

Am. Sub. H.B. 1  
As Passed by the Senate  
CC-4666-2  
DAS104-02

\_\_\_\_\_ moved to amend as follows:

In line 376, after "4117.24," insert "4141.01,"; after 1  
"4141.162," insert "4141.31," 2

Between lines 61650 and 61651, insert: 3

"Sec. 4141.01. As used in this chapter, unless the context 4  
otherwise requires: 5

(A) (1) "Employer" means the state, its instrumentalities, its 6  
political subdivisions and their instrumentalities, Indian tribes, 7  
and any individual or type of organization including any 8  
partnership, limited liability company, association, trust, 9  
estate, joint-stock company, insurance company, or corporation, 10  
whether domestic or foreign, or the receiver, trustee in 11  
bankruptcy, trustee, or the successor thereof, or the legal 12  
representative of a deceased person who subsequent to December 31, 13  
1971, or in the case of political subdivisions or their 14  
instrumentalities, subsequent to December 31, 1973: 15

(a) Had in employment at least one individual, or in the case 16  
of a nonprofit organization, subsequent to December 31, 1973, had 17  
not less than four individuals in employment for some portion of a 18  
day in each of twenty different calendar weeks, in either the 19

current or the preceding calendar year whether or not the same 20  
individual was in employment in each such day; or 21

(b) Except for a nonprofit organization, had paid for service 22  
in employment wages of fifteen hundred dollars or more in any 23  
calendar quarter in either the current or preceding calendar year; 24  
or 25

(c) Had paid, subsequent to December 31, 1977, for employment 26  
in domestic service in a local college club, or local chapter of a 27  
college fraternity or sorority, cash remuneration of one thousand 28  
dollars or more in any calendar quarter in the current calendar 29  
year or the preceding calendar year, or had paid subsequent to 30  
December 31, 1977, for employment in domestic service in a private 31  
home cash remuneration of one thousand dollars in any calendar 32  
quarter in the current calendar year or the preceding calendar 33  
year: 34

(i) For the purposes of divisions (A)(1)(a) and (b) of this 35  
section, there shall not be taken into account any wages paid to, 36  
or employment of, an individual performing domestic service as 37  
described in this division. 38

(ii) An employer under this division shall not be an employer 39  
with respect to wages paid for any services other than domestic 40  
service unless the employer is also found to be an employer under 41  
division (A)(1)(a), (b), or (d) of this section. 42

(d) As a farm operator or a crew leader subsequent to 43  
December 31, 1977, had in employment individuals in agricultural 44  
labor; and 45

(i) During any calendar quarter in the current calendar year 46  
or the preceding calendar year, paid cash remuneration of twenty 47  
thousand dollars or more for the agricultural labor; or 48

(ii) Had at least ten individuals in employment in 49

agricultural labor, not including agricultural workers who are 50  
aliens admitted to the United States to perform agricultural labor 51  
pursuant to sections 1184(c) and 1101(a)(15)(H) of the 52  
"Immigration and Nationality Act," 66 Stat. 163, 189, 8 U.S.C.A. 53  
1101(a)(15)(H)(ii)(a), 1184(c), for some portion of a day in each 54  
of the twenty different calendar weeks, in either the current or 55  
preceding calendar year whether or not the same individual was in 56  
employment in each day; or 57

(e) Is not otherwise an employer as defined under division 58  
(A)(1)(a) or (b) of this section; and 59

(i) For which, within either the current or preceding 60  
calendar year, service, except for domestic service in a private 61  
home not covered under division (A)(1)(c) of this section, is or 62  
was performed with respect to which such employer is liable for 63  
any federal tax against which credit may be taken for 64  
contributions required to be paid into a state unemployment fund; 65

(ii) Which, as a condition for approval of this chapter for 66  
full tax credit against the tax imposed by the "Federal 67  
Unemployment Tax Act," 84 Stat. 713, 26 U.S.C.A. 3301 to 3311, is 68  
required, pursuant to such act to be an employer under this 69  
chapter; or 70

(iii) Who became an employer by election under division 71  
(A)(4) or (5) of this section and for the duration of such 72  
election; or 73

(f) In the case of the state, its instrumentalities, its 74  
political subdivisions, and their instrumentalities, and Indian 75  
tribes, had in employment, as defined in divisions (B)(2)(a) and 76  
(B)(2)(1) of this section, at least one individual; 77

(g) For the purposes of division (A)(1)(a) of this section, 78  
if any week includes both the thirty-first day of December and the 79

first day of January, the days of that week before the first day 80  
of January shall be considered one calendar week and the days 81  
beginning the first day of January another week. 82

(2) Each individual employed to perform or to assist in 83  
performing the work of any agent or employee of an employer is 84  
employed by such employer for all the purposes of this chapter, 85  
whether such individual was hired or paid directly by such 86  
employer or by such agent or employee, provided the employer had 87  
actual or constructive knowledge of the work. All individuals 88  
performing services for an employer of any person in this state 89  
who maintains two or more establishments within this state are 90  
employed by a single employer for the purposes of this chapter. 91

(3) An employer subject to this chapter within any calendar 92  
year is subject to this chapter during the whole of such year and 93  
during the next succeeding calendar year. 94

(4) An employer not otherwise subject to this chapter who 95  
files with the director of job and family services a written 96  
election to become an employer subject to this chapter for not 97  
less than two calendar years shall, with the written approval of 98  
such election by the director, become an employer subject to this 99  
chapter to the same extent as all other employers as of the date 100  
stated in such approval, and shall cease to be subject to this 101  
chapter as of the first day of January of any calendar year 102  
subsequent to such two calendar years only if at least thirty days 103  
prior to such first day of January the employer has filed with the 104  
director a written notice to that effect. 105

(5) Any employer for whom services that do not constitute 106  
employment are performed may file with the director a written 107  
election that all such services performed by individuals in the 108  
employer's employ in one or more distinct establishments or places 109  
of business shall be deemed to constitute employment for all the 110

purposes of this chapter, for not less than two calendar years. 111  
Upon written approval of the election by the director, such 112  
services shall be deemed to constitute employment subject to this 113  
chapter from and after the date stated in such approval. Such 114  
services shall cease to be employment subject to this chapter as 115  
of the first day of January of any calendar year subsequent to 116  
such two calendar years only if at least thirty days prior to such 117  
first day of January such employer has filed with the director a 118  
written notice to that effect. 119

(B) (1) "Employment" means service performed by an individual 120  
for remuneration under any contract of hire, written or oral, 121  
express or implied, including service performed in interstate 122  
commerce and service performed by an officer of a corporation, 123  
without regard to whether such service is executive, managerial, 124  
or manual in nature, and without regard to whether such officer is 125  
a stockholder or a member of the board of directors of the 126  
corporation, unless it is shown to the satisfaction of the 127  
director that such individual has been and will continue to be 128  
free from direction or control over the performance of such 129  
service, both under a contract of service and in fact. The 130  
director shall adopt rules to define "direction or control." 131

(2) "Employment" includes: 132

(a) Service performed after December 31, 1977, by an 133  
individual in the employ of the state or any of its 134  
instrumentalities, or any political subdivision thereof or any of 135  
its instrumentalities or any instrumentality of more than one of 136  
the foregoing or any instrumentality of any of the foregoing and 137  
one or more other states or political subdivisions and without 138  
regard to divisions (A) (1) (a) and (b) of this section, provided 139  
that such service is excluded from employment as defined in the 140  
"Federal Unemployment Tax Act," 53 Stat. 183, 26 U.S.C.A. 3301, 141

3306(c) (7) and is not excluded under division (B) (3) of this	142
section; or the services of employees covered by voluntary	143
election, as provided under divisions (A) (4) and (5) of this	144
section;	145
(b) Service performed after December 31, 1971, by an	146
individual in the employ of a religious, charitable, educational,	147
or other organization which is excluded from the term "employment"	148
as defined in the "Federal Unemployment Tax Act," 84 Stat. 713, 26	149
U.S.C.A. 3301 to 3311, solely by reason of section 26 U.S.C.A.	150
3306(c) (8) of that act and is not excluded under division (B) (3)	151
of this section;	152
(c) Domestic service performed after December 31, 1977, for	153
an employer, as provided in division (A) (1) (c) of this section;	154
(d) Agricultural labor performed after December 31, 1977, for	155
a farm operator or a crew leader, as provided in division	156
(A) (1) (d) of this section;	157
(e) Service not covered under division (B) (1) of this section	158
which is performed after December 31, 1971:	159
(i) As an agent-driver or commission-driver engaged in	160
distributing meat products, vegetable products, fruit products,	161
bakery products, beverages other than milk, laundry, or	162
dry-cleaning services, for the individual's employer or principal;	163
(ii) As a traveling or city salesperson, other than as an	164
agent-driver or commission-driver, engaged on a full-time basis in	165
the solicitation on behalf of and in the transmission to the	166
salesperson's employer or principal except for sideline sales	167
activities on behalf of some other person of orders from	168
wholesalers, retailers, contractors, or operators of hotels,	169
restaurants, or other similar establishments for merchandise for	170
resale, or supplies for use in their business operations, provided	171

that for the purposes of division (B) (2) (e) (ii) of this section, 172  
the services shall be deemed employment if the contract of service 173  
contemplates that substantially all of the services are to be 174  
performed personally by the individual and that the individual 175  
does not have a substantial investment in facilities used in 176  
connection with the performance of the services other than in 177  
facilities for transportation, and the services are not in the 178  
nature of a single transaction that is not a part of a continuing 179  
relationship with the person for whom the services are performed. 180

(f) An individual's entire service performed within or both 181  
within and without the state if: 182

(i) The service is localized in this state. 183

(ii) The service is not localized in any state, but some of 184  
the service is performed in this state and either the base of 185  
operations, or if there is no base of operations then the place 186  
from which such service is directed or controlled, is in this 187  
state or the base of operations or place from which such service 188  
is directed or controlled is not in any state in which some part 189  
of the service is performed but the individual's residence is in 190  
this state. 191

(g) Service not covered under division (B) (2) (f) (ii) of this 192  
section and performed entirely without this state, with respect to 193  
no part of which contributions are required and paid under an 194  
unemployment compensation law of any other state, the Virgin 195  
Islands, Canada, or of the United States, if the individual 196  
performing such service is a resident of this state and the 197  
director approves the election of the employer for whom such 198  
services are performed; or, if the individual is not a resident of 199  
this state but the place from which the service is directed or 200  
controlled is in this state, the entire services of such 201  
individual shall be deemed to be employment subject to this 202

chapter, provided service is deemed to be localized within this state if the service is performed entirely within this state or if the service is performed both within and without this state but the service performed without this state is incidental to the individual's service within the state, for example, is temporary or transitory in nature or consists of isolated transactions;

(h) Service of an individual who is a citizen of the United States, performed outside the United States except in Canada after December 31, 1971, or the Virgin Islands, after December 31, 1971, and before the first day of January of the year following that in which the United States secretary of labor approves the Virgin Islands law for the first time, in the employ of an American employer, other than service which is "employment" under divisions (B) (2) (f) and (g) of this section or similar provisions of another state's law, if:

(i) The employer's principal place of business in the United States is located in this state;

(ii) The employer has no place of business in the United States, but the employer is an individual who is a resident of this state; or the employer is a corporation which is organized under the laws of this state, or the employer is a partnership or a trust and the number of partners or trustees who are residents of this state is greater than the number who are residents of any other state; or

(iii) None of the criteria of divisions (B) (2) (f) (i) and (ii) of this section is met but the employer has elected coverage in this state or the employer having failed to elect coverage in any state, the individual has filed a claim for benefits, based on such service, under this chapter.

(i) For the purposes of division (B) (2) (h) of this section, the term "American employer" means an employer who is an



individual who is a resident of the United States; or a 234  
partnership, if two-thirds or more of the partners are residents 235  
of the United States; or a trust, if all of the trustees are 236  
residents of the United States; or a corporation organized under 237  
the laws of the United States or of any state, provided the term 238  
"United States" includes the states, the District of Columbia, the 239  
Commonwealth of Puerto Rico, and the Virgin Islands. 240

(j) Notwithstanding any other provisions of divisions (B) (1) 241  
and (2) of this section, service, except for domestic service in a 242  
private home not covered under division (A) (1) (c) of this section, 243  
with respect to which a tax is required to be paid under any 244  
federal law imposing a tax against which credit may be taken for 245  
contributions required to be paid into a state unemployment fund, 246  
or service, except for domestic service in a private home not 247  
covered under division (A) (1) (c) of this section, which, as a 248  
condition for full tax credit against the tax imposed by the 249  
"Federal Unemployment Tax Act," 84 Stat. 713, 26 U.S.C.A. 3301 to 250  
3311, is required to be covered under this chapter. 251

(k) Construction services performed by any individual under a 252  
construction contract, as defined in section 4141.39 of the 253  
Revised Code, if the director determines that the employer for 254  
whom services are performed has the right to direct or control the 255  
performance of the services and that the individuals who perform 256  
the services receive remuneration for the services performed. The 257  
director shall presume that the employer for whom services are 258  
performed has the right to direct or control the performance of 259  
the services if ten or more of the following criteria apply: 260

(i) The employer directs or controls the manner or method by 261  
which instructions are given to the individual performing 262  
services; 263

(ii) The employer requires particular training for the 264

individual performing services;	265
(iii) Services performed by the individual are integrated into the regular functioning of the employer;	266 267
(iv) The employer requires that services be provided by a particular individual;	268 269
(v) The employer hires, supervises, or pays the wages of the individual performing services;	270 271
(vi) A continuing relationship between the employer and the individual performing services exists which contemplates continuing or recurring work, even if not full-time work;	272 273 274
(vii) The employer requires the individual to perform services during established hours;	275 276
(viii) The employer requires that the individual performing services be devoted on a full-time basis to the business of the employer;	277 278 279
(ix) The employer requires the individual to perform services on the employer's premises;	280 281
(x) The employer requires the individual performing services to follow the order of work established by the employer;	282 283
(xi) The employer requires the individual performing services to make oral or written reports of progress;	284 285
(xii) The employer makes payment to the individual for services on a regular basis, such as hourly, weekly, or monthly;	286 287
(xiii) The employer pays expenses for the individual performing services;	288 289
(xiv) The employer furnishes the tools and materials for use by the individual to perform services;	290 291
(xv) The individual performing services has not invested in	292

the facilities used to perform services;	293
(xvi) The individual performing services does not realize a profit or suffer a loss as a result of the performance of the services;	294 295 296
(xvii) The individual performing services is not performing services for more than two employers simultaneously;	297 298
(xviii) The individual performing services does not make the services available to the general public;	299 300
(xix) The employer has a right to discharge the individual performing services;	301 302
(xx) The individual performing services has the right to end the individual's relationship with the employer without incurring liability pursuant to an employment contract or agreement.	303 304 305
(1) Service performed by an individual in the employ of an Indian tribe as defined by section 4(e) of the "Indian Self-Determination and Education Assistance Act," 88 Stat. 2204 (1975), 25 U.S.C.A. 450b(e), including any subdivision, subsidiary, or business enterprise wholly owned by an Indian tribe provided that the service is excluded from employment as defined in the "Federal Unemployment Tax Act," 53 Stat. 183, (1939), 26 U.S.C.A. 3301 and 3306(c)(7) and is not excluded under division (B)(3) of this section.	306 307 308 309 310 311 312 313 314
(3) "Employment" does not include the following services if they are found not subject to the "Federal Unemployment Tax Act," 84 Stat. 713 (1970), 26 U.S.C.A. 3301 to 3311, and if the services are not required to be included under division (B)(2)(j) of this section:	315 316 317 318 319
(a) Service performed after December 31, 1977, in agricultural labor, except as provided in division (A)(1)(d) of this section;	320 321 322

(b) Domestic service performed after December 31, 1977, in a private home, local college club, or local chapter of a college fraternity or sorority except as provided in division (A) (1) (c) of this section;	323 324 325 326
(c) Service performed after December 31, 1977, for this state or a political subdivision as described in division (B) (2) (a) of this section when performed:	327 328 329
(i) As a publicly elected official;	330
(ii) As a member of a legislative body, or a member of the judiciary;	331 332
(iii) As a military member of the Ohio national guard;	333
(iv) As an employee, not in the classified service as defined in section 124.11 of the Revised Code, serving on a temporary basis in case of fire, storm, snow, earthquake, flood, or similar emergency;	334 335 336 337
(v) In a position which, under or pursuant to law, is designated as a major nontenured policymaking or advisory position, not in the classified service of the state, or a policymaking or advisory position the performance of the duties of which ordinarily does not require more than eight hours per week.	338 339 340 341 342
(d) In the employ of any governmental unit or instrumentality of the United States;	343 344
(e) Service performed after December 31, 1971:	345
(i) Service in the employ of an educational institution or institution of higher education, including those operated by the state or a political subdivision, if such service is performed by a student who is enrolled and is regularly attending classes at the educational institution or institution of higher education; or	346 347 348 349 350
(ii) By an individual who is enrolled at a nonprofit or	351

public educational institution which normally maintains a regular 352  
faculty and curriculum and normally has a regularly organized body 353  
of students in attendance at the place where its educational 354  
activities are carried on as a student in a full-time program, 355  
taken for credit at the institution, which combines academic 356  
instruction with work experience, if the service is an integral 357  
part of the program, and the institution has so certified to the 358  
employer, provided that this subdivision shall not apply to 359  
service performed in a program established for or on behalf of an 360  
employer or group of employers; 361

(f) Service performed by an individual in the employ of the 362  
individual's son, daughter, or spouse and service performed by a 363  
child under the age of eighteen in the employ of the child's 364  
father or mother; 365

(g) Service performed for one or more principals by an 366  
individual who is compensated on a commission basis, who in the 367  
performance of the work is master of the individual's own time and 368  
efforts, and whose remuneration is wholly dependent on the amount 369  
of effort the individual chooses to expend, and which service is 370  
not subject to the "Federal Unemployment Tax Act," 53 Stat. 183 371  
(1939), 26 U.S.C.A. 3301 to 3311. Service performed after December 372  
31, 1971: 373

(i) By an individual for an employer as an insurance agent or 374  
as an insurance solicitor, if all this service is performed for 375  
remuneration solely by way of commission; 376

(ii) As a home worker performing work, according to 377  
specifications furnished by the employer for whom the services are 378  
performed, on materials or goods furnished by such employer which 379  
are required to be returned to the employer or to a person 380  
designated for that purpose. 381

(h) Service performed after December 31, 1971: 382

(i) In the employ of a church or convention or association of churches, or in an organization which is operated primarily for religious purposes and which is operated, supervised, controlled, or principally supported by a church or convention or association of churches;

(ii) By a duly ordained, commissioned, or licensed minister of a church in the exercise of the individual's ministry or by a member of a religious order in the exercise of duties required by such order; or

(iii) In a facility conducted for the purpose of carrying out a program of rehabilitation for individuals whose earning capacity is impaired by age or physical or mental deficiency or injury, or providing remunerative work for individuals who because of their impaired physical or mental capacity cannot be readily absorbed in the competitive labor market, by an individual receiving such rehabilitation or remunerative work;

(i) Service performed after June 30, 1939, with respect to which unemployment compensation is payable under the "Railroad Unemployment Insurance Act," 52 Stat. 1094 (1938), 45 U.S.C. 351;

(j) Service performed by an individual in the employ of any organization exempt from income tax under section 501 of the "Internal Revenue Code of 1954," if the remuneration for such service does not exceed fifty dollars in any calendar quarter, or if such service is in connection with the collection of dues or premiums for a fraternal beneficial society, order, or association and is performed away from the home office or is ritualistic service in connection with any such society, order, or association;

(k) Casual labor not in the course of an employer's trade or business; incidental service performed by an officer, appraiser, or member of a finance committee of a bank, building and loan

association, savings and loan association, or savings association 414  
when the remuneration for such incidental service exclusive of the 415  
amount paid or allotted for directors' fees does not exceed sixty 416  
dollars per calendar quarter is casual labor; 417

(l) Service performed in the employ of a voluntary employees' 418  
beneficial association providing for the payment of life, 419  
sickness, accident, or other benefits to the members of such 420  
association or their dependents or their designated beneficiaries, 421  
if admission to a membership in such association is limited to 422  
individuals who are officers or employees of a municipal or public 423  
corporation, of a political subdivision of the state, or of the 424  
United States and no part of the net earnings of such association 425  
inures, other than through such payments, to the benefit of any 426  
private shareholder or individual; 427

(m) Service performed by an individual in the employ of a 428  
foreign government, including service as a consular or other 429  
officer or employee or of a nondiplomatic representative; 430

(n) Service performed in the employ of an instrumentality 431  
wholly owned by a foreign government if the service is of a 432  
character similar to that performed in foreign countries by 433  
employees of the United States or of an instrumentality thereof 434  
and if the director finds that the secretary of state of the 435  
United States has certified to the secretary of the treasury of 436  
the United States that the foreign government, with respect to 437  
whose instrumentality exemption is claimed, grants an equivalent 438  
exemption with respect to similar service performed in the foreign 439  
country by employees of the United States and of instrumentalities 440  
thereof; 441

(o) Service with respect to which unemployment compensation 442  
is payable under an unemployment compensation system established 443  
by an act of congress; 444

(p) Service performed as a student nurse in the employ of a hospital or a nurses' training school by an individual who is enrolled and is regularly attending classes in a nurses' training school chartered or approved pursuant to state law, and service performed as an intern in the employ of a hospital by an individual who has completed a four years' course in a medical school chartered or approved pursuant to state law;

(q) Service performed by an individual under the age of eighteen in the delivery or distribution of newspapers or shopping news, not including delivery or distribution to any point for subsequent delivery or distribution;

(r) Service performed in the employ of the United States or an instrumentality of the United States immune under the Constitution of the United States from the contributions imposed by this chapter, except that to the extent that congress permits states to require any instrumentalities of the United States to make payments into an unemployment fund under a state unemployment compensation act, this chapter shall be applicable to such instrumentalities and to services performed for such instrumentalities in the same manner, to the same extent, and on the same terms as to all other employers, individuals, and services, provided that if this state is not certified for any year by the proper agency of the United States under section 3304 of the "Internal Revenue Code of 1954," the payments required of such instrumentalities with respect to such year shall be refunded by the director from the fund in the same manner and within the same period as is provided in division (E) of section 4141.09 of the Revised Code with respect to contributions erroneously collected;

(s) Service performed by an individual as a member of a band or orchestra, provided such service does not represent the



principal occupation of such individual, and which service is not  
 subject to or required to be covered for full tax credit against  
 the tax imposed by the "Federal Unemployment Tax Act," 53 Stat.  
 183 (1939), 26 U.S.C.A. 3301 to 3311.

(t) Service performed in the employ of a day camp whose  
 camping season does not exceed twelve weeks in any calendar year,  
 and which service is not subject to the "Federal Unemployment Tax  
 Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311. Service  
 performed after December 31, 1971:

(i) In the employ of a hospital, if the service is performed  
 by a patient of the hospital, as defined in division (W) of this  
 section;

(ii) For a prison or other correctional institution by an  
 inmate of the prison or correctional institution;

(iii) Service performed after December 31, 1977, by an inmate  
 of a custodial institution operated by the state, a political  
 subdivision, or a nonprofit organization.

(u) Service that is performed by a nonresident alien  
 individual for the period the individual temporarily is present in  
 the United States as a nonimmigrant under division (F), (J), (M),  
 or (Q) of section 101(a)(15) of the "Immigration and Nationality  
 Act," 66 Stat. 163, 8 U.S.C.A. 1101, as amended, that is excluded  
 under section 3306(c)(19) of the "Federal Unemployment Tax Act,"  
 53 Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311.

