

As Introduced

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Representatives Szollosi, Patton

**Cosponsors: Representatives Boyd, Yuko, Slesnick, Harwood, Newcomb,
Williams, B., Mallory, Flowers, Brown, Yates**

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A B I L L

To amend sections 4740.01, 4740.02, 4740.04, and 1
4740.12 of the Revised Code to require thermal 2
system insulation and firestop contractors to 3
obtain a license from the Ohio construction 4
industry licensing board. 5

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

Section 1. That sections 4740.01, 4740.02, 4740.04, and 6
4740.12 of the Revised Code be amended to read as follows: 7

Sec. 4740.01. As used in this chapter: 8

(A) "License" means a license the Ohio construction industry 9
licensing board issues to an individual as a heating, ventilating, 10
and air conditioning contractor, refrigeration contractor, 11
electrical contractor, plumbing contractor, thermal system 12
insulation contractor, firestop contractor, or hydronics 13
contractor. 14

(B) "Contractor" means any individual or business entity that 15
satisfies both of the following: 16

(1) For compensation, directs, supervises, or has 17

responsibility for the means, method, and manner of construction, 18
improvement, renovation, repair, or maintenance on a construction 19
project with respect to one or more trades and who offers, 20
identifies, advertises, or otherwise holds out or represents that 21
the individual or business entity is permitted or qualified to 22
perform, direct, supervise, or have responsibility for the means, 23
method, and manner of construction, improvement, renovation, 24
repair, or maintenance with respect to one or more trades on a 25
construction project; 26

(2) Performs or employs tradespersons who perform 27
construction, improvement, renovation, repair, or maintenance on a 28
construction project with respect to the contractor's trades. 29

(C) "Licensed trade" means a trade performed by a heating, 30
ventilating, and air conditioning contractor, a refrigeration 31
contractor, an electrical contractor, a plumbing contractor, a 32
thermal system insulation contractor, a firestop contractor, or a 33
hydronics contractor. 34

(D) "Tradesperson" means an individual employed by a 35
contractor who engages in construction, improvement, renovation, 36
repair, or maintenance of buildings or structures without assuming 37
responsibility for the means, method, or manner of that 38
construction, improvement, renovation, repair, or maintenance. 39

(E) "Construction project" means a construction project 40
involving a building or structure subject to Chapter 3781. of the 41
Revised Code and the rules adopted under that chapter, but not an 42
industrialized unit or a residential building as defined in 43
section 3781.06 of the Revised Code. 44

(F) "Firestop" means fire resistant material, systems, or 45
assemblies installed around or directly to penetrating items, 46
construction joints, or floor perimeter or slab edge conditions in 47
order to maintain the fire resistance or smoke rating of the 48

building. 49

(G) "Thermal system insulation" means a product that is used 50
to insulate any hot or cold surface including a pipe, duct, valve, 51
boiler, flue, tank, or equipment on or in a building. "Thermal 52
system insulation" does not include an insulation product used in 53
the walls, ceiling, or floor of a building. 54

Sec. 4740.02. (A) There is hereby created within the 55
department of commerce, the Ohio construction industry licensing 56
board, consisting of ~~seventeen~~ twenty-two residents of this state. 57
The board shall have an administrative section, a plumbing 58
section, an electrical section, thermal system insulation and 59
firestop section and a heating, ventilating, air conditioning, and 60
refrigeration section. The director of commerce shall appoint all 61
members of the board. The director or the director's designee 62
shall serve as a member of the administrative section and the 63
director shall appoint to the section to represent the public, one 64
member who is not a member of any group certified by any section 65
of the board. Each section, other than the administrative section, 66
shall annually elect a member of its section to serve a one-year 67
term on the administrative section. 68

(B) The plumbing section consists of five members, one of 69
whom is a plumbing inspector employed by the department of 70
commerce, a municipal corporation, or a health district, two of 71
whom are plumbing contractors who have no affiliation with any 72
union representing plumbers, and two of whom are plumbing 73
contractors who are signatories to agreements with unions 74
representing plumbers. 75

The plumbing section has primary responsibility for the 76
licensure of plumbing contractors and hydronics contractors. 77

(C) The electrical section consists of five members, one of 78
whom is an electrical inspector employed by the department of 79

commerce, a municipal corporation, or a county, two of whom are 80
electrical contractors who have no affiliation with any union 81
representing electricians, and two of whom are electrical 82
contractors who are signatories to agreements with unions 83
representing electricians. 84

