

As Introduced

**127th General Assembly
Regular Session
2007-2008**

H. B. No. 483

Representative McGregor, J.

**Cosponsors: Representatives Chandler, Otterman, Hughes, Okey, Foley,
Collier**

—

A BILL

To amend sections 4105.01, 4105.011, 4105.02, 1
4105.03, 4105.04, 4105.07 to 4105.17, 4105.191, 2
4105.20, 4105.21, 4740.01 to 4740.07, 4740.12, and 3
4740.13 and to enact sections 4740.062 and 4
4740.071 of the Revised Code to create the 5
Elevator Section of the Ohio Construction Industry 6
Licensing Board, to require licensure of elevator 7
contractors and elevator mechanics, and to make 8
changes to the laws governing elevator servicing 9
and inspections. 10

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

Section 1. That sections 4105.01, 4105.011, 4105.02, 4105.03, 11
4105.04, 4105.07, 4105.08, 4105.09, 4105.10, 4105.11, 4105.12, 12
4105.13, 4105.14, 4105.15, 4105.16, 4105.17, 4105.191, 4105.20, 13
4105.21, 4740.01, 4740.02, 4740.03, 4740.04, 4740.05, 4740.06, 14
4740.07, 4740.12, and 4740.13 be amended and sections 4740.062 and 15
4740.071 of the Revised Code be enacted to read as follows: 16

Sec. 4105.01. As used in this chapter: 17

(A) "Elevator" means a hoisting and lowering apparatus 18

equipped with a car, cage, or platform which moves on or between 19
permanent rails or guides and serves two or more fixed landings in 20
a building or structure ~~to which section 3781.06 of the Revised~~ 21
~~Code applies.~~ "Elevator" includes dumb-waiters other than 22
hand-powered dumb-waiters, escalators, belt manlifts, moving 23
walks, ~~of the endless belt type~~, other lifting or lowering 24
apparatus permanently installed on or between rails or guides, and 25
all equipment, machinery, and construction related to any 26
elevator; but does not include construction material hoists and 27
other similar temporary lifting or lowering apparatuses, ski 28
lifts, traveling a conveyor belt used for manufacturing that is 29
located within a larger machine, portable amusement rides or 30
devices that are not affixed to a permanent foundation, or 31
nonportable amusement rides or devices that are affixed to a 32
permanent foundation. 33

(B) "Passenger elevator" means an elevator that is designed 34
to carry persons to its contract capacity. 35

(C) "Freight elevator" means an elevator normally used for 36
carrying freight and on which only the operator and employees in 37
the pursuit of their duties, by the permission of the employer, 38
are allowed to ride. 39

(D) "Gravity elevator" means an elevator utilizing gravity to 40
move. 41

(E) "General inspector" means a state inspector examined and 42
hired to inspect nonresidential elevators and lifting apparatus 43
for that state. 44

(F) "Special inspector" means an inspector examined and 45
commissioned by the superintendent ~~of the division~~ of industrial 46
compliance to inspect nonresidential elevators and lifting 47
apparatus in the state. 48

(G) "Inspector" means either a general or special inspector. 49

(H) "Elevator contractor" means any sole proprietor, firm, or corporation, including any form of limited liability organization, that is engaged in the business of erecting, constructing, installing, altering, servicing, repairing, or maintaining elevators and that is licensed by the Ohio construction industry licensing board pursuant to section 4740.06 of the Revised Code.

(I) "Nonresidential elevator" means an elevator located within a nonresidential building.

(J) "Nonresidential building" has the same meaning as in section 3781.06 of the Revised Code.

Sec. 4105.011. The board of building standards, established by section 3781.07 of the Revised Code, shall do all of the following:

(A) Formulate and adopt rules governing the design, construction, repair, alteration, and maintenance of nonresidential elevators. Such rules shall prescribe uniform minimum standards necessary for the protection of the public health and safety and shall follow generally accepted engineering standards, formulae, and practices established and pertaining to such elevator design, construction, repair, alteration, and maintenance. The board ~~may~~ shall adopt existing published standards as well as amendments thereto subsequently published by the same authority.

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

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

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

(C) Adopt other rules in accordance with Chapter 119. of the

Revised Code necessary to carry out this chapter. 80

Sec. 4105.02. No person may act, either as a general 81
inspector or as a special inspector, of nonresidential elevators, 82
unless ~~he~~ the person holds a certificate of competency from the 83
division of industrial compliance. 84

Application for examination as an inspector of nonresidential 85
elevators shall be in writing, accompanied by a fee to be 86
established as provided in section 4105.17 of the Revised Code, 87
and upon a blank to be furnished by the division, stating the 88
school education of the applicant, a list of ~~his~~ the applicant's 89
employers, ~~his~~ the applicant's period of employment, and the 90
position held with each. An applicant shall also submit a letter 91
from one or more of ~~his~~ the applicant's previous employers 92
certifying as to ~~his~~ the applicant's character and experience. 93

Applications shall be rejected which contain any willful 94
falsification or untruthful statements. An applicant, if the 95
division considers ~~his~~ the applicant's history and experience 96
sufficient, shall be examined by the superintendent ~~of the~~ 97
~~division~~ of industrial compliance by a written examination dealing 98
with the construction, installation, operation, maintenance, and 99
repair of nonresidential elevators and their appurtenances, and 100
the applicant shall be accepted or rejected on the merits of ~~his~~ 101
the applicant's application and examination. 102

The superintendent shall issue a certificate of competency in 103
the inspection of nonresidential elevators to any applicant found 104
competent upon examination. A rejected applicant shall be 105
entitled, after the expiration of ninety days and upon payment of 106
an examination fee to be established as provided in section 107
4105.17 of the Revised Code, to another examination. Should an 108
applicant fail to pass the prescribed examination on second trial, 109
~~he~~ the applicant will not be permitted to be an applicant for 110

another examination for a period of one year after the second 111
examination. 112

Sec. 4105.03. The superintendent ~~of the division~~ of 113
industrial compliance, with the consent of the director of 114
commerce, shall hire ~~an assistant~~ a chief elevator inspector who 115
has ~~at least ten years of~~ experience in the inspection, 116
construction, installation, maintenance, and repair of 117
nonresidential elevators and their appurtenances. 118

The superintendent, with the consent of the director of 119
commerce, and in compliance with Chapter 124. of the Revised Code, 120
may appoint and hire general inspectors of nonresidential 121
elevators from the holders of certificates of competency. 122

The superintendent and each general inspector may enter any 123
nonresidential building or room within that building during all 124
reasonable hours to perform an examination or inspection of a 125
nonresidential elevator. 126

Sec. 4105.04. From the holders of certificates of competency 127
in the inspection of nonresidential elevators, any company that is 128
authorized to insure elevators in the state, may designate persons 129
to inspect nonresidential elevators covered by such company's 130
policies, and the department of public safety of any city and the 131
clerk of any village may designate persons to inspect 132
nonresidential elevators in such city or village. Such persons 133
shall, upon the payment of a fee to be established as provided in 134
section 4105.17 of the Revised Code, have issued to them annually 135
by the division of industrial compliance, commissions to serve as 136
special inspectors of nonresidential elevators in the state. 137