(v) Notwithstanding any other provisions of division (B)(3)  
 of this section, services that are excluded under divisions  
 (B)(3)(g), (j), (k), and (l) of this section shall not be excluded  
 from employment when performed for a nonprofit organization, as  
 defined in division (X) of this section, or for this state or its  
 instrumentalities, or for a political subdivision or its

instrumentalities or for Indian tribes;	506
(w) Service that is performed by an individual working as an election official or election worker if the amount of remuneration received by the individual during the calendar year for services as an election official or election worker is less than one thousand dollars;	507 508 509 510 511
(x) Service performed for an elementary or secondary school that is operated primarily for religious purposes, that is described in subsection 501(c)(3) and exempt from federal income taxation under subsection 501(a) of the Internal Revenue Code, 26 U.S.C.A. 501;	512 513 514 515 516
(y) Service performed by a person committed to a penal institution.	517 518
(z) Service performed for an Indian tribe as described in division (B)(2)(1) of this section when performed in any of the following manners:	519 520 521
(i) As a publicly elected official;	522
(ii) As a member of an Indian tribal council;	523
(iii) As a member of a legislative or judiciary body;	524
(iv) In a position which, pursuant to Indian tribal law, is designated as a major nontenured policymaking or advisory position, or a policymaking or advisory position where the performance of the duties ordinarily does not require more than eight hours of time per week;	525 526 527 528 529
(v) As an employee serving on a temporary basis in the case of a fire, storm, snow, earthquake, flood, or similar emergency.	530 531
(aa) Service performed after December 31, 1971, for a nonprofit organization, this state or its instrumentalities, a political subdivision or its instrumentalities, or an Indian tribe	532 533 534

as part of an unemployment work-relief or work-training program 535  
 assisted or financed in whole or in part by any federal agency or 536  
 an agency of a state or political subdivision, thereof, by an 537  
 individual receiving the work-relief or work-training. 538

(4) If the services performed during one half or more of any 539  
 pay period by an employee for the person employing that employee 540  
 constitute employment, all the services of such employee for such 541  
 period shall be deemed to be employment; but if the services 542  
 performed during more than one half of any such pay period by an 543  
 employee for the person employing that employee do not constitute 544  
 employment, then none of the services of such employee for such 545  
 period shall be deemed to be employment. As used in division 546  
 (B) (4) of this section, "pay period" means a period, of not more 547  
 than thirty-one consecutive days, for which payment of 548  
 remuneration is ordinarily made to the employee by the person 549  
 employing that employee. Division (B) (4) of this section does not 550  
 apply to services performed in a pay period by an employee for the 551  
 person employing that employee, if any of such service is excepted 552  
 by division (B) (3) (o) of this section. 553

(C) "Benefits" means money payments payable to an individual 554  
 who has established benefit rights, as provided in this chapter, 555  
 for loss of remuneration due to the individual's unemployment. 556

(D) "Benefit rights" means the weekly benefit amount and the 557  
 maximum benefit amount that may become payable to an individual 558  
 within the individual's benefit year as determined by the 559  
 director. 560

(E) "Claim for benefits" means a claim for waiting period or 561  
 benefits for a designated week. 562

(F) "Additional claim" means the first claim for benefits 563  
 filed following any separation from employment during a benefit 564  
 year; "continued claim" means any claim other than the first claim 565

for benefits and other than an additional claim. 566

(G) (1) "Wages" means remuneration paid to an employee by each 567  
of the employee's employers with respect to employment; except 568  
that wages shall not include that part of remuneration paid during 569  
any calendar year to an individual by an employer or such 570  
employer's predecessor in interest in the same business or 571  
enterprise, which in any calendar year is in excess of eight 572  
thousand two hundred fifty dollars on and after January 1, 1992; 573  
eight thousand five hundred dollars on and after January 1, 1993; 574  
eight thousand seven hundred fifty dollars on and after January 1, 575  
1994; and nine thousand dollars on and after January 1, 1995. 576  
Remuneration in excess of such amounts shall be deemed wages 577  
subject to contribution to the same extent that such remuneration 578  
is defined as wages under the "Federal Unemployment Tax Act," 84 579  
Stat. 714 (1970), 26 U.S.C.A. 3301 to 3311, as amended. The 580  
remuneration paid an employee by an employer with respect to 581  
employment in another state, upon which contributions were 582  
required and paid by such employer under the unemployment 583  
compensation act of such other state, shall be included as a part 584  
of remuneration in computing the amount specified in this 585  
division. 586

(2) Notwithstanding division (G) (1) of this section, if, as 587  
of the computation date for any calendar year, the director 588  
determines that the level of the unemployment compensation fund is 589  
sixty per cent or more below the minimum safe level as defined in 590  
section 4141.25 of the Revised Code, then, effective the first day 591  
of January of the following calendar year, wages subject to this 592  
chapter shall not include that part of remuneration paid during 593  
any calendar year to an individual by an employer or such 594  
employer's predecessor in interest in the same business or 595  
enterprise which is in excess of nine thousand dollars. The 596

increase in the dollar amount of wages subject to this chapter 597  
under this division shall remain in effect from the date of the 598  
director's determination pursuant to division (G) (2) of this 599  
section and thereafter notwithstanding the fact that the level in 600  
the fund may subsequently become less than sixty per cent below 601  
the minimum safe level. 602

(H) (1) "Remuneration" means all compensation for personal 603  
services, including commissions and bonuses and the cash value of 604  
all compensation in any medium other than cash, except that in the 605  
case of agricultural or domestic service, "remuneration" includes 606  
only cash remuneration. Gratuities customarily received by an 607  
individual in the course of the individual's employment from 608  
persons other than the individual's employer and which are 609  
accounted for by such individual to the individual's employer are 610  
taxable wages. 611

The reasonable cash value of compensation paid in any medium 612  
other than cash shall be estimated and determined in accordance 613  
with rules prescribed by the director, provided that 614  
"remuneration" does not include: 615

(a) Payments as provided in divisions (b) (2) to (b) (16) of 616  
section 3306 of the "Federal Unemployment Tax Act," 84 Stat. 713, 617  
26 U.S.C.A. 3301 to 3311, as amended; 618

(b) The payment by an employer, without deduction from the 619  
remuneration of the individual in the employer's employ, of the 620  
tax imposed upon an individual in the employer's employ under 621  
section 3101 of the "Internal Revenue Code of 1954," with respect 622  
to services performed after October 1, 1941. 623

(2) "Cash remuneration" means all remuneration paid in cash, 624  
including commissions and bonuses, but not including the cash 625  
value of all compensation in any medium other than cash. 626

(I) "Interested party" means the director and any party to whom notice of a determination of an application for benefit rights or a claim for benefits is required to be given under section 4141.28 of the Revised Code.

(J) "Annual payroll" means the total amount of wages subject to contributions during a twelve-month period ending with the last day of the second calendar quarter of any calendar year.

(K) "Average annual payroll" means the average of the last three annual payrolls of an employer, provided that if, as of any computation date, the employer has had less than three annual payrolls in such three-year period, such average shall be based on the annual payrolls which the employer has had as of such date.

(L) (1) "Contributions" means the money payments to the state unemployment compensation fund required of employers by section 4141.25 of the Revised Code and of the state and any of its political subdivisions electing to pay contributions under section 4141.242 of the Revised Code. Employers paying contributions shall be described as "contributory employers."

(2) "Payments in lieu of contributions" means the money payments to the state unemployment compensation fund required of reimbursing employers under sections 4141.241 and 4141.242 of the Revised Code.

(M) An individual is "totally unemployed" in any week during which the individual performs no services and with respect to such week no remuneration is payable to the individual.

(N) An individual is "partially unemployed" in any week if, due to involuntary loss of work, the total remuneration payable to the individual for such week is less than the individual's weekly benefit amount.

(O) "Week" means the calendar week ending at midnight

Saturday unless an equivalent week of seven consecutive calendar days is prescribed by the director.

(1) "Qualifying week" means any calendar week in an individual's base period with respect to which the individual earns or is paid remuneration in employment subject to this chapter. A calendar week with respect to which an individual earns remuneration but for which payment was not made within the base period, when necessary to qualify for benefit rights, may be considered to be a qualifying week. The number of qualifying weeks which may be established in a calendar quarter shall not exceed the number of calendar weeks in the quarter.

(2) "Average weekly wage" means the amount obtained by dividing an individual's total remuneration for all qualifying weeks during the base period by the number of such qualifying weeks, provided that if the computation results in an amount that is not a multiple of one dollar, such amount shall be rounded to the next lower multiple of one dollar.

(P) "Weekly benefit amount" means the amount of benefits an individual would be entitled to receive for one week of total unemployment.

(Q) (1) "Base period" means the first four of the last five completed calendar quarters immediately preceding the first day of an individual's benefit year, except as provided in division (Q) (2) of this section.

(2) If an individual does not have sufficient qualifying weeks and wages in the base period to qualify for benefit rights, the individual's base period shall be the four most recently completed calendar quarters preceding the first day of the individual's benefit year. Such base period shall be known as the "alternate base period." If information as to weeks and wages for the most recent quarter of the alternate base period is not

available to the director from the regular quarterly reports of 688  
wage information, which are systematically accessible, the 689  
director may, consistent with the provisions of section 4141.28 of 690  
the Revised Code, base the determination of eligibility for 691  
benefits on the affidavit of the claimant with respect to weeks 692  
and wages for that calendar quarter. The claimant shall furnish 693  
payroll documentation, where available, in support of the 694  
affidavit. The determination based upon the alternate base period 695  
as it relates to the claimant's benefit rights, shall be amended 696  
when the quarterly report of wage information from the employer is 697  
timely received and that information causes a change in the 698  
determination. As provided in division (B) of section 4141.28 of 699  
the Revised Code, any benefits paid and charged to an employer's 700  
account, based upon a claimant's affidavit, shall be adjusted 701  
effective as of the beginning of the claimant's benefit year. No 702  
calendar quarter in a base period or alternate base period shall 703  
be used to establish a subsequent benefit year. 704

(3) The "base period" of a combined wage claim, as described 705  
in division (H) of section 4141.43 of the Revised Code, shall be 706  
the base period prescribed by the law of the state in which the 707  
claim is allowed. 708

(4) For purposes of determining the weeks that comprise a 709  
completed calendar quarter under this division, only those weeks 710  
ending at midnight Saturday within the calendar quarter shall be 711  
utilized. 712

(R) (1) "Benefit year" with respect to an individual means the 713  
fifty-two week period beginning with the first day of that week 714  
with respect to which the individual first files a valid 715  
application for determination of benefit rights, and thereafter 716  
the fifty-two week period beginning with the first day of that 717  
week with respect to which the individual next files a valid 718



application for determination of benefit rights after the 719  
termination of the individual's last preceding benefit year, 720  
except that the application shall not be considered valid unless 721  
the individual has had employment in six weeks that is subject to 722  
this chapter or the unemployment compensation act of another 723  
state, or the United States, and has, since the beginning of the 724  
individual's previous benefit year, in the employment earned three 725  
times the average weekly wage determined for the previous benefit 726  
year. The "benefit year" of a combined wage claim, as described in 727  
division (H) of section 4141.43 of the Revised Code, shall be the 728  
benefit year prescribed by the law of the state in which the claim 729  
is allowed. Any application for determination of benefit rights 730  
made in accordance with section 4141.28 of the Revised Code is 731  
valid if the individual filing such application is unemployed, has 732  
been employed by an employer or employers subject to this chapter 733  
in at least twenty qualifying weeks within the individual's base 734  
period, and has earned or been paid remuneration at an average 735  
weekly wage of not less than twenty-seven and one-half per cent of 736  
the statewide average weekly wage for such weeks. For purposes of 737  
determining whether an individual has had sufficient employment 738  
since the beginning of the individual's previous benefit year to 739  
file a valid application, "employment" means the performance of 740  
services for which remuneration is payable. 741

(2) Effective for benefit years beginning on and after 742  
December 26, 2004, any application for determination of benefit 743  
rights made in accordance with section 4141.28 of the Revised Code 744  
is valid if the individual satisfies the criteria described in 745  
division (R) (1) of this section, and if the reason for the 746  
individual's separation from employment is not disqualifying 747  
pursuant to division (D) (2) of section 4141.29 or section 4141.291 748  
of the Revised Code. A disqualification imposed pursuant to 749  
division (D) (2) of section 4141.29 or section 4141.291 of the 750

Revised Code must be removed as provided in those sections as a requirement of establishing a valid application for benefit years beginning on and after December 26, 2004.

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(3) The statewide average weekly wage shall be calculated by the director once a year based on the twelve-month period ending the thirtieth day of June, as set forth in division (B) (3) of section 4141.30 of the Revised Code, rounded down to the nearest dollar. Increases or decreases in the amount of remuneration required to have been earned or paid in order for individuals to have filed valid applications shall become effective on Sunday of the calendar week in which the first day of January occurs that follows the twelve-month period ending the thirtieth day of June upon which the calculation of the statewide average weekly wage was based.

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(4) As used in this division, an individual is "unemployed" if, with respect to the calendar week in which such application is filed, the individual is "partially unemployed" or "totally unemployed" as defined in this section or if, prior to filing the application, the individual was separated from the individual's most recent work for any reason which terminated the individual's employee-employer relationship, or was laid off indefinitely or for a definite period of seven or more days.

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(S) "Calendar quarter" means the period of three consecutive calendar months ending on the thirty-first day of March, the thirtieth day of June, the thirtieth day of September, and the thirty-first day of December, or the equivalent thereof as the director prescribes by rule.

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(T) "Computation date" means the first day of the third calendar quarter of any calendar year.

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(U) "Contribution period" means the calendar year beginning on the first day of January of any year.

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(V) "Agricultural labor," for the purpose of this division, 782  
means any service performed prior to January 1, 1972, which was 783  
agricultural labor as defined in this division prior to that date, 784  
and service performed after December 31, 1971: 785

(1) On a farm, in the employ of any person, in connection 786  
with cultivating the soil, or in connection with raising or 787  
harvesting any agricultural or horticultural commodity, including 788  
the raising, shearing, feeding, caring for, training, and 789  
management of livestock, bees, poultry, and fur-bearing animals 790  
and wildlife; 791

(2) In the employ of the owner or tenant or other operator of 792  
a farm in connection with the operation, management, conservation, 793  
improvement, or maintenance of such farm and its tools and 794  
equipment, or in salvaging timber or clearing land of brush and 795  
other debris left by hurricane, if the major part of such service 796  
is performed on a farm; 797

(3) In connection with the production or harvesting of any 798  
commodity defined as an agricultural commodity in section 15 (g) 799  
of the "Agricultural Marketing Act," 46 Stat. 1550 (1931), 12 800  
U.S.C. 1141j, as amended, or in connection with the ginning of 801  
cotton, or in connection with the operation or maintenance of 802  
ditches, canals, reservoirs, or waterways, not owned or operated 803  
for profit, used exclusively for supplying and storing water for 804  
farming purposes; 805

(4) In the employ of the operator of a farm in handling, 806  
planting, drying, packing, packaging, processing, freezing, 807  
grading, storing, or delivering to storage or to market or to a 808  
carrier for transportation to market, in its unmanufactured state, 809  
any agricultural or horticultural commodity, but only if the 810  
operator produced more than one half of the commodity with respect 811  
to which such service is performed; 812

(5) In the employ of a group of operators of farms, or a cooperative organization of which the operators are members, in the performance of service described in division (V) (4) of this section, but only if the operators produced more than one-half of the commodity with respect to which the service is performed;

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(6) Divisions (V) (4) and (5) of this section shall not be deemed to be applicable with respect to service performed:

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(a) In connection with commercial canning or commercial freezing or in connection with any agricultural or horticultural commodity after its delivery to a terminal market for distribution for consumption; or

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(b) On a farm operated for profit if the service is not in the course of the employer's trade or business.

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As used in division (V) of this section, "farm" includes stock, dairy, poultry, fruit, fur-bearing animal, and truck farms, plantations, ranches, nurseries, ranges, greenhouses, or other similar structures used primarily for the raising of agricultural or horticultural commodities and orchards.

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(W) "Hospital" means an institution which has been registered or licensed by the Ohio department of health as a hospital.

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(X) "Nonprofit organization" means an organization, or group of organizations, described in section 501(c) (3) of the "Internal Revenue Code of 1954," and exempt from income tax under section 501(a) of that code.

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(Y) "Institution of higher education" means a public or nonprofit educational institution, including an educational institution operated by an Indian tribe, which:

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(1) Admits as regular students only individuals having a certificate of graduation from a high school, or the recognized equivalent;

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(2) Is legally authorized in this state or by the Indian 843  
tribe to provide a program of education beyond high school; and 844

(3) Provides an educational program for which it awards a 845  
bachelor's or higher degree, or provides a program which is 846  
acceptable for full credit toward such a degree, a program of 847  
post-graduate or post-doctoral studies, or a program of training 848  
to prepare students for gainful employment in a recognized 849  
occupation. 850

For the purposes of this division, all colleges and 851  
universities in this state are institutions of higher education. 852

(Z) For the purposes of this chapter, "states" includes the 853  
District of Columbia, the Commonwealth of Puerto Rico, and the 854  
Virgin Islands. 855

(AA) "Alien" means, for the purposes of division (A) (1) (d) of 856  
this section, an individual who is an alien admitted to the United 857  
States to perform service in agricultural labor pursuant to 858  
sections 214 (c) and 101 (a) (15) (H) of the "Immigration and 859  
Nationality Act," 66 Stat. 163, 8 U.S.C.A. 1101. 860

(BB) (1) "Crew leader" means an individual who furnishes 861  
individuals to perform agricultural labor for any other employer 862  
or farm operator, and: 863

(a) Pays, either on the individual's own behalf or on behalf 864  
of the other employer or farm operator, the individuals so 865  
furnished by the individual for the service in agricultural labor 866  
performed by them; 867

(b) Has not entered into a written agreement with the other 868  
employer or farm operator under which the agricultural worker is 869  
designated as in the employ of the other employer or farm 870  
operator. 871

(2) For the purposes of this chapter, any individual who is a 872

member of a crew furnished by a crew leader to perform service in 873  
agricultural labor for any other employer or farm operator shall 874  
be treated as an employee of the crew leader if: 875

(a) The crew leader holds a valid certificate of registration 876  
under the "Farm Labor Contractor Registration Act of 1963," 90 877  
Stat. 2668, 7 U.S.C. 2041; or 878

(b) Substantially all the members of the crew operate or 879  
maintain tractors, mechanized harvesting or crop-dusting 880  
equipment, or any other mechanized equipment, which is provided by 881  
the crew leader; and 882

(c) If the individual is not in the employment of the other 883  
employer or farm operator within the meaning of division (B)(1) of 884  
this section. 885

(3) For the purposes of this division, any individual who is 886  
furnished by a crew leader to perform service in agricultural 887  
labor for any other employer or farm operator and who is not 888  
treated as in the employment of the crew leader under division 889  
(BB)(2) of this section shall be treated as the employee of the 890  
other employer or farm operator and not of the crew leader. The 891  
other employer or farm operator shall be treated as having paid 892  
cash remuneration to the individual in an amount equal to the 893  
amount of cash remuneration paid to the individual by the crew 894  
leader, either on the crew leader's own behalf or on behalf of the 895  
other employer or farm operator, for the service in agricultural 896  
labor performed for the other employer or farm operator. 897

(CC) "Educational institution" means an institution other 898  
than an institution of higher education as defined in division (Y) 899  
of this section, including an educational institution operated by 900  
an Indian tribe, which: 901

(1) Offers participants, trainees, or students an organized 902

course of study or training designed to transfer to them 903  
 knowledge, skills, information, doctrines, attitudes, or abilities 904  
 from, by, or under the guidance of an instructor or teacher; and 905

(2) Is approved, chartered, or issued a permit to operate as 906  
 a school by the state board of education , other government 907  
 agency, or Indian tribe that is authorized within the state to 908  
 approve, charter, or issue a permit for the operation of a school. 909

For the purposes of this division, the courses of study or 910  
 training which the institution offers may be academic, technical, 911  
 trade, or preparation for gainful employment in a recognized 912  
 occupation. 913

(DD) "Cost savings day" means any unpaid day off from work in 914  
 which employees continue to accrue employee benefits which have a 915  
 determinable value including, but not limited to, vacation, 916  
 pension contribution, sick time, and life and health insurance." 917

Between lines 61802 and 61803, insert: 918

"Sec. 4141.31. (A) Benefits otherwise payable for any week 919  
 shall be reduced by the amount of remuneration or other payments a 920  
 claimant receives with respect to such week as follows: 921

(1) Remuneration in lieu of notice; 922

(2) Compensation for wage loss under division (B) of section 923  
 4123.56 of the Revised Code or a similar provision under the 924  
 workers' compensation law of any state or the United States; 925

(3) Payments in the form of retirement, or pension allowances 926  
 as provided under section 4141.312 of the Revised Code; 927

(4) Except as otherwise provided in division (D) of this 928  
 section, remuneration in the form of separation or termination pay 929  
 paid to an employee at the time of the employee's separation from 930  
 employment; 931

(5) Vacation pay or allowance payable under the law, terms of a labor-management contract or agreement, or other contract of hire, which payments are allocated to designated weeks;

(6) The determinable value of cost savings days.

If payments under this division are paid with respect to a month then the amount of remuneration deemed to be received with respect to any week during such month shall be computed by multiplying such monthly amount by twelve and dividing the product by fifty-two. If there is no designation of the period with respect to which payments to an individual are made under this section then an amount equal to such individual's normal weekly wage shall be attributed to and deemed paid with respect to the first and each succeeding week following the individual's separation or termination from the employment of the employer making the payment until such amount so paid is exhausted.

If benefits for any week, when reduced as provided in this division, result in an amount not a multiple of one dollar, such benefits shall be rounded to the next lower multiple of one dollar.

Any payment allocated by the employer or the director of job and family services to weeks under division (A)(1), (4), or (5) of this section shall be deemed to be remuneration for the purposes of establishing a qualifying week and a benefit year under divisions (O)(1) and (R) of section 4141.01 of the Revised Code.

(B) Benefits payable for any week shall not be reduced by the amount of remuneration a claimant receives with respect to such week in the form of drill or reserve pay received by a member of the Ohio national guard or the armed forces reserve for attendance at a regularly scheduled drill or meeting.

(C) No benefits shall be paid for any week with respect to



which or a part of which an individual has received or is seeking 962  
 unemployment benefits under an unemployment compensation law of 963  
 any other state or of the United States, provided the 964  
 disqualifications shall not apply if the appropriate agency of 965  
 such other state or of the United States finally determines that 966  
 an individual is not entitled to such unemployment benefits. A law 967  
 of the United States providing any payment of any type and in any 968  
 amounts for periods of unemployment due to lack of work shall be 969  
 considered an unemployment compensation law of the United States. 970  
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(D) Benefits payable for any week shall not be reduced by the 972  
 amount of military severance, disability, or separation pay paid 973  
 to an individual who is a former member of the armed forces of the 974  
 United States. 975

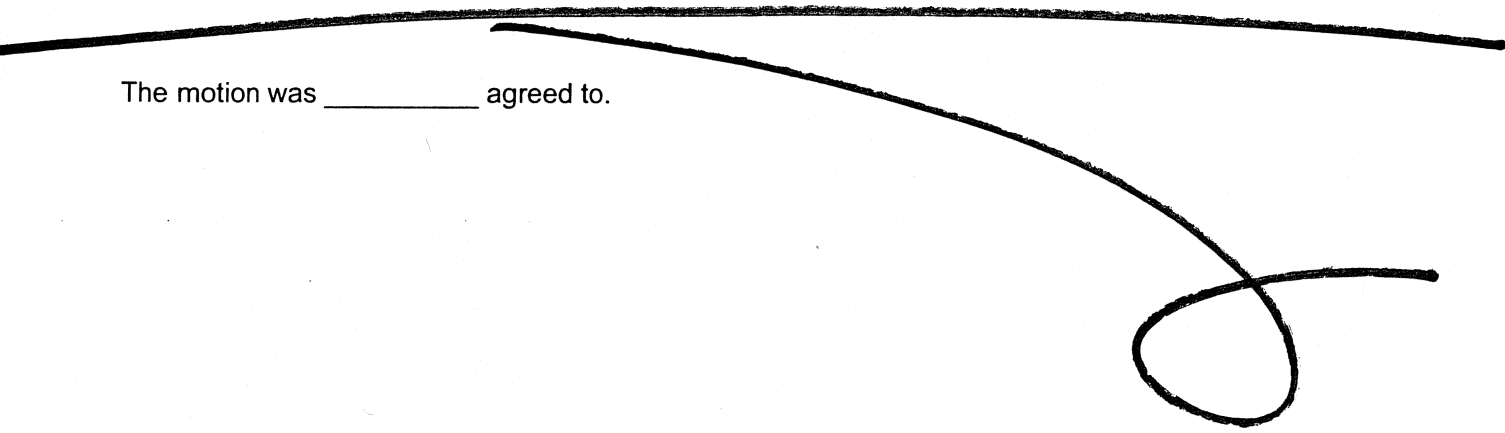
(E) Remuneration for personal services includes cost savings 976  
days, as defined in division (DD) of section 4141.01 of the 977  
Revised Code, for which employees continue to accrue employee 978  
benefits that have a determinable value. Any unemployment 979  
compensation benefits that may be payable as a result of cost 980  
savings days shall be reduced as provided in division (A) (6) of 981  
this section." 982

In line 90878, after "4117.24," insert "4141.01,"; after 983  
 "4141.162," insert "4141.31," 984

In line 106544, after "4117.24," insert "4141.01, 4141.31," 985

In line 114 of the title, after "4117.24," insert "4141.01,"; 986  
 after "4141.162," insert "4141.31," 987

The motion was \_\_\_\_\_ agreed to.