The electrical section has primary responsibility for the 85
licensure of electrical contractors. 86

(D) The heating, ventilating, air conditioning, and 87
refrigeration section consists of five members, one of whom is a 88
heating, ventilating, air conditioning, and refrigeration 89
inspector employed by either the department of commerce or a 90
municipal corporation; two of whom are heating, ventilating, and 91
air conditioning contractors or refrigeration contractors who have 92
no affiliation with any union representing heating, ventilating, 93
and air conditioning tradespersons or refrigeration tradespersons; 94
and two of whom are heating, ventilating, and air conditioning 95
contractors or refrigeration contractors who are signatories to 96
agreements with unions representing heating, ventilating, and air 97
conditioning tradespersons or refrigeration tradespersons. 98

The heating, ventilating, air conditioning, and refrigeration 99
section has primary responsibility for the licensure of heating, 100
ventilating, and air conditioning contractors and refrigeration 101
contractors. 102

~~(E) Within ninety days after July 31, 1992, initial 103
appointments shall be made to the board. Of the initial 104
appointments to the board, two appointments in each section, other 105
than the administrative section, are for terms ending one year 106
after July 31, 1992, and two are for terms ending two years after 107
July 31, 1992. All other appointments to the board are for terms 108
ending three years after July 31, 1992. Thereafter, terms The 109
thermal system insulation and firestop section consists of five 110
members, one of whom represents a major thermal system insulation 111~~

company, one of whom represents a thermal system insulation 112
maintenance company, one of whom is a building manager, one of 113
whom is a thermal system insulation or firestop contractor, and 114
one of whom is a member of the general public. 115

The thermal system insulation and firestop section has 116
primary responsibility for the licensure of thermal system 117
insulation contractors and firestop contractors. 118

(F) Terms of office for board members are for three years, 119
each term ending on the same day of the same month of the year as 120
did the term that it succeeds. Each member shall hold office from 121
the date of appointment until the end of the term for which the 122
member was appointed. Members may be reappointed. Vacancies shall 123
be filled in the manner provided for original appointments. Any 124
member appointed to fill a vacancy occurring prior to the 125
expiration of the term for which the member's predecessor was 126
appointed shall hold office as a member for the remainder of that 127
term. A member shall continue in office subsequent to the 128
expiration of a term until a successor takes office or until a 129
period of sixty days has elapsed, whichever occurs first. 130

~~(F)~~(G) Before entering upon the discharge of official duties, 131
each member shall take, and file with the secretary of state, the 132
oath of office required by Section 7 of Article XV, Ohio 133
Constitution. 134

~~(G)~~(H) Each member, except for the director or the director's 135
designee, shall receive a per diem amount fixed pursuant to 136
section 124.15 of the Revised Code when actually attending to 137
matters of the board and for the time spent in necessary travel, 138
and all actual and necessary expenses incurred in the discharge of 139
official duties. 140

~~(H)~~(I) The director of commerce may remove any member of the 141
board the director appoints for malfeasance, misfeasance, or 142

nonfeasance. 143

~~(I)~~(J) Membership on the board and holding any office of the 144
board does not constitute holding a public office or employment 145
within the meaning of any section of the Revised Code, or an 146
interest, either direct or indirect, in a contract or expenditure 147
of money by the state or any municipal corporation, township, 148
special district, school district, county, or other political 149
subdivision. No member or officer of the board is disqualified 150
from holding any public office or employment nor shall the officer 151
or member forfeit any public office or employment by reason of 152
holding a position as an officer or member of the board. 153

~~(J)~~(K) The board, and each section of the board, shall meet 154
only after adequate advance notice of the meeting has been given 155
to each member of the board or section, as appropriate. 156

Sec. 4740.04. The administrative section of the Ohio 157
construction industry licensing board is responsible for the 158
administration of this chapter and shall do all of the following: 159

(A) Schedule the contractor examinations each of the other 160
sections of the board directs. Each type of examination shall be 161
held at least four times per year. 162

(B) Select and contract with one or more persons to do all of 163
the following relative to the examinations: 164

(1) Prepare, administer, score, and maintain the 165
confidentiality of the examinations; 166

(2) Be responsible for all the expenses required to fulfill 167
division (B)(1) of this section; 168