Sec. 4105.07. If ~~an~~ a nonresidential elevator is insured by a 138
company authorized to insure elevators in the state, the 139
inspection may be made by a special inspector of such company, and 140

the only fee collectible by the state shall be the certificate fee 141
provided for in section 4105.17 of the Revised Code. 142

Sec. 4105.08. If ~~an~~ a nonresidential elevator is not 143
inspected by a special inspector, the inspection shall be made by 144
a general inspector, and for each inspection there shall be a fee 145
charged as provided in section 4105.17 of the Revised Code. 146

Sec. 4105.09. The owner or user of any nonresidential 147
elevator shall register, with the division of industrial 148
compliance, every nonresidential elevator operated by ~~him~~ the 149
owner or user, giving the type, capacity, and description, name of 150
manufacturer, and purpose for which each is used. Such 151
registration shall be made on a form to be furnished by the 152
division. 153

Sec. 4105.10. (A) Every passenger elevator, escalator, moving 154
walk, and freight elevator, including gravity elevators, that is 155
located in a nonresidential building shall be inspected twice 156
every twelve months. 157

(B) Power dumb-waiters, hoists, and other lifting or lowering 158
apparatus, not designed to carry persons, permanently installed, 159
either on or between rails or guides, and located in a 160
nonresidential building, shall be inspected at least once every 161
twelve months. 162

~~(C) The board of building standards may designate by rule,~~ 163
~~classifications of passenger elevators with a capacity of seven~~ 164
~~hundred fifty pounds or less that shall be inspected once every~~ 165
~~twelve months.~~ 166

Sec. 4105.11. The inspection of nonresidential elevators 167
shall be made by the inspectors authorized in sections 4105.03 and 168
4105.04 of the Revised Code, under the supervision of the 169

superintendent ~~of the division~~ of industrial compliance, and the 170
superintendent shall enforce this chapter and any rules adopted 171
pursuant thereto. 172

Every inspector of nonresidential elevators shall forward to 173
the superintendent a full and complete report of each inspection 174
made of any nonresidential elevator and shall, on the day the 175
inspection is completed, leave a copy of such report with the 176
owner or operator of the nonresidential elevator, or ~~his~~ the 177
owner's or operator's agent or representative. Such report shall 178
indicate the exact condition of the nonresidential elevator and 179
shall list any and all of the provisions of this chapter and any 180
rules adopted pursuant thereto, with which the nonresidential 181
elevator does not comply. Before attempting to enforce, by any 182
remedy, civil or criminal, the provisions with which the inspected 183
nonresidential elevator does not comply, the ~~chief~~ superintendent 184
shall issue an adjudication order within the meaning of Chapter 185
119. of the Revised Code. If an owner or operator fails to allow 186
an inspector access to a nonresidential elevator for purposes of 187
inspection, that failure may be grounds for issuance of an 188
adjudication order in accordance with Chapter 119. of the Revised 189
Code. 190

The approval of construction plans, or an application of 191
specifications under section 4105.16 of the Revised Code is a 192
license, and the failure to approve such plans or specifications 193
by the ~~chief~~ superintendent within sixty days after they are filed 194
is an adjudication order denying the issuance of a license. 195

Every adjudication order shall specify what appliances, site 196
preparations, additions, repairs, or alterations to any 197
nonresidential elevators, plans, materials, assemblages, or 198
procedures are necessary for the same to comply with this chapter, 199
or any rules adopted pursuant thereto. Such adjudication order 200
shall be issued pursuant to Chapter 119. of the Revised Code and 201

shall be effective without prior hearing, within thirty days after 202
the receipt of such order, the owner of the nonresidential 203
elevator specified therein may appeal to the board of building 204
appeals under section 3781.19 of the Revised Code. 205

Notwithstanding the provisions of Chapter 119. of the Revised 206
Code relating to adjudication hearings, a stenographic or 207
mechanical record of the testimony and other evidence submitted 208
before the board of building appeals shall be taken at the expense 209
of the agency. A party adversely affected by an order issued 210
following such adjudication hearing may appeal to the court of 211
common pleas of the county in which ~~he~~ the party is a resident or 212
in which the nonresidential elevator affected by such order is 213
located. The court in such case shall not be confined to the 214
record as certified to it by the agency, but any party may produce 215
additional evidence and the court shall hear the matter upon such 216
record and such additional evidence as is introduced by any party. 217
The court shall not affirm the order of the agency unless the 218
preponderance of the evidence before it supports the 219
reasonableness and lawfulness of such order, and of any rules upon 220
which the order of the agency is based in its application to the 221
facts involved in the appeal. 222

Failure to comply with the requirements of any order issued 223
pursuant to this section or the continued operation of any 224
nonresidential elevator after it has been sealed pursuant to 225
section 4105.21 of the Revised Code is hereby declared a public 226
nuisance. 227

Sec. 4105.12. (A) The superintendent of ~~the division of~~ 228
industrial compliance shall adopt, amend, and repeal rules 229
exclusively for the issuance, renewal, suspension, and revocation 230
of certificates of competency and certificates of operation, for 231
the conduct of hearings related to these actions, and for the 232

inspection of nonresidential elevators. Rules concerning the 233
inspection of nonresidential elevators shall include the standards 234
governing the inspection of nonresidential elevators. 235

(B) Notwithstanding division (A) of this section, the 237
superintendent shall not adopt rules relating to construction, 238
maintenance, and repair of nonresidential elevators. 239

Sec. 4105.13. Every nonresidential elevator shall be 240
constructed, equipped, maintained, and operated, with respect to 241
the supporting members, elevator car, shaftways, guides, cables, 242
doors, and gates, safety stops and mechanism, electrical apparatus 243
and wiring, mechanical apparatus, counterweights, and all other 244
appurtenances, in accordance with state laws and rules as are 245
authorized in respect thereto. Where reasonable safety is obtained 246
without complying to the literal requirements of such rules as in 247
cases of practical difficulty or unnecessary hardship, the literal 248
requirements of such rules shall not be required. ~~The~~ 249
~~superintendent of the division of industrial compliance may permit~~ 250
~~the installation of vertical wheelchair lifts in public buildings~~ 251
~~to provide for handicapped accessibility where such lifts do not~~ 252
~~meet the literal requirements of the rules adopted by the board of~~ 253
~~building standards pursuant to section 4105.011 of the Revised~~ 254
~~Code, provided that reasonable safety may be obtained.~~ 255

Sec. 4105.14. Any person, firm, or corporation operating a 257
passenger elevator located in a nonresidential building shall 258
provide a seat for the use of the operator of such elevator. 259

Any person, firm, or corporation operating a passenger 260
elevator located in a nonresidential building may regulate the use 261
of such seats by the operator. At no time shall a person operating 262

a passenger elevator be compelled to stand a longer period of time 263
than two consecutive hours in any working day. 264

Sec. 4105.15. No certificate of operation for any 265
nonresidential elevator shall be issued by the director of 266
commerce until such nonresidential elevator has been inspected as 267
required by this chapter. Certificates of operation shall be 268
renewed by the owner or user of the nonresidential elevator in 269
accordance with rules adopted by the superintendent of ~~the~~ 270
~~division of~~ industrial compliance pursuant to section 4105.12 of 271
the Revised Code. Certificates of operation shall be kept on the 272
premises where the nonresidential elevator is located and made 273
readily available to inspectors and elevator mechanics. 274