SYNOPSIS

<b>Reduction of Unemployment Compensation Benefits</b>	988
<b>R.C. 4141.01 and 4141.31</b>	989
Requires unemployment compensation benefits otherwise payable	990
for any week to be reduced by the amount of remuneration or other	991
payments a claimant receives with respect to such week for the	992
determinable value of cost savings days. Defines "cost savings	993
day" as any unpaid day off from work in which employees continue	994
to accrue employee benefits which have a determinable value	995
including, but not limited to, vacation, pension contribution,	996
sick time, and life and health insurance.	997
Specifies that the reduction of unemployment compensation	998
benefits for vacation pay or allowance payable under the terms of	999
a labor-management contract or agreement, or other contract of	1000
hire, provided for in current law also include vacation pay or	1001
allowance payable under the law.	1002
Specifies that remuneration for personal services includes	1003
cost savings days for which employees continue to accrue employee	1004
benefits that have a determinable value. Requires any unemployment	1005
compensation benefits that may be payable as a result of cost	1006
savings days to be reduced.	1007

Am. Sub. H.B. 1

As Passed by the Senate

CC-4667

COM-17

\_\_\_\_\_ moved to amend as follows:

- In line 297, after "121.07," insert "121.08, 121.083,  
121.084," 1  
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- In line 301, after "124.07," insert "124.11," 3
- In line 341, after "3301.42," insert "3301.55," 4
- In line 359, after "3702.94," insert "3703.01, 3703.03,  
3703.04, 3703.05, 3703.06, 3703.07, 3703.08, 3703.10, 3703.21,  
3703.99," 5  
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- In line 360, after "3712.03," insert "3713.01, 3713.02,  
3713.03, 3713.04, 3713.05, 3713.06, 3713.07, 3713.08, 3713.09,  
3713.10," 8  
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- In line 366, after "3721.02," insert "3721.071," 11
- In line 367, after "3722.04," insert "3722.041," 12
- In line 370, after "3737.71," insert "3743.04, 3743.25," 13
- In line 372, after "3781.01," insert "3781.03,"; after  
"3781.10," insert "3781.102, 3781.11,"; after "3781.19," insert  
"3783.05, 3791.02, 3791.04, 3791.05, 3791.07," 14  
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- In line 374, after "3953.231," insert "4104.01, 4104.02,  
4104.06," 17  
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In line 375, after "4104.07," insert "4104.08, 4104.09,  
 4104.10,"; after "4104.101," insert "4104.12, 4104.15, 4104.16,  
 4104.17,"; after "4104.18," insert "4104.19, 4104.21, 4104.33,  
 4104.42, 4104.43, 4104.44, 4104.48, 4105.01, 4105.02, 4105.03,  
 4105.04, 4105.05, 4105.06, 4105.09, 4105.11, 4105.12, 4105.13,  
 4105.15, 4105.16,"; after "4105.17," insert "4105.191, 4105.20,  
 4105.21,"

In line 376, after "4141.162," insert "4169.02, 4169.03,  
 4169.04, 4171.04,"

In line 390, after "4736.01," insert "4740.03, 4740.11"

In line 399, after "5104.041," insert "5104.051,"

In line 5403, strike through "and worker safety"

Strike through line 5405

Between lines 5472 and 5473, insert:

"**Sec. 121.08.** (A) There is hereby created in the department  
 of commerce the position of deputy director of administration.  
 This officer shall be appointed by the director of commerce, serve  
 under the director's direction, supervision, and control, perform  
 the duties the director prescribes, and hold office during the  
 director's pleasure. The director of commerce may designate an  
 assistant director of commerce to serve as the deputy director of  
 administration. The deputy director of administration shall  
 perform the duties prescribed by the director of commerce in  
 supervising the activities of the division of administration of  
 the department of commerce.

(B) Except as provided in section 121.07 of the Revised Code,  
 the department of commerce shall have all powers and perform all  
 duties vested in the deputy director of administration, the state  
 fire marshal, the superintendent of financial institutions, the

superintendent of real estate and professional licensing, the 48  
superintendent of liquor control, ~~the superintendent of industrial~~ 49  
~~compliance,~~ the superintendent of labor and worker safety, the 50  
superintendent of unclaimed funds, and the commissioner of 51  
securities, and shall have all powers and perform all duties 52  
vested by law in all officers, deputies, and employees of those 53  
offices. Except as provided in section 121.07 of the Revised Code, 54  
wherever powers are conferred or duties imposed upon any of those 55  
officers, the powers and duties shall be construed as vested in 56  
the department of commerce. 57

(C) (1) There is hereby created in the department of commerce 58  
a division of financial institutions, which shall have all powers 59  
and perform all duties vested by law in the superintendent of 60  
financial institutions. Wherever powers are conferred or duties 61  
imposed upon the superintendent of financial institutions, those 62  
powers and duties shall be construed as vested in the division of 63  
financial institutions. The division of financial institutions 64  
shall be administered by the superintendent of financial 65  
institutions. 66

(2) All provisions of law governing the superintendent of 67  
financial institutions shall apply to and govern the 68  
superintendent of financial institutions provided for in this 69  
section; all authority vested by law in the superintendent of 70  
financial institutions with respect to the management of the 71  
division of financial institutions shall be construed as vested in 72  
the superintendent of financial institutions created by this 73  
section with respect to the division of financial institutions 74  
provided for in this section; and all rights, privileges, and 75  
emoluments conferred by law upon the superintendent of financial 76  
institutions shall be construed as conferred upon the 77  
superintendent of financial institutions as head of the division 78

of financial institutions. The director of commerce shall not  
transfer from the division of financial institutions any of the  
functions specified in division (C) (2) of this section.

(D) There is hereby created in the department of commerce a  
division of liquor control, which shall have all powers and  
perform all duties vested by law in the superintendent of liquor  
control. Wherever powers are conferred or duties are imposed upon  
the superintendent of liquor control, those powers and duties  
shall be construed as vested in the division of liquor control.  
The division of liquor control shall be administered by the  
superintendent of liquor control.

(E) The director of commerce shall not be interested,  
directly or indirectly, in any firm or corporation which is a  
dealer in securities as defined in sections 1707.01 and 1707.14 of  
the Revised Code, or in any firm or corporation licensed under  
sections 1321.01 to 1321.19 of the Revised Code.

(F) The director of commerce shall not have any official  
connection with a savings and loan association, a savings bank, a  
bank, a bank holding company, a savings and loan association  
holding company, a consumer finance company, or a credit union  
that is under the supervision of the division of financial  
institutions, or a subsidiary of any of the preceding entities, or  
be interested in the business thereof.

(G) There is hereby created in the state treasury the  
division of administration fund. The fund shall receive  
assessments on the operating funds of the department of commerce  
in accordance with procedures prescribed by the director of  
commerce and approved by the director of budget and management.  
All operating expenses of the division of administration shall be  
paid from the division of administration fund.

(H) There is hereby created in the department of commerce a

division of real estate and professional licensing, which shall be 110  
under the control and supervision of the director of commerce. The 111  
division of real estate and professional licensing shall be 112  
administered by the superintendent of real estate and professional 113  
licensing. The superintendent of real estate and professional 114  
licensing shall exercise the powers and perform the functions and 115  
duties delegated to the superintendent under Chapters 4735., 116  
4763., and 4767. of the Revised Code. 117

(I) There is hereby created in the department of commerce a 118  
division of labor ~~and worker safety~~, which shall have all powers 119  
and perform all duties vested by law in the superintendent of 120  
labor ~~and worker safety~~. Wherever powers are conferred or duties 121  
imposed upon the superintendent of labor ~~and worker safety~~, those 122  
powers and duties shall be construed as vested in the division of 123  
labor ~~and worker safety~~. The division of labor ~~and worker safety~~ 124  
shall be under the control and supervision of the director of 125  
commerce and be administered by the superintendent of labor ~~and~~ 126  
~~worker safety~~. ~~The superintendent of labor and worker safety shall~~ 127  
~~exercise the powers and perform the duties delegated to the~~ 128  
~~superintendent by the director under Chapters 4109., 4111., and~~ 129  
~~4115. of the Revised Code.~~ 130

(J) There is hereby created in the department of commerce a 131  
division of unclaimed funds, which shall have all powers and 132  
perform all duties delegated to or vested by law in the 133  
superintendent of unclaimed funds. Wherever powers are conferred 134  
or duties imposed upon the superintendent of unclaimed funds, 135  
those powers and duties shall be construed as vested in the 136  
division of unclaimed funds. The division of unclaimed funds shall 137  
be under the control and supervision of the director of commerce 138  
and shall be administered by the superintendent of unclaimed 139  
funds. The superintendent of unclaimed funds shall exercise the 140

powers and perform the functions and duties delegated to the  
superintendent by the director of commerce under section 121.07  
and Chapter 169. of the Revised Code, and as may otherwise be  
provided by law.

(K) The department of commerce or a division of the  
department created by the Revised Code that is acting with  
authorization on the department's behalf may request from the  
bureau of criminal identification and investigation pursuant to  
section 109.572 of the Revised Code, or coordinate with  
appropriate federal, state, and local government agencies to  
accomplish, criminal records checks for the persons whose  
identities are required to be disclosed by an applicant for the  
issuance or transfer of a permit, license, certificate of  
registration, or certification issued or transferred by the  
department or division. At or before the time of making a request  
for a criminal records check, the department or division may  
require any person whose identity is required to be disclosed by  
an applicant for the issuance or transfer of such a license,  
permit, certificate of registration, or certification to submit to  
the department or division valid fingerprint impressions in a  
format and by any media or means acceptable to the bureau of  
criminal identification and investigation and, when applicable,  
the federal bureau of investigation. The department or division  
may cause the bureau of criminal identification and investigation  
to conduct a criminal records check through the federal bureau of  
investigation only if the person for whom the criminal records  
check would be conducted resides or works outside of this state or  
has resided or worked outside of this state during the preceding  
five years, or if a criminal records check conducted by the bureau  
of criminal identification and investigation within this state  
indicates that the person may have a criminal record outside of  
this state.



In the case of a criminal records check under section 109.572 173  
of the Revised Code, the department or division shall forward to 174  
the bureau of criminal identification and investigation the 175  
requisite form, fingerprint impressions, and fee described in 176  
division (C) of that section. When requested by the department or 177  
division in accordance with this section, the bureau of criminal 178  
identification and investigation shall request from the federal 179  
bureau of investigation any information it has with respect to the 180  
person who is the subject of the requested criminal records check 181  
and shall forward the requisite fingerprint impressions and 182  
information to the federal bureau of investigation for that 183  
criminal records check. After conducting a criminal records check 184  
or receiving the results of a criminal records check from the 185  
federal bureau of investigation, the bureau of criminal 186  
identification and investigation shall provide the results to the 187  
department or division. 188

The department or division may require any person about whom 189  
a criminal records check is requested to pay to the department or 190  
division the amount necessary to cover the fee charged to the 191  
department or division by the bureau of criminal identification 192  
and investigation under division (C) (3) of section 109.572 of the 193  
Revised Code, including, when applicable, any fee for a criminal 194  
records check conducted by the federal bureau of investigation. 195

**Sec. 121.083.** The superintendent of ~~the division of~~ 196  
~~industrial compliance~~ labor in the department of commerce shall do 197  
all of the following: 198

(A) Administer and enforce the general laws of this state 199  
pertaining to buildings, pressure piping, boilers, bedding, 200  
upholstered furniture, and stuffed toys, steam engineering, 201  
elevators, plumbing, licensed occupations regulated by the 202  
department, and travel agents, as they apply to plans review, 203

inspection, code enforcement, testing, licensing, registration,	204
and certification.	205
(B) <u>Exercise the powers and perform the duties delegated to</u>	206
<u>the superintendent by the director of commerce under Chapters</u>	207
<u>4109., 4111., and 4115. of the Revised Code.</u>	208
(C) Collect and collate statistics as are necessary.	209
<del>(C)</del> (D) Examine and license persons who desire to act as steam	210
engineers, to operate steam boilers, and to act as inspectors of	211
steam boilers, provide for the scope, conduct, and time of such	212
examinations, provide for, regulate, and enforce the renewal and	213
revocation of such licenses, inspect and examine steam boilers and	214
make, publish, and enforce rules and orders for the construction,	215
installation, inspection, and operation of steam boilers, and do,	216
require, and enforce all things necessary to make such	217
examination, inspection, and requirement efficient.	218
<del>(D)</del> (E) Rent and furnish offices as needed in cities in this	219
state for the conduct of its affairs.	220
<del>(E)</del> (F) Oversee a chief of construction and compliance, a	221
chief of operations and maintenance, a chief of licensing and	222
certification, <u>a chief of worker protection</u> , and other designees	223
appointed by the director <del>of commerce</del> to perform the duties	224
described in this section.	225
<del>(F)</del> (G) Enforce the rules the board of building standards	226
adopts pursuant to division (A) (2) of section 4104.43 of the	227
Revised Code under the circumstances described in division (D) of	228
that section.	229
<del>(G)</del> (H) Accept submissions, establish a fee for submissions,	230
and review submissions of certified welding and brazing procedure	231
specifications, procedure qualification records, and performance	232
qualification records for building services piping as required by	233

section 4104.44 of the Revised Code. 234

**Sec. 121.084.** (A) All moneys collected under sections 235  
 3783.05, 3791.07, 4104.07, 4104.18, 4104.44, 4105.17, 4105.20, 236  
 4169.03, 4171.04, and 5104.051 of the Revised Code, and any other 237  
 moneys collected by the division of ~~industrial compliance~~ labor 238  
 shall be paid into the state treasury to the credit of the 239  
~~industrial compliance~~ labor operating fund, which is hereby 240  
 created. The department of commerce shall use the moneys in the 241  
 fund for paying the operating expenses of the division and the 242  
 administrative assessment described in division (B) of this 243  
 section. 244

(B) The director of commerce, with the approval of the 245  
 director of budget and management, shall prescribe procedures for 246  
 assessing the ~~industrial compliance~~ labor operating fund a 247  
 proportionate share of the administrative costs of the department 248  
 of commerce. The assessment shall be made in accordance with those 249  
 procedures and be paid from the ~~industrial compliance~~ labor 250  
 operating fund to the division of administration fund created in 251  
 section 121.08 of the Revised Code." 252

Between lines 9114 and 9115, insert: 253

"**Sec. 124.11.** The civil service of the state and the several 254  
 counties, cities, civil service townships, city health districts, 255  
 general health districts, and city school districts of the state 256  
 shall be divided into the unclassified service and the classified 257  
 service. 258

(A) The unclassified service shall comprise the following 259  
 positions, which shall not be included in the classified service, 260  
 and which shall be exempt from all examinations required by this 261  
 chapter: 262

(1) All officers elected by popular vote or persons appointed to fill vacancies in those offices;	263 264
(2) All election officers as defined in section 3501.01 of the Revised Code;	265 266
(3) (a) The members of all boards and commissions, and heads of principal departments, boards, and commissions appointed by the governor or by and with the governor's consent;	267 268 269
(b) The heads of all departments appointed by a board of county commissioners;	270 271
(c) The members of all boards and commissions and all heads of departments appointed by the mayor, or, if there is no mayor, such other similar chief appointing authority of any city or city school district;	272 273 274 275
Except as otherwise provided in division (A) (17) or (C) of this section, this chapter does not exempt the chiefs of police departments and chiefs of fire departments of cities or civil service townships from the competitive classified service.	276 277 278 279
(4) The members of county or district licensing boards or commissions and boards of revision, and not more than five deputy county auditors;	280 281 282
(5) All officers and employees elected or appointed by either or both branches of the general assembly, and employees of the city legislative authority engaged in legislative duties;	283 284 285
(6) All commissioned, warrant, and noncommissioned officers and enlisted persons in the Ohio organized militia, including military appointees in the adjutant general's department;	286 287 288
(7) (a) All presidents, business managers, administrative officers, superintendents, assistant superintendents, principals, deans, assistant deans, instructors, teachers, and such employees	289 290 291

as are engaged in educational or research duties connected with 292  
the public school system, colleges, and universities, as 293  
determined by the governing body of the public school system, 294  
colleges, and universities; 295

(b) The library staff of any library in the state supported 296  
wholly or in part at public expense. 297

(8) Four clerical and administrative support employees for 298  
each of the elective state officers, four clerical and 299  
administrative support employees for each board of county 300  
commissioners and one such employee for each county commissioner, 301  
and four clerical and administrative support employees for other 302  
elective officers and each of the principal appointive executive 303  
officers, boards, or commissions, except for civil service 304  
commissions, that are authorized to appoint such clerical and 305  
administrative support employees; 306

(9) The deputies and assistants of state agencies authorized 307  
to act for and on behalf of the agency, or holding a fiduciary or 308  
administrative relation to that agency and those persons employed 309  
by and directly responsible to elected county officials or a 310  
county administrator and holding a fiduciary or administrative 311  
relationship to such elected county officials or county 312  
administrator, and the employees of such county officials whose 313  
fitness would be impracticable to determine by competitive 314  
examination, provided that division (A)(9) of this section shall 315  
not affect those persons in county employment in the classified 316  
service as of September 19, 1961. Nothing in division (A)(9) of 317  
this section applies to any position in a county department of job 318  
and family services created pursuant to Chapter 329. of the 319  
Revised Code. 320

(10) Bailiffs, constables, official stenographers, and 321  
commissioners of courts of record, deputies of clerks of the 322

courts of common pleas who supervise or who handle public moneys 323  
 or secured documents, and such officers and employees of courts of 324  
 record and such deputies of clerks of the courts of common pleas 325  
 as the director of administrative services finds it impracticable 326  
 to determine their fitness by competitive examination; 327

(11) Assistants to the attorney general, special counsel 328  
 appointed or employed by the attorney general, assistants to 329  
 county prosecuting attorneys, and assistants to city directors of 330  
 law; 331

(12) Such teachers and employees in the agricultural 332  
 experiment stations; such students in normal schools, colleges, 333  
 and universities of the state who are employed by the state or a 334  
 political subdivision of the state in student or intern 335  
 classifications; and such unskilled labor positions as the 336  
 director of administrative services or any municipal civil service 337  
 commission may find it impracticable to include in the competitive 338  
 classified service; provided such exemptions shall be by order of 339  
 the commission or the director, duly entered on the record of the 340  
 commission or the director with the reasons for each such 341  
 exemption; 342

(13) Any physician or dentist who is a full-time employee of 343  
 the department of mental health, the department of mental 344  
 retardation and developmental disabilities, or an institution 345  
 under the jurisdiction of either department; and physicians who 346  
 are in residency programs at the institutions; 347

(14) Up to twenty positions at each institution under the 348  
 jurisdiction of the department of mental health or the department 349  
 of mental retardation and developmental disabilities that the 350  
 department director determines to be primarily administrative or 351  
 managerial; and up to fifteen positions in any division of either 352  
 department, excluding administrative assistants to the director 353

and division chiefs, which are within the immediate staff of a	354
division chief and which the director determines to be primarily	355
and distinctively administrative and managerial;	356
(15) Noncitizens of the United States employed by the state,	357
or its counties or cities, as physicians or nurses who are duly	358
licensed to practice their respective professions under the laws	359
of this state, or medical assistants, in mental or chronic disease	360
hospitals, or institutions;	361
(16) Employees of the governor's office;	362
(17) Fire chiefs and chiefs of police in civil service	363
townships appointed by boards of township trustees under section	364
505.38 or 505.49 of the Revised Code;	365
(18) Executive directors, deputy directors, and program	366
directors employed by boards of alcohol, drug addiction, and	367
mental health services under Chapter 340. of the Revised Code, and	368
secretaries of the executive directors, deputy directors, and	369
program directors;	370
(19) Superintendents, and management employees as defined in	371
section 5126.20 of the Revised Code, of county boards of mental	372
retardation and developmental disabilities;	373
(20) Physicians, nurses, and other employees of a county	374
hospital who are appointed pursuant to sections 339.03 and 339.06	375
of the Revised Code;	376
(21) The executive director of the state medical board, who	377
is appointed pursuant to division (B) of section 4731.05 of the	378
Revised Code;	379
(22) County directors of job and family services as provided	380
in section 329.02 of the Revised Code and administrators appointed	381
under section 329.021 of the Revised Code;	382

- (23) A director of economic development who is hired pursuant to division (A) of section 307.07 of the Revised Code; 383  
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- (24) Chiefs of construction and compliance, of operations and maintenance, of worker protection, and of licensing and certification in the division of ~~industrial compliance~~ labor in the department of commerce; 385  
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- (25) The executive director of a county transit system appointed under division (A) of section 306.04 of the Revised Code; 389  
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- (26) Up to five positions at each of the administrative departments listed in section 121.02 of the Revised Code and at the department of taxation, department of the adjutant general, department of education, Ohio board of regents, bureau of workers' compensation, industrial commission, state lottery commission, and public utilities commission of Ohio that the head of that administrative department or of that other state agency determines to be involved in policy development and implementation. The head of the administrative department or other state agency shall set the compensation for employees in these positions at a rate that is not less than the minimum compensation specified in pay range 41 but not more than the maximum compensation specified in pay range 44 of salary schedule E-2 in section 124.152 of the Revised Code. The authority to establish positions in the unclassified service under division (A) (26) of this section is in addition to and does not limit any other authority that an administrative department or state agency has under the Revised Code to establish positions, appoint employees, or set compensation. 392  
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- (27) Employees of the department of agriculture employed under section 901.09 of the Revised Code; 410  
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- (28) For cities, counties, civil service townships, city health districts, general health districts, and city school 412  
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districts, the deputies and assistants of elective or principal executive officers authorized to act for and in the place of their principals or holding a fiduciary relation to their principals;

(29) Employees who receive intermittent or temporary appointments under division (B) of section 124.30 of the Revised Code;

(30) Employees appointed to administrative staff positions for which an appointing authority is given specific statutory authority to set compensation;

(31) Employees appointed to highway patrol cadet or highway patrol cadet candidate classifications;

(32) Employees placed in the unclassified service by another section of the Revised Code.

(B) The classified service shall comprise all persons in the employ of the state and the several counties, cities, city health districts, general health districts, and city school districts of the state, not specifically included in the unclassified service. Upon the creation by the board of trustees of a civil service township civil service commission, the classified service shall also comprise, except as otherwise provided in division (A)(17) or (C) of this section, all persons in the employ of a civil service township police or fire department having ten or more full-time paid employees. The classified service consists of two classes, which shall be designated as the competitive class and the unskilled labor class.

(1) The competitive class shall include all positions and employments in the state and the counties, cities, city health districts, general health districts, and city school districts of the state, and, upon the creation by the board of trustees of a civil service township of a township civil service commission, all

positions in a civil service township police or fire department 444  
having ten or more full-time paid employees, for which it is 445  
practicable to determine the merit and fitness of applicants by 446  
competitive examinations. Appointments shall be made to, or 447  
employment shall be given in, all positions in the competitive 448  
class that are not filled by promotion, reinstatement, transfer, 449  
or reduction, as provided in this chapter, and the rules of the 450  
director of administrative services, by appointment from those 451  
certified to the appointing officer in accordance with this 452  
chapter. 453

(2) The unskilled labor class shall include ordinary 454  
unskilled laborers. Vacancies in the labor class for positions in 455  
service of the state shall be filled by appointment from lists of 456  
applicants registered by the director. Vacancies in the labor 457  
class for all other positions shall be filled by appointment from 458  
lists of applicants registered by a commission. The director or 459  
the commission, as applicable, by rule, shall require an applicant 460  
for registration in the labor class to furnish evidence or take 461  
tests as the director or commission considers proper with respect 462  
to age, residence, physical condition, ability to labor, honesty, 463  
sobriety, industry, capacity, and experience in the work or 464  
employment for which application is made. Laborers who fulfill the 465  
requirements shall be placed on the eligible list for the kind of 466  
labor or employment sought, and preference shall be given in 467  
employment in accordance with the rating received from that 468  
evidence or in those tests. Upon the request of an appointing 469  
officer, stating the kind of labor needed, the pay and probable 470  
length of employment, and the number to be employed, the director 471  
or commission, as applicable, shall certify from the highest on 472  
the list double the number to be employed; from this number, the 473  
appointing officer shall appoint the number actually needed for 474  
the particular work. If more than one applicant receives the same 475

rating, priority in time of application shall determine the order  
in which their names shall be certified for appointment.

