

As Introduced

**128th General Assembly
Regular Session
2009-2010**

H. B. No. 385

Representatives Stewart, Foley

**Cosponsors: Representatives Domenick, Hagan, Harris, Murray, Okey,
Williams, B., Yuko**

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A B I L L

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, 4740.02, 4740.04 to 3
4740.07, 4740.12, and 4740.13 and to enact 4
sections 4740.062 and 4740.071 of the Revised Code 5
to create the Elevator Section of the Ohio 6
Construction Industry Licensing Board, to require 7
licensure of elevator contractors and elevator 8
mechanics, and to make changes to the laws 9
governing elevator servicing 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, 4740.04, 4740.05, 4740.06, 4740.07, 14
4740.12, and 4740.13 be amended and sections 4740.062 and 4740.071 15
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)~~(B) 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) 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 otherwise supervises or directs 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 any individual who is supervised or directed by a contractor or who is otherwise employed by a contractor and 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 elevator mechanic. 480

(E) "Construction project" means a construction project 481
involving a building or structure subject to Chapter 3781. of the 482
Revised Code and the rules adopted under that chapter, but not an 483
industrialized unit or a residential building as defined in 484
section 3781.06 of the Revised Code. 485

(F) "Elevator contractor" means any sole proprietor, firm, or 486
corporation, including any form of limited liability organization, 487
that is engaged in the business of erecting, constructing, 488
installing, altering, servicing, repairing, or maintaining 489
elevators. 490

(G) "Elevator mechanic" means any individual who is engaged 491
in erecting, constructing, installing, altering, servicing, 492
repairing, or maintaining elevators. 493

(H) "Elevator helper or apprentice" means an individual who 494
works under the general direction of an elevator mechanic licensed 495
under section 4740.06 of the Revised Code. 496

(I) "Elevator" has the same meaning as in section 4105.01 of 497
the Revised Code. 498

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

Each section, other than the administrative section, shall 510
annually elect a member of its section to serve a one-year term on 511
the administrative section. 512

(B) The plumbing and hydronics section consists of five 513
members, one of whom is a plumbing inspector employed by the 514
department of commerce, a municipal corporation, or a health 515
district, two of whom are plumbing contractors who have no 516
affiliation with any union representing plumbers, and two of whom 517
are plumbing contractors who are signatories to agreements with 518
unions representing plumbers. 519

The plumbing and hydronics section has primary responsibility 520
for the licensure of plumbing contractors and hydronics 521
contractors. 522

(C) The electrical section consists of five members, one of 523
whom is an electrical inspector employed by the department of 524
commerce, a municipal corporation, or a county, two of whom are 525
electrical contractors who have no affiliation with any union 526
representing electricians, and two of whom are electrical 527
contractors who are signatories to agreements with unions 528
representing electricians. 529

The electrical section has primary responsibility for the 530
licensure of electrical contractors. 531

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

contractors or refrigeration contractors who are signatories to 541
agreements with unions representing heating, ventilating, and air 542
conditioning tradespersons or refrigeration tradespersons. 543

The heating, ventilating, air conditioning, and refrigeration 544
section has primary responsibility for the licensure of heating, 545
ventilating, and air conditioning contractors and refrigeration 546
contractors. 547

~~(E) Within ninety days after July 31, 1992, initial 548
appointments shall be made to the board. Of the initial 549
appointments to the board, two appointments in each section, other 550
than the administrative section, are for terms ending one year 551
after July 31, 1992, and two are for terms ending two years after 552
July 31, 1992. All other appointments to the board are for terms 553
ending three years after July 31, 1992. Thereafter, terms The 554
elevator section consists of five members. One member shall be the 555
superintendent of industrial compliance or a designee of the 556
superintendent, and the director shall appoint the remaining four 557
members. One of the appointed members shall be an elevator 558
mechanic; one shall be a representative of a union representing 559
elevator mechanics; one shall be an elevator contractor who is not 560
affiliated with any unions representing elevator mechanics; and 561
one shall be an elevator contractor who is a signatory to 562
agreements made with unions representing elevator mechanics. 563~~

The elevator section has primary responsibility for the 564
licensure of elevator contractors and elevator mechanics. 565