Sec. 4105.16. (A) Before any new installation of ~~an a~~ 275
nonresidential elevator of permanent nature is erected or before 276
any existing nonresidential elevator is removed to and installed 277
in a different location, an elevator contractor shall submit an 278
application of specifications in duplicate ~~shall be submitted~~ to 279
the ~~division~~ superintendent of industrial compliance giving such 280
information concerning the construction, installation, and 281
operation of ~~said the~~ nonresidential elevator as the ~~division~~ 282
superintendent may require on forms to be furnished by the 283
~~division~~ superintendent, together with complete construction plans 284
in duplicate. In all cases where any changes or repairs are made 285
which alter its construction or classification, grade or rated 286
lifting capacity, except when made pursuant to a report of an 287
inspector, an application of specifications in duplicate shall be 288
submitted to the ~~division~~ superintendent, containing such 289
information, or approval, except in those municipal corporations 290
which maintain their own elevator inspection departments, in which 291
event such specifications shall be submitted to the elevator 292
department of the municipal corporation for its approval, and if 293

approved, a permit for the erection or repair of such 294
nonresidential elevator shall be issued by the municipal 295
corporation. Upon approval of such application and construction 296
plans, the superintendent ~~of industrial compliance~~ shall issue a 297
permit for the erection or repair of such nonresidential elevator. 298
A copy of the permit shall be posted at the work site at all times 299
while work is in progress. No new nonresidential elevator shall be 300
operated until completion in accordance with the approved plans 301
and specifications, unless a temporary permit is granted by the 302
~~division~~ superintendent. 303

(B) The final inspection, before operation, of a permanent, 304
new, or repaired nonresidential elevator shall be made by a 305
general inspector or a special inspector designated by the 306
superintendent. 307

(C) The superintendent may revoke a permit issued under 308
division (A) of this section for any of the following reasons: 309

(1) When any false statement or misrepresentation as to a 310
material fact is made regarding the application, plans, or 311
specifications on which the permit is based; 312

(2) When the permit is issued in error and should not have 313
been issued in accordance with this chapter; 314

(3) When the work detailed under the permit is not being 315
performed in accordance with the provisions of the application, 316
plans, or specifications, or within the conditions of the permit; 317

(4) When the elevator contractor to whom the permit is issued 318
fails or refuses to comply with the requirements of a notice 319
related to a sealed nonresidential elevator under section 4105.21 320
of the Revised Code. 321

Sec. 4105.17. (A) The fee for each inspection, or attempted 322
inspection that, due to no fault of a general inspector or the 323

division of industrial compliance, is not successfully completed, 324
by a general inspector before the operation of a permanent new 325
nonresidential elevator prior to the issuance of a certificate of 326
operation, before operation of ~~an~~ a nonresidential elevator being 327
put back into service after a repair, or as a result of ~~the~~ 328
~~operation of~~ section 4105.08 of the Revised Code and is ~~an~~ a 329
nonresidential elevator required to be inspected under this 330
chapter is twenty dollars plus ten dollars for each floor where 331
the nonresidential elevator stops. The superintendent of 332
industrial compliance may assess an additional fee of one hundred 333
twenty-five dollars plus five dollars for each floor where ~~an~~ a 334
nonresidential elevator stops for the reinspection of ~~an~~ a 335
nonresidential elevator when a previous attempt to inspect that 336
nonresidential elevator has been unsuccessful through no fault of 337
a general inspector or the division of industrial compliance. 338

(B) The fee for each inspection, or attempted inspection, 339
that due to no fault of the general inspector or the division of 340
industrial compliance, is not successfully completed by a general 341
inspector before operation of a permanent new nonresidential 342
escalator or nonresidential moving walk prior to the issuance of a 343
certificate of operation, before operation of ~~an~~ a nonresidential 344
escalator or nonresidential moving walk being put back in service 345
after a repair, or as a result of the operation of section 4105.08 346
of the Revised Code is three hundred dollars. The superintendent 347
~~of the division of industrial compliance~~ may assess an additional 348
fee of one hundred fifty dollars for the reinspection of ~~an~~ a 349
nonresidential escalator or nonresidential moving walk when a 350
previous attempt to inspect that nonresidential escalator or 351
nonresidential moving walk has been unsuccessful through no fault 352
of the general inspector or the division of industrial compliance. 353

(C) The fee for issuing or renewing a certificate of 354
operation under section 4105.15 of the Revised Code for ~~an~~ a 355

nonresidential elevator that is inspected every six months in 356
accordance with division (A) of section 4105.10 of the Revised 357
Code is two hundred dollars plus ten dollars for each floor where 358
the nonresidential elevator stops, except where the nonresidential 359
elevator has been inspected by a special inspector in accordance 360
with section 4105.07 of the Revised Code. 361

(D) The fee for issuing or renewing a certificate of 362
operation under section 4105.05 of the Revised Code for ~~an~~ a 363
nonresidential elevator that is inspected every twelve months in 364
accordance with division (A) of section 4105.10 of the Revised 365
Code is fifty-five dollars plus ten dollars for each floor where 366
the nonresidential elevator stops, except where the nonresidential 367
elevator has been inspected by a special inspector in accordance 368
with section 4105.07 of the Revised Code. 369

(E) The fee for issuing or renewing a certificate of 370
operation under section 4105.15 of the Revised Code for ~~an~~ a 371
nonresidential escalator or a nonresidential moving walk is three 372
hundred dollars, except where the nonresidential escalator or 373
nonresidential moving walk has been inspected by a special 374
inspector in accordance section 4105.07 of the Revised Code. 375

(F) All other fees to be charged for any examination given or 376
other service performed by the division of industrial compliance 377
pursuant to this chapter shall be prescribed by the director of 378
commerce. The fees shall be reasonably related to the costs of 379
such examination or other service. 380

(G) The director ~~of commerce~~, subject to the approval of the 381
controlling board, may establish fees in excess of the fees 382
provided in divisions (A), (B), (C), (D), and (E) of this section. 383
Any moneys collected under this section shall be paid into the 384
state treasury to the credit of the industrial compliance 385
operating fund created in section 121.084 of the Revised Code. 386

(H) Any person who fails to pay an inspection fee required 388
for any inspection conducted by the division pursuant to this 389
chapter within forty-five days after the inspection is conducted 390
shall pay a late payment fee equal to twenty-five per cent of the 391
inspection fee. 392

(I) In addition to the fees assessed in divisions (A), (B), 393
(C), (D), and (E) of this section, the board of building standards 394
shall assess a fee of three dollars and twenty-five cents for each 395
certificate of operation or renewal thereof issued under divisions 396
(A), (B), (C), (D), or (E) of this section and for each permit 397
issued under section 4105.16 of the Revised Code. The board shall 398
adopt rules, in accordance with Chapter 119. of the Revised Code, 399
specifying the manner by which the superintendent ~~of industrial~~ 400
~~compliance~~ shall collect and remit to the board the fees assessed 401
under this division and requiring that remittance of the fees be 402
made at least quarterly. 403

(J) For purposes of this section: 404

(1) "~~Escalator~~ Nonresidential escalator" means a power 405
driven, inclined, continuous stairway used for raising or lowering 406
passengers that is located in a nonresidential building. 407