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(C) A municipal or civil service township civil service  
commission may place volunteer firefighters who are paid on a  
fee-for-service basis in either the classified or the unclassified  
civil service.

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(D) This division does not apply to persons in the  
unclassified service who have the right to resume positions in the  
classified service under sections 4121.121, 5119.071, 5120.38,  
5120.381, 5120.382, 5123.08, 5139.02, and 5501.19 of the Revised  
Code.

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An appointing authority whose employees are paid directly by  
warrant of the director of budget and management may appoint a  
person who holds a certified position in the classified service  
within the appointing authority's agency to a position in the  
unclassified service within that agency. A person appointed  
pursuant to this division to a position in the unclassified  
service shall retain the right to resume the position and status  
held by the person in the classified service immediately prior to  
the person's appointment to the position in the unclassified  
service, regardless of the number of positions the person held in  
the unclassified service. An employee's right to resume a position  
in the classified service may only be exercised when an appointing  
authority demotes the employee to a pay range lower than the  
employee's current pay range or revokes the employee's appointment  
to the unclassified service. An employee forfeits the right to  
resume a position in the classified service when the employee is  
removed from the position in the unclassified service due to  
incompetence, inefficiency, dishonesty, drunkenness, immoral  
conduct, insubordination, discourteous treatment of the public,  
neglect of duty, violation of this chapter or the rules of the

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director of administrative services, any other failure of good 507  
 behavior, any other acts of misfeasance, malfeasance, or 508  
 nonfeasance in office, or conviction of a felony. An employee also 509  
 forfeits the right to resume a position in the classified service 510  
 upon transfer to a different agency. 511

Reinstatement to a position in the classified service shall 512  
 be to a position substantially equal to that position in the 513  
 classified service held previously, as certified by the director 514  
 of administrative services. If the position the person previously 515  
 held in the classified service has been placed in the unclassified 516  
 service or is otherwise unavailable, the person shall be appointed 517  
 to a position in the classified service within the appointing 518  
 authority's agency that the director of administrative services 519  
 certifies is comparable in compensation to the position the person 520  
 previously held in the classified service. Service in the position 521  
 in the unclassified service shall be counted as service in the 522  
 position in the classified service held by the person immediately 523  
 prior to the person's appointment to the position in the 524  
 unclassified service. When a person is reinstated to a position in 525  
 the classified service as provided in this division, the person is 526  
 entitled to all rights, status, and benefits accruing to the 527  
 position in the classified service during the person's time of 528  
 service in the position in the unclassified service." 529

Between lines 34151 and 34152, insert: 530

"Sec. 3301.55. (A) A school district, county MR/DD board, or 531  
 eligible nonpublic school operating a preschool program shall 532  
 house the program in buildings that meet the following 533  
 requirements: 534

(1) The building is operated by the district, county MR/DD 535  
 board, or eligible nonpublic school and has been approved by the 536

division of ~~industrial compliance~~ labor in the department of 537  
 commerce or a certified municipal, township, or county building 538  
 department for the purpose of operating a program for preschool 539  
 children. Any such structure shall be constructed, equipped, 540  
 repaired, altered, and maintained in accordance with applicable 541  
 provisions of Chapters 3781. and 3791. and with rules adopted by 542  
 the board of building standards under Chapter 3781. of the Revised 543  
 Code for the safety and sanitation of structures erected for this 544  
 purpose. 545

(2) The building is in compliance with fire and safety laws 546  
 and regulations as evidenced by reports of annual school fire and 547  
 safety inspections as conducted by appropriate local authorities. 548

(3) The school is in compliance with rules established by the 549  
 state board of education regarding school food services. 550

(4) The facility includes not less than thirty-five square 551  
 feet of indoor space for each child in the program. Safe play 552  
 space, including both indoor and outdoor play space, totaling not 553  
 less than sixty square feet for each child using the space at any 554  
 one time, shall be regularly available and scheduled for use. 555

(5) First aid facilities and space for temporary placement or 556  
 isolation of injured or ill children are provided. 557

(B) Each school district, county MR/DD board, or eligible 558  
 nonpublic school that operates, or proposes to operate, a 559  
 preschool program shall submit a building plan including all 560  
 information specified by the state board of education to the board 561  
 not later than the first day of September of the school year in 562  
 which the program is to be initiated. The board shall determine 563  
 whether the buildings meet the requirements of this section and 564  
 section 3301.53 of the Revised Code, and notify the superintendent 565  
 of its determination. If the board determines, on the basis of the 566  
 building plan or any other information, that the buildings do not 567

meet those requirements, it shall cause the buildings to be  
 inspected by the department of education. The department shall  
 make a report to the superintendent specifying any aspects of the  
 building that are not in compliance with the requirements of this  
 section and section 3301.53 of the Revised Code and the time  
 period that will be allowed the district, county MR/DD board, or  
 school to meet the requirements."

Between lines 49639 and 49640, insert:

"Sec. 3703.01. (A) Except as otherwise provided in this  
 section, the division of ~~industrial compliance~~ labor in the  
 department of commerce shall do all of the following:

(1) Inspect all nonresidential buildings within the meaning  
 of section 3781.06 of the Revised Code;

(2) Condemn all unsanitary or defective plumbing that is  
 found in connection with those places;

(3) Order changes in plumbing necessary to insure the safety  
 of the public health.

(B) (1) (a) The division of ~~industrial compliance~~ labor, boards  
 of health of city and general health districts, and county  
 building departments shall not inspect plumbing or collect fees  
 for inspecting plumbing in particular types of buildings in any  
 municipal corporation that is certified by the board of building  
 standards under section 3781.10 of the Revised Code to exercise  
 enforcement authority for plumbing in those types of buildings.

(b) The division shall not inspect plumbing or collect fees  
 for inspecting plumbing in particular types of buildings in any  
 health district that employs one or more plumbing inspectors  
 certified pursuant to division (D) of this section to enforce  
 Chapters 3781. and 3791. of the Revised Code and the rules adopted

pursuant to those chapters relating to plumbing in those types of buildings. 597  
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(c) The division shall not inspect plumbing or collect fees 599  
for inspecting plumbing in particular types of buildings in any 600  
health district where the county building department is authorized 601  
to inspect those types of buildings pursuant to a contract 602  
described in division (C)(1) of this section. 603

(d) The division shall not inspect plumbing or collect fees 604  
for inspecting plumbing in particular types of buildings in any 605  
health district where the board of health has entered into a 606  
contract with the board of health of another district to conduct 607  
inspections pursuant to division (C)(2) of this section. 608

(2) No county building department shall inspect plumbing or 609  
collect fees for inspecting plumbing in any type of building in a 610  
health district unless the department is authorized to inspect 611  
that type of building pursuant to a contract described in division 612  
(C)(1) of this section. 613

(3) No municipal corporation shall inspect plumbing or 614  
collect fees for inspecting plumbing in types of buildings for 615  
which it is not certified by the board of building standards under 616  
section 3781.10 of the Revised Code to exercise enforcement 617  
authority. 618

(4) No board of health of a health district shall inspect 619  
plumbing or collect fees for inspecting plumbing in types of 620  
buildings for which it does not have a plumbing inspector 621  
certified pursuant to division (D) of this section. 622

(C)(1) The board of health of a health district may enter 623  
into a contract with a board of county commissioners to authorize 624  
the county building department to inspect plumbing in buildings 625  
within the health district. The contract may designate that the 626

department inspect either residential or nonresidential buildings, 627  
 as those terms are defined in section 3781.06 of the Revised Code, 628  
 or both types of buildings, so long as the department employs or 629  
 contracts with a plumbing inspector certified pursuant to division 630  
 (D) of this section to inspect the types of buildings the contract 631  
 designates. The board of health may enter into a contract 632  
 regardless of whether the health district employs any certified 633  
 plumbing inspectors to enforce Chapters 3781. and 3791. of the 634  
 Revised Code. 635

(2) The board of health of a health district, regardless of 636  
 whether it employs any certified plumbing inspectors to enforce 637  
 Chapters 3781. and 3791. of the Revised Code, may enter into a 638  
 contract with the board of health of another health district to 639  
 authorize that board to inspect plumbing in buildings within the 640  
 contracting board's district. The contract may designate the 641  
 inspection of either residential or nonresidential buildings as 642  
 defined in section 3781.06 of the Revised Code, or both types of 643  
 buildings, so long as the board that performs the inspections 644  
 employs a plumbing inspector certified pursuant to division (D) of 645  
 this section to inspect the types of buildings the contract 646  
 designates. 647

(D) The superintendent of ~~industrial compliance~~ labor shall 648  
 adopt rules prescribing minimum qualifications based on education, 649  
 training, experience, or demonstrated ability, that the 650  
 superintendent shall use in certifying or recertifying plumbing 651  
 inspectors to do plumbing inspections for health districts and 652  
 county building departments that are authorized to perform 653  
 inspections pursuant to a contract under division (C) (1) of this 654  
 section, and for continuing education of plumbing inspectors. 655  
 Those minimum qualifications shall be related to the types of 656  
 buildings for which a person seeks certification. 657



(E) The superintendent may enter into reciprocal registration, licensure, or certification agreements with other states and other agencies of this state relative to plumbing inspectors if both of the following apply:

(1) The requirements for registration, licensure, or certification of plumbing inspectors under the laws of the other state or laws administered by the other agency are substantially equal to the requirements the superintendent adopts under division (D) of this section for certifying plumbing inspectors.

(2) The other state or agency extends similar reciprocity to persons certified under this chapter.

(F) The superintendent may select and contract with one or more persons to do all of the following regarding examinations for certification of plumbing inspectors:

(1) Prepare, administer, score, and maintain the confidentiality of the examination;

(2) Maintain responsibility for all expenses required to comply with division (F)(1) of this section;

(3) Charge each applicant a fee for administering the examination in an amount the superintendent authorizes;

(4) Design the examination for certification of plumbing inspectors to determine an applicant's competence to inspect plumbing.

(G) Standards and methods prescribed in local plumbing regulations shall not be less than those prescribed in Chapters 3781. and 3791. of the Revised Code and the rules adopted pursuant to those chapters.

(H) Notwithstanding any other provision of this section, the division shall make a plumbing inspection of any building or other

place that there is reason to believe is in a condition to be a  
menace to the public health.

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**Sec. 3703.03.** In the administration of sections 3703.01 to  
~~3703.09~~ 3703.08 of the Revised Code, the division of ~~industrial~~  
~~compliance~~ labor shall enforce rules governing plumbing adopted by  
the board of building standards under authority of sections  
3781.10 and 3781.11 of the Revised Code, and register those  
persons engaged in or at the plumbing business.

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Plans and specifications for all plumbing to be installed in  
or for buildings coming within such sections shall be submitted to  
and approved by the division before the contract for plumbing is  
let.

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**Sec. 3703.04.** The superintendent of ~~industrial compliance~~  
labor shall appoint such number of plumbing inspectors as is  
required. The inspectors shall be practical plumbers with at least  
seven years' experience, and skilled and well-trained in matters  
pertaining to sanitary regulations concerning plumbing work.

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**Sec. 3703.05.** Plumbing inspectors employed by the division of  
~~industrial compliance~~ labor assigned to the enforcement of  
sections 3703.01 to ~~3703.09~~ 3703.08 of the Revised Code may,  
between sunrise and sunset, enter any building where there is good  
and sufficient reason to believe that the sanitary condition of  
the premises endangers the public health, for the purpose of  
making an inspection to ascertain the condition of the premises.

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**Sec. 3703.06.** When any building is found to be in a sanitary  
condition or when changes which are ordered, under authority of  
this chapter, in the plumbing, drainage, or ventilation have been  
made, and after a thorough inspection and approval by the

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superintendent of ~~industrial compliance~~ labor, the superintendent 715  
 shall issue a certificate, which shall be posted in a conspicuous 716  
 place for the benefit of the public at large. Upon notification by 717  
 the superintendent, the certificate shall be revoked for any 718  
 violation of those sections. 719

**Sec. 3703.07.** No plumbing work shall be done in any building 720  
 or place coming within the jurisdiction of the division of 721  
~~industrial compliance~~ labor, except in cases of repairs or leaks 722  
 in existing plumbing, until a permit has been issued by the 723  
 division. 724

Before granting such permit, an application shall be made by 725  
 the owner of the property or by the person, firm, or corporation 726  
 which is to do the work. The application shall be made on a form 727  
 prepared by the division for the purpose, and each application 728  
 shall be accompanied by a fee of twenty-seven dollars, and an 729  
 additional fee of seven dollars for each trap, vented fixture, 730  
 appliance, or device. Each application also shall be accompanied 731  
 by a plan approval fee of eighteen dollars for work containing one 732  
 through twenty fixtures; thirty-six dollars for work containing 733  
 twenty-one through forty fixtures; and fifty-four dollars for work 734  
 containing forty-one or more fixtures. 735

Whenever a reinspection is made necessary by the failure of 736  
 the applicant or plumbing contractor to have the work ready for 737  
 inspection when so reported, or by reason of faulty or improper 738  
 installation, the person shall pay a fee of forty-five dollars for 739  
 each reinspection. 740

All fees collected pursuant to this section shall be paid 741  
 into the state treasury to the credit of the ~~industrial compliance~~ 742  
labor operating fund created in section 121.084 of the Revised 743  
 Code. 744

The superintendent of ~~industrial compliance labor~~, by rule adopted in accordance with Chapter 119. of the Revised Code, may increase the fees required by this section and may establish fees to pay the costs of the division to fulfill its duties established by this chapter, including, but not limited to, fees for administering a program for continuing education for, and certifying and recertifying plumbing inspectors. The fees shall bear some reasonable relationship to the cost of administering and enforcing the provisions of this chapter.

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**Sec. 3703.08.** Any owner, agent, or manager of a building in which an inspection is made by the division of ~~industrial compliance labor~~, a board of health of a health district, or a certified department of building inspection of a municipal corporation or a county shall have the entire system of drainage and ventilation repaired, as the division, board of health, or department of building inspection directs by its order. After due notice to repair that work is given, the owner, agent, or manager shall notify the public authority that issued the order when the work is ready for its inspection. No person shall fail to have the work ready for inspection at the time specified in the notice.

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**Sec. 3703.10.** All prosecutions and proceedings by the division of ~~industrial compliance labor~~ for the violation of sections 3703.01 to ~~3703.09~~ 3703.08 of the Revised Code, or for the violation of any of the orders or rules of the division under those sections, shall be instituted by the superintendent of ~~industrial compliance labor~~. All fines or judgments collected by the division shall be paid into the state treasury to the credit of the ~~industrial compliance labor~~ operating fund created by section 121.084 of the Revised Code.

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The superintendent, the board of health of a general or city health district, or any person charged with enforcing the rules of the division adopted under sections 3703.01 to ~~3703.09~~ 3703.08 of the Revised Code may petition the court of common pleas for injunctive or other appropriate relief requiring any person violating a rule adopted or order issued by the superintendent under those sections to comply with the rule or order. The court of common pleas of the county in which the offense is alleged to be occurring may grant injunctive or other appropriate relief.

The superintendent may do all of the following:

- (A) Deny an applicant certification as a plumbing inspector;
- (B) Suspend or revoke the certification of a plumbing inspector;
- (C) Examine any certified plumbing inspector under oath;
- (D) Examine the records and books of any certified plumbing inspector if the superintendent finds the material to be examined relevant to a determination described in division (A), (B), or (C) of this section.

**Sec. 3703.21.** (A) Within ninety days after ~~the effective date of this section~~ September 16, 2004, the superintendent of the ~~division of industrial compliance labor~~ shall appoint a backflow advisory board consisting of not more than ten members, who shall serve at the pleasure of the superintendent. The superintendent shall appoint a representative from the plumbing section of the division of ~~industrial compliance labor~~, three representatives recommended by the plumbing administrator of the division of ~~industrial compliance labor~~, a representative of the drinking water program of the Ohio environmental protection agency, three representatives recommended by the director of environmental protection, and not more than two members who are not employed by

the plumbing or water industry. 805

The board shall advise the superintendent on matters 806  
pertaining to the training and certification of backflow 807  
technicians. 808

(B) The superintendent shall adopt rules in accordance with 809  
Chapter 119. of the Revised Code to provide for the certification 810  
of backflow technicians. The rules shall establish all of the 811  
following requirements, specifications, and procedures: 812

(1) Requirements and procedures for the initial certification 813  
of backflow technicians, including eligibility criteria and 814  
application requirements and fees; 815

(2) Specifications concerning and procedures for taking 816  
examinations required for certification as a backflow technician, 817  
including eligibility criteria to take the examination and 818  
application requirements and fees for taking the examination; 819

(3) Specifications concerning and procedures for renewing a 820  
certification as a backflow technician, including eligibility 821  
criteria, application requirements, and fees for renewal; 822

(4) Specifications concerning and procedures for both of the 823  
following: 824

(a) Approval of training agencies authorized to teach 825  
required courses to candidates for certification as backflow 826  
technicians or continuing education courses to certified backflow 827  
technicians; 828

(b) Renewal of the approval described in division (B) (4) (a) 829  
of this section. 830

(5) Education requirements that candidates for initial 831  
certification as backflow technicians must satisfy and continuing 832  
education requirements that certified backflow technicians must 833

satisfy; 834

(6) Grounds and procedures for denying, suspending, or 835  
revoking certification, or denying the renewal of certification, 836  
as a backflow technician; 837

(7) Procedures for issuing administrative orders for the 838  
remedy of any violation of this section or any rule adopted 839  
pursuant to division (B) of this section, including, but not 840  
limited to, procedures for assessing a civil penalty authorized 841  
under division (D) of this section; 842

(8) Any provision the superintendent determines is necessary 843  
to administer or enforce this section. 844

(C) No individual shall engage in the installation, testing, 845  
or repair of any isolation backflow prevention device unless that 846  
individual possesses a valid certification as a backflow 847  
technician. This division does not apply with respect to the 848  
installation, testing, or repair of any containment backflow 849  
prevention device. 850

(D) Whoever violates division (C) of this section or any rule 851  
adopted pursuant to division (B) of this section shall pay a civil 852  
penalty of not more than five thousand dollars for each day that 853  
the violation continues. The superintendent may, by order, assess 854  
a civil penalty under this division, or may request the attorney 855  
general to bring a civil action to impose the civil penalty in the 856  
court of common pleas of the county in which the violation 857  
occurred or where the violator resides. 858

(E) Any action taken under a rule adopted pursuant to 859  
division (B)(6) of this section is subject to the appeal process 860  
of Chapter 119. of the Revised Code. An administrative order 861  
issued pursuant to rules adopted under division (B)(7) of this 862  
section and an appeal to that type of administrative order shall 863

be executed in accordance with Chapter 119. of the Revised Code. 864

(F) As used in this section: 865

(1) "Isolation backflow prevention device" means a device for 866  
the prevention of the backflow of liquids, solids, or gases that 867  
is regulated by the building code adopted pursuant to section 868  
3781.10 of the Revised Code and rules adopted pursuant to this 869  
section. 870

(2) "Containment backflow prevention device" means a device 871  
for the prevention of the backflow of liquids, solids, or gases 872  
that is installed by the supplier of, or as a requirement of, any 873  
public water system as defined in division (A) of section 6109.01 874  
of the Revised Code. 875

**Sec. 3703.99.** Whoever violates sections 3703.01 to ~~3703.09~~ 876  
~~3703.08~~ of the Revised Code, or any rule the division of 877  
~~industrial compliance labor~~ is required to enforce under such 878  
sections, shall be fined not less than ten nor more than one 879  
hundred dollars or imprisoned for not less than ten nor more than 880  
ninety days, or both. No person shall be imprisoned under this 881  
section for the first offense, and the prosecution always shall be 882  
as for a first offense unless the affidavit upon which the 883  
prosecution is instituted contains the allegation that the offense 884  
is a second or repeated offense." 885

Between lines 50308 and 50309, insert: 886

**"Sec. 3713.01.** As used in sections 3713.01 to 3713.10 of the 887  
Revised Code: 888

(A) "Person" has the same meaning as used in division (C) of 889  
section 1.59 of the Revised Code and also means any limited 890  
company, limited liability partnership, joint stock company, or 891  
other association. 892



(B) "Bedding" means any upholstered furniture, any mattress, upholstered spring, comforter, bolster, pad, cushion, pillow, mattress protector, quilt, and any other upholstered article, to be used for sleeping, resting, or reclining purposes, and any glider, hammock, or other substantially similar article that is wholly or partly upholstered.

(C) "Secondhand" means any article, or material, or portion thereof of which prior use has been made in any manner whatsoever.

(D) "Remade, repaired, or renovated articles not for sale" means any article that is remade, repaired, or renovated for and is returned to the owner for the owner's own use.

(E) "Sale," "sell," or "sold" shall, in the corresponding tense, mean sell, offer to sell, or deliver or consign in sale, or possess with intent to sell, or deliver in sale.

(F) "Upholstered furniture" means any article of furniture wholly or partly stuffed or filled with material and that is used or intended for use for sitting, resting, or reclining purposes.

(G) "Stuffed toy" means any article intended for use as a plaything or for an educational or recreational purpose that is wholly or partially stuffed with material.

(H) "Tag" or "label" means any material prescribed by the superintendent of ~~industrial compliance~~ labor to be attached to an article that contains information required under this chapter.

**Sec. 3713.02.** (A) Except as provided in section 3713.05 of the Revised Code, no person shall import, manufacture, renovate, wholesale, or reupholster stuffed toys or articles of bedding in this state without first registering to do so with the superintendent of ~~industrial compliance~~ labor in accordance with section 3713.05 of the Revised Code.