(F) Terms of office for the members of each section other 566
than the administrative section are for three years, with each 567
term ending on the same thirty-first day of the ~~same month of the 568
year as did the term that it succeeds~~ July. Each member shall hold 569
office from the date of appointment until the end of the term for 570
which the member was appointed. Members may be reappointed. 571
Vacancies shall be filled in the manner provided for original 572

appointments. Any member appointed to fill a vacancy occurring 573
prior to the expiration of the term for which the member's 574
predecessor was appointed shall hold office as a member for the 575
remainder of that term. A member shall continue in office 576
subsequent to the expiration of a term until a successor takes 577
office or until a period of sixty days has elapsed, whichever 578
occurs first. 579

~~(F)~~(G) Before entering upon the discharge of official duties, 580
each member shall take, and file with the secretary of state, the 581
oath of office required by Section 7 of Article XV, Ohio 582
Constitution. 583

~~(G)~~(H) Each member, except for the director or the director's 584
designee or the superintendent or the superintendent's designee, 585
shall receive a per diem amount fixed pursuant to section 124.15 586
of the Revised Code when actually attending to matters of the 587
board and for the time spent in necessary travel, and all actual 588
and necessary expenses incurred in the discharge of official 589
duties. 590

~~(H)~~(I) The director ~~of commerce~~ may remove any member of the 591
board the director appoints for malfeasance, misfeasance, or 592
nonfeasance. 593

~~(I)~~(J) Membership on the board and holding any office of the 594
board does not constitute holding a public office or employment 595
within the meaning of any section of the Revised Code, or an 596
interest, either direct or indirect, in a contract or expenditure 597
of money by the state or any municipal corporation, township, 598
special district, school district, county, or other political 599
subdivision. No member or officer of the board is disqualified 600
from holding any public office or employment nor shall the officer 601
or member forfeit any public office or employment by reason of 602
holding a position as an officer or member of the board. 603

~~(J)~~(K) The board, and each section of the board, shall meet 604
only after adequate advance notice of the meeting has been given 605
to each member of the board or section, as appropriate. 606

Sec. 4740.04. The administrative section of the Ohio 607
construction industry licensing board is responsible for the 608
administration of this chapter and shall do all of the following: 609

(A) Schedule the contractor examinations each of the other 610
sections of the board directs. Each type of examination shall be 611
held at least four times per year. 612

(B) Select and contract with one or more persons to do all of 613
the following relative to the examinations: 614

(1) Prepare, administer, score, and maintain the 615
confidentiality of the examinations; 616

(2) Be responsible for all the expenses required to fulfill 617
division (B)(1) of this section; 618

(3) Charge an applicant a fee in an amount the administrative 619
section of the board authorizes for administering the examination; 620
621

(4) Design the examination for each type of contractor to 622
determine an applicant's competence to perform that type of 623
contracting and design the examination an individual applying for 624
a license as an elevator mechanic must pass if the applicant, in 625
satisfying the conditions for licensure set forth in division (D) 626
of section 4740.06 of the Revised Code, elects to comply with 627
divisions (D)(2)(a) and (3) of that section. 628

(C) Issue and renew licenses as follows: 629

(1) Issue a license to any individual who the appropriate 630
section of the board determines is qualified pursuant to section 631
4740.06 or 4740.062 of the Revised Code to hold a license and has 632
attained, within the twelve months preceding the individual's 633

application for licensure, a score on the examination that the 634
appropriate section authorizes for the licensed trade, as 635
applicable. 636

(a) Each license shall include a license number and an 637
expiration date. 638

(b) Each license issued to an individual who holds more than 639
one valid license shall contain the same license number and 640
expiration date as the original license issued to that individual. 641

(2) Renew licenses for individuals who meet the renewal 642
requirements of section 4740.06 or 4740.062 of the Revised Code. 643

(D) Make an annual written report to the director of commerce 644
on proceedings had by or before the board for the previous year 645
and make an annual statement of all money received and expended by 646
the board during the year; 647

(E) Keep a record containing the name, address, the date on 648
which the board issues or renews a license to, and the license 649
number of, every heating, ventilating, and air conditioning 650
contractor, refrigeration contractor, electrical contractor, 651
plumbing contractor, and hydronics contractor, elevator 652
contractor, and elevator mechanic issued a license pursuant to 653
this chapter; 654

(F) Regulate a contractor's, elevator contractor's, or 655
elevator mechanic's use and display of a license issued pursuant 656
to this chapter and of any information contained in that license; 657

(G) Adopt rules in accordance with Chapter 119. of the 658
Revised Code as necessary to properly discharge the administrative 659
section's duties under this chapter. The rules shall include, but 660
not be limited to, the following: 661