(2) "~~Moving~~ Nonresidential moving walk" means a passenger 408
carrying device on which passengers stand or walk, with a 409
passenger carrying surface that is uninterrupted and remains 410
parallel to its direction of motion that is located in a 411
nonresidential building. 412

Sec. 4105.191. Any person owning or operating any 413
nonresidential elevator subject to this chapter shall file a 414
written report with the superintendent ~~of the division~~ of 415
industrial compliance within seventy-two hours after the 416
occurrence of any accident involving such nonresidential elevator 417
which results in death or bodily injury to any person. 418

Sec. 4105.20. No person shall violate any law relative to the 419
operation, construction, maintenance, and repair of nonresidential 420
elevators. All fines collected for violation of this section shall 421
be forwarded to the superintendent ~~of the division~~ of industrial 422
compliance, who shall pay them into the state treasury to the 423
credit of the industrial compliance operating fund created in 424
section 121.084 of the Revised Code. 425

Sec. 4105.21. The superintendent ~~of the division~~ of 426
industrial compliance shall enforce the provisions of this chapter 427
that govern nonresidential elevators. If the superintendent or a 428
general inspector of nonresidential elevators finds that ~~an~~ a 429
nonresidential elevator or a part thereof does not afford 430
reasonable safety as required by section 4105.13 of the Revised 431
Code, the superintendent or the general inspector may seal such 432
nonresidential elevator and post a notice thereon prohibiting 433
further use of ~~the~~ that nonresidential elevator until the changes 434
or alterations set forth in the notice have been made to the 435
satisfaction of the superintendent or the inspector. The notice 436
shall contain a statement that operators or passengers are subject 437
to injury by its continued use, a description of the alteration or 438
other change necessary to be made in order to secure safety of 439
operation, date of such notice, name and signature of the 440
superintendent or inspector issuing the notice. 441

If an owner or an operator of a nonresidential elevator fails 442
to provide access to the superintendent or a general inspector to 443
that nonresidential elevator, that failure may be considered 444
grounds to determine that that nonresidential elevator does not 445
afford reasonable safety as required by section 4105.13 of the 446
Revised Code. 447

Sec. 4740.01. As used in this chapter: 448

(A) "License" means a license the Ohio construction industry
licensing board issues to an individual as a heating, ventilating,
and air conditioning contractor, refrigeration contractor,
electrical contractor, plumbing contractor, ~~or~~ hydronics
contractor, elevator contractor, or elevator mechanic.

(B) "Contractor" means any individual or business entity that
satisfies both of the following:

(1) For compensation, directs, supervises, or has
responsibility for the means, method, and manner of construction,
improvement, renovation, repair, or maintenance on a construction
project with respect to one or more trades and who offers,
identifies, advertises, or otherwise holds out or represents that
the individual or business entity is permitted or qualified to
perform, direct, supervise, or have responsibility for the means,
method, and manner of construction, improvement, renovation,
repair, or maintenance with respect to one or more trades on a
construction project;

(2) Performs or employs tradespersons who perform
construction, improvement, renovation, repair, or maintenance on a
construction project with respect to the contractor's trades.

(C) "Licensed trade" means a trade performed by a heating,
ventilating, and air conditioning contractor, a refrigeration
contractor, an electrical contractor, a plumbing contractor, ~~or~~ a
hydronics contractor, an elevator contractor, or an elevator
mechanic.

(D) "Tradesperson" means an individual employed by a
contractor who engages in construction, improvement, renovation,
repair, or maintenance of buildings or structures without assuming
responsibility for the means, method, or manner of that
construction, improvement, renovation, repair, or maintenance.
"Tradesperson" does not mean an elevator mechanic.

(E) "Construction project" means a construction project 480
involving a building or structure subject to Chapter 3781. of the 481
Revised Code and the rules adopted under that chapter, but not an 482
industrialized unit or a residential building as defined in 483
section 3781.06 of the Revised Code. 484

(F) "Elevator contractor" means any sole proprietor, firm, or 485
corporation, including any form of limited liability organization, 486
that is engaged in the business of erecting, constructing, 487
installing, altering, servicing, repairing, or maintaining 488
elevators. 489

(G) "Elevator mechanic" means any individual who is engaged 490
in erecting, constructing, installing, altering, servicing, 491
repairing, or maintaining elevators. 492

(H) "Elevator helper or apprentice" means an individual who 493
works under the general direction of an elevator mechanic licensed 494
under section 4740.06 of the Revised Code. 495

(I) "Elevator" has the same meaning as in section 4105.01 of 496
the Revised Code. 497

Sec. 4740.02. (A) There is hereby created within the 498
department of commerce, the Ohio construction industry licensing 499
board, consisting of ~~seventeen~~ twenty-two residents of this state. 500
The board shall have an administrative section, a plumbing 501
section, an electrical section, an elevator section, and a 502
heating, ventilating, air conditioning, and refrigeration section. 503
The director of commerce shall appoint all members of the board. 504
The director or the director's designee shall serve as a member of 505
the administrative section and the director shall appoint to the 506
section to represent the public, one member who is not a member of 507
any group certified by any section of the board. Each section, 508
other than the administrative section, shall annually elect a 509
member of its section to serve a one-year term on the 510

administrative section. 511

(B) The plumbing section consists of five members, one of 512
whom is a plumbing inspector employed by the department of 513
commerce, a municipal corporation, or a health district, two of 514
whom are plumbing contractors who have no affiliation with any 515
union representing plumbers, and two of whom are plumbing 516
contractors who are signatories to agreements with unions 517
representing plumbers. 518

The plumbing section has primary responsibility for the 519
licensure of plumbing contractors and hydronics contractors. 520

(C) The electrical section consists of five members, one of 521
whom is an electrical inspector employed by the department of 522
commerce, a municipal corporation, or a county, two of whom are 523
electrical contractors who have no affiliation with any union 524
representing electricians, and two of whom are electrical 525
contractors who are signatories to agreements with unions 526
representing electricians. 527

The electrical section has primary responsibility for the 528
licensure of electrical contractors. 529

(D) The heating, ventilating, air conditioning, and 530
refrigeration section consists of five members, one of whom is a 531
heating, ventilating, air conditioning, and refrigeration 532
inspector employed by either the department of commerce or a 533
municipal corporation; two of whom are heating, ventilating, and 534
air conditioning contractors or refrigeration contractors who have 535
no affiliation with any union representing heating, ventilating, 536
and air conditioning tradespersons or refrigeration tradespersons; 537
and two of whom are heating, ventilating, and air conditioning 538
contractors or refrigeration contractors who are signatories to 539
agreements with unions representing heating, ventilating, and air 540
conditioning tradespersons or refrigeration tradespersons. 541

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

~~(E) Within ninety days after July 31, 1992, initial appointments shall be made to the board. Of the initial appointments to the board, two appointments in each section, other than the administrative section, are for terms ending one year after July 31, 1992, and two are for terms ending two years after July 31, 1992. All other appointments to the board are for terms ending three years after July 31, 1992. Thereafter, terms~~ The elevator section consists of five members. One member shall be the superintendent of industrial compliance or a designee of the superintendent, and the director shall appoint the remaining four members. One of the appointed members shall be an elevator mechanic; one shall be a representative of a union representing elevator mechanics; one shall be an elevator contractor who is not affiliated with any unions representing elevator mechanics; and one shall be an elevator contractor who is a signatory to agreements made with unions representing elevator mechanics.