(B) No person shall manufacture, offer for sale, sell, 922  
 deliver, or possess for the purpose of manufacturing, selling, or 923  
 delivering, an article of bedding or a stuffed toy that is not 924  
 labeled in accordance with section 3713.08 of the Revised Code. 925

(C) No person shall manufacture, offer for sale, sell, 926  
 deliver, or possess for the purpose of manufacturing, selling, or 927  
 delivering, an article of bedding or a stuffed toy that is falsely 928  
 labeled. 929

(D) No person shall sell or offer for sale any secondhand 930  
 article of bedding or any secondhand stuffed toy that has not been 931  
 sanitized in accordance with section 3713.08 of the Revised Code. 932

(E) The possession of any article of bedding or stuffed toy 933  
 in the course of business by a person required to obtain 934  
 registration under this chapter, or by that person's agent or 935  
 servant shall be prima-facie evidence of the person's intent to 936  
 sell the article of bedding or stuffed toy. 937

**Sec. 3713.03.** The superintendent of ~~industrial compliance~~ 938  
~~labor~~ in the department of commerce shall administer and enforce 939  
 this chapter. 940

**Sec. 3713.04.** (A) In accordance with Chapter 119. of the 941  
 Revised Code, the superintendent of ~~industrial compliance~~ labor 942  
 shall: 943

(1) Adopt rules pertaining to the definition, name, and 944  
 description of materials necessary to carry out this chapter; 945

(2) Determine the testing standards, fees, and charges to be 946  
 paid for making any test or analysis required pursuant to section 947  
 3713.08 of the Revised Code. 948

(B) In accordance with Chapter 119. of the Revised Code, the 949

superintendent may adopt rules regarding the following:	950
(1) Establishing an initial application fee or an annual registration renewal fee not more than fifty per cent higher than the fees set forth in section 4713.05 of the Revised Code;	951 952 953
(2) Establishing standards, on a reciprocal basis, for the acceptance of labels and laboratory analyses from other states where the labeling requirements and laboratory analysis standards are substantially equal to the requirements of this state, provided the other state extends similar reciprocity to labels and laboratory analysis conducted under this chapter;	954 955 956 957 958 959
(3) Any other rules necessary to administer and carry out this chapter.	960 961
(C) The superintendent may do any of the following:	962
(1) Issue administrative orders, conduct hearings, and take all actions necessary under the authority of Chapter 119. of the Revised Code for the administration of this chapter. The authority granted under this division shall include the authority to suspend, revoke, or deny registration under this chapter.	963 964 965 966 967
(2) Establish and maintain facilities within the department of commerce to make tests and analysis of materials used in the manufacture of bedding and stuffed toys. The superintendent also may designate established laboratories in various sections of the state that are qualified to make these tests. If the superintendent exercises this authority, the superintendent shall adopt rules to determine the fees and charges to be paid for making the tests or analyses authorized under this section.	968 969 970 971 972 973 974 975
(3) Exercise such other powers and duties as are necessary to carry out the purpose and intent of this chapter.	976 977
<b>Sec. 3713.05. (A) Applications to register to import,</b>	978

manufacture, renovate, wholesale, make, or reupholster stuffed 979  
 toys or bedding in this state shall be made in writing on forms 980  
 provided by the superintendent of ~~industrial compliance~~ labor. The 981  
 application shall be accompanied by a registration fee of fifty 982  
 dollars per person unless the applicant engages only in 983  
 renovation, in which case the registration fee shall be 984  
 thirty-five dollars. 985

(B) Upon receipt of the application and the appropriate fee, 986  
 the superintendent shall register the applicant and assign a 987  
 registration number to the registrant. 988

(C) Notwithstanding section 3713.02 of the Revised Code and 989  
 division (A) of this section, the following are exempt from 990  
 registration: 991

(1) An organization described in section 501(c)(3) of the 992  
 "Internal Revenue Code of 1986," and exempt from income tax under 993  
 section 501(a) of that code and that is operated exclusively to 994  
 provide recreation or social services; 995

(2) A person who is not regularly engaged in the business of 996  
 manufacturing, making, wholesaling, or importing stuffed toys but 997  
 who manufactures or makes stuffed toys as a leisure pursuit and 998  
 who sells one hundred or fewer stuffed toys within one calendar 999  
 year; 1000

(3) A person who is not regularly engaged in the business of 1001  
 manufacturing, making, wholesaling, or importing quilts, 1002  
 comforters, pillows, or cushions, but who manufactures or makes 1003  
 these items as a leisure pursuit and who sells five or fewer 1004  
 quilts, ten or fewer comforters, or twenty or fewer pillows or 1005  
 cushions within one calendar year. 1006

(D) Notwithstanding division (C)(2) or (3) of this section, a 1007  
 person exempt under that division must attach a label to each 1008  
 stuffed toy that contains all of the following information: 1009

- (1) The person's name and address; 1010
- (2) A statement that the person is not registered by the 1011  
state of Ohio; 1012
- (3) A statement that the contents of the product have not 1013  
been inspected. 1014

**Sec. 3713.06.** (A) Any person required to register under 1015  
division (A) of section 3713.02 of the Revised Code who imports 1016  
bedding or stuffed toys into this state for retail sale or use in 1017  
this state and any person required to register under division (A) 1018  
of section 3713.02 of the Revised Code who manufactures bedding or 1019  
stuffed toys in this state for retail sale or use in this state 1020  
shall submit a report to the superintendent of ~~industrial~~ 1021  
~~compliance~~ labor, in a form and manner prescribed by the 1022  
superintendent. The form shall be submitted once every six months 1023  
and shall show the total number of items of bedding or stuffed 1024  
toys imported into this state or manufactured in this state. Each 1025  
report shall be accompanied by a fee of four cents for each item 1026  
of bedding or stuffed toy imported into this state or manufactured 1027  
in this state. 1028

(B) Every importer, manufacturer, or wholesaler of stuffed 1029  
toys or articles of bedding, and every mobile home and 1030  
recreational vehicle dealer, conversion van dealer, secondhand 1031  
dealer, and auction house shall retain records, designated by the 1032  
superintendent in rule, for the time period established in rule. 1033

(C) Every importer, manufacturer, or wholesaler of stuffed 1034  
toys or articles of bedding, and every mobile home and 1035  
recreational vehicle dealer, conversion van dealer, secondhand 1036  
dealer, and auction house shall make sufficient investigation of 1037  
its records to ensure that the information reported to the 1038  
superintendent under division (A) of this section is accurate. 1039

Sec. 3713.07. (A) Registration obtained under this chapter expires annually on the last day of the month in the month that the registration was obtained. The superintendent of ~~industrial compliance~~ labor shall renew the registration in accordance with Chapter 4745. of the Revised Code.

(B) Failure on the part of any registrant to renew registration prior to its expiration, when notified as required in this section, shall not deprive the person of the right to renewal within the ninety days that follow expiration, but the fee to be paid for renewal after its expiration shall be one hundred dollars plus the standard registration fee for the registrant.

(C) If a registrant fails to renew registration within ninety days of the date that it expired, the former registrant shall comply with the registration requirements under section 3713.05 of the Revised Code to obtain valid registration.

Sec. 3713.08. (A) All persons required to register under division (A) of section 3713.02 of the Revised Code manufacturing, making, or wholesaling bedding or stuffed toys, or both, that are sold or offered for sale shall have the material content of their products tested and analyzed at an established laboratory designated by the superintendent of ~~industrial compliance~~ labor before the bedding or stuffed toys are sold or offered for sale.

(B) Every stuffed toy or item of bedding sold or offered for sale shall have a label affixed to it that reports the contents of the stuffed toy or bedding material in conformity with requirements established by the superintendent, a registration number, and any other identifying information as required by the superintendent.

(C) The seller of any secondhand articles of bedding or

stuffed toys shall sanitize all items in accordance with rules 1069  
 established by the superintendent prior to the sale of or the 1070  
 offering for sale of any secondhand articles. 1071

(D) This section does not apply to any of the following: 1072

(1) Persons who meet the qualifications of division (C)(2) or 1073  
 (3) of section 3713.05 of the Revised Code; 1074

(2) The sale of furniture more than fifty years old; 1075

(3) The sale of furniture from the home of the owner directly 1076  
 to the purchaser. 1077

**Sec. 3713.09.** (A) The superintendent of ~~industrial compliance~~ 1078  
labor may appoint inspectors and periodically inspect and 1079  
 investigate any establishment where bedding or stuffed toys are 1080  
 manufactured, made, remade, renovated, repaired, sanitized, sold, 1081  
 or offered for sale, or where previously used material is 1082  
 processed for use in the manufacture of bedding or stuffed toys. 1083

(1) Each inspector shall make a written report to the 1084  
 superintendent of each examination and inspection complete with 1085  
 the inspector's findings and recommendations. Inspectors may place 1086  
 "off sale" any article of bedding or stuffed toy offered for sale, 1087  
 or found in the possession of any person with the intent to sell, 1088  
 in violation of section 3713.02 of the Revised Code. Inspectors 1089  
 shall perform other duties related to inspection and examination 1090  
 as prescribed by the superintendent. 1091

(2) When articles are placed "off sale" under division (A)(1) 1092  
 of this section, they shall be tagged, and the tag shall not be 1093  
 removed except by an authorized representative of the division of 1094  
~~industrial compliance~~ labor after the violator demonstrates to the 1095  
 satisfaction of the superintendent proof of compliance with the 1096  
 requirements of section 3713.08 of the Revised Code. 1097

(B) (1) When an inspector has cause to believe that any bedding or stuffed toy is not tagged or labeled in accordance with section 3713.08 of the Revised Code, the inspector may open any seam of the bedding or stuffed toy in question to examine the material used or contained within it and take a reasonable amount of the material for testing and analysis and, if necessary, examine any and all purchase records in order to determine the contents or the kind of material used in the bedding or stuffed toy in question. An inspector may seize and hold evidence of any article of bedding, stuffed toy, or material manufactured, made, possessed, renovated, remade, or repaired, sold, or offered for sale contrary to this chapter.

(2) Immediately after seizing articles believed to be in violation of this chapter, the inspector immediately shall report the seizure to the superintendent. The superintendent shall hold a hearing in accordance with Chapter 119. of the Revised Code or make a ruling in the matter. If the superintendent finds that the article of bedding, stuffed toy, or material is not in violation of this chapter, the superintendent shall order the item or items returned to the owner. If the superintendent finds a violation of this chapter, the superintendent may do either of the following:

(a) Return the articles to the owner for proper treatment, tagging or labeling, or other action as ordered by the superintendent, subject to the requirement that the articles be reinspected at cost to the owner, prior to being sold or offered for sale;

(b) Report the violation to the appropriate prosecuting attorney or city law director.

(C) The superintendent, at reasonable times and upon reasonable notice, may examine or cause to be examined the records of any importer, manufacturer, or wholesaler of stuffed toys or



articles of bedding, mobile home and recreational vehicle dealer, 1129  
conversion van dealer, secondhand dealer, or auction house to 1130  
determine compliance with this chapter. The superintendent may 1131  
enter into contracts, pursuant to procedures prescribed by the 1132  
superintendent, with persons to examine these records to determine 1133  
compliance with this chapter. These persons may collect and remit 1134  
to the superintendent any amounts due under this chapter. 1135

(D) Records audited pursuant to division (C) of this section 1136  
are confidential and shall not be disclosed except as required by 1137  
section 149.43 of the Revised Code, or as the superintendent finds 1138  
necessary for the proper administration of this chapter. 1139

(E) In the case of any investigation or examination, or both, 1140  
that requires investigation or examination outside of this state 1141  
of any importer, manufacturer, or wholesaler of stuffed toys or 1142  
articles of bedding, or of any mobile home or recreational vehicle 1143  
dealer, conversion van dealer, secondhand dealer, or auction 1144  
house, the superintendent may require the investigated or examined 1145  
person to pay the actual expense of the investigation or 1146  
examination. The superintendent shall provide an itemized 1147  
statement of actual expenses to the investigated or examined 1148  
person. 1149

(F) Whenever the superintendent has reason to believe, from 1150  
the superintendent's own information, upon complaint, or 1151  
otherwise, that any person has engaged in, is engaging in, or is 1152  
about to engage in any practice prohibited by this chapter, or 1153  
when the superintendent has reason to believe that it is necessary 1154  
for public health and safety, the superintendent may do any of the 1155  
following: 1156

(1) Investigate violations of this chapter, and for that 1157  
purpose, may subpoena witnesses in connection with the 1158  
investigation. The superintendent may make application to the 1159

appropriate court of common pleas for an order enjoining the 1160  
violation of this chapter, and upon a showing by the 1161  
superintendent that any registrant or person acting in a manner 1162  
that requires registration has violated or is about to violate 1163  
this chapter, an injunction, restraining order, or other order as 1164  
may be appropriate shall be granted by the court. 1165

(2) Compel by subpoena the attendance of witnesses to testify 1166  
in relation to any matter over which the superintendent has 1167  
jurisdiction and that is the subject of inquiry and investigation 1168  
by the superintendent, and require the production of any book, 1169  
paper, or document pertaining to the matter. In case any person 1170  
fails to file any statement or report, obey any subpoena, give 1171  
testimony, or produce any books, records, or papers as required by 1172  
a subpoena, the court of common pleas of any county in the state, 1173  
upon application made to it by the superintendent, shall compel 1174  
obedience by attachment proceedings for contempt. 1175

(3) Suspend or revoke the registration of any importer, 1176  
manufacturer, or wholesaler of stuffed toys or articles of 1177  
bedding, mobile home or recreational vehicle dealer, conversion 1178  
van dealer, secondhand dealer, or auction house; 1179

(4) Submit evidence of the violation or violations to any 1180  
city prosecutor, city director of law, or prosecuting attorney 1181  
with authority to prosecute. If the city prosecutor, city director 1182  
of law, or prosecuting attorney with authority to prosecute fails 1183  
to prosecute, the superintendent shall submit the evidence to the 1184  
attorney general who may proceed with the prosecution. 1185

**Sec. 3713.10.** All money collected under this chapter shall be 1186  
deposited into the state treasury to the credit of the ~~industrial~~ 1187  
~~compliance~~ labor operating fund created under section 121.084 of 1188  
the Revised Code." 1189

Between lines 52726 and 52727, insert: 1190

"Sec. 3721.071. The buildings in which a home is housed shall 1191  
be equipped with both an automatic fire extinguishing system and 1192  
fire alarm system. Such systems shall conform to standards set 1193  
forth in the regulations of the board of building standards and 1194  
the state fire marshal. 1195

The time for compliance with the requirements imposed by this 1196  
section shall be January 1, 1975, except that the date for 1197  
compliance with the automatic fire extinguishing requirements is 1198  
extended to January 1, 1976, provided the buildings of the home 1199  
are otherwise in compliance with fire safety laws and regulations 1200  
and: 1201

(A) The home within thirty days after August 4, 1975, files a 1202  
written plan with the state fire marshal's office that: 1203

(1) Outlines the interim safety procedures which shall be 1204  
carried out to reduce the possibility of a fire; 1205

(2) Provides evidence that the home has entered into an 1206  
agreement for a fire safety inspection to be conducted not less 1207  
than monthly by a qualified independent safety engineer consultant 1208  
or a township, municipal, or other legally constituted fire 1209  
department, or by a township or municipal fire prevention officer; 1210

(3) Provides verification that the home has entered into a 1211  
valid contract for the installation of an automatic fire 1212  
extinguishing system or fire alarm system, or both, as required to 1213  
comply with this section; 1214

(4) Includes a statement regarding the expected date for the 1215  
completion of the fire extinguishing system or fire alarm system, 1216  
or both. 1217

(B) Inspections by a qualified independent safety engineer 1218

consultant or a township, municipal, or other legally constituted  
 fire department, or by a township or municipal fire prevention  
 officer are initiated no later than sixty days after August 4,  
 1975, and are conducted no less than monthly thereafter, and  
 reports of the consultant, fire department, or fire prevention  
 officer identifying existing hazards and recommended corrective  
 actions are submitted to the state fire marshal, the division of  
~~industrial compliance~~ labor in the department of commerce, and the  
 department of health.

It is the express intent of the general assembly that the  
 department of job and family services shall terminate payments  
 under Title XIX of the "Social Security Act," 49 Stat. 620 (1935),  
 42 U.S.C. 301, as amended, to those homes which do not comply with  
 the requirements of this section for the submission of a written  
 fire safety plan and the deadline for entering into contracts for  
 the installation of systems."

In line 53145, strike through "industrial compliance" and  
 insert "labor"

In line 53288, strike through "industrial compliance" and  
 insert "labor"

Between lines 53393 and 53394, insert:

"Sec. 3722.041. (A) Sections 3781.06 to 3781.18 and 3791.04  
 of the Revised Code do not apply to an adult family home for which  
 application is made to the director of health for licensure as an  
 adult care facility under this chapter. Adult family homes shall  
 not be required to submit evidence to the director of health that  
 the home has been inspected by a local certified building  
 department or the division of ~~industrial compliance~~ labor in the  
 department of commerce or by the state fire marshal or a fire  
 prevention officer under section 3722.02 of the Revised Code, but

shall be inspected by the director of health to determine 1249  
 compliance with this section. An inspection made under this 1250  
 section may be made at the same time as an inspection made under 1251  
 section 3722.04 of the Revised Code. 1252

(B) The director shall not license or renew the license of an 1253  
 adult family home unless it meets the fire protection standards 1254  
 established by rules adopted by the public health council pursuant 1255  
 to this chapter." 1256

Between lines 56185 and 56186, insert: 1257

"Sec. 3743.04. (A) The license of a manufacturer of fireworks 1258  
 is effective for one year beginning on the first day of December. 1259  
 The state fire marshal shall issue or renew a license only on that 1260  
 date and at no other time. If a manufacturer of fireworks wishes 1261  
 to continue manufacturing fireworks at the designated fireworks 1262  
 plant after its then effective license expires, it shall apply no 1263  
 later than the first day of October for a new license pursuant to 1264  
 section 3743.02 of the Revised Code. The state fire marshal shall 1265  
 send a written notice of the expiration of its license to a 1266  
 licensed manufacturer at least three months before the expiration 1267  
 date. 1268

(B) If, during the effective period of its licensure, a 1269  
 licensed manufacturer of fireworks wishes to construct, locate, or 1270  
 relocate any buildings or other structures on the premises of its 1271  
 fireworks plant, to make any structural change or renovation in 1272  
 any building or other structure on the premises of its fireworks 1273  
 plant, or to change the nature of its manufacturing of fireworks 1274  
 so as to include the processing of fireworks, the manufacturer 1275  
 shall notify the state fire marshal in writing. The state fire 1276  
 marshal may require a licensed manufacturer also to submit 1277  
 documentation, including, but not limited to, plans covering the 1278  
 proposed construction, location, relocation, structural change or 1279

renovation, or change in manufacturing of fireworks, if the state 1280  
 fire marshal determines the documentation is necessary for 1281  
 evaluation purposes in light of the proposed construction, 1282  
 location, relocation, structural change or renovation, or change 1283  
 in manufacturing of fireworks. 1284

Upon receipt of the notification and additional documentation 1285  
 required by the state fire marshal, the state fire marshal shall 1286  
 inspect the premises of the fireworks plant to determine if the 1287  
 proposed construction, location, relocation, structural change or 1288  
 renovation, or change in manufacturing of fireworks conforms to 1289  
 sections 3743.02 to 3743.08 of the Revised Code and the rules 1290  
 adopted by the state fire marshal pursuant to section 3743.05 of 1291  
 the Revised Code. The state fire marshal shall issue a written 1292  
 authorization to the manufacturer for the construction, location, 1293  
 relocation, structural change or renovation, or change in 1294  
 manufacturing of fireworks if the state fire marshal determines, 1295  
 upon the inspection and a review of submitted documentation, that 1296  
 the construction, location, relocation, structural change or 1297  
 renovation, or change in manufacturing of fireworks conforms to 1298  
 those sections and rules. Upon authorizing a change in 1299  
 manufacturing of fireworks to include the processing of fireworks, 1300  
 the state fire marshal shall make notations on the manufacturer's 1301  
 license and in the list of licensed manufacturers in accordance 1302  
 with section 3743.03 of the Revised Code. 1303

On or before June 1, 1998, a licensed manufacturer shall 1304  
 install, in every licensed building in which fireworks are 1305  
 manufactured, stored, or displayed and to which the public has 1306  
 access, interlinked fire detection, smoke exhaust, and smoke 1307  
 evacuation systems that are approved by the superintendent of ~~the~~ 1308  
~~division of industrial compliance~~ labor, and shall comply with 1309  
 floor plans showing occupancy load limits and internal circulation 1310  
 and egress patterns that are approved by the state fire marshal 1311

and superintendent, and that are submitted under seal as required 1312  
by section 3791.04 of the Revised Code. Notwithstanding section 1313  
3743.59 of the Revised Code, the construction and safety 1314  
requirements established in this division are not subject to any 1315  
variance, waiver, or exclusion. 1316

(C) The license of a manufacturer of fireworks authorizes the 1317  
manufacturer to engage only in the following activities: 1318

(1) The manufacturing of fireworks on the premises of the 1319  
fireworks plant as described in the application for licensure or 1320  
in the notification submitted under division (B) of this section, 1321  
except that a licensed manufacturer shall not engage in the 1322  
processing of fireworks unless authorized to do so by its license. 1323

(2) To possess for sale at wholesale and sell at wholesale 1324  
the fireworks manufactured by the manufacturer, to persons who are 1325  
licensed wholesalers of fireworks, to out-of-state residents in 1326  
accordance with section 3743.44 of the Revised Code, to residents 1327  
of this state in accordance with section 3743.45 of the Revised 1328  
Code, or to persons located in another state provided the 1329  
fireworks are shipped directly out of this state to them by the 1330  
manufacturer. A person who is licensed as a manufacturer of 1331  
fireworks on June 14, 1988, also may possess for sale and sell 1332  
pursuant to division (C) (2) of this section fireworks other than 1333  
those the person manufactures. The possession for sale shall be on 1334  
the premises of the fireworks plant described in the application 1335  
for licensure or in the notification submitted under division (B) 1336  
of this section, and the sale shall be from the inside of a 1337  
licensed building and from no other structure or device outside a 1338  
licensed building. At no time shall a licensed manufacturer sell 1339  
any class of fireworks outside a licensed building. 1340

(3) Possess for sale at retail and sell at retail the 1341  
fireworks manufactured by the manufacturer, other than 1.4G 1342

fireworks as designated by the state fire marshal in rules adopted  
pursuant to division (A) of section 3743.05 of the Revised Code,  
to licensed exhibitors in accordance with sections 3743.50 to  
3743.55 of the Revised Code, and possess for sale at retail and  
sell at retail the fireworks manufactured by the manufacturer,  
including 1.4G fireworks, to out-of-state residents in accordance  
with section 3743.44 of the Revised Code, to residents of this  
state in accordance with section 3743.45 of the Revised Code, or  
to persons located in another state provided the fireworks are  
shipped directly out of this state to them by the manufacturer. A  
person who is licensed as a manufacturer of fireworks on June 14,  
1988, may also possess for sale and sell pursuant to division  
(C)(3) of this section fireworks other than those the person  
manufactures. The possession for sale shall be on the premises of  
the fireworks plant described in the application for licensure or  
in the notification submitted under division (B) of this section,  
and the sale shall be from the inside of a licensed building and  
from no other structure or device outside a licensed building. At  
no time shall a licensed manufacturer sell any class of fireworks  
outside a licensed building.

A licensed manufacturer of fireworks shall sell under  
division (C) of this section only fireworks that meet the  
standards set by the consumer product safety commission or by the  
American fireworks standard laboratories or that have received an  
EX number from the United States department of transportation.

(D) The license of a manufacturer of fireworks shall be  
protected under glass and posted in a conspicuous place on the  
premises of the fireworks plant. Except as otherwise provided in  
this division, the license is not transferable or assignable. A  
license may be transferred to another person for the same  
fireworks plant for which the license was issued if the assets of



the plant are transferred to that person by inheritance or by a  
 sale approved by the state fire marshal. The license is subject to  
 revocation in accordance with section 3743.08 of the Revised Code.

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(E) The state fire marshal shall not place the license of a  
 manufacturer of fireworks in a temporarily inactive status while  
 the holder of the license is attempting to qualify to retain the  
 license.

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(F) Each licensed manufacturer of fireworks that possesses  
 fireworks for sale and sells fireworks under division (C) of  
 section 3743.04 of the Revised Code, or a designee of the  
 manufacturer, whose identity is provided to the state fire marshal  
 by the manufacturer, annually shall attend a continuing education  
 program. The state fire marshal shall develop the program and the  
state fire marshal or a person or public agency approved by the  
state fire marshal shall conduct it. A licensed manufacturer or  
 the manufacturer's designee who attends a program as required  
 under this division, within one year after attending the program,  
 shall conduct in-service training as approved by the state fire  
 marshal for other employees of the licensed manufacturer regarding  
 the information obtained in the program. A licensed manufacturer  
 shall provide the state fire marshal with notice of the date,  
 time, and place of all in-service training. For any program  
 conducted under this division, the state fire marshal shall, in  
 accordance with rules adopted by the state fire marshal under  
 Chapter 119. of the Revised Code, establish the subjects to be  
 taught, the length of classes, the standards for approval, and  
 time periods for notification by the licensee to the state fire  
 marshal of any in-service training.

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(G) A licensed manufacturer shall maintain comprehensive  
 general liability insurance coverage in the amount and type  
 specified under division (B) (2) of section 3743.02 of the Revised

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Code at all times. Each policy of insurance required under this  
division shall contain a provision requiring the insurer to give  
not less than fifteen days' prior written notice to the state fire  
marshal before termination, lapse, or cancellation of the policy,  
or any change in the policy that reduces the coverage below the  
minimum required under this division. Prior to canceling or  
reducing the amount of coverage of any comprehensive general  
liability insurance coverage required under this division, a  
licensed manufacturer shall secure supplemental insurance in an  
amount and type that satisfies the requirements of this division  
so that no lapse in coverage occurs at any time. A licensed  
manufacturer who secures supplemental insurance shall file  
evidence of the supplemental insurance with the state fire marshal  
prior to canceling or reducing the amount of coverage of any  
comprehensive general liability insurance coverage required under  
this division.

(H) The state fire marshal shall adopt rules for the  
expansion or contraction of a licensed premises and for approval  
of such expansions or contractions. The boundaries of a licensed  
premises, including any geographic expansion or contraction of  
those boundaries, shall be approved by the state fire marshal in  
accordance with rules the state fire marshal adopts. If the  
licensed premises consists of more than one parcel of real estate,  
those parcels shall be contiguous unless an exception is allowed  
pursuant to division (I) of this section.