(1) Application procedures for examinations; 662

(2) Specifications for continuing education requirements for 663

license renewal that address all of the following: 664

(a) A requirement that an individual who holds any number of 665
valid and unexpired licenses accrue a total of ten hours of 666
continuing education courses per year; 667

(b) Fees the board charges to persons who provide continuing 668
education courses, in an amount of twenty-five dollars annually 669
for each person approved to provide courses, not more than ten 670
dollars plus one dollar per credit hour for each course offered, 671
and one dollar per credit hour of instruction per attendee; 672

(c) A provision limiting approval of continuing education 673
courses to one year. 674

(3) Requirements for criminal records checks of applicants 675
under section 4776.03 of the Revised Code. 676

(H) Adopt any continuing education curriculum as the other 677
sections of the board establish or approve pursuant to division 678
(C) of section 4740.05 of the Revised Code; 679

(I) Keep a record of its proceedings and do all things 680
necessary to carry out this chapter. 681

Sec. 4740.05. (A) Each section of the Ohio construction 682
industry licensing board, other than the administrative section, 683
shall do all of the following: 684

(1) Adopt rules in accordance with Chapter 119. of the 685
Revised Code that are limited to the following: 686

(a) Criteria for the section to use in evaluating the 687
qualifications of an individual; 688

(b) Criteria for the section to use in deciding whether to 689
authorize the administrative section to issue, renew, suspend, 690
revoke, or refuse to issue or renew a license; 691

(c) The determinations and approvals the section makes under 692

the reciprocity provision of section 4740.08 of the Revised Code;	693
(d) Criteria for continuing education courses conducted pursuant to this chapter;	694 695
(e) 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;	696 697 698 699 700
(f) 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.	701 702 703 704
(2) Investigate allegations in reference to violations of this chapter and the rules adopted pursuant to it that pertain to the section and determine by rule a procedure to conduct investigations and hearings on these allegations;	705 706 707 708
(3) Maintain a record of its proceedings;	709
(4) Grant approval to a person to offer continuing education courses pursuant to rules the board adopts;	710 711
(5) As required, do all things necessary to carry out this chapter.	712 713
(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 <u>and, with respect to the elevator section, elevator contractors and elevator mechanics.</u>	714 715 716 717 718 719 720
(C) Each trade section of the board shall establish or approve a continuing education curriculum for license renewal for	721 722

each class of contractors for which the section has primary 723
responsibility and, with respect to the elevator section, elevator 724
contractors, and elevator mechanics. No curriculum may require 725
more than five hours per year in specific course requirements. No 726
contractor, elevator contractor, or elevator mechanic may be 727
required to take more than ten hours per year in continuing 728
education courses. The ten hours shall be the aggregate of hours 729
of continuing education for all licenses the contractor, elevator 730
contractor, or elevator mechanic holds. 731

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

(B) To qualify to take an examination, an individual shall: 744

(1) Be at least eighteen years of age; 745

(2) Be a United States citizen or legal alien who produces 746
valid documentation to demonstrate the individual is a legal 747
resident of the United States; 748

(3) Either have been a tradesperson in the type of licensed 749
trade for which the application is filed for not less than five 750
years immediately prior to the date the application is filed, be a 751
currently registered engineer in this state with three years of 752
business experience in the construction industry in the trade for 753

which the engineer is applying to take an examination, or have 754
other experience acceptable to the appropriate section of the 755
board; 756

(4) Maintain contractor's liability insurance, including 757
without limitation, complete operations coverage, in an amount the 758
appropriate section of the board determines; 759

(5) Not have done any of the following: 760

(a) Been convicted of or pleaded guilty to a misdemeanor 761
involving moral turpitude or of any felony; 762

(b) Violated this chapter or any rule adopted pursuant to it; 763

(c) Obtained or renewed a license issued pursuant to this 764
chapter, or any order, ruling, or authorization of the board or a 765
section of the board by fraud, misrepresentation, or deception; 766

(d) Engaged in fraud, misrepresentation, or deception in the 767
conduct of business. 768

(C) Any individual who applies for a license as an elevator 769
contractor shall file a written application with the elevator 770
section of the board, accompanied by the application fee as 771
determined pursuant to section 4740.09 of the Revised Code. The 772
application shall be on the form the elevator section prescribes 773
and the accuracy of the information contained in the application 774
shall be verified by the applicant's oath. The applicant shall 775
provide all of the following information on the form: 776