(3) Charge an applicant a fee in an amount the administrative 169
section of the board authorizes for administering the examination; 170
171

(4) Design the examination for each type of contractor to 172

determine an applicant's competence to perform that type of	173
contracting.	174
(C) Issue and renew licenses as follows:	175
(1) Issue a license to any individual who the appropriate	176
section of the board determines is qualified pursuant to section	177
4740.06 of the Revised Code to hold a license and has attained a	178
score on the examination that the appropriate section authorizes	179
for the licensed trade.	180
(a) Each license shall include a license number and an	181
expiration date.	182
(b) Each license issued to an individual who holds more than	183
one valid license shall contain the same license number and	184
expiration date as the original license issued to that individual.	185
(2) Renew licenses for individuals who meet the renewal	186
requirements of section 4740.06 of the Revised Code.	187
(D) Make an annual written report to the director of commerce	188
on proceedings had by or before the board for the previous year	189
and make an annual statement of all money received and expended by	190
the board during the year;	191
(E) Keep a record containing the name, address, the date on	192
which the board issues or renews a license to, and the license	193
number of, every heating, ventilating, and air conditioning	194
contractor, refrigeration contractor, electrical contractor,	195
plumbing contractor, <u>thermal system insulation contractor,</u>	196
<u>firestop contractor,</u> and hydronics contractor issued a license	197
pursuant to this chapter;	198
(F) Regulate a contractor's use and display of a license	199
issued pursuant to this chapter and of any information contained	200
in that license;	201
(G) Adopt rules in accordance with Chapter 119. of the	202

Revised Code as necessary to properly discharge the administrative	203
section's duties under this chapter. The rules shall include, but	204
not be limited to, the following:	205
(1) Application procedures for examinations;	206
(2) Specifications for continuing education requirements for	207
license renewal that address all of the following:	208
(a) A requirement that an individual who holds any number of	209
valid and unexpired licenses accrue a total of ten hours of	210
continuing education courses per year;	211
(b) Fees the board charges to persons who provide continuing	212
education courses, in an amount of twenty-five dollars annually	213
for each person approved to provide courses, not more than ten	214
dollars plus one dollar per credit hour for each course offered,	215
and one dollar per credit hour of instruction per attendee;	216
(c) A provision limiting approval of continuing education	217
courses to one year.	218
(H) Adopt any continuing education curriculum as the other	219
sections of the board establish or approve pursuant to division	220
(C) of section 4740.05 of the Revised Code;	221
(I) Keep a record of its proceedings and do all things	222
necessary to carry out this chapter.	223
Sec. 4740.12. (A) No political subdivision, district, or	224
agency of the state may adopt an ordinance or rule that requires	225
contractor registration and the assessment of a registration or	226
license fee unless that ordinance or rule also requires any	227
contractor who registers and pays the registration or license fee	228
to be licensed in the contractor's trade pursuant to this chapter.	229
(B) Except as provided in division (A) of this section,	230
nothing in this chapter shall be construed to limit the operation	231
of any statute or rule of this state or any ordinance or rule of	232

any political subdivision, district, or agency of the state that 233
does either of the following: 234

(1) Regulates the installation, repair, maintenance, or 235
alteration of plumbing systems, hydronics systems, electrical 236
systems, heating, ventilating, and air conditioning systems, ~~or~~ 237
refrigeration systems, thermal system insulation, or firestop 238
products or systems; 239

(2) Requires the registration and assessment of a 240
registration or license fee of tradespersons who perform heating, 241
ventilating, and air conditioning, refrigeration, electrical, 242
plumbing, thermal system insulation, firestop, or hydronics 243
construction, improvement, renovation, repair, or maintenance. 244

Section 2. That existing sections 4740.01, 4740.02, 4740.04, 245
and 4740.12 of the Revised Code are hereby repealed. 246

Section 3. Appointments to the Ohio construction industry 247
licensing board thermal system insulation and firestop section, as 248
established by this act, shall be made by the Director of Commerce 249
as follows: Two members for terms ending on the thirty-first day 250
of July following the effective date of this act, two members for 251
terms ending on the succeeding thirty-first day of July following 252
the effective date of this act, and one member for a term ending 253
on the next succeeding thirty-first day of July following the 254
effective date of this act. Thereafter, each term of office is for 255
three years as prescribed for all board members by section 4740.02 256
of the Revised Code. 257