(I) (1) A licensed manufacturer may expand its licensed  
premises within this state to include not more than two storage  
locations that are located upon one or more real estate parcels  
that are noncontiguous to the licensed premises as that licensed  
premises exists on the date a licensee submits an application as  
described below, if all of the following apply:

- (a) The licensee submits an application to the state fire marshal and an application fee of one hundred dollars per storage location for which the licensee is requesting approval. 1436  
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- (b) The identity of the holder of the license remains the same at the storage location. 1439  
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- (c) The storage location has received a valid certificate of zoning compliance as applicable and a valid certificate of occupancy for each building or structure at the storage location issued by the authority having jurisdiction to issue the certificate for the storage location, and those certificates permit the distribution and storage of fireworks regulated under this chapter at the storage location and in the buildings or structures. The storage location shall be in compliance with all other applicable federal, state, and local laws and regulations. 1441  
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- (d) Every building or structure located upon the storage location is separated from occupied residential and nonresidential buildings or structures, railroads, highways, or any other buildings or structures on the licensed premises in accordance with the distances specified in the rules adopted by the state fire marshal pursuant to section 3743.05 of the Revised Code. 1450  
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- (e) Neither the licensee nor any person holding, owning, or controlling a five per cent or greater beneficial or equity interest in the licensee has been convicted of or pleaded guilty to a felony under the laws of this state, any other state, or the United States, after September 29, 2005. 1456  
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- (f) The state fire marshal approves the application for expansion. 1461  
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- (2) The state fire marshal shall approve an application for expansion requested under division (I)(1) of this section if the state fire marshal receives the application fee and proof that the 1463  
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requirements of divisions (I)(1)(b) to (e) of this section are 1466  
 satisfied. The storage location shall be considered part of the 1467  
 original licensed premises and shall use the same distinct number 1468  
 assigned to the original licensed premises with any additional 1469  
 designations as the state fire marshal deems necessary in 1470  
 accordance with section 3743.03 of the Revised Code. 1471

(J)(1) A licensee who obtains approval for the use of a 1472  
 storage location in accordance with division (I) of this section 1473  
 shall use the storage location exclusively for the following 1474  
 activities, in accordance with division (C) of this section: 1475

(a) The packaging, assembling, or storing of fireworks, which 1476  
 shall only occur in buildings or structures approved for such 1477  
 hazardous uses by the building code official having jurisdiction 1478  
 for the storage location or, for 1.4G fireworks, in containers or 1479  
 trailers approved for such hazardous uses by the state fire 1480  
 marshal if such containers or trailers are not subject to 1481  
 regulation by the building code adopted in accordance with Chapter 1482  
 3781. of the Revised Code. All such storage shall be in accordance 1483  
 with the rules adopted by the state fire marshal under division 1484  
 (G) of section 3743.05 of the Revised Code for the packaging, 1485  
 assembling, and storage of fireworks. 1486

(b) Distributing fireworks to other parcels of real estate 1487  
 located on the manufacturer's licensed premises, to licensed 1488  
 wholesalers or other licensed manufacturers in this state or to 1489  
 similarly licensed persons located in another state or country; 1490

(c) Distributing fireworks to a licensed exhibitor of 1491  
 fireworks pursuant to a properly issued permit in accordance with 1492  
 section 3743.54 of the Revised Code. 1493

(2) A licensed manufacturer shall not engage in any sales 1494  
 activity, including the retail sale of fireworks otherwise 1495  
 permitted under division (C)(2) or (C)(3) of this section, or 1496

pursuant to section 3743.44 or 3743.45 of the Revised Code, at the 1497  
storage location approved under this section. 1498

(3) A storage location may not be relocated for a minimum 1499  
period of five years after the storage location is approved by the 1500  
state fire marshal in accordance with division (I) of this 1501  
section. 1502

(K) The licensee shall prohibit public access to the storage 1503  
location. The state fire marshal shall adopt rules to describe the 1504  
acceptable measures a manufacturer shall use to prohibit access to 1505  
the storage site. 1506

**Sec. 3743.25.** (A)(1) Except as described in division (A)(2) 1507  
of this section, all retail sales of 1.4G fireworks by a licensed 1508  
manufacturer or wholesaler shall only occur from an approved 1509  
retail sales showroom on a licensed premises or from a 1510  
representative sample showroom as described in this section on a 1511  
licensed premises. For the purposes of this section, a retail sale 1512  
includes the transfer of the possession of the 1.4G fireworks from 1513  
the licensed manufacturer or wholesaler to the purchaser of the 1514  
fireworks. 1515

(2) Sales of 1.4G fireworks to a licensed exhibitor for a 1516  
properly permitted exhibition shall occur in accordance with the 1517  
provisions of the Revised Code and rules adopted by the state fire 1518  
marshal under Chapter 119. of the Revised Code. Such rules shall 1519  
specify, at a minimum, that the licensed exhibitor holds a license 1520  
under section 3743.51 of the Revised Code, that the exhibitor 1521  
possesses a valid exhibition permit issued in accordance with 1522  
section 3743.54 of the Revised Code, and that the fireworks 1523  
shipped are to be used at the specifically permitted exhibition. 1524

(B) All wholesale sales of fireworks by a licensed 1525  
manufacturer or wholesaler shall only occur from a licensed 1526

premises to persons who intend to resell the fireworks purchased  
at wholesale. A wholesale sale by a licensed manufacturer or  
wholesaler may occur as follows:

(1) The direct sale and shipment of fireworks to a person  
outside of this state;

(2) From an approved retail sales showroom as described in  
this section;

(3) From a representative sample showroom as described in  
this section;

(4) By delivery of wholesale fireworks to a purchaser at a  
licensed premises outside of a structure or building on that  
premises. All other portions of the wholesale sales transaction  
may occur at any location on a licensed premises.

(5) Any other method as described in rules adopted by the  
state fire marshal under Chapter 119. of the Revised Code.

(C) A licensed manufacturer or wholesaler shall only sell  
1.4G fireworks from a representative sample showroom or a retail  
sales showroom. Each licensed premises shall only contain one  
sales structure.

A representative sample showroom shall consist of a structure  
constructed and maintained in accordance with the nonresidential  
building code adopted under Chapter 3781. of the Revised Code and  
the fire code adopted under section 3737.82 of the Revised Code  
for a use and occupancy group that permits mercantile sales. A  
representative sample showroom shall not contain any pyrotechnics,  
pyrotechnic materials, fireworks, explosives, explosive materials,  
or any similar hazardous materials or substances. A representative  
sample showroom shall be used only for the public viewing of  
fireworks product representations, including paper materials,  
packaging materials, catalogs, photographs, or other similar

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product depictions. The delivery of product to a purchaser of 1557  
fireworks at a licensed premises that has a representative sample 1558  
structure shall not occur inside any structure on a licensed 1559  
premises. Such product delivery shall occur on the licensed 1560  
premises in a manner prescribed by rules adopted by the state fire 1561  
marshal pursuant to Chapter 119. of the Revised Code. 1562

If a manufacturer or wholesaler elects to conduct sales from 1563  
a retail sales showroom, the showroom structures, to which the 1564  
public may have any access and in which employees are required to 1565  
work, on all licensed premises, shall comply with the following 1566  
safety requirements: 1567

(1) A fireworks showroom that is constructed or upon which 1568  
expansion is undertaken on and after June 30, 1997, shall be 1569  
equipped with interlinked fire detection, fire suppression, smoke 1570  
exhaust, and smoke evacuation systems that are approved by the 1571  
superintendent of ~~the division of industrial compliance~~ labor in 1572  
the department of commerce. 1573

(2) A fireworks showroom that first begins to operate on or 1574  
after June 30, 1997, and to which the public has access for retail 1575  
purposes shall not exceed five thousand square feet in floor area. 1576  
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(3) A newly constructed or an existing fireworks showroom 1578  
structure that exists on ~~the effective date of this amendment~~ 1579  
September 23, 2008, but that, on or after ~~the effective date of~~ 1580  
~~this amendment~~ September 23, 2008, is altered or added to in a 1581  
manner requiring the submission of plans, drawings, 1582  
specifications, or data pursuant to section 3791.04 of the Revised 1583  
Code, shall comply with a graphic floor plan layout that is 1584  
approved by the state fire marshal and superintendent ~~of the~~ 1585  
~~division of industrial compliance~~ showing width of aisles, 1586  
parallel arrangement of aisles to exits, number of exits per wall, 1587

maximum occupancy load, evacuation plan for occupants, height of  
 storage or display of merchandise, and other information as may be  
 required by the state fire marshal and superintendent.

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(4) A fireworks showroom structure that exists on June 30,  
 1997, shall be in compliance on or after June 30, 1997, with floor  
 plans showing occupancy load limits and internal circulation and  
 egress patterns that are approved by the state fire marshal and  
 superintendent ~~of industrial compliance~~, and that are submitted  
 under seal as required by section 3791.04 of the Revised Code.

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(D) The safety requirements established in division (C) of  
 this section are not subject to any variance, waiver, or exclusion  
 pursuant to this chapter or any applicable building code."

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Between lines 58438 and 58439, insert:

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"**Sec. 3781.03.** (A) The state fire marshal, the fire chief of  
 a municipal corporation that has a fire department, or the fire  
 chief of a township that has a fire department shall enforce the  
 provisions of this chapter and Chapter 3791. of the Revised Code  
 that relate to fire prevention.

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(B) The superintendent of ~~the division of industrial~~  
~~compliance~~ labor, or the building inspector or commissioner of  
 buildings in a municipal corporation, county, or township in which  
 the building department is certified by the board of building  
 standards under section 3781.10 of the Revised Code shall enforce  
 in the jurisdiction of each entity all the provisions in this  
 chapter and Chapter 3791. of the Revised Code and any rules  
 adopted pursuant to those chapters that relate to the  
 construction, arrangement, and erection of all buildings or parts

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of buildings, as defined in section 3781.06 of the Revised Code, 1618  
including the sanitary condition of those buildings in relation to 1619  
heating and ventilation. 1620

(C) The division of ~~industrial compliance~~ labor in the 1621  
department of commerce, boards of health of health districts, 1622  
certified departments of building inspection of municipal 1623  
corporations, and county building departments that have authority 1624  
to perform inspections pursuant to a contract under division 1625  
(C)(1) of section 3703.01 of the Revised Code, subject to Chapter 1626  
3703. of the Revised Code, shall enforce this chapter and Chapter 1627  
3791. of the Revised Code and the rules adopted pursuant to those 1628  
chapters that relate to plumbing. Building drains are considered 1629  
plumbing for the purposes of enforcement of those chapters. 1630

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(D)(1) In accordance with Chapter 3703. of the Revised Code, 1632  
the department of the city engineer, in cities having such 1633  
departments, the boards of health of health districts, or the 1634  
sewer purveyor, as appropriate, shall have complete authority to 1635  
supervise and regulate the entire sewerage and drainage system in 1636  
the jurisdiction in which it is exercising the authority described 1637  
in this division, including the building sewer and all laterals 1638  
draining into the street sewers. 1639

(2) In accordance with Chapter 3703. of the Revised Code, the 1640  
department of the city engineer, the boards of health of health 1641  
districts, or the sewer purveyor, as appropriate, shall control 1642  
and supervise the installation and construction of all drains and 1643  
sewers that become a part of the sewerage system and shall issue 1644  
all the necessary permits and licenses for the construction and 1645  
installation of all building sewers and of all other lateral 1646  
drains that empty into the main sewers. The department of the city 1647  
engineer, the boards of health of health districts, and the sewer 1648

purveyor, as appropriate, shall keep a permanent record of the  
installation and location of every drain and sewer of the drainage  
and sewerage system of the jurisdiction in which it has exercised  
the authority described in this division.

(E) This section does not exempt any officer or department  
from the obligation to enforce this chapter and Chapter 3791. of  
the Revised Code."

Between lines 58684 and 58685, insert:

"Sec. 3781.102. (A) Any county or municipal building  
department certified pursuant to division (E) of section 3781.10  
of the Revised Code as of September 14, 1970, and that, as of that  
date, was inspecting single-family, two-family, and three-family  
residences, and any township building department certified  
pursuant to division (E) of section 3781.10 of the Revised Code,  
is hereby declared to be certified to inspect single-family,  
two-family, and three-family residences containing industrialized  
units, and shall inspect the buildings or classes of buildings  
subject to division (E) of section 3781.10 of the Revised Code.

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

Rules adopted by a board of county commissioners pursuant to  
this division may be enforced within the unincorporated areas of  
the county and within any municipal corporation where the  
legislative authority of the municipal corporation has contracted  
with the board for the enforcement of the county rules within the  
municipal corporation pursuant to section 307.15 of the Revised

Code. The rules shall not conflict with rules adopted by the board  
of building standards pursuant to section 3781.10 of the Revised  
Code or by the department of commerce pursuant to Chapter 3703. of  
the Revised Code. This division does not impair or restrict the  
power of municipal corporations under Section 3 of Article XVIII,  
Ohio Constitution, to adopt rules concerning the erection,  
construction, repair, alteration, and maintenance of buildings and  
structures or of establishing standards and providing for the  
licensing of specialty contractors pursuant to section 715.27 of  
the Revised Code.

A board of county commissioners, pursuant to this division,  
may require all electrical contractors and heating, ventilating,  
and air conditioning contractors, other than those who hold a  
valid and unexpired license issued pursuant to Chapter 4740. of  
the Revised Code, to successfully complete an examination, test,  
or demonstration of technical skills, and may impose a fee and  
additional requirements for a license to engage in their  
respective occupations within the jurisdiction of the board's  
rules under this division.

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

(D) A board may impose a fee for registration of a specialty  
contractor who holds a valid and unexpired license issued pursuant

to Chapter 4740. of the Revised Code before that specialty 1710  
contractor may engage in the type of contracting for which the 1711  
license is held within the unincorporated areas of the county and 1712  
within any municipal corporation whose legislative authority has 1713  
contracted with the board for the enforcement of county 1714  
regulations within the municipal corporation, pursuant to section 1715  
307.15 of the Revised Code, provided that the fee is the same for 1716  
all specialty contractors who wish to engage in that type of 1717  
contracting. If a board imposes such a fee, the board immediately 1718  
shall permit a specialty contractor who presents proof of holding 1719  
a valid and unexpired license and pays the required fee to engage 1720  
in the type of contracting for which the license is held within 1721  
the unincorporated areas of the county and within any municipal 1722  
corporation whose legislative authority has contracted with the 1723  
board for the enforcement of county regulations within the 1724  
municipal corporation, pursuant to section 307.15 of the Revised 1725  
Code. 1726

(E) The political subdivision associated with each municipal, 1727  
township, and county building department the board of building 1728  
standards certifies pursuant to division (E) of section 3781.10 of 1729  
the Revised Code may prescribe fees to be paid by persons, 1730  
political subdivisions, or any department, agency, board, 1731  
commission, or institution of the state, for the acceptance and 1732  
approval of plans and specifications, and for the making of 1733  
inspections, pursuant to sections 3781.03 and 3791.04 of the 1734  
Revised Code. 1735

(F) Each political subdivision that prescribes fees pursuant 1736  
to division (E) of this section shall collect, on behalf of the 1737  
board of building standards, fees equal to the following: 1738

(1) Three per cent of the fees the political subdivision 1739  
collects in connection with nonresidential buildings; 1740

(2) One per cent of the fees the political subdivision collects in connection with residential buildings.	1741 1742
(G) (1) The board shall adopt rules, in accordance with Chapter 119. of the Revised Code, specifying the manner in which the fee assessed pursuant to division (F) of this section shall be collected and remitted monthly to the board. The board shall pay the fees into the state treasury to the credit of the <del>industrial compliance</del> <u>labor</u> operating fund created in section 121.084 of the Revised Code.	1743 1744 1745 1746 1747 1748 1749
(2) All money credited to the <del>industrial compliance</del> <u>labor</u> operating fund under this division shall be used exclusively for the following:	1750 1751 1752
(a) Operating costs of the board;	1753
(b) Providing services, including educational programs, for the building departments that are certified by the board pursuant to division (E) of section 3781.10 of the Revised Code;	1754 1755 1756
(c) Paying the expenses of the residential construction advisory committee, including the expenses of committee members as provided in section 4740.14 of the Revised Code.	1757 1758 1759
(H) A board of county commissioners that adopts rules providing for the licensing of electrical and heating, ventilating, and air conditioning contractors, pursuant to division (B) of this section, may accept, for purposes of satisfying the requirements of rules adopted under that division, a valid and unexpired license issued pursuant to Chapter 4740. of the Revised Code that is held by an electrical or heating, ventilating, and air conditioning contractor, for the construction, replacement, maintenance, or repair of one-family, two-family, or three-family dwelling houses or accessory structures incidental to those dwelling houses.	1760 1761 1762 1763 1764 1765 1766 1767 1768 1769 1770

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

(J) As used in this section, "specialty contractor" means a heating, ventilating, and air conditioning contractor, refrigeration contractor, electrical contractor, plumbing contractor, or hydronics contractor, as those contractors are described in Chapter 4740. of the Revised Code.

**Sec. 3781.11.** (A) The rules of the board of building standards shall:

(1) For nonresidential buildings, provide uniform minimum standards and requirements, and for residential buildings, provide standards and requirements that are uniform throughout the state, for construction and construction materials, including construction of industrialized units, to make residential and nonresidential buildings safe and sanitary as defined in section 3781.06 of the Revised Code;

(2) Formulate such standards and requirements, so far as may be practicable, in terms of performance objectives, so as to make adequate performance for the use intended the test of acceptability;

(3) Permit, to the fullest extent feasible, the use of materials and technical methods, devices, and improvements, including the use of industrialized units which tend to reduce the cost of construction and erection without affecting minimum requirements for the health, safety, and security of the occupants or users of buildings or industrialized units and without preferential treatment of types or classes of materials or products or methods of construction;

(4) Encourage, so far as may be practicable, the standardization of construction practices, methods, equipment, material, and techniques, including methods employed to produce industrialized units;

(5) Not require any alteration or repair of any part of a school building owned by a chartered nonpublic school or a city, local, exempted village, or joint vocational school district and operated in conjunction with any primary or secondary school program that is not being altered or repaired if all of the following apply:

(a) The school building meets all of the applicable building code requirements in existence at the time of the construction of the building.

(b) The school building otherwise satisfies the requirements of section 3781.06 of the Revised Code.

(c) The part of the school building altered or repaired conforms to all rules of the board existing on the date of the repair or alteration.

(6) Not require any alteration or repair to any part of a workshop or factory that is not otherwise being altered, repaired, or added to if all of the following apply:

(a) The workshop or factory otherwise satisfies the requirements of section 3781.06 of the Revised Code.

(b) The part of the workshop or factory altered, repaired, or added conforms to all rules of the board existing on the date of plan approval of the repair, alteration, or addition.

(B) The rules of the board shall supersede and govern any order, standard, or rule of the division of ~~industrial compliance~~ labor in the department of commerce, division of the state fire marshal, the department of health, and of counties and townships,

in all cases where such orders, standards, or rules are in 1831  
 conflict with the rules of the board, except that rules adopted 1832  
 and orders issued by the state fire marshal pursuant to Chapter 1833  
 3743. of the Revised Code prevail in the event of a conflict. 1834

(C) The construction, alteration, erection, and repair of 1835  
 buildings including industrialized units, and the materials and 1836  
 devices of any kind used in connection with them and the heating 1837  
 and ventilating of them and the plumbing and electric wiring in 1838  
 them shall conform to the statutes of this state or the rules 1839  
 adopted and promulgated by the board, and to provisions of local 1840  
 ordinances not inconsistent therewith. Any building, structure, or 1841  
 part thereof, constructed, erected, altered, manufactured, or 1842  
 repaired not in accordance with the statutes of this state or with 1843  
 the rules of the board, and any building, structure, or part 1844  
 thereof in which there is installed, altered, or repaired any 1845  
 fixture, device, and material, or plumbing, heating, or 1846  
 ventilating system, or electric wiring not in accordance with such 1847  
 statutes or rules is a public nuisance. 1848

(D) As used in this section: 1849

(1) "Nonpublic school" means a chartered school for which 1850  
 minimum standards are prescribed by the state board of education 1851  
 pursuant to division (D) of section 3301.07 of the Revised Code. 1852

(2) "Workshop or factory" includes manufacturing, mechanical, 1853  
 electrical, mercantile, art, and laundering establishments, 1854  
 printing, telegraph, and telephone offices, railroad depots, and 1855  
 memorial buildings, but does not include hotels and tenement and 1856  
 apartment houses." 1857

Between lines 58835 and 58836, insert: 1858

"Sec. 3783.05. The board of building standards, in accordance 1859  
 with Chapters 119., 3781., and 3791. of the Revised Code, shall 1860



adopt, amend, or repeal such rules as may be reasonably necessary 1861  
 to administer this chapter. All fees collected by the board 1862  
 pursuant to this chapter shall be paid into the state treasury to 1863  
 the credit of the ~~industrial compliance~~ labor operating fund 1864  
 created in section 121.084 of the Revised Code. 1865

1866

**Sec. 3791.02.** No owner, or person having the control as an 1867  
 officer or member of a board or committee or otherwise of any 1868  
 opera house, hall, theater, church, schoolhouse, college, academy, 1869  
 seminary, infirmary, sanitarium, children's home, hospital, 1870  
 medical institute, asylum, memorial building, armory, assembly 1871  
 hall, or other building for the assemblage or betterment of people 1872  
 shall fail to obey any order of the state fire marshal, boards of 1873  
 health of city and general health districts, the building 1874  
 inspector or commissioner in cities having a building inspection 1875  
 department, or the superintendent of ~~the division of industrial~~ 1876  
~~compliance~~ labor in the department of commerce under Chapters 1877  
 3781. and 3791. of the Revised Code or rules or regulations 1878  
 adopted pursuant thereto. 1879

Whoever violates this section shall be fined not more than 1880  
 one thousand dollars. 1881

**Sec. 3791.04.** (A) (1) Before beginning the construction, 1882  
 erection, or manufacture of any building to which section 3781.06 1883  
 of the Revised Code applies, including all industrialized units, 1884  
 the owner of that building, in addition to any other submission 1885  
 required by law, shall submit plans or drawings, specifications, 1886  
 and data prepared for the construction, erection, equipment, 1887  
 alteration, or addition that indicate the portions that have been 1888  
 approved pursuant to section 3781.12 of the Revised Code and for 1889  
 which no further approval is required, to the municipal, township, 1890

or county building department having jurisdiction unless one of 1891  
the following applies: 1892

(a) If no municipal, township, or county building department 1893  
certified for nonresidential buildings pursuant to division (E) of 1894  
section 3781.10 of the Revised Code has jurisdiction, the owner 1895  
shall make the submissions described in division (A) (1) of this 1896  
section to the superintendent of ~~the division of industrial~~ 1897  
~~compliancee~~ labor. 1898

(b) If no certified municipal, township, or county building 1899  
department certified for residential buildings pursuant to 1900  
division (E) of section 3781.10 of the Revised Code has 1901  
jurisdiction, the owner is not required to make the submissions 1902  
described in division (A) (1) of this section. 1903

(2) (a) The seal of an architect registered under Chapter 1904  
4703. of the Revised Code or an engineer registered under Chapter 1905  
4733. of the Revised Code is required for any plans, drawings, 1906  
specifications, or data submitted for approval, unless the plans, 1907  
drawings, specifications, or data are permitted to be prepared by 1908  
persons other than registered architects pursuant to division (C) 1909  
or (D) of section 4703.18 of the Revised Code, or by persons other 1910  
than registered engineers pursuant to division (C) or (D) of 1911  
section 4733.18 of the Revised Code. 1912

(b) No seal is required for any plans, drawings, 1913  
specifications, or data submitted for approval for any residential 1914  
buildings, as defined in section 3781.06 of the Revised Code, or 1915  
erected as industrialized one-, two-, or three-family units or 1916  
structures within the meaning of "industrialized unit" as defined 1917  
in section 3781.06 of the Revised Code. 1918

(c) No seal is required for approval of the installation of 1919  
replacement equipment or systems that are similar in type or 1920  
capacity to the equipment or systems being replaced. No seal is 1921

required for approval for any new construction, improvement, 1922  
alteration, repair, painting, decorating, or other modification of 1923  
any buildings or structures subject to sections 3781.06 to 3781.18 1924  
and 3791.04 of the Revised Code if the proposed work does not 1925  
involve technical design analysis, as defined by rule adopted by 1926  
the board of building standards. 1927

(B) No owner shall proceed with the construction, erection, 1928  
alteration, or equipment of any building until the plans or 1929  
drawings, specifications, and data have been approved as this 1930  
section requires, or the industrialized unit inspected at the 1931  
point of origin. No plans or specifications shall be approved or 1932  
inspection approval given unless the building represented would, 1933  
if constructed, repaired, erected, or equipped, comply with 1934  
Chapters 3781. and 3791. of the Revised Code and any rule made 1935  
under those chapters. 1936

(C) The approval of plans or drawings and specifications or 1937  
data pursuant to this section is invalid if construction, 1938  
erection, alteration, or other work upon the building has not 1939  
commenced within twelve months of the approval of the plans or 1940  
drawings and specifications. One extension shall be granted for an 1941  
additional twelve-month period if the owner requests at least ten 1942  
days in advance of the expiration of the permit and upon payment 1943  
of a fee not to exceed one hundred dollars. If in the course of 1944  
construction, work is delayed or suspended for more than six 1945  
months, the approval of plans or drawings and specifications or 1946  
data is invalid. Two extensions shall be granted for six months 1947  
each if the owner requests at least ten days in advance of the 1948  
expiration of the permit and upon payment of a fee for each 1949  
extension of not more than one hundred dollars. Before any work 1950  
may continue on the construction, erection, alteration, or 1951  
equipment of any building for which the approval is invalid, the 1952

owner of the building shall resubmit the plans or drawings and specifications for approval pursuant to this section. 1953  
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(D) Subject to section 3791.042 of the Revised Code, the board of building standards or the legislative authority of a municipal corporation, township, or county, by rule, may regulate the requirements for the submission of plans and specifications to the respective enforcing departments and for processing by those departments. The board of building standards or the legislative authority of a municipal corporation, township, or county may adopt rules to provide for the approval, subject to section 3791.042 of the Revised Code, by the department having jurisdiction of the plans for construction of a foundation or any other part of a building or structure before the complete plans and specifications for the entire building or structure are submitted. When any plans are approved by the department having jurisdiction, the structure and every particular represented by and disclosed in those plans shall, in the absence of fraud or a serious safety or sanitation hazard, be conclusively presumed to comply with Chapters 3781. and 3791. of the Revised Code and any rule issued pursuant to those chapters, if constructed, altered, or repaired in accordance with those plans and any rule in effect at the time of approval. 1955  
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(E) The approval of plans and specifications, including inspection of industrialized units, under this section is a "license" and the failure to approve plans or specifications as submitted or to inspect the unit at the point of origin within thirty days after the plans or specifications are filed or the request to inspect the industrialized unit is made, the disapproval of plans and specifications, or the refusal to approve an industrialized unit following inspection at the point of origin is "an adjudication order denying the issuance of a license" 1975  
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requiring an "adjudication hearing" as provided by sections 119.07  
to 119.13 of the Revised Code and as modified by sections 3781.031  
and 3781.19 of the Revised Code. An adjudication order denying the  
issuance of a license shall specify the reasons for that denial.

