one or more persons to do all of 584
the following relative to the examinations ~~described in division~~ 585
~~(A) of this section:~~ 586

(1) Prepare, administer, score, and maintain the 587
confidentiality of the examinations; 588

(2) Be responsible for all the expenses required to fulfill 589
division (B)(1) of this section; 590

(3) Charge an applicant a fee, ~~in an amount authorized by the~~ 591
administrative section of the board, authorizes for administering 592
the examination; 593

(4) Design the examination for each type of contractor to 594
determine an applicant's competence to perform ~~the~~ that type of 595
contracting ~~for which the applicant is seeking licensure.~~ 596

(C) Issue and renew licenses to individuals who have attained 597
at least the minimum score on an examination ~~authorized by the~~ 598
~~plumbing section for plumbing contractors, the electrical section~~ 599
~~for electrical contractors, the heating, ventilating, air~~ 600
~~conditioning, and refrigeration section for heating, ventilating,~~ 601
~~and air conditioning contractors and refrigeration contractors,~~ 602

~~and both the heating, ventilating, air conditioning, and~~ 603
~~refrigeration and plumbing sections for hydronics contractors, on~~ 604
~~the condition that the appropriate section of the board determines~~ 605
~~that the appropriate section authorizes for the licensed trade.~~ 606
Hydronics contractors shall pass the examinations for both the 607
plumbing section and the heating, ventilating, air conditioning, 608
and refrigeration section. The appropriate section shall determine 609
whether the individual also is qualified as required by section 610
4740.06 of the Revised Code to hold a license~~+~~. 611

(D) Make an annual written report to the director of commerce 612
on proceedings had by or before the board for the previous year 613
and make an annual statement of all money received and expended by 614
the board during the year; 615

(E) Keep a record containing the name, address, the date on 616
which the board issues or renews a license to, and the license 617
number of, every heating, ventilating, and air conditioning 618
contractor, refrigeration contractor, electrical contractor, 619
plumbing contractor, and hydronics contractor issued a license 620
pursuant to this chapter; 621

(F) Regulate a contractor's use and display of a license 622
issued pursuant to this chapter and of any information contained 623
in that license; 624

(G) Adopt rules in accordance with Chapter 119. of the 625
Revised Code as necessary to properly discharge the administrative 626
section's duties under this chapter~~+~~. The rules shall include, but 627
not be limited to, the following: 628

(1) Application procedures for examinations; 629

(2) Specifications for continuing education requirements for 630
license renewal that address all of the following: 631

(a) Criteria for continuing education courses conducted 632
pursuant to this chapter; 633

(b) A requirement that individuals holding a valid and unexpired license accrue ten hours of continuing education courses per year; 634
635
636

(c) A requirement that persons seeking approval to provide continuing education courses submit the required information to the appropriate section of the board at least thirty days, but not more than one year, prior to the date on which the course is proposed to be offered; 637
638
639
640
641

(d) A prohibition against any person providing a continuing education course unless the administrative section of the board approved that person not more than one year prior to the date the course is offered; 642
643
644
645

(e) Fees the board charges to persons who provide continuing education courses, in an amount of twenty-five dollars annually for each person approved to provide courses, not more than ten dollars plus one dollar per credit hour for each course offered, and one dollar per credit hour of instruction per attendee; 646
647
648
649
650

(f) A provision limiting approval of continuing education courses to one year. 651
652

(H) Adopt any continuing education curriculum as the other sections of the board establish or approve pursuant to division (C) of section 4740.05 of the Revised Code; 653
654
655

(I) Grant approval to a person or entity to offer continuing education courses pursuant to rules the board adopts; 656
657

(J) Keep a record of its proceedings and do all things necessary to carry out this chapter. 658
659

Sec. 4740.05. ~~The heating, ventilating, air conditioning, and refrigeration~~ (A) Each section of the Ohio construction industry 660
661
~~examining licensing board for heating, ventilating, and air~~ 662
~~conditioning contractors and refrigeration contractors; the~~ 663

~~plumbing section of the board for plumbing contractors; the 664
electrical section for electrical contractors; and both the 665
heating, ventilating, air conditioning, and refrigeration and the 666
plumbing sections for hydronics contractors, other than the 667
administrative section, shall do all of the following: 668~~