The elevator section has primary responsibility for the licensure of elevator contractors and elevator mechanics.

(F) Terms of office for the members of each section other than the administrative section are for three years, with each term ending on the same thirty-first day of the same month of the year as did the term that it succeeds July. Each member shall hold office from the date of appointment until the end of the term for which the member was appointed. Members may be reappointed. Vacancies shall be filled in the manner provided for original appointments. Any member appointed to fill a vacancy occurring prior to the expiration 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 574
subsequent to the expiration of a term until a successor takes 575
office or until a period of sixty days has elapsed, whichever 576
occurs first. 577

~~(F)~~(G) Before entering upon the discharge of official duties, 578
each member shall take, and file with the secretary of state, the 579
oath of office required by Section 7 of Article XV, Ohio 580
Constitution. 581

~~(G)~~(H) Each member, except for the director or the director's 582
designee or the superintendent or the superintendent's designee, 583
shall receive a per diem amount fixed pursuant to section 124.15 584
of the Revised Code when actually attending to matters of the 585
board and for the time spent in necessary travel, and all actual 586
and necessary expenses incurred in the discharge of official 587
duties. 588

~~(H)~~(I) The director ~~of commerce~~ may remove any member of the 589
board the director appoints for malfeasance, misfeasance, or 590
nonfeasance. 591

~~(I)~~(J) Membership on the board and holding any office of the 592
board does not constitute holding a public office or employment 593
within the meaning of any section of the Revised Code, or an 594
interest, either direct or indirect, in a contract or expenditure 595
of money by the state or any municipal corporation, township, 596
special district, school district, county, or other political 597
subdivision. No member or officer of the board is disqualified 598
from holding any public office or employment nor shall the officer 599
or member forfeit any public office or employment by reason of 600
holding a position as an officer or member of the board. 601

~~(J)~~(K) The board, and each section of the board, shall meet 602
only after adequate advance notice of the meeting has been given 603
to each member of the board or section, as appropriate. 604

Sec. 4740.03. (A) The administrative section of the Ohio 605
construction industry licensing board annually shall elect from 606
among its members a chairperson and other officers as the board, 607
by rule, designates. The chairperson shall preside over meetings 608
of the administrative section or designate another member to 609
preside in the chairperson's absence. The chairperson shall not 610
vote on matters that come before the administrative section. The 611
administrative section shall hold at least two regular meetings 612
each year, but may meet at additional times as specified by rule, 613
at the call of the chairperson, or upon the request of two or more 614
members. A majority of the voting members of the administrative 615
section constitutes a quorum for the transaction of all business. 616
The administrative section may not take any action without the 617
concurrence of at least three of its voting members. 618

(B)(1) The administrative section shall employ a secretary, 619
who is not a member of the board, to serve at the pleasure of the 620
administrative section, and shall fix the compensation of the 621
secretary. The secretary shall be in the unclassified civil 622
service of the state. 623

(2) The secretary shall do all of the following: 624

(a) Keep or set standards for and delegate to another person 625
the keeping of the minutes, books, and other records and files of 626
the board and each section of the board; 627

(b) Issue all licenses in the name of the board; 628

(c) Send out all notices, including advance notices of 629
meetings of the board and each section of the board, and attend to 630
all correspondence of the board and each section of the board, 631
under the direction of the administrative section; 632

(d) Receive and deposit all fees payable pursuant to this 633
chapter into the industrial compliance operating fund created 634

pursuant to section 121.084 of the Revised Code; 635

(e) Perform all other duties incidental to the office of the 636
secretary or properly assigned to the secretary by the 637
administrative section of the board. 638

(3) Before entering upon the discharge of the duties of the 639
secretary, the secretary shall file with the treasurer of state a 640
bond in the sum of five thousand dollars, payable to the state, to 641
ensure the faithful performance of the secretary's duties. The 642
board shall pay the premium of the bond in the same manner as it 643
pays other expenditures of the board. 644

(C) Upon the request of the administrative section of the 645
board, the director of commerce shall supply the board and its 646
sections with personnel, office space, and supplies, as the 647
director determines appropriate. The administrative section of the 648
board shall employ any additional staff it considers necessary and 649
appropriate. 650

(D) The chairperson of the board or the secretary, or both, 651
as authorized by the board, shall approve all vouchers of the 652
board. 653

Sec. 4740.04. The administrative section of the Ohio 654
construction industry licensing board is responsible for the 655
administration of this chapter and shall do all of the following: 656

(A) Schedule the contractor examinations each of the other 657
sections of the board directs. Each type of examination shall be 658
held at least four times per year. 659

(B) Select and contract with one or more persons to do all of 660
the following relative to the examinations: 661

(1) Prepare, administer, score, and maintain the 662
confidentiality of the examinations; 663

(2) Be responsible for all the expenses required to fulfill 664

division (B)(1) of this section; 665

(3) Charge an applicant a fee in an amount the administrative 666
section of the board authorizes for administering the examination; 667
668

(4) Design the examination for each type of contractor to 669
determine an applicant's competence to perform that type of 670
contracting and design the examination an individual applying for 671
a license as an elevator mechanic must pass if the applicant, in 672
satisfying the conditions for licensure set forth in division (D) 673
of section 4740.06 of the Revised Code, elects to comply with 674
divisions (D)(2)(a) and (3) of that section. 675

(C) Issue and renew licenses as follows: 676

(1) Issue a license to any individual who the appropriate 677
section of the board determines is qualified pursuant to section 678
4740.06 or 4740.062 of the Revised Code to hold a license and has 679
attained a score on the examination that the appropriate section 680
authorizes for the licensed trade, as applicable. 681

(a) Each license shall include a license number and an 682
expiration date. 683

(b) Each license issued to an individual who holds more than 684
one valid license shall contain the same license number and 685
expiration date as the original license issued to that individual. 686

(2) Renew licenses for individuals who meet the renewal 687
requirements of section 4740.06 or 4740.062 of the Revised Code. 688

(D) Make an annual written report to the director of commerce 689
on proceedings had by or before the board for the previous year 690
and make an annual statement of all money received and expended by 691
the board during the year; 692

(E) Keep a record containing the name, address, the date on 693
which the board issues or renews a license to, and the license 694

number of, every heating, ventilating, and air conditioning 695
contractor, refrigeration contractor, electrical contractor, 696
plumbing contractor, ~~and~~ hydronics contractor, elevator 697
contractor, and elevator mechanic issued a license pursuant to 698
this chapter; 699

(F) Regulate a contractor's, elevator contractor's, or 700
elevator mechanics' use and display of a license issued pursuant 701
to this chapter and of any information contained in that license; 702

(G) Adopt rules in accordance with Chapter 119. of the 703
Revised Code as necessary to properly discharge the administrative 704
section's duties under this chapter. The rules shall include, but 705
not be limited to, the following: 706

(1) Application procedures for examinations; 707

(2) Specifications for continuing education requirements for 708
license renewal that address all of the following: 709

(a) A requirement that an individual who holds any number of 710
valid and unexpired licenses accrue a total of ten hours of 711
continuing education courses per year; 712