(1) The name, residence address, and primary business address 777
of the applicant; 778

(2) The type of business entity under which the applicant is 779
organized. If organized as a partnership, the applicant shall 780
provide the name and residence address of each partner. If 781
organized as a corporation, the applicant shall provide the name 782
and business address of the corporation, the name and residence 783

address of the principal officer of the corporation, and the name 784
and business address of an agent located in the state who is 785
authorized to accept service of process on behalf of the 786
corporation. 787

(3) The approximate number of elevator mechanics to be 788
employed by the elevator contractor and evidence satisfactory to 789
the elevator section that the applicant is in compliance with 790
Chapters 4121. and 4123. of the Revised Code; 791

(4) Evidence satisfactory to the elevator section that the 792
applicant maintains liability insurance coverage for each elevator 793
mechanic the applicant employs in an amount the elevator section 794
determines is appropriate; 795

(5) Other information that the elevator section may require. 796

(D)(1) Any individual who applies for a license as an 797
elevator mechanic shall file a written application with the 798
elevator section of the board, accompanied by the application fee 799
as determined pursuant to section 4740.09 of the Revised Code. The 800
application shall be on the form the elevator section prescribes 801
and the accuracy of the information contained in the application 802
shall be verified by the applicant's oath. The application shall 803
include all of the following information: 804

(a) The level of education of the applicant; 805

(b) A list of the applicant's employers; 806

(c) The applicant's period of employment, and the position 807
held with each employer; 808

(d) Other information that the elevator section may require. 809

(2) An applicant for a license as an elevator mechanic shall 810
submit one of the following with the applicant's application: 811

(a) A letter from one or more of the applicant's previous 812
employers that satisfactorily demonstrates to the elevator section 813

that the applicant has at least three years of experience in the 814
elevator industry, including construction, maintenance, service, 815
or repair of elevators, or any combination thereof; 816

(b) A copy of the applicant's certificate of completion of a 817
nationally recognized training program approved by the elevator 818
section pursuant to rules adopted by the elevator section and 819
evidence that the applicant successfully passed a nationally 820
recognized examination approved by the elevator section pursuant 821
to rules adopted by the elevator section; 822

(c) A copy of the applicant's certificate of completion of an 823
apprenticeship program for elevator mechanics that satisfies the 824
requirements the elevator section establishes in rules the section 825
adopts and is registered with the United States department of 826
labor, bureau of apprenticeship training or the Ohio 827
apprenticeship council. 828

(3) An applicant for a license as an elevator mechanic who 829
submits a letter described in division (D)(2)(a) of this section 830
to comply with the requirements of division (D)(2) of this section 831
also shall submit with the applicant's application proof of having 832
passed the examination described in division (B)(4) of section 833
4740.04 of the Revised Code. 834

(E) When an applicant for licensure as a contractor in a 835
licensed trade other than as an elevator contractor or elevator 836
mechanic meets the qualifications set forth in division (B) of 837
this section and passes the required examination, the appropriate 838
section of the board, within ninety days after the application was 839
filed, shall authorize the administrative section of the board to 840
license the applicant for the type of contractor's license for 841
which the applicant qualifies. When an applicant for licensure as 842
an elevator contractor satisfies the qualifications set forth in 843
division (C) of this section, the elevator section, within ninety 844
days after the application was filed, shall authorize the 845

administrative section of the board to license the applicant. When 846
an applicant for licensure as an elevator mechanic satisfies the 847
conditions set forth in division (D) of this section, the elevator 848
section, within ninety days after the application was filed, shall 849
authorize the administrative section of the board to issue a 850
license to the applicant. A section of the board may withdraw its 851
authorization to the administrative section for issuance of a 852
license for good cause shown, on the condition that notice of that 853
withdrawal is given prior to the administrative section's issuance 854
of the license. 855

~~(D)~~(F) All licenses a contractor, an elevator contractor, or 856
an elevator mechanic holds pursuant to this chapter shall expire 857
annually on the same date, which shall be the expiration date of 858
the original license the contractor holds. An individual holding a 859
valid, unexpired license may renew the license, without 860
reexamination, by submitting an application to the appropriate 861
section of the board not more than ninety calendar days before the 862
expiration of the license, along with the renewal fee the section 863
requires and proof of compliance with the applicable continuing 864
education requirements. The applicant shall provide information in 865
the renewal application satisfactory to demonstrate to the 866
appropriate section that the applicant continues to meet the 867
requirements of division (B), (C), or (D) of this section, as 868
applicable. 869