~~(A)(1) Adopt rules in accordance with Chapter 119. of the 669
Revised Code as this chapter relates to their respective sections. 670
The rules shall be that are limited to the following: 671~~

~~(1) Application procedures for examinations; 672~~

~~(2) Specifications concerning continuing education 673
requirements for license renewal that address all of the 674
following: 675~~

~~(a) Criteria for selecting and approving courses and persons 676
to provide those courses; 677~~

~~(b) A specification that individuals holding a valid and 678
unexpired license be required to accrue no more than thirty hours 679
of continuing education courses over a period of three years; 680~~

~~(c) A requirement that persons seeking approval to provide 681
continuing education courses submit information regarding the 682
courses to the appropriate section of the board for approval not 683
less than ninety days nor more than one year prior to the date on 684
which the courses are offered, unless a section of the board 685
permits submission at a different time; 686~~

~~(d) A prohibition against any person providing a course for 687
the purpose of meeting continuing education requirements unless, 688
not more than one year prior to the date the course is offered, 689
the person has been approved by the appropriate section of the 690
board to provide that course; 691~~

~~(e) A provision limiting approval of continuing education 692
courses to one year; 693~~

~~(f) A provision establishing the following annual fees, to be paid to the board by persons approved to provide continuing education courses:~~

~~(i) For the approval of each continuing education course, not more than ten dollars plus one dollar per credit hour;~~

~~(ii) For the approval of each person providing continuing education courses, twenty five dollars.~~

~~(3)(a) Criteria for the section of the board shall to use in evaluating the qualifications of an individual;~~

~~(4)(b) Criteria for the section of the board shall to use in deciding whether to authorize the administrative section to issue, renew, suspend, revoke, or refuse to issue or renew a license;~~

~~(5) Determinations (c) The determinations and approvals made the section makes under the reciprocity provision of section 4740.08 of the Revised Code.~~

~~(B)(2) Investigate allegations in reference to violations of this chapter and the rules adopted pursuant thereto pertaining to it that pertain to the section and determine by rule a procedure for to conduct investigations and hearings on these allegations;~~

~~(C)(3) Maintain a record of its proceedings;~~

~~(D) Grant approval to persons to offer continuing education courses pursuant to rules adopted under division (A)(2) of this section;~~

~~(E)(4) As required, do all things necessary to carry out this chapter.~~

(B) In accordance with rules they establish, the trade sections of the board shall authorize the administrative section to issue, renew, suspend, revoke, or refuse to issue or renew licenses for the classes of contractors for which each has primary responsibility as set forth in section 4740.02 of the Revised

Code. 724

(C) Each trade section of the board shall establish or 725
approve a continuing education curriculum for license renewal for 726
each class of contractors for which the section has primary 727
responsibility. No curriculum may require that more than five 728
hours out of the ten total required per year be specific course 729
requirements. 730

Sec. 4740.06. (A) Any individual who applies for a license 731
shall file a written application with the appropriate section of 732
the Ohio construction industry ~~examining~~ licensing board, 733
accompanied with the application fee as determined pursuant to 734
section 4740.09 of the Revised Code. The individual shall file the 735
application ~~with the appropriate section~~ not more than sixty days 736
nor less than thirty days prior to the date of the examination. 737
The application shall be on the form ~~prescribed by the appropriate~~ 738
the section of the board prescribes and verified by the 739
applicant's oath. ~~It shall contain~~ The applicant shall provide 740
information satisfactory to the ~~appropriate~~ section showing that 741
the applicant meets the requirements of division (B) of this 742
section. 743

(B) To qualify to take ~~the~~ an examination ~~required to obtain~~ 744
~~a license for a heating, ventilating, and air conditioning~~ 745
~~contractor, refrigeration contractor, electrical contractor,~~ 746
~~plumbing contractor, or hydronics contractor,~~ an individual shall: 747

(1) Be at least eighteen years of age; 748

(2) Be a United States citizen or legal alien who produces 749
valid documentation to demonstrate the individual is a legal 750
resident of the United States; 751