(F) The board of building standards shall not require the  
submission of site preparation plans or plot plans to the division  
of ~~industrial compliance~~ labor when industrialized units are used  
exclusively as one-, two-, or three-family dwellings.

(G) Notwithstanding any procedures the board establishes, if  
the agency having jurisdiction objects to any portion of the plans  
or specifications, the owner or the owner's representative may  
request the agency to issue conditional approval to proceed with  
construction up to the point of the objection. Approval shall be  
issued only when the objection results from conflicting  
interpretations of the rules of the board of building standards  
rather than the application of specific technical requirements of  
the rules. Approval shall not be issued where the correction of  
the objection would cause extensive changes in the building design  
or construction. The giving of conditional approval is a  
"conditional license" to proceed with construction up to the point  
where the construction or materials objected to by the agency are  
to be incorporated into the building. No construction shall  
proceed beyond that point without the prior approval of the agency  
or another agency that conducts an adjudication hearing relative  
to the objection. The agency having jurisdiction shall specify its  
objections to the plans or specifications, which is an  
"adjudication order denying the issuance of a license" and may be  
appealed pursuant to sections 119.07 to 119.13 of the Revised Code  
and as modified by sections 3781.031 and 3781.19 of the Revised  
Code.

(H) A certified municipal, township, or county building

department having jurisdiction, or the superintendent ~~of the~~ 2015  
~~division of industrial compliance~~, as appropriate, shall review 2016  
any plans, drawings, specifications, or data described in this 2017  
section that are submitted to it or to the superintendent. 2018

(I) No owner or persons having control as an officer, or as a 2019  
member of a board or committee, or otherwise, of a building to 2020  
which section 3781.06 of the Revised Code is applicable, and no 2021  
architect, designer, engineer, builder, contractor, subcontractor, 2022  
or any officer or employee of a municipal, township, or county 2023  
building department shall violate this section. 2024

(J) Whoever violates this section shall be fined not more 2025  
than five hundred dollars. 2026

**Sec. 3791.05.** No owner, lessee, agent, factor, architect, or 2027  
contractor engaged in and having supervision or charge of the 2028  
building, erection, or construction of a block, building, or 2029  
structure, shall neglect or refuse to place or have placed upon 2030  
the joists of each story thereof, as soon as joists are in 2031  
position, counter floors of such quality and strength as to render 2032  
perfectly safe the going to and from thereon of all mechanics, 2033  
laborers, and other persons engaged upon the work of construction 2034  
or supervision, or in placing materials for such construction. 2035

Whoever violates this section shall be fined not less than 2036  
twenty-five nor more than two hundred dollars. 2037

Each day that such person neglects or refuses to have such 2038  
counter floors so placed, after notice is given by a building 2039  
inspector, a chief inspector, or deputy inspector of the city 2040  
building inspection department in cities where such department is 2041  
organized, or by the superintendent of ~~the division of industrial~~ 2042  
~~compliance labor~~ of the state, in cities where such departments 2043  
are not organized, or from a person whose life or personal safety 2044

may be endangered by such neglect or refusal, is a separate offense. 2045  
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Sec. 3791.07. (A) The board of building standards may establish such reasonable inspection fee schedules as it determines necessary or desirable relating to the inspection of all plans and specifications submitted for approval to the division of ~~industrial compliance~~ labor, and all industrialized units inspected at the point of origin and at the construction site of the building. The inspection fee schedule established shall bear some reasonable relationship to the cost of administering and enforcing the provisions of Chapters 3781. and 3791. of the Revised Code. 2047  
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(B) In addition to the fee assessed in division (A) of this section, the board shall assess a fee of not more than five dollars for each application for acceptance and approval of plans and specifications and for making inspections pursuant to section 3791.04 of the Revised Code. The board shall adopt rules, in accordance with Chapter 119. of the Revised Code, specifying the manner by which the superintendent of ~~the division of industrial compliance~~ labor shall collect and remit to the board the fees assessed under this division and requiring that remittance of the fees be made at least quarterly. 2057  
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(C) Any person who fails to pay an inspection fee required for any inspection conducted by the department of commerce pursuant to Chapters 3781. and 3791. of the Revised Code, except for fees charged for the inspection of plans and specifications, within forty-five days after the inspection is conducted, shall pay a late payment fee equal to twenty-five per cent of the inspection fee. 2067  
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(D) The board shall pay the fees assessed under this section into the state treasury to the credit of the ~~industrial compliance~~ 2074  
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labor operating fund created in section 121.084 of the Revised Code." 2076  
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Between lines 60727 and 60728, insert: 2078

"Sec. 4104.01. As used in sections 4104.01 to 4104.20 and section 4104.99 of the Revised Code: 2079  
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(A) "Board of building standards" or "board" means the board established by section 3781.07 of the Revised Code. 2081  
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(B) "Superintendent" means the superintendent of ~~the division of industrial compliance~~ labor created by section 121.04 of the Revised Code. 2083  
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(C) "Boiler" means a closed vessel in which water is heated, steam is generated, steam is superheated, or any combination thereof, under pressure or vacuum for use externally to itself by the direct application of heat from the combustion of fuels, or from electricity or nuclear energy. "Boiler" includes fired units for heating or vaporizing liquids other than water where these units are separate from processing systems and are complete within themselves. 2086  
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(D) "Power boiler" means a boiler in which steam or other vapor (to be used externally to itself) is generated at a pressure of more than fifteen psig. 2094  
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(E) "High pressure, high temperature water boiler" means a water heating boiler operating at pressures exceeding one hundred sixty psig or temperatures exceeding two hundred fifty degrees Fahrenheit. 2097  
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(F) "Low pressure boiler" means a steam boiler operating at pressures not exceeding fifteen psig, or a hot water heating boiler operating at pressures not exceeding one hundred sixty psig or temperatures not exceeding two hundred fifty degrees 2101  
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Fahrenheit. 2105

(G) "Pressure vessel" means a container for the containment 2106  
of pressure, either internal or external. This pressure may be 2107  
obtained from an external source or by the application of heat 2108  
from a direct or indirect source or any combination thereof. 2109

(H) "Process boiler" means a boiler to which all of the 2110  
following apply: 2111

(1) The steam in the boiler is either generated or 2112  
superheated, or both, under pressure or vacuum for use external to 2113  
itself. 2114

(2) The source of heat for the boiler is in part or in whole 2115  
from a process other than the boiler itself. 2116

(3) The boiler is part of a continuous processing unit, such 2117  
as used in chemical manufacture or petroleum refining, other than 2118  
a steam-generated process unit. 2119

(I) "Stationary steam engine" means an engine or turbine in 2120  
which the mechanical force arising from the elasticity and 2121  
expansion action of steam or from its property of rapid 2122  
condensation or from a combination of the two is made available as 2123  
a motive power. 2124

**Sec. 4104.02.** The board of building standards shall: 2125

(A) Formulate rules for the construction, installation, 2126  
repair, conservation of energy, and operation of boilers and the 2127  
construction and repair of pressure vessels and for ascertaining 2128  
the safe working pressures to be carried on such boilers and 2129  
pressure vessels and the qualification of inspectors of boilers 2130  
and pressure vessels; 2131

(B) Prescribe tests, if it is considered necessary, to 2132  
ascertain the qualities of materials used in the construction of 2133

boilers and pressure vessels; 2134

(C) Adopt rules regulating the construction and sizes of 2135  
safety valves for boilers and pressure vessels of different sizes 2136  
and pressures, for the construction, use, and location of fusible 2137  
plugs, appliances for indicating the pressure of steam and level 2138  
of water in the boiler or pressure vessels, and such other 2139  
appliances as the board considers necessary to safety in operating 2140  
boilers; 2141

(D) Establish reasonable fees for the performance of reviews, 2142  
surveys, or audits of manufacturer's facilities by the division of 2143  
~~industrial compliance~~ labor for certification by the American 2144  
society of mechanical engineers and the national board of boiler 2145  
and pressure vessel inspectors; 2146

(E) The definitions and rules adopted by the board for the 2147  
construction, installation, repair, conservation of energy, and 2148  
operation of boilers and the construction and repair of pressure 2149  
vessels and for ascertaining the safe working pressures to be used 2150  
on such boilers and pressure vessels shall be based upon and 2151  
follow generally accepted engineering standards, formulae, and 2152  
practices established and pertaining to boilers and pressure 2153  
vessel construction, operation, and safety, and the board may, for 2154  
this purpose, adopt existing published standards as well as 2155  
amendments thereto subsequently published by the same authority. 2156

When a person desires to manufacture a special type of boiler 2157  
or pressure vessel, the design of which is not covered by the 2158  
rules of the board, the person shall submit drawings and 2159  
specifications of such boiler or pressure vessel to the board for 2160  
investigation, after which the board may permit its installation. 2161

The provisions of sections 119.03 and 119.11 of the Revised 2162  
Code in particular, and the applicable provisions of Chapter 119. 2163  
of the Revised Code in general, shall govern the proceedings of 2164

the board of building standards in adopting, amending, or 2165  
rescinding rules pursuant to this section. 2166

**Sec. 4104.06.** (A) The inspection of boilers and their 2167  
appurtenances and pressure vessels shall be made by the inspectors 2168  
mentioned in sections 4104.07 to 4104.20 of the Revised Code. The 2169  
superintendent of ~~industrial compliance~~ labor shall administer and 2170  
enforce such sections and rules adopted by the board of building 2171  
standards pursuant to section 4104.02 of the Revised Code. 2172

(B) The superintendent shall adopt, amend, and repeal rules 2173  
exclusively for the issuance, renewal, suspension, and revocation 2174  
of certificates of competency and certificates of operation, for 2175  
conducting hearings in accordance with Chapter 119. of the Revised 2176  
Code related to these actions, and for the inspection of boilers 2177  
and their appurtenances, and pressure vessels. 2178  
2179

(C) Notwithstanding division (B) of this section, the 2180  
superintendent shall not adopt rules relating to construction, 2181  
maintenance, or repair of boilers and their appurtenances, or 2182  
repair of pressure vessels. 2183

(D) The superintendent and each general inspector may enter 2184  
any premises and any building or room at all reasonable hours to 2185  
perform an examination or inspection." 2186

In line 60731, strike through "industrial compliance" and 2187  
insert "labor" 2188

In line 60733, strike through "industrial compliance" and 2189  
insert "labor" 2190

Between lines 60749 and 60750, insert: 2191

"**Sec. 4104.08.** (A) The director of commerce may appoint from 2192

the holders of certificates of competency provided for in section 2193  
4104.07 of the Revised Code, general inspectors of boilers and 2194  
pressure vessels. 2195

(B) Any company authorized to insure boilers and pressure 2196  
vessels against explosion in this state may designate from holders 2197  
of certificates of competency issued by the superintendent of 2198  
~~industrial compliance labor~~, or holders of certificates of 2199  
competency or commissions issued by other states or nations whose 2200  
examinations for certificates or commissions have been approved by 2201  
the board of building standards, persons to inspect and stamp 2202  
boilers and pressure vessels covered by the company's policies, 2203  
and the superintendent shall issue to such persons commissions 2204  
authorizing them to act as special inspectors. Special inspectors 2205  
shall be compensated by the company designating them. 2206

(C) The director ~~of commerce~~ shall establish an annual fee to 2207  
be charged by the superintendent for each certificate of 2208  
competency or commission the superintendent issues. 2209

(D) The superintendent shall issue to each general or special 2210  
inspector a commission to the effect that the holder thereof is 2211  
authorized to inspect boilers and pressure vessels in this state. 2212

(E) No person shall be authorized to act as a general 2213  
inspector or a special inspector who is directly or indirectly 2214  
interested in the manufacture or sale of boilers or pressure 2215  
vessels. 2216

**Sec. 4104.09.** The certificate of competency issued under 2217  
section 4104.07 of the Revised Code or the commission provided for 2218  
in section 4104.08 of the Revised Code may be revoked by the 2219  
superintendent of ~~industrial compliance labor~~ for the incompetence 2220  
or untrustworthiness of the holder thereof, or for willful 2221  
falsification of any matter or statement contained in the holder's 2222

application or in a report of any inspection in accordance with 2223  
 Chapter 119. of the Revised Code. If a certificate or commission 2224  
 is lost or destroyed, a new certificate or commission shall be 2225  
 issued in its place without another examination. 2226

**Sec. 4104.10.** All unfired pressure vessels, except unfired 2227  
 pressure vessels exempt under section 4104.04 of the Revised Code, 2228  
 shall be thoroughly inspected during fabrication and upon 2229  
 completion and shall not be operated until a copy of the 2230  
 manufacturers' data report, properly executed and signed by the 2231  
 inspector is filed in the office of the superintendent of 2232  
~~industrial compliance~~ labor. All unfired pressure vessels shall 2233  
 conform in every detail with applicable rules adopted by the board 2234  
 of building standards pursuant to section 4104.02 of the Revised 2235  
 Code." 2236

In line 60752, strike through "industrial compliance" and 2237  
 insert "labor" 2238

In line 60759, strike through "industrial compliance" and 2239  
 insert "labor" 2240

Between lines 60763 and 60764, insert: 2241

**"Sec. 4104.12.** All boilers, except boilers mentioned in 2242  
 section 4104.04 of the Revised Code, shall be inspected when 2243  
 installed and shall not be operated until an appropriate 2244  
 certificate of operation has been issued by the superintendent of 2245  
~~the division of industrial compliance~~ labor. The certificate of 2246  
 operation required by this section shall not be issued for any 2247  
 boiler which has not been thoroughly inspected during construction 2248  
 and upon completion, by either a general or special inspector, and 2249  
 which does not conform in every detail with the rules adopted by 2250  
 the board of building standards and unless, upon completion, such 2251  
 boiler is distinctly stamped under such rules by such inspector. 2252

Sec. 4104.15. (A) All certificates of inspection for boilers, 2253  
issued prior to October 15, 1965, are valid and effective for the 2254  
period set forth in such certificates unless sooner withdrawn by 2255  
the superintendent of ~~industrial compliance~~ labor. The owner or 2256  
user of any such boiler shall obtain an appropriate certificate of 2257  
operation for such boiler, and shall not operate such boiler, or 2258  
permit it to be operated unless a certificate of operation has 2259  
been obtained in accordance with section 4104.17 of the Revised 2260  
Code. 2261

(B) If, upon making the internal and external inspection 2262  
required under sections 4104.11, 4104.12, and 4104.13 of the 2263  
Revised Code, the inspector finds the boiler to be in safe working 2264  
order, with the fittings necessary to safety, and properly set up, 2265  
upon the inspector's report to the superintendent, the 2266  
superintendent shall issue to the owner or user thereof, or renew, 2267  
upon application and upon compliance with sections 4104.17 and 2268  
4104.18 of the Revised Code, a certificate of operation which 2269  
shall state the maximum pressure at which the boiler may be 2270  
operated, as ascertained by the rules of the board of building 2271  
standards. Such certificates shall also state the name of the 2272  
owner or user, the location, size, and number of each boiler, and 2273  
the date of issuance, and shall be so placed as to be easily read 2274  
in the engine room or boiler room of the plant where the boiler is 2275  
located, except that the certificate of operation for a portable 2276  
boiler shall be kept on the premises and shall be accessible at 2277  
all times. 2278

(C) If an inspector at any inspection finds that the boiler 2279  
or pressure vessel is not in safe working condition, or is not 2280  
provided with the fittings necessary to safety, or if the fittings 2281  
are improperly arranged, the inspector shall immediately notify 2282  
the owner or user and person in charge of the boiler and shall 2283

report the same to the superintendent who may revoke, suspend, or  
deny the certificate of operation and not renew the same until the  
boiler or pressure vessel and its fittings are put in condition to  
insure safety of operation, and the owner or user shall not  
operate the boiler or pressure vessel, or permit it to be operated  
until such certificate has been granted or restored.

(D) If the superintendent or a general boiler inspector finds  
that a pressure vessel or boiler or a part thereof poses an  
explosion hazard that reasonably can be regarded as posing an  
imminent danger of death or serious physical harm to persons, the  
superintendent or the general boiler inspector shall seal the  
pressure vessel or boiler and order, in writing, the operator or  
owner of the pressure vessel or boiler to immediately cease the  
pressure vessel's or boiler's operation. The order shall be  
effective until the nonconformities are eliminated, corrected, or  
otherwise remedied, or for a period of seventy-two hours from the  
time of issuance, whichever occurs first. During the  
seventy-two-hour period, the superintendent may request that the  
prosecuting attorney or city attorney of Franklin county or of the  
county in which the pressure vessel or boiler is located obtain an  
injunction restraining the operator or owner of the pressure  
vessel or boiler from continuing its operation after the  
seventy-two-hour period expires until the nonconformities are  
eliminated, corrected, or otherwise remedied.

(E) Each boiler which has been inspected shall be assigned a  
number by the superintendent, which number shall be stamped on a  
nonferrous metal tag affixed to the boiler or its fittings by seal  
or otherwise. No person except an inspector shall deface or remove  
any such number or tag.

(F) If the owner or user of any pressure vessel or boiler  
disagrees with the inspector as to the necessity for shutting down

a pressure vessel or boiler or for making repairs or alterations  
 in it, or taking any other measures for safety that are requested  
 by an inspector, the owner or user may appeal from the decision of  
 the inspector to the superintendent, who may, after such other  
 inspection by a general inspector or special inspector as the  
 superintendent deems necessary, decide the issue.

(G) Neither sections 4104.01 to 4104.20 of the Revised Code,  
 nor an inspection or report by any inspector, shall relieve the  
 owner or user of a pressure vessel or boiler of the duty of using  
 due care in the inspection, operation, and repair of the pressure  
 vessel or boiler or of any liability for damages for failure to  
 inspect, repair, or operate the pressure vessel or boiler safely.

**Sec. 4104.16.** The owner or user of any boiler required by  
 sections 4104.01 to 4104.20 of the Revised Code, to be inspected,  
 shall immediately notify the superintendent of ~~the division of~~  
~~industrial compliance~~ labor in case a defect affecting the safety  
 of the boiler is discovered.

The owner or user of any stationary boiler required by such  
 sections to be inspected, who moves the same, shall report to the  
 superintendent the new location of the boiler. Such boiler shall  
 be inspected before it is again operated.

**Sec. 4104.17.** Certificates of operation issued for boilers  
 subject to inspection under Chapter 4104. of the Revised Code  
 shall be issued and renewed in accordance with and at dates  
 prescribed by rules and regulations adopted by the superintendent  
 of ~~industrial compliance~~ labor."