Upon application and within one calendar year after a license 870
has expired, a section may waive any of the requirements for 871
renewal of a license upon finding that an applicant substantially 872
meets the renewal requirements or that failure to timely apply for 873
renewal is due to excusable neglect. A section that waives 874
requirements for renewal of a license may impose conditions upon 875
the licensee and assess a late filing fee of not more than double 876
the usual renewal fee. An applicant shall satisfy any condition 877

the section imposes before a license is reissued. 878

~~(E)~~(G) An individual holding a valid license may request the 879
section of the board that authorized that license to place the 880
license in inactive status under conditions, and for a period of 881
time, as that section determines. 882

~~(F)~~(H) Except for the ninety-day extension provided for a 883
license assigned to a business entity under division (D) of 884
section 4740.07 of the Revised Code, a license held by an 885
individual immediately terminates upon the death of the 886
individual. 887

~~(G)~~(I) Nothing in any license issued by the Ohio construction 888
industry licensing board shall be construed to limit or eliminate 889
any requirement of or any license issued by the Ohio fire marshal. 890

Sec. 4740.062. (A) Notwithstanding section 4740.06 of the 891
Revised Code, in the event that the governor declares the state of 892
Ohio to be in a state of emergency due to a natural disaster or a 893
mass work stoppage that results in an insufficient number of 894
licensed elevator mechanics required to safely inspect or erect, 895
construct, install, alter, service, repair, or maintain elevators 896
in this state, the elevator section of the Ohio construction 897
industry licensing board shall issue temporary emergency elevator 898
mechanic licenses to qualified individuals. 899

(B) An individual may qualify to receive a temporary 900
emergency elevator mechanic license under division (A) of this 901
section or a temporary elevator mechanic license under division 902
(D) of this section if the individual satisfies the following 903
requirements: 904

(1) Applies to the elevator section on a form provided by the 905
elevator section to receive a temporary emergency elevator 906
mechanic license or temporary elevator mechanic license, as 907

applicable; 908

(2) Provides to the elevator section written documentation 909
obtained from a licensed elevator contractor attesting to the fact 910
that the applicant possesses a sufficient amount of education and 911
documented experience to perform elevator mechanic work without 912
direct supervision; 913

(3) Provides to the elevator section any other information 914
the elevator section requires. 915

(C) The elevator section shall direct the administrative 916
section of the board to issue a temporary emergency elevator 917
mechanic license to an individual who completes an application to 918
the satisfaction of the elevator section and meets the other 919
requirements of division (B) of this section. The temporary 920
emergency elevator mechanic license is valid for a period of not 921
more than forty-five days after the date it is issued. The 922
elevator section may renew the temporary emergency elevator 923
mechanic license for an additional period of thirty days upon the 924
license holder's request in the event that the state of emergency 925
is still in effect at the time of the request. No fees shall be 926
charged for the issuance or renewal of a temporary emergency 927
elevator mechanic license under this division. 928

(D) A licensed elevator contractor shall notify the elevator 929
section of the licensed elevator contractor's inability to secure 930
a qualified workforce in the event that the licensed elevator 931
contractor is unable to locate available elevator mechanics that 932
hold licenses issued pursuant to section 4740.06 of the Revised 933
Code. If the elevator section determines that there is a shortage 934
of elevator mechanics who hold licenses, the elevator section 935
shall direct the administrative section to issue a temporary 936
elevator mechanic license to an individual who completes an 937
application to the satisfaction of the elevator section and meets 938
the other requirements of division (B) of this section. The 939

temporary elevator mechanic license is valid for a period of not 940
more than one year after the date it is issued and remains valid 941
only while a licensed elevator contractor employs the temporary 942
license holder. The elevator section may renew the temporary 943
elevator mechanic license on an annual basis upon the license 944
holder's request in the event that the elevator section determines 945
that there continues to be a shortage of elevator mechanics who 946
hold licenses at the time of the request. If the elevator section 947
determines that a shortage of elevator mechanics no longer exists 948
and an individual licensed pursuant to this division wishes to 949
continue providing services as an elevator mechanic, the 950
individual shall apply for a license under division (D) of section 951
4740.06 of the Revised Code. The elevator section shall determine 952
the fees for the initial issuance of a temporary elevator mechanic 953
license and the renewal fee for that license in accordance with 954
section 4740.09 of the Revised Code. 955