(b) Fees the board charges to persons who provide continuing 713
education courses, in an amount of twenty-five dollars annually 714
for each person approved to provide courses, not more than ten 715
dollars plus one dollar per credit hour for each course offered, 716
and one dollar per credit hour of instruction per attendee; 717

(c) A provision limiting approval of continuing education 718
courses to one year. 719

(3) Requirements for criminal records checks of applicants 720
under section 4776.03 of the Revised Code. 721

(H) Adopt any continuing education curriculum as the other 722
sections of the board establish or approve pursuant to division 723
(C) of section 4740.05 of the Revised Code; 724

(I) Keep a record of its proceedings and do all things 725
necessary to carry out this chapter. 726

Sec. 4740.05. (A) Each section of the Ohio construction 727
industry licensing board, other than the administrative section, 728
shall do all of the following: 729

(1) Adopt rules in accordance with Chapter 119. of the 730
Revised Code that are limited to the following: 731

(a) Criteria for the section to use in evaluating the 732
qualifications of an individual; 733

(b) Criteria for the section to use in deciding whether to 734
authorize the administrative section to issue, renew, suspend, 735
revoke, or refuse to issue or renew a license; 736

(c) The determinations and approvals the section makes under 737
the reciprocity provision of section 4740.08 of the Revised Code; 738

(d) Criteria for continuing education courses conducted 739
pursuant to this chapter; 740

(e) A requirement that persons seeking approval to provide 741
continuing education courses submit the required information to 742
the appropriate section of the board at least thirty days, but not 743
more than one year, prior to the date on which the course is 744
proposed to be offered; 745

(f) A prohibition against any person providing a continuing 746
education course unless the administrative section of the board 747
approved that person not more than one year prior to the date the 748
course is offered. 749

(2) Investigate allegations in reference to violations of 750
this chapter and the rules adopted pursuant to it that pertain to 751
the section and determine by rule a procedure to conduct 752
investigations and hearings on these allegations; 753

(3) Maintain a record of its proceedings; 754

(4) Grant approval to a person to offer continuing education 755
courses pursuant to rules the board adopts; 756

(5) As required, do all things necessary to carry out this 757
chapter. 758

(B) In accordance with rules they establish, the trade 759
sections of the board shall authorize the administrative section 760
to issue, renew, suspend, revoke, or refuse to issue or renew 761
licenses for the classes of contractors for which each has primary 762
responsibility as set forth in section 4740.02 of the Revised Code 763
and, with respect to the elevator section, elevator contractors 764
and elevator mechanics. 765

(C) Each trade section of the board shall establish or 766
approve a continuing education curriculum for license renewal for 767
each class of contractors for which the section has primary 768
responsibility and, with respect to the elevator section, elevator 769
contractors, and elevator mechanics. No curriculum may require 770
more than five hours per year in specific course requirements. No 771
contractor, elevator contractor, or elevator mechanic may be 772
required to take more than ten hours per year in continuing 773
education courses. The ten hours shall be the aggregate of hours 774
of continuing education for all licenses the contractor, elevator 775
contractor, or elevator mechanic holds. 776

Sec. 4740.06. (A) ~~Any~~ Except as provided in divisions (C) and 777
(D) of this section, any individual who applies for a license 778
shall file a written application with the appropriate section of 779
the Ohio construction industry licensing board, accompanied with 780
the application fee as determined pursuant to section 4740.09 of 781
the Revised Code. The individual shall file the application not 782
more than sixty days nor less than thirty days prior to the date 783
of the examination. The application shall be on the form the 784

section prescribes and verified by the applicant's oath. The 785
applicant shall provide information satisfactory to the section 786
showing that the applicant meets the requirements of division (B) 787
of this section. 788

(B) To qualify to take an examination, an individual shall: 789

(1) Be at least eighteen years of age; 790

(2) Be a United States citizen or legal alien who produces 791
valid documentation to demonstrate the individual is a legal 792
resident of the United States; 793

(3) Either have been a tradesperson in the type of licensed 794
trade for which the application is filed for not less than five 795
years immediately prior to the date the application is filed, be a 796
currently registered engineer in this state with three years of 797
business experience in the construction industry in the trade for 798
which the engineer is applying to take an examination, or have 799
other experience acceptable to the appropriate section of the 800
board; 801

(4) Maintain contractor's liability insurance, including 802
without limitation, complete operations coverage, in an amount the 803
appropriate section of the board determines; 804

(5) Not have done any of the following: 805

(a) Been convicted of or pleaded guilty to a misdemeanor 806
involving moral turpitude or of any felony; 807

(b) Violated this chapter or any rule adopted pursuant to it; 808

(c) Obtained or renewed a license issued pursuant to this 809
chapter, or any order, ruling, or authorization of the board or a 810
section of the board by fraud, misrepresentation, or deception; 811

(d) Engaged in fraud, misrepresentation, or deception in the 812
conduct of business. 813

(C) Any individual who applies for a license as an elevator contractor shall file a written application with the elevator section of the board, accompanied by the application fee as determined pursuant to section 4740.09 of the Revised Code. The application shall be on the form the elevator section prescribes and the accuracy of the information contained in the application shall be verified by the applicant's oath. The applicant shall provide all of the following information on the form: 814
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(1) The name, residence address, and primary business address of the applicant; 822
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(2) The type of business entity under which the applicant is organized. If organized as a partnership, the applicant shall provide the name and residence address of each partner. If organized as a corporation, the applicant shall provide the name and business address of the corporation, the name and residence address of the principal officer of the corporation, and the name and business address of an agent located in the state who is authorized to accept service of process on behalf of the corporation. 824
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(3) The approximate number of elevator mechanics to be employed by the elevator contractor and evidence satisfactory to the elevator section that the applicant is in compliance with Chapters 4121. and 4123. of the Revised Code; 833
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836

(4) Evidence satisfactory to the elevator section that the applicant maintains liability insurance coverage for each elevator mechanic the applicant employs in an amount the elevator section determines is appropriate; 837
838
839
840

(5) Other information that the elevator section may require. 841

(D)(1) Any individual who applies for a license as an elevator mechanic shall file a written application with the elevator section of the board, accompanied by the application fee 842
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844

as determined pursuant to section 4740.09 of the Revised Code. The 845
application shall be on the form the elevator section prescribes 846
and the accuracy of the information contained in the application 847
shall be verified by the applicant's oath. The application shall 848
include all of the following information: 849

(a) The level of education of the applicant; 850

(b) A list of the applicant's employers; 851

(c) The applicant's period of employment, and the position 852
held with each employer; 853

(d) A complete list of criminal convictions, if any, of the 854
applicant; 855

(e) Other information that the elevator section may require. 856

(2) An applicant for a license as an elevator mechanic shall 857
submit one of the following with the applicant's application: 858

(a) A letter from one or more of the applicant's previous 859
employers that satisfactorily demonstrates to the elevator section 860
that the applicant has at least three years of experience in the 861
elevator industry, including construction, maintenance, service, 862
or repair of elevators, or any combination thereof; 863

(b) A copy of the applicant's certificate of completion of a 864
nationally recognized training program approved by the elevator 865
section pursuant to rules adopted by the elevator section and 866
evidence that the applicant successfully passed a nationally 867
recognized examination approved by the elevator section pursuant 868
to rules adopted by the elevator section; 869