(3) Either have been a tradesperson ~~for~~ in the type of 752
~~contractor~~ licensed trade for which the application is filed for 753

not less than five years immediately prior to the date the 754
application is filed, be an engineer, have three years of business 755
experience in the construction industry, or have other experience 756
acceptable to the appropriate section of the board ~~that authorizes~~ 757
~~issuance of the type of license sought;~~ 758

(4) Maintain contractor's liability insurance, including 759
without limitation, complete operations coverage, in an amount 760
~~determined by~~ the appropriate section of the board determines; 761

(5) Not have done any of the following: 762

(a) ~~Been~~ Within five years preceding the date the applicant 763
submits an application for a license under this chapter, been 764
convicted of or pleaded guilty to a misdemeanor involving moral 765
turpitude or of any felony; 766

(b) Violated this chapter or any rule adopted pursuant to 767
~~this chapter it;~~ 768

(c) Obtained or renewed a license issued pursuant to this 769
chapter, or any order, ruling, or authorization of the board or a 770
section of the board by fraud, misrepresentation, or deception; 771

(d) Engaged in fraud, misrepresentation, or deception in the 772
conduct of business. 773

(C) ~~If the~~ When an applicant for licensure as a ~~heating,~~ 774
~~ventilating, and air conditioning contractor, refrigeration~~ 775
~~contractor, electrical contractor, plumbing contractor, or~~ 776
~~hydronics contractor~~ in a licensed trade meets the qualifications 777
set forth in division (B) of this section and passes the required 778
examination, the appropriate section of the board, within ninety 779
days after ~~the applicant filed~~ the application was filed, shall 780
authorize the administrative section of the board to license the 781
applicant for the type of contractor's license for which the 782
applicant qualifies. A section of the board may withdraw its 783
authorization to the administrative section for issuance of a 784

license for good cause shown, on the condition that notice of that 785
withdrawal is given prior to the administrative section's issuance 786
of the license. 787

(D) Each license ~~issued under this chapter~~ expires one year 788
after the date of issue, ~~but each.~~ An individual holding a valid, 789
unexpired license may renew the license, without reexamination, by 790
~~applying~~ submitting an application to the appropriate section of 791
the board not more than ninety calendar days before the expiration 792
of the license, ~~and submitting with the application along with the~~ 793
~~renewal fee as determined pursuant to section 4740.09 of the~~ 794
~~Revised Code~~ the section requires and proof of compliance with the 795
applicable continuing education requirements ~~applicable to that~~ 796
~~contractor.~~ The ~~renewal application~~ applicant shall ~~contain~~ 797
provide information in the renewal application satisfactory to 798
demonstrate to the appropriate section ~~of the board showing~~ that 799
the applicant continues to meet the requirements of division (B) 800
of this section. 801

~~The appropriate~~ Upon application and within one calendar year 802
after a license has expired, a section ~~of the board~~ may waive any 803
of the requirements for renewal of a license upon finding that ~~the~~ 804
an applicant substantially ~~has met~~ meets the renewal requirements 805
or that failure to timely apply for renewal is due to excusable 806
neglect. ~~If, in renewing a license, a~~ A section ~~of the board that~~ 807
waives requirements for renewal, ~~that section~~ of a license may 808
impose conditions upon ~~that~~ the licensee and assess a late filing 809
fee of not more than double the usual renewal fee. An applicant 810
shall satisfy any condition the section imposes before a license 811
is reissued. 812

(E) An individual holding a valid ~~and unexpired~~ license may 813
request the section of the board that authorized ~~the issuance of~~ 814
that license to place the license in inactive status under 815
conditions, and for a period of time, ~~as determined by~~ that 816

section of ~~the board~~ determines. 817

(F) Except for the ninety-day extension provided for a 818
license assigned to a business entity under division (D) of 819
section 4740.07 of the Revised Code, a license held by an 820
individual immediately terminates upon the death of the 821
individual. 822

(G) Nothing in any license issued by the Ohio construction 823
industry ~~examining~~ licensing board shall be construed to limit or 824
eliminate any requirement of or any license issued by the Ohio 825
fire marshal. 826