Sec. 4740.07. (A) Except as otherwise provided in this 956
section, the administrative section of the Ohio construction 957
industry licensing board shall issue and renew all licenses under 958
this chapter in the name of the individual who meets the 959
requirements of section 4740.06 of the Revised Code. 960

(B) ~~Any~~ Except for an individual who applies for or holds a 961
license as an elevator mechanic, temporary emergency elevator 962
mechanic, or a temporary elevator mechanic issued by the board 963
pursuant to section 4740.06 or 4740.062 of the Revised Code, any 964
individual may request, at the time of applying for a license or 965
at any time thereafter, that the individual's license be assigned 966
to a business entity with whom the individual is associated as a 967
full-time officer, proprietor, partner, or employee. If the 968
individual is issued or holds a license and meets the requirements 969
of this section for the assignment of the license to a business 970
entity, the administrative section shall assign the license to and 971

issue a license in the name of the business entity. The license 972
assigned and issued to a business entity under this division shall 973
state the name and position of the individual who assigned the 974
license to the business entity. 975

(C) During the period a business entity holds a license 976
issued under division (B) of this section, the administrative 977
section shall not issue another license to the individual who 978
assigned the license to the business entity for the same type of 979
contracting for which the business entity utilizes the assigned 980
license. 981

(D)(1) If an individual who assigned a license to a business 982
entity ceases to be associated with the business entity for any 983
reason, including the death of the individual, the individual or 984
business entity immediately shall notify the appropriate section 985
of the board of the date on which the individual ceased to be 986
associated with the business entity. A license assigned to a 987
business entity is invalid ninety calendar days after the date on 988
which the individual who assigned the license ceases to be 989
associated with the business entity or at an earlier time to which 990
the business entity and the individual agree. 991

(2) If a license assigned to a business entity becomes 992
invalid pursuant to division (D)(1) of this section and another 993
individual has assigned a license to the business entity for the 994
same type of contracting for which the invalidated license had 995
been assigned, the business entity may continue to operate under 996
the other assigned license. 997

(E) Any work a business entity conducts under a license 998
assigned under this section is deemed to be conducted under the 999
personal supervision of the individual named in the license and 1000
any violation of any term of the license is deemed to have been 1001
committed by the individual named in the license. 1002

For the period of time during which more than one license for 1003
the same type of contracting is assigned to a business entity, any 1004
work the business entity conducts under any of those licenses is 1005
deemed to be conducted under the personal supervision of the 1006
individuals named in those licenses and any violation of any term 1007
of any license is deemed to have been committed by the individuals 1008
named in all of the licenses. 1009

(F) No individual who assigns a license to a business entity 1010
shall assign a license for the same type of contracting to another 1011
business entity until the original license assigned is invalid 1012
pursuant to division (D) of this section. 1013

(G) Any individual who assigns a license to a business entity 1014
under this section shall be actively engaged in business as the 1015
type of contractor for which the license is issued and be readily 1016
available for consultation with the business entity to which the 1017
license is assigned. 1018

(H) No license assigned under this section shall be assigned 1019
to more than one business entity at a time. 1020

Sec. 4740.071. No elevator contractor licensed under section 1021
4740.06 or 4740.08 of the Revised Code shall use the elevator 1022
contractor's liability insurance policy to cover an elevator 1023
mechanic who erects, constructs, installs, alters, services, 1024
repairs, or maintains an elevator unless the elevator mechanic is 1025
performing those activities as an employee of the elevator 1026
contractor. 1027

Sec. 4740.12. (A) No political subdivision, district, or 1028
agency of the state may adopt an ordinance or rule that requires 1029
contractor registration and the assessment of a registration or 1030
license fee unless that ordinance or rule also requires any 1031
contractor, elevator contractor, or elevator mechanic who 1032

registers and pays the registration or license fee to be licensed 1033
in the contractor's trade or as an elevator contractor or elevator 1034
mechanic pursuant to this chapter. 1035

(B) Except as provided in division (A) of this section, 1036
nothing in this chapter shall be construed to limit the operation 1037
of any statute or rule of this state or any ordinance or rule of 1038
any political subdivision, district, or agency of the state that 1039
does either of the following: 1040