(c) A copy of the applicant's certificate of completion of an 870
apprenticeship program for elevator mechanics that satisfies the 871
requirements the elevator section establishes in rules the section 872
adopts and is registered with the United States department of 873
labor, bureau of apprenticeship training or the Ohio 874

apprenticeship council. 875

(3) An applicant for a license as an elevator mechanic who 876
submits a letter described in division (D)(2)(a) of this section 877
to comply with the requirements of division (D)(2) of this section 878
also shall submit with the applicant's application proof of having 879
passed the examination described in division (B)(4) of section 880
4740.04 of the Revised Code. 881

(E) When an applicant for licensure as a contractor in a 882
licensed trade other than as an elevator contractor or elevator 883
mechanic meets the qualifications set forth in division (B) of 884
this section and passes the required examination, the appropriate 885
section of the board, within ninety days after the application was 886
filed, shall authorize the administrative section of the board to 887
license the applicant for the type of contractor's license for 888
which the applicant qualifies. When an applicant for licensure as 889
an elevator contractor satisfies the qualifications set forth in 890
division (C) of this section, the elevator section, within ninety 891
days after the application was filed, shall authorize the 892
administrative section of the board to license the applicant. When 893
an applicant for licensure as an elevator mechanic satisfies the 894
conditions set forth in division (D) of this section, the elevator 895
section, within ninety days after the application was filed, shall 896
authorize the administrative section of the board to issue a 897
license to the applicant. A section of the board may withdraw its 898
authorization to the administrative section for issuance of a 899
license for good cause shown, on the condition that notice of that 900
withdrawal is given prior to the administrative section's issuance 901
of the license. 902

~~(D)~~(F) All licenses a contractor, an elevator contractor, or 903
an elevator mechanic holds pursuant to this chapter shall expire 904
annually on the same date, which shall be the expiration date of 905
the original license the contractor holds. An individual holding a 906

valid, unexpired license may renew the license, without 907
reexamination, by submitting an application to the appropriate 908
section of the board not more than ninety calendar days before the 909
expiration of the license, along with the renewal fee the section 910
requires and proof of compliance with the applicable continuing 911
education requirements. The applicant shall provide information in 912
the renewal application satisfactory to demonstrate to the 913
appropriate section that the applicant continues to meet the 914
requirements of division (B), (C), or (D) of this section, as 915
applicable. 916

Upon application and within one calendar year after a license 917
has expired, a section may waive any of the requirements for 918
renewal of a license upon finding that an applicant substantially 919
meets the renewal requirements or that failure to timely apply for 920
renewal is due to excusable neglect. A section that waives 921
requirements for renewal of a license may impose conditions upon 922
the licensee and assess a late filing fee of not more than double 923
the usual renewal fee. An applicant shall satisfy any condition 924
the section imposes before a license is reissued. 925

~~(E)~~(G) An individual holding a valid license may request the 926
section of the board that authorized that license to place the 927
license in inactive status under conditions, and for a period of 928
time, as that section determines. 929

~~(F)~~(H) Except for the ninety-day extension provided for a 930
license assigned to a business entity under division (D) of 931
section 4740.07 of the Revised Code, a license held by an 932
individual immediately terminates upon the death of the 933
individual. 934

~~(G)~~(I) Nothing in any license issued by the Ohio construction 935
industry licensing board shall be construed to limit or eliminate 936
any requirement of or any license issued by the Ohio fire marshal. 937

Sec. 4740.062. (A) Notwithstanding section 4740.06 of the 938
Revised Code, in the event that the governor declares the state of 939
Ohio to be in a state of emergency due to a natural disaster or a 940
mass work stoppage that results in an insufficient number of 941
licensed elevator mechanics required to safely inspect or erect, 942
construct, install, alter, service, repair, or maintain elevators 943
in this state, the elevator section of the Ohio construction 944
industry licensing board shall issue temporary emergency elevator 945
mechanic licenses to qualified individuals. 946

(B) An individual may qualify to receive a temporary 947
emergency elevator mechanic license under division (A) of this 948
section or a temporary elevator mechanic license under division 949
(D) of this section if the individual satisfies the following 950
requirements: 951

(1) Applies to the elevator section on a form provided by the 952
elevator section to receive a temporary emergency elevator 953
mechanic license or temporary elevator mechanic license, as 954
applicable; 955

(2) Provides to the elevator section written documentation 956
obtained from a licensed elevator contractor attesting to the fact 957
that the applicant possesses a sufficient amount of education and 958
documented experience to perform elevator mechanic work without 959
direct supervision; 960

(3) Provides to the elevator section any other information 961
the elevator section requires. 962

(C) The elevator section shall direct the administrative 963
section of the board to issue a temporary emergency elevator 964
mechanic license to an individual who completes an application to 965
the satisfaction of the elevator section and meets the other 966
requirements of division (B) of this section. The temporary 967
emergency elevator mechanic license is valid for a period of not 968

more than forty-five days after the date it is issued. The 969
elevator section may renew the temporary emergency elevator 970
mechanic license for an additional period of thirty days upon the 971
license holder's request in the event that the state of emergency 972
is still in effect at the time of the request. No fees shall be 973
charged for the issuance or renewal of a temporary emergency 974
elevator mechanic license under this division. 975

(D) A licensed elevator contractor shall notify the elevator 976
section of the licensed elevator contractor's inability to secure 977
a qualified workforce in the event that the licensed elevator 978
contractor is unable to locate available elevator mechanics that 979
hold licenses issued pursuant to section 4740.06 of the Revised 980
Code. If the elevator section determines that there is a shortage 981
of elevator mechanics who hold licenses, the elevator section 982
shall direct the administrative section to issue a temporary 983
elevator mechanic license to an individual who completes an 984
application to the satisfaction of the elevator section and meets 985
the other requirements of division (B) of this section. The 986
temporary elevator mechanic license is valid for a period of not 987
more than one year after the date it is issued and remains valid 988
only while a licensed elevator contractor employs the temporary 989
license holder. The elevator section may renew the temporary 990
elevator mechanic license on an annual basis upon the license 991
holder's request in the event that the elevator section determines 992
that there continues to be a shortage of elevator mechanics who 993
hold licenses at the time of the request. If the elevator section 994
determines that a shortage of elevator mechanics no longer exists 995
and an individual licensed pursuant to this division wishes to 996
continue providing services as an elevator mechanic, the 997
individual shall apply for a license under division (D) of section 998
4740.06 of the Revised Code. The elevator section shall determine 999
the fees for the initial issuance of a temporary elevator mechanic 1000
license and the renewal fee for that license in accordance with 1001

section 4740.09 of the Revised Code. 1002

Sec. 4740.07. (A) Except as otherwise provided in this 1003
section, the administrative section of the Ohio construction 1004
industry licensing board shall issue and renew all licenses under 1005
this chapter in the name of the individual who meets the 1006
requirements of section 4740.06 of the Revised Code. 1007

(B) ~~Any~~ Except for an individual who applies for or holds a 1008
license as an elevator mechanic, temporary emergency elevator 1009
mechanic, or a temporary elevator mechanic issued by the board 1010
pursuant to section 4740.06 or 4740.062 of the Revised Code, any 1011
individual may request, at the time of applying for a license or 1012
at any time thereafter, that the individual's license be assigned 1013
to a business entity with whom the individual is associated as a 1014
full-time officer, proprietor, partner, or employee. If the 1015
individual is issued or holds a license and meets the requirements 1016
of this section for the assignment of the license to a business 1017
entity, the administrative section shall assign the license to and 1018
issue a license in the name of the business entity. The license 1019
assigned and issued to a business entity under this division shall 1020
state the name and position of the individual who assigned the 1021
license to the business entity. 1022