Sec. 4740.07. (A) Except as otherwise provided in this 827
section, the administrative section of the Ohio construction 828
industry ~~examining~~ licensing board shall issue and renew all 829
licenses under this chapter in the name of the individual who 830
meets the requirements of section 4740.06 of the Revised Code. 831

(B) Any individual may request, at the time of applying for a 832
license or at any time thereafter, that the individual's license 833
be assigned to a business entity with whom the individual is 834
associated as a full-time officer, proprietor, partner, or 835
employee. If the individual is issued or holds a license and meets 836
the requirements of this section for the assignment of the license 837
to a business entity, the administrative section shall assign the 838
license to and issue a license in the name of the business entity. 839
The license assigned and issued to a business entity under this 840
division shall state the name and position of the individual who 841
assigned the license to the business entity. 842

(C) During the period a business entity holds a license 843
issued under division (B) of this section, the administrative 844
section shall not issue another license to the individual who 845
assigned the license to the business entity ~~another license~~ for 846
the same type of contracting for which the business entity 847

utilizes the assigned license ~~is utilized by the business entity.~~ 848

(D)(1) If an individual who assigned a license to a business 849
entity ceases to be associated with the business entity for any 850
reason, including, ~~without limitation,~~ the death of the 851
individual, the individual or business entity immediately shall 852
notify the appropriate section of the board of the date on which 853
the individual ceased to be associated with the business entity. A 854
license assigned to a business entity is invalid ninety calendar 855
days after the date on which the individual who assigned the 856
license ceases to be associated with the business entity. 857

(2) If a license assigned to a business entity becomes 858
invalid pursuant to division (D)(1) of this section and another 859
individual has assigned a license to the business entity for the 860
same type of contracting for which the invalidated license had 861
been assigned, the business entity may continue to operate under 862
the other assigned license. 863

(E) Any work ~~conducted by~~ a business entity conducts under a 864
license assigned under this section is deemed to be conducted 865
under the personal supervision of the individual named in the 866
license and ~~all violations~~ any violation of any ~~terms~~ term of the 867
license ~~are~~ is deemed to have been committed by the individual 868
named in the license. 869

For the period of time during which more than one license for 870
the same type of contracting is assigned ~~under this section~~ to a 871
business entity, any work ~~conducted by~~ the business entity 872
conducts under any of those licenses is deemed to be conducted 873
under the personal supervision of the individuals named in ~~each of~~ 874
~~the~~ those licenses and ~~all violations~~ any violation of any ~~terms~~ 875
term of any ~~of the licenses~~ license is deemed to have been 876
committed by the individuals named in ~~each~~ all of the licenses. 877

(F) No individual who assigns a license to a business entity 878

~~under division (B) of this section~~ shall assign a license for the 879
same type of contracting to another business entity until after 880
ninety days after the individual ceases to be associated with the 881
business entity to ~~whom~~ which the individual had ~~previously~~ 882
assigned a license. 883

(G) Any individual who assigns a license to a business entity 884
under this section shall be actively engaged in business as the 885
type of contractor for which the license is issued and be readily 886
available for consultation with the business entity to which the 887
license is assigned. 888

(H) No license assigned under this section shall be assigned 889
to more than one business entity at a time. 890

Sec. 4740.08. ~~Upon application~~ When an individual who is 891
registered, licensed, or certified in another state applies to the 892
appropriate section of the Ohio construction industry ~~examining~~ 893
licensing board and ~~payment of~~ pays the licensure fee determined 894
pursuant to section 4740.09 of the Revised Code ~~for the issuance~~ 895
~~of a license~~, the appropriate section of the board shall authorize 896
the administrative section ~~of the board~~ to issue, without 897
examination, a license to ~~an~~ that individual ~~registered, licensed,~~ 898
~~or certified in another state of the United States, provided that~~ 899
if the appropriate section of the board determines, pursuant to 900
~~the rule adopted under division (A)(5) of section 4740.05 of the~~ 901
~~Revised Code~~ rules it adopts, that the requirements for 902
registration, licensure, or certification under the laws of the 903
other state ~~of the United States~~ are substantially equal to the 904
requirements for licensure in this state and ~~further provided that~~ 905
~~such~~ the other state extends similar reciprocity to persons 906
licensed under this chapter. The appropriate section of the board 907
may withdraw its authorization to the administrative section for 908
issuance of a license for good cause ~~shown~~ prior to the 909