(1) Regulates the installation, repair, maintenance, or 1041
alteration of plumbing systems, hydronics systems, electrical 1042
systems, heating, ventilating, and air conditioning systems, or 1043
refrigeration systems; 1044

(2) Requires the registration and assessment of a 1045
registration or license fee of tradespersons who perform heating, 1046
ventilating, and air conditioning, refrigeration, electrical, 1047
plumbing, or hydronics construction, improvement, renovation, 1048
repair, or maintenance. 1049

Sec. 4740.13. (A) (1) No person shall act as or claim to be a 1050
type of contractor that this chapter licenses unless that person 1051
holds or has been assigned a license issued pursuant to this 1052
chapter for the type of contractor that person is acting as or 1053
claiming to be. 1054

(2) No person shall act or claim to be an elevator contractor 1055
or elevator mechanic unless that person holds a license issued by 1056
the Ohio construction industry licensing board pursuant to section 1057
4740.06 or 4740.062 of the Revised Code. 1058

(B) Upon the request of the appropriate section of the ~~Ohio~~ 1059
~~construction industry licensing~~ board, the attorney general may 1060
bring a civil action for appropriate relief, including but not 1061
limited to a temporary restraining order or permanent injunction 1062

in the court of common pleas of the county where the unlicensed 1063
person resides or is acting as or claiming to be a licensed 1064
contractor. 1065

(C) A contractor licensed under this chapter may install, 1066
service, and maintain the related or interfaced control wiring for 1067
equipment and devices related to their specific license, on the 1068
condition that the control wiring is less than twenty-five volts. 1069

(D) A person is not an electrical contractor subject to 1070
licensure under this chapter for work that is limited to the 1071
construction, improvement, renovation, repair, testing, or 1072
maintenance of the following systems using less than fifty volts 1073
of electricity: fire alarm or burglar alarm, cabling, tele-data 1074
sound, communication, and landscape lighting and irrigation. 1075

(E) An elevator helper or apprentice is not required to be 1076
licensed in order to perform work under the general supervision of 1077
an individual who holds a license as an elevator mechanic. 1078

Section 2. That existing sections 4105.01, 4105.011, 4105.02, 1079
4105.03, 4105.04, 4105.07, 4105.08, 4105.09, 4105.10, 4105.11, 1080
4105.12, 4105.13, 4105.14, 4105.15, 4105.16, 4105.17, 4105.191, 1081
4105.20, 4105.21, 4740.01, 4740.02, 4740.04, 4740.05, 4740.06, 1082
4740.07, 4740.12, and 4740.13 of the Revised Code are hereby 1083
repealed. 1084

Section 3. Division (A)(2) of section 4740.13 of the Revised 1085
Code, as amended by this act, shall take effect eighteen months 1086
after the effective date of this act. 1087

Section 4. Within ninety days after the effective date of 1088
this act, the director of commerce shall appoint members to the 1089
elevator section of the Ohio construction industry licensing board 1090
created in section 4740.02 of the Revised Code as amended by this 1091

act. One of the members shall be appointed to a term that ends 1092
July 31, 2009, one member shall be appointed to a term that ends 1093
July 31, 2010, and the remaining members of the elevator section 1094
shall be appointed to terms that end July 31, 2011. Thereafter, 1095
terms of office for the members of the elevator section shall be 1096
in accordance with section 4740.02 of the Revised Code as amended 1097
by this act. 1098

Section 5. (A) Notwithstanding sections 4740.06 and 4740.13 1099
of the Revised Code, as amended by this act, any person who, not 1100
later than one year after the effective date of this act, makes an 1101
application to the Elevator Section of the Ohio Construction 1102
Industry Licensing Board on a form provided by the Elevator 1103
Section and who submits a fee established by the Elevator Section 1104
and proof satisfactory to the Elevator Section that the applicant 1105
meets both of the following requirements, may receive a license as 1106
an elevator mechanic without examination: 1107

(1) That the applicant has worked without direct and 1108
immediate supervision as an elevator mechanic for an elevator 1109
contractor in the elevator industry; 1110

(2) That the applicant has worked as an elevator mechanic for 1111
an elevator contractor in the elevator industry within three years 1112
immediately prior to the effective date of this act. 1113

(B) Notwithstanding section 4740.06 of the Revised Code, as 1114
amended by this act, a sole proprietor, firm, or corporation may 1115
act as an elevator contractor without an elevator contractor 1116
license for a period lasting not longer than eighteen months after 1117
the effective date of this act. 1118