(C) During the period a business entity holds a license 1023
issued under division (B) of this section, the administrative 1024
section shall not issue another license to the individual who 1025
assigned the license to the business entity for the same type of 1026
contracting for which the business entity utilizes the assigned 1027
license. 1028

(D)(1) If an individual who assigned a license to a business 1029
entity ceases to be associated with the business entity for any 1030
reason, including the death of the individual, the individual or 1031
business entity immediately shall notify the appropriate section 1032

of the board of the date on which the individual ceased to be 1033
associated with the business entity. A license assigned to a 1034
business entity is invalid ninety calendar days after the date on 1035
which the individual who assigned the license ceases to be 1036
associated with the business entity or at an earlier time to which 1037
the business entity and the individual agree. 1038

(2) If a license assigned to a business entity becomes 1039
invalid pursuant to division (D)(1) of this section and another 1040
individual has assigned a license to the business entity for the 1041
same type of contracting for which the invalidated license had 1042
been assigned, the business entity may continue to operate under 1043
the other assigned license. 1044

(E) Any work a business entity conducts under a license 1045
assigned under this section is deemed to be conducted under the 1046
personal supervision of the individual named in the license and 1047
any violation of any term of the license is deemed to have been 1048
committed by the individual named in the license. 1049

For the period of time during which more than one license for 1050
the same type of contracting is assigned to a business entity, any 1051
work the business entity conducts under any of those licenses is 1052
deemed to be conducted under the personal supervision of the 1053
individuals named in those licenses and any violation of any term 1054
of any license is deemed to have been committed by the individuals 1055
named in all of the licenses. 1056

(F) No individual who assigns a license to a business entity 1057
shall assign a license for the same type of contracting to another 1058
business entity until the original license assigned is invalid 1059
pursuant to division (D) of this section. 1060

(G) Any individual who assigns a license to a business entity 1061
under this section shall be actively engaged in business as the 1062
type of contractor for which the license is issued and be readily 1063

available for consultation with the business entity to which the license is assigned.

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

Sec. 4740.071. No elevator contractor licensed under section 4740.06 or 4740.08 of the Revised Code shall use the elevator contractor's liability insurance policy to cover an elevator mechanic who erects, constructs, installs, alters, services, repairs, or maintains an elevator unless the elevator mechanic is performing those activities as an employee of the elevator contractor.

Sec. 4740.12. (A) No political subdivision, district, or agency of the state may adopt an ordinance or rule that requires contractor registration and the assessment of a registration or license fee unless that ordinance or rule also requires any contractor, elevator contractor, or elevator mechanic who registers and pays the registration or license fee to be licensed in the contractor's trade or as an elevator contractor or elevator mechanic pursuant to this chapter.

(B) Except as provided in division (A) of this section, 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:

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

(2) Requires the registration and assessment of a registration or license fee of tradespersons who perform heating,

ventilating, and air conditioning, refrigeration, electrical, 1094
plumbing, or hydronics construction, improvement, renovation, 1095
repair, or maintenance. 1096

Sec. 4740.13. (A)(1) No person shall act as or claim to be a 1097
type of contractor that this chapter licenses unless that person 1098
holds or has been assigned a license issued pursuant to this 1099
chapter for the type of contractor that person is acting as or 1100
claiming to be. 1101

(2) No person shall act or claim to be an elevator contractor 1102
or elevator mechanic unless that person holds a license issued by 1103
the Ohio construction industry licensing board pursuant to section 1104
4740.06 or 4740.062 of the Revised Code. 1105

(B) Upon the request of the appropriate section of the ~~Ohio~~ 1106
~~construction industry licensing~~ board, the attorney general may 1107
bring a civil action for appropriate relief, including but not 1108
limited to a temporary restraining order or permanent injunction 1109
in the court of common pleas of the county where the unlicensed 1110
person resides or is acting as or claiming to be a licensed 1111
contractor. 1112

(C) A contractor licensed under this chapter may install, 1113
service, and maintain the related or interfaced control wiring for 1114
equipment and devices related to their specific license, on the 1115
condition that the control wiring is less than twenty-five volts. 1116

(D) A person is not an electrical contractor subject to 1117
licensure under this chapter for work that is limited to the 1118
construction, improvement, renovation, repair, testing, or 1119
maintenance of the following systems using less than fifty volts 1120
of electricity: fire alarm or burglar alarm, cabling, tele-data 1121
sound, communication, and landscape lighting and irrigation. 1122

(E) An elevator helper or apprentice is not required to be 1123

licensed in order to perform work under the general supervision of 1124
an individual who holds a license as an elevator mechanic. 1125

Section 2. That existing sections 4105.01, 4105.011, 4105.02, 1126
4105.03, 4105.04, 4105.07, 4105.08, 4105.09, 4105.10, 4105.11, 1127
4105.12, 4105.13, 4105.14, 4105.15, 4105.16, 4105.17, 4105.191, 1128
4105.20, 4105.21, 4740.01, 4740.02, 4740.03, 4740.04, 4740.05, 1129
4740.06, 4740.07, 4740.12, and 4740.13 of the Revised Code are 1130
hereby repealed. 1131

Section 3. Division (A)(2) of section 4740.13 of the Revised 1132
Code, as amended by this act, shall take effect eighteen months 1133
after the effective date of this act. 1134

Section 4. Within ninety days after the effective date of 1135
this act, the director of commerce shall appoint members to the 1136
elevator section of the Ohio construction industry licensing board 1137
created in section 4740.02 of the Revised Code as amended by this 1138
act. One of the members shall be appointed to a term that ends 1139
July 31, 2009, one member shall be appointed to a term that ends 1140
July 31, 2010, and the remaining members of the elevator section 1141
shall be appointed to terms that end July 31, 2011. Thereafter, 1142
terms of office for the members of the elevator section shall be 1143
in accordance with section 4740.02 of the Revised Code as amended 1144
by this act. 1145

Section 5. (A) Notwithstanding sections 4740.06 and 4740.13 1146
of the Revised Code, as amended by this act, any person who, not 1147
later than one year after the effective date of this act, makes an 1148
application to the Elevator Section of the Ohio Construction 1149
Industry Licensing Board on a form provided by the Elevator 1150
Section and who submits proof satisfactory to the Elevator Section 1151
that the applicant meets both of the following requirements, may 1152
receive a license as an elevator mechanic without examination: 1153

1154

(1) That the applicant has worked without direct and 1155
immediate supervision as an elevator mechanic for an elevator 1156
contractor in the elevator industry; 1157

(2) That the applicant has worked as an elevator mechanic for 1158
an elevator contractor in the elevator industry within three years 1159
immediately prior to the effective date of this act. 1160

(B) Notwithstanding section 4740.06 of the Revised Code, as 1161
amended by this act, a sole proprietor, firm, or corporation may 1162
act as an elevator contractor without an elevator contractor 1163
license for a period lasting not longer than one year after the 1164
effective date of this act. 1165