administrative section's issuance of the license. 910

Sec. 4740.09. ~~The Reasonable fees for licenses and their~~ 911
~~renewal, including late fees, subject to the approval of the~~ 912
~~controlling board,~~ shall be determined by ~~each respective the~~ 913
~~administrative~~ section of the Ohio construction industry ~~examining~~ 914
~~licensing~~ board. ~~Each respective section of the board~~ The 915
administrative section shall establish the reasonable fees 916
pursuant to rules it adopts in accordance with Chapter 119. of the 917
Revised Code. The administrative section may increase these fees, 918
provided that the increase is reasonable and that no increase 919
exceeds fifty per cent of the lowest fee determined by that 920
section of the board during the three-year period immediately 921
preceding an increase, and further provided that no increase is 922
made more than once a year. 923

Sec. 4740.10. (A) ~~The heating, ventilating, air conditioning,~~ 924
~~and refrigeration appropriate~~ section of the Ohio construction 925
industry ~~examining licensing~~ board ~~for heating, ventilating, and~~ 926
~~air conditioning contractors and for refrigeration contractors;~~ 927
~~the electrical section of the board for electrical contractors;~~ 928
~~the plumbing section of the board for plumbing contractors; and~~ 929
~~both the plumbing section and the heating, ventilating, air~~ 930
~~conditioning, and refrigeration section for hydronics contractors~~ 931
~~may suspend or revoke a license and may direct~~ may take any of the 932
following actions against a licensee who violates Chapter 4740. of 933
the Revised Code: 934

(1) Impose a fine on the licensee, not exceeding one thousand 935
dollars per violation per day; 936

(2) Direct the administrative section to suspend the 937
licensee's license for a period of time the section establishes; 938

(3) Direct the administrative section to revoke the 939

<u>licensee's license;</u>	940
<u>(4) Require the licensee to complete additional continuing education course work. Any continuing education course work completed pursuant to this division may not count toward any other continuing education requirements this chapter establishes.</u>	941 942 943 944
<u>(5) Direct</u> 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:	945 946 947
(1) <u>(a)</u> Been convicted of a misdemeanor involving moral turpitude or a felony;	948 949
(2) <u>(b)</u> Violated any provision of this chapter or the rules adopted pursuant thereto;	950 951
(3) <u>(c)</u> Obtained a license or any order, ruling, or authorization of the board by fraud, misrepresentation, or deception;	952 953 954
(4) <u>(d)</u> Engaged in fraud, misrepresentation, or deception in the conduct of business.	955 956
(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.	957 958 959 960 961 962
(C) The appropriate section of the board may investigate any alleged violation of this chapter or <u>the</u> rules adopted pursuant thereto to it . If, after its <u>an</u> investigation, a section of the board determines that any person has engaged or is engaging in any practice that violates this chapter or the rules adopted pursuant thereto to it , that section may apply to the court of common pleas of the county in which the section determined that the violation	963 964 965 966 967 968 969

occurred or is occurring for an injunction or other appropriate relief to enjoin or terminate the violation.

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

Sec. 4740.101. On receipt of a notice pursuant to section 3123.43 of the Revised Code, the construction industry ~~examining~~ licensing board shall comply with sections 3123.41 to 3123.50 of the Revised Code and any applicable rules adopted under section 3123.63 of the Revised Code with respect to a certificate issued pursuant to this chapter.

Sec. 4740.11. The Ohio construction industry ~~examining~~ licensing board and its sections shall deposit all receipts and fines collected under this chapter into the state treasury to the credit of the industrial compliance operating fund created in section 121.084 of the Revised Code.

Sec. 4740.12. Nothing in this chapter shall be construed to limit the operation of any statute or rule of this state or any ordinance or rule of any political subdivision, district, or agency of the state that does either of the following:

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

(B) Requires the registration and assessment of a registration or license fee of tradespersons who perform heating, ventilating, and air conditioning, refrigeration, electrical,

plumbing, or hydronics construction, improvement, renovation, 999
repair, or maintenance. 1000

Sec. 4740.13. (A) No person shall act as or claim to be a 1001
~~heating, ventilating, and air conditioning contractor,~~ 1002
~~refrigeration contractor, plumbing contractor, electrical~~ 1003
~~contractor, or hydronics~~ a type of contractor that this chapter 1004
licenses unless that person holds or has been assigned a license 1005
issued pursuant to this chapter for the type of contractor that 1006
person is acting as or claiming to be. 1007

~~Contractors~~ (B) Upon the request of the appropriate section 1008
of the Ohio construction industry licensing board, the attorney 1009
general may bring a civil action for appropriate relief, including 1010
but not limited to a temporary restraining order or permanent 1011
injunction in the court of common pleas of the county where the 1012
unlicensed person resides or is acting as or claiming to be a 1013
licensed contractor. 1014

(C) A contractor licensed under this chapter may install, 1015
service, and maintain the related or interfaced control wiring for 1016
equipment and devices related to their specific license, on the 1017
condition that the control wiring is less than twenty-five volts. 1018

(D) A person is not an electrical contractor subject to 1019
licensure under this chapter for work that is limited to the 1020
construction, improvement, renovation, repair, testing, or 1021
maintenance of the following systems using less than fifty volts 1022
of electricity: fire alarm or burglar alarm, cabling, tele-data 1023
sound, communication, and landscape lighting and irrigation. 1024

Sec. 4740.99. Whoever violates division (A) of section 1025
4740.13 of the Revised Code is guilty of a minor misdemeanor on 1026
the first violation and a misdemeanor of the fourth degree on 1027
subsequent violations. 1028

Sec. 5537.07. (A) When the cost to the Ohio turnpike 1029
commission under any contract with a person other than a 1030
governmental agency involves an expenditure of more than ten 1031
thousand dollars, the commission shall make a written contract 1032
with the lowest responsive and responsible bidder in accordance 1033
with section 9.312 of the Revised Code after advertisement for not 1034
less than two consecutive weeks in a newspaper of general 1035
circulation in Franklin county, and in such other publications as 1036
the commission determines, which notice shall state the general 1037
character of the work and the general character of the materials 1038
to be furnished, the place where plans and specifications therefor 1039
may be examined, and the time and place of receiving bids. The 1040
commission may require that the cost estimate for the 1041
construction, demolition, alteration, repair, improvement, 1042
renovation, or reconstruction of roadways and bridges for which 1043
the commission is required to receive bids be kept confidential 1044
and remain confidential until after all bids for the public 1045
improvement have been received or the deadline for receiving bids 1046
has passed. Thereafter, and before opening the bids submitted for 1047
the roadways and bridges, the commission shall make the cost 1048
estimate public knowledge by reading the cost estimate in a public 1049
place. The commission may reject any and all bids. The 1050
requirements of this division do not apply to contracts for the 1051
acquisition of real property or compensation for professional or 1052
other personal services. 1053

(B) Each bid for a contract for construction, demolition, 1054
alteration, repair, improvement, renovation, or reconstruction 1055
shall contain the full name of every person interested in it and 1056
shall meet the requirements of section 153.54 of the Revised Code. 1057

(C) Each bid for a contract, other than for a contract 1058
referred to in division (B) of this section, shall contain the 1059

full name of every person interested in it and shall be 1060
accompanied by a sufficient bond or certified check on a solvent 1061
bank that if the bid is accepted a contract will be entered into 1062
and the performance of its proposal secured. 1063

(D) A bond with good and sufficient surety, approved by the 1064
commission, shall be required of every contractor awarded a 1065
contract, other than a contract referred to in division (B) of 1066
this section, in an amount equal to at least fifty per cent of the 1067
contract price, conditioned upon the faithful performance of the 1068
contract. 1069

Section 2. That existing sections 715.27, 3703.10, 3781.102, 1070
4740.01, 4740.02, 4740.03, 4740.04, 4740.05, 4740.06, 4740.07, 1071
4740.08, 4740.09, 4740.10, 4740.101, 4740.11, 4740.12, 4740.13, 1072
and 5537.07 of the Revised Code are hereby repealed. 1073