In line 60769, strike through "industrial compliance" and  
 insert "labor"

In line 60798, strike through "industrial compliance" and



insert "labor" 2344

In line 60802, strike through "industrial compliance" and 2345

insert "labor" 2346

Between lines 60814 and 60815, insert: 2347

"Sec. 4104.19. (A) Any person seeking a license to operate as 2348  
a steam engineer, high pressure boiler operator, or low pressure 2349  
boiler operator shall file a written application with the 2350  
superintendent of ~~industrial compliance~~ labor on a form prescribed 2351  
by the superintendent with the appropriate application fee as set 2352  
forth in section 4104.18 of the Revised Code. The application 2353  
shall contain information satisfactory to the superintendent to 2354  
demonstrate that the applicant meets the requirements of division 2355  
(B) of this section. The application shall be filed with the 2356  
superintendent not more than sixty days and not less than thirty 2357  
days before the license examination is offered. 2358

(B) To qualify to take the examination required to obtain a 2359  
steam engineer, high pressure boiler operator, or low pressure 2360  
boiler operator license, a person shall meet both of the following 2361  
requirements: 2362

(1) Be at least eighteen years of age; 2363

(2) Have one year of experience in the operation of steam 2364  
engines, high pressure boilers, or low pressure boilers as 2365  
applicable to the type of license being sought, or a combination 2366  
of experience and education for the type of license sought as 2367  
determined to be acceptable by the superintendent. 2368

(C) No applicant shall qualify to take an examination or to 2369  
renew a license if the applicant has violated this chapter or if 2370  
the applicant has obtained or renewed a license issued under this 2371  
chapter by fraud, misrepresentation, or deception. 2372

(D) The superintendent shall issue a license to each applicant who receives a passing score on the examination, as determined by the superintendent, for the license for which the applicant applied. 2373  
2374  
2375  
2376

(E) The superintendent may select and contract with one or more persons to do all of the following relative to the examinations for a license to operate as a steam engineer, high pressure boiler operator, or low pressure boiler operator: 2377  
2378  
2379  
2380

(1) Prepare, administer, score, and maintain the confidentiality of the examination; 2381  
2382

(2) Maintain responsibility for all expenses required to fulfill division (E) (1) of this section; 2383  
2384

(3) Charge each applicant a fee for administering the examination, in an amount authorized by the superintendent; 2385  
2386

(4) Design the examination for each type of license to determine an applicant's competence to operate the equipment for which the applicant is seeking licensure. 2387  
2388  
2389

(F) Each license issued under this chapter expires one year after the date of issue. Each person holding a valid, unexpired license may renew the license, without reexamination, by applying to the superintendent not more than ninety days before the expiration of the license, and submitting with the application the renewal fee established in section 4104.18 of the Revised Code. 2390  
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(G) The superintendent, in accordance with Chapter 119. of the Revised Code, may suspend or revoke any license, or may refuse to issue a license under this chapter upon finding that a licensee or an applicant for a license has violated or is violating the requirements of this chapter. 2398  
2399  
2400  
2401  
2402

**Sec. 4104.21.** On receipt of a notice pursuant to section 2403  
 3123.43 of the Revised Code, the superintendent of ~~industrial~~ 2404  
~~compliance~~ labor shall comply with sections 3123.41 to 3123.50 of 2405  
 the Revised Code and any applicable rules adopted under section 2406  
 3123.63 of the Revised Code with respect to a certificate or 2407  
 license issued pursuant to this chapter. 2408

**Sec. 4104.33.** There is hereby created the historical boilers 2409  
 licensing board consisting of seven members, three of whom shall 2410  
 be appointed by the governor with the advice and consent of the 2411  
 senate. The governor shall make initial appointments to the board 2412  
 within ninety days after ~~the effective date of this section~~ 2413  
October 24, 2002. Of the initial members appointed by the 2414  
 governor, one shall be for a term ending three years after ~~the~~ 2415  
~~effective date of this section~~ October 24, 2002, one shall be for 2416  
 a term ending four years after ~~the effective date of this section~~ 2417  
October 24, 2002, and one shall be for a term ending five years 2418  
 after ~~the effective date of this section~~ October 24, 2002. 2419  
 Thereafter, terms of office shall be for five years, each term 2420  
 ending on the same day of the same month of the year as did the 2421  
 term that it succeeds. Of the three members the governor appoints, 2422  
 one member shall be an employee of the division of boiler 2423  
 inspection in the department of commerce; one member shall be an 2424  
 independent mechanical engineer who is not involved in selling or 2425  
 inspecting historical boilers; and one shall be an active member 2426  
 of an association that represents managers of fairs or festivals. 2427

Two members of the board shall be appointed by the president 2428  
 of the senate and two members of the board shall be appointed by 2429  
 the speaker of the house of representatives. The president and 2430  
 speaker shall make initial appointments to the board within ninety 2431  
 days after ~~the effective date of this section~~ October 24, 2002. Of 2432

the initial members appointed by the president, one shall be for a 2433  
term ending four years after ~~the effective date of this section~~ 2434  
October 24, 2002 and one shall be for a term ending five years 2435  
after ~~the effective date of this section~~ October 24, 2002. Of the 2436  
initial members appointed by the speaker, one shall be for a term 2437  
ending three years after ~~the effective date of this section~~ 2438  
October 24, 2002 and one shall be for a term ending five years 2439  
after ~~the effective date of this section~~ October 24, 2002. 2440  
Thereafter, terms of office shall be for five years, each term 2441  
ending on the same day of the same month of the year as did the 2442  
term that it succeeds. Of the four members appointed by the 2443  
president and speaker, each shall own a historical boiler and also 2444  
have at least ten years of experience in the operation of 2445  
historical boilers, and each of these four members shall reside in 2446  
a different region of the state. 2447

Each member shall hold office from the date of the member's 2448  
appointment until the end of the term for which the member was 2449  
appointed. Members may be reappointed. Vacancies shall be filled 2450  
in the manner provided for initial appointments. Any member 2451  
appointed to fill a vacancy occurring prior to the expiration date 2452  
of the term for which the member's predecessor was appointed shall 2453  
hold office as a member for the remainder of that term. A member 2454  
shall continue in office subsequent to the expiration date of the 2455  
member's term until the successor takes office or until a period 2456  
of sixty days has elapsed, whichever occurs first. 2457

The members of the board, annually, shall elect, by majority 2458  
vote, a chairperson from among their members. The board shall meet 2459  
at least once annually and at other times at the call of the 2460  
chairperson. Board members shall receive their actual and 2461  
necessary expenses incurred in the discharge of their duties as 2462  
board members. 2463

The superintendent of ~~the division of industrial compliance~~ 2464  
labor shall furnish office space, staff, and supplies to the board 2465  
as the superintendent determines are necessary for the board to 2466  
carry out its official duties under sections 4104.33 to 4104.37 of 2467  
the Revised Code. 2468

**Sec. 4104.42.** (A) The owner of any power piping or process 2469  
piping system shall ensure that all of the following are performed 2470  
in compliance with applicable sections of the B31 standards 2471  
contained in the code for pressure piping, published by the 2472  
American society of mechanical engineers: 2473

(1) The design, fabrication, assembly, installation, testing, 2474  
examination, and inspection of power and process piping systems; 2475

(2) Qualification of personnel and qualification of welding 2476  
and brazing procedures; 2477

(3) The implementation of an inspection program. 2478

(B) The owner of a power piping or process piping system 2479  
shall do both of the following: 2480

(1) Maintain for five years complete records documenting the 2481  
design, examination, and testing of the piping system that include 2482  
all of the following: 2483

(a) The specific edition of the code for pressure piping used 2484  
in the design; 2485

(b) The design assumptions; 2486

(c) The calculations, piping material specifications, and 2487  
construction documents for the piping; 2488

(d) The records of piping alterations; 2489

(e) The piping examination and inspection records. 2490

(2) Disclose the types and quantities of flammable, 2491

combustible, or hazardous materials proposed to be used in the  
 facility to the building and fire code enforcement authorities who  
 have inspection authority to enable those authorities to determine  
 compliance with the rules the board of building standards adopts  
 pursuant to section 3781.10 of the Revised Code and the rules the  
 state fire marshal adopts pursuant to section 3737.82 of the  
 Revised Code.

(C) No person or state agency shall require that the records  
 described in division (B) (1) of this section be submitted to the  
 division of ~~industrial compliance~~ labor in the department of  
 commerce or to a certified building department for approval.

(D) Nothing in this section limits the application of  
 Chapters 4703. and 4733. of the Revised Code.

**Sec. 4104.43.** (A) (1) The board of building standards shall  
 adopt rules establishing requirements for the design,  
 installation, inspection of and design review procedure for  
 building services piping.

(2) The board of building standards shall adopt rules  
 establishing requirements for the design, installation, inspection  
 of and design review procedure for nonflammable medical gas,  
 medical oxygen, and medical vacuum piping systems.

(B) A municipal, township, or county building department  
 certified under division (E) of section 3781.10 of the Revised  
 Code shall enforce the rules the board adopts pursuant to division  
 (A) (2) of this section if that building department requests and  
 obtains special certification to enforce those rules.

(C) In a health district where no municipal, township, or  
 county building department is specially certified under division  
 (B) of this section, an employee of the health district shall  
 enforce the rules adopted pursuant to division (A) (2) of this

section if both of the following conditions are satisfied:	2522
(1) The health district employee requests and obtains special certification by the board to enforce those rules.	2523 2524
(2) The health district notifies the superintendent of the division of <del>industrial compliance</del> <u>labor</u> in the department of commerce that the health district's specially certified employee shall enforce those rules.	2525 2526 2527 2528
(D) In a jurisdiction where enforcement authority as described in divisions (B) and (C) of this section does not exist, the superintendent of <del>the division of industrial compliance</del> <u>labor</u> shall enforce the rules the board adopts pursuant to division (A) (2) of this section.	2529 2530 2531 2532 2533
<b>Sec. 4104.44.</b> All welding and brazing of metallic piping systems shall be performed in accordance with section IX of the boiler and pressure vessel code, published by the American society of mechanical engineers. The owner shall maintain, at the job site, the certified performance qualification records of all welders and brazers employed at the facility. The owner shall submit copies of all certified welding and brazing procedure specifications, procedure qualification records, and performance qualification records for building services piping for review to the superintendent of <del>the division of industrial compliance</del> <u>labor</u> in the department of commerce in accordance with rules the superintendent adopts. The submission shall be accompanied by the fee the superintendent establishes.	2534 2535 2536 2537 2538 2539 2540 2541 2542 2543 2544 2545 2546
<b>Sec. 4104.48.</b> (A) No person shall violate sections 4104.41 to 4104.48 of the Revised Code, fail to perform any duty lawfully enjoined in connection with those sections, or fail to comply with any order issued by the superintendent of <del>the division of</del>	2547 2548 2549 2550

~~industrial compliance~~ labor or any judgment or decree issued by 2551  
any court in connection with the enforcement of sections 4104.41 2552  
to 4104.48 of the Revised Code. 2553

(B) Every day during which a person violates sections 4104.41 2554  
to 4104.48 of the Revised Code, fails to perform any duty lawfully 2555  
enjoined in connection with those sections, or fails to comply 2556  
with any order issued by the superintendent ~~of the division of~~ 2557  
~~industrial compliance~~ or any judgment or decree issued by any 2558  
court in connection with the enforcement of sections 4104.41 to 2559  
4104.48 of the Revised Code constitutes a separate offense. 2560

**Sec. 4105.01.** As used in this chapter: 2561

(A) "Elevator" means a hoisting and lowering apparatus 2562  
equipped with a car, cage, or platform which moves on or between 2563  
permanent rails or guides and serves two or more fixed landings in 2564  
a building or structure to which section 3781.06 of the Revised 2565  
Code applies. "Elevator" includes dumb-waiters other than 2566  
hand-powered dumb-waiters, escalators, ~~manlifts~~ peoplelifts, 2567  
moving walks, of the endless belt type, other lifting or lowering 2568  
apparatus permanently installed on or between rails or guides, and 2569  
all equipment, machinery, and construction related to any 2570  
elevator; but does not include construction hoists and other 2571  
similar temporary lifting or lowering apparatuses, ski lifts, 2572  
traveling, portable amusement rides or devices that are not 2573  
affixed to a permanent foundation, or nonportable amusement rides 2574  
or devices that are affixed to a permanent foundation. 2575

(B) "Passenger elevator" means an elevator that is designed 2576  
to carry persons to its contract capacity. 2577

(C) "Freight elevator" means an elevator normally used for 2578  
carrying freight and on which only the operator and employees in 2579  
the pursuit of their duties, by the permission of the employer, 2580



are allowed to ride. 2581

(D) "Gravity elevator" means an elevator utilizing gravity to 2582  
move. 2583

(E) "General inspector" means a state inspector examined and 2584  
hired to inspect elevators and lifting apparatus for that state. 2585

(F) "Special inspector" means an inspector examined and 2586  
commissioned by the superintendent of ~~the division of industrial~~ 2587  
~~compliancee labor~~ to inspect elevators and lifting apparatus in the 2588  
state. 2589

(G) "Inspector" means either a general or special inspector. 2590

**Sec. 4105.02.** No person may act, either as a general 2591  
inspector or as a special inspector, of elevators, unless ~~he~~ the 2592  
person holds a certificate of competency from the division of 2593  
~~industrial compliancee labor~~. 2594

Application for examination as an inspector of elevators 2595  
shall be in writing, accompanied by a fee to be established as 2596  
provided in section 4105.17 of the Revised Code, and upon a blank 2597  
to be furnished by the division, stating the school education of 2598  
the applicant, a list of ~~his~~ the applicant's employers, ~~his~~ the 2599  
applicant's period of employment, and the position held with each. 2600  
An applicant shall also submit a letter from one or more of ~~his~~ 2601  
the applicant's previous employers certifying as to ~~his~~ the 2602  
applicant's character and experience. 2603

Applications shall be rejected which contain any willful 2604  
falsification or untruthful statements. An applicant, if the 2605  
division considers ~~his~~ the applicant's history and experience 2606  
sufficient, shall be examined by the superintendent of ~~the~~ 2607  
~~division of industrial compliancee labor~~ by a written examination 2608  
dealing with the construction, installation, operation, 2609

maintenance, and repair of elevators and their appurtenances, and 2610  
 the applicant shall be accepted or rejected on the merits of ~~his~~ 2611  
the applicant's application and examination. 2612

The superintendent shall issue a certificate of competency in 2613  
 the inspection of elevators to any applicant found competent upon 2614  
 examination. A rejected applicant shall be entitled, after the 2615  
 expiration of ninety days and upon payment of an examination fee 2616  
 to be established as provided in section 4105.17 of the Revised 2617  
 Code, to another examination. Should an applicant fail to pass the 2618  
 prescribed examination on second trial, ~~he~~ the applicant will not 2619  
 be permitted to be an applicant for another examination for a 2620  
 period of one year after the second examination. 2621

**Sec. 4105.03.** The superintendent of ~~the division of~~ 2622  
~~industrial compliance~~ labor, with the consent of the director of 2623  
 commerce, shall hire an assistant who has at least ten years of 2624  
 experience in the construction, installation, maintenance, and 2625  
 repair of elevators and their appurtenances. 2626

The superintendent, with the consent of the director of 2627  
~~commerce~~, and in compliance with Chapter 124. of the Revised Code, 2628  
 may appoint and hire general inspectors of elevators from the 2629  
 holders of certificates of competency. 2630

**Sec. 4105.04.** From the holders of certificates of competency 2631  
 in the inspection of elevators, any company that is authorized to 2632  
 insure elevators in the state, may designate persons to inspect 2633  
 elevators covered by such company's policies, and the department 2634  
 of public safety of any city and the clerk of any village may 2635  
 designate persons to inspect elevators in such city or village. 2636  
 Such persons shall, upon the payment of a fee to be established as 2637  
 provided in section 4105.17 of the Revised Code, have issued to 2638  
 them annually by the division of ~~industrial compliance~~ labor, 2639

commissions to serve as special inspectors of elevators in the 2640  
state. 2641

**Sec. 4105.05.** A commission to serve as a special inspector 2642  
may be suspended or revoked by the superintendent of ~~the division~~ 2643  
~~of industrial compliance labor~~, for the incompetence or 2644  
untrustworthiness of the holder thereof, or for the falsification 2645  
of any matter or statement contained in ~~his~~ the holder's 2646  
application or in a report of any inspection. 2647

**Sec. 4105.06.** If a certificate or commission issued under 2648  
sections 4105.02 and 4105.04 of the Revised Code is lost or 2649  
destroyed a new one shall be issued in its place by the division 2650  
of ~~industrial compliance labor~~ without another examination, upon 2651  
the payment of a fee to be established as provided in section 2652  
4105.07 of the Revised Code. 2653

**Sec. 4105.09.** The owner or user of any elevator shall 2654  
register, with the division of ~~industrial compliance labor~~, every 2655  
elevator operated by ~~him~~ the owner or user, giving the type, 2656  
capacity, and description, name of manufacturer, and purpose for 2657  
which each is used. Such registration shall be made on a form to 2658  
be furnished by the division. 2659

**Sec. 4105.11.** The inspection of elevators shall be made by 2660  
the inspectors authorized in sections 4105.03 and 4105.04 of the 2661  
Revised Code, under the supervision of the superintendent of ~~the~~ 2662  
~~division of industrial compliance labor~~, and the superintendent 2663  
shall enforce this chapter and any rules adopted pursuant thereto. 2664

Every inspector shall forward to the superintendent a full 2665  
and complete report of each inspection made of any elevator and 2666  
shall, on the day the inspection is completed, leave a copy of 2667

such report with the owner or operator of the elevator, or ~~his~~ the 2668  
owner's or operator's agent or representative. Such report shall 2669  
indicate the exact condition of the elevator and shall list any 2670  
and all of the provisions of this chapter and any rules adopted 2671  
pursuant thereto, with which the elevator does not comply. Before 2672  
attempting to enforce, by any remedy, civil or criminal, the 2673  
provisions with which the inspected elevator does not comply, the 2674  
chief shall issue an adjudication order within the meaning of 2675  
Chapter 119. of the Revised Code. 2676

The approval of construction plans, or an application of 2677  
specifications under section 4105.16 of the Revised Code is a 2678  
license, and the failure to approve such plans or specifications 2679  
by the chief within sixty days after they are filed is an 2680  
adjudication order denying the issuance of a license. 2681

Every adjudication order shall specify what appliances, site 2682  
preparations, additions, repairs, or alterations to any elevators, 2683  
plans, materials, assemblages, or procedures are necessary for the 2684  
same to comply with this chapter, or any rules adopted pursuant 2685  
thereto. Such adjudication order shall be issued pursuant to 2686  
Chapter 119. of the Revised Code and shall be effective without 2687  
prior hearing, within thirty days after the receipt of such order, 2688  
the owner of the elevator specified therein may appeal to the 2689  
board of building appeals under section 3781.19 of the Revised 2690  
Code. 2691

Notwithstanding the provisions of Chapter 119. of the Revised 2692  
Code relating to adjudication hearings, a stenographic or 2693  
mechanical record of the testimony and other evidence submitted 2694  
before the board of building appeals shall be taken at the expense 2695  
of the agency. A party adversely affected by an order issued 2696  
following such adjudication hearing may appeal to the court of 2697  
common pleas of the county in which ~~he~~ the party is a resident or 2698

in which the elevator affected by such order is located. The court 2699  
 in such case shall not be confined to the record as certified to 2700  
 it by the agency, but any party may produce additional evidence 2701  
 and the court shall hear the matter upon such record and such 2702  
 additional evidence as is introduced by any party. The court shall 2703  
 not affirm the order of the agency unless the preponderance of the 2704  
 evidence before it supports the reasonableness and lawfulness of 2705  
 such order, and of any rules upon which the order of the agency is 2706  
 based in its application to the facts involved in the appeal. 2707

Failure to comply with the requirements of any order issued 2708  
 pursuant to this section or the continued operation of any 2709  
 elevator after it has been sealed pursuant to section 4105.21 of 2710  
 the Revised Code is hereby declared a public nuisance. 2711

**Sec. 4105.12.** (A) The superintendent of ~~the division of~~ 2712  
~~industrial compliance~~ labor shall adopt, amend, and repeal rules 2713  
 exclusively for the issuance, renewal, suspension, and revocation 2714  
 of certificates of competency and certificates of operation, for 2715  
 the conduct of hearings related to these actions, and for the 2716  
 inspection of elevators. 2717

(B) Notwithstanding division (A) of this section, the 2718  
 superintendent shall not adopt rules relating to construction, 2719  
 maintenance, and repair of elevators. 2720

**Sec. 4105.13.** Every elevator shall be constructed, equipped, 2721  
 maintained, and operated, with respect to the supporting members, 2722  
 elevator car, shaftways, guides, cables, doors, and gates, safety 2723  
 stops and mechanism, electrical apparatus and wiring, mechanical 2724  
 apparatus, counterweights, and all other appurtenances, in 2725  
 accordance with state laws and rules as are authorized in respect 2726  
 thereto. Where reasonable safety is obtained without complying to 2727  
 the literal requirements of such rules as in cases of practical 2728

difficulty or unnecessary hardship, the literal requirements of 2729  
 such rules shall not be required. The superintendent of ~~the~~ 2730  
~~division of industrial compliance~~ labor may permit the 2731  
 installation of vertical wheelchair lifts in public buildings to 2732  
 provide for handicapped accessibility where such lifts do not meet 2733  
 the literal requirements of the rules adopted by the board of 2734  
 building standards pursuant to section 4105.011 of the Revised 2735  
 Code, provided that reasonable safety may be obtained. 2736

**Sec. 4105.15.** No certificate of operation for any elevator 2737  
 shall be issued by the director of commerce until such elevator 2738  
 has been inspected as required by this chapter. Certificates of 2739  
 operation shall be renewed by the owner or user of the elevator in 2740  
 accordance with rules adopted by the superintendent of ~~the~~ 2741  
~~division of industrial compliance~~ labor pursuant to section 2742  
 4105.12 of the Revised Code. 2743

**Sec. 4105.16.** Before any new installation of an elevator of 2744  
 permanent nature is erected or before any existing elevator is 2745  
 removed to and installed in a different location, an application 2746  
 of specifications in duplicate shall be submitted to the division 2747  
 of ~~industrial compliance~~ labor giving such information concerning 2748  
 the construction, installation, and operation of said elevator as 2749  
 the division may require on forms to be furnished by the division, 2750  
 together with complete construction plans in duplicate. In all 2751  
 cases where any changes or repairs are made which alter its 2752  
 construction of classification, grade or rated lifting capacity, 2753  
 except when made pursuant to a report of an inspector, an 2754  
 application of specifications in duplicate shall be submitted to 2755  
 the division, containing such information, or approval, except in 2756  
 those municipal corporations which maintain their own elevator 2757  
 inspection departments, in which event such specifications shall 2758  
 be submitted to the elevator department of the municipal 2759

corporation for its approval, and if approved, a permit for the erection or repair of such elevator shall be issued by the municipal corporation. Upon approval of such application and construction plans, the superintendent of ~~industrial compliance~~ labor shall issue a permit for the erection or repair of such elevator. No new elevator shall be operated until completion in accordance with the approved plans and specifications, unless a temporary permit is granted by the division.

The final inspection, before operation, of a permanent, new or repaired elevator shall be made by a general inspector or a special inspector designated by the superintendent."

In line 60817, strike through "industrial compliance" and insert "labor"

In line 60826, strike through "industrial compliance" and insert "labor"

In line 60831, strike through "industrial compliance" and insert "labor"

In line 60833, strike through the second "of"

In line 60834, strike through "industrial compliance"

In line 60840, strike through "of the division of industrial compliance"

In line 60844, strike through "of industrial compliance"

In line 60866, strike through "of industrial compliance"

In line 60874, strike through "industrial compliance" and insert "labor"

In line 60888, strike through "of industrial"

In line 60889, strike through "compliance"

Between lines 60897 and 60898, insert:

"Sec. 4105.191. Any person owning or operating any elevator 2788  
 subject to this chapter shall file a written report with the 2789  
 superintendent of ~~the division of industrial compliance~~ labor 2790  
 within seventy-two hours after the occurrence of any accident 2791  
 involving such elevator which results in death or bodily injury to 2792  
 any person. 2793

Sec. 4105.20. No person shall violate any law relative to the 2794  
 operation, construction, maintenance, and repair of elevators. All 2795  
 fines collected for violation of this section shall be forwarded 2796  
 to the superintendent of ~~the division of industrial compliance~~ 2797  
labor, who shall pay them into the state treasury to the credit of 2798  
 the ~~industrial compliance labor~~ operating fund created in section 2799  
 121.084 of the Revised Code. 2800

Sec. 4105.21. The superintendent of ~~the division of~~ 2801  
~~industrial compliance~~ labor shall enforce this chapter. If the 2802  
 superintendent or a general inspector of elevators finds that an 2803  
 elevator or a part thereof does not afford reasonable safety as 2804  
 required by section 4105.13 of the Revised Code, the 2805  
 superintendent or the general inspector may seal such elevator and 2806  
 post a notice thereon prohibiting further use of the elevator 2807  
 until the changes or alterations set forth in the notice have been 2808  
 made to the satisfaction of the superintendent or the inspector. 2809  
 The notice shall contain a statement that operators or passengers 2810  
 are subject to injury by its continued use, a description of the 2811  
 alteration or other change necessary to be made in order to secure 2812  
 safety of operation, date of such notice, name and signature of 2813  
 the superintendent or inspector issuing the notice." 2814

Between lines 61802 and 61803, insert: 2815



"Sec. 4169.02. (A) For the purposes of regulating the 2816  
construction, maintenance, mechanical operation, and inspection of 2817  
passenger tramways that are associated with ski areas and of 2818  
registering operators of passenger tramways in this state, there 2819  
is hereby established in the division of ~~industrial compliance~~ 2820  
labor in the department of commerce a ski tramway board to be 2821  
appointed by the governor, with the advice and consent of the 2822  
senate. The board shall consist of three members, one of whom 2823  
shall be a public member who is an experienced skier and familiar 2824  
with ski areas in this state, one of whom shall be a ski area 2825  
operator actively engaged in the business of recreational skiing 2826  
in this state, and one of whom shall be a professional engineer 2827  
who is knowledgeable in the design or operation of passenger 2828  
tramways. 2829

Of the initial appointments, one member shall be appointed 2830  
for a term of one year, one for a term of two years, and one for a 2831  
term of three years. The member appointed to the term beginning on 2832  
July 1, 1996, shall be appointed to a term ending on June 30, 2833  
1997; the member appointed to a term beginning on July 1, 1997, 2834  
shall be appointed to a term ending on June 30, 1999; and the 2835  
member appointed to a term beginning on July 1, 1998, shall be 2836  
appointed to a term ending on June 30, 2001. Thereafter, each of 2837  
the members shall be appointed for a term of six years. Each 2838  
member shall hold office from the date of appointment until the 2839  
end of the term for which the member was appointed. In the event 2840  
of a vacancy, the governor, with the advice and consent of the 2841  
senate, shall appoint a successor who shall hold office for the 2842  
remainder of the term for which the successor's predecessor was 2843  
appointed. A member shall continue in office subsequent to the 2844  
expiration date of the member's term until the member's successor 2845  
takes office or until a period of sixty days has elapsed, 2846  
whichever occurs first. The board shall elect a chairperson from 2847

its members. 2848

The governor may remove any member of the board at any time 2849  
for misfeasance, nonfeasance, or malfeasance in office after 2850  
giving the member a copy of the charges against the member and an 2851  
opportunity to be heard publicly in person or by counsel in the 2852  
member's defense. Any such act of removal by the governor is 2853  
final. A statement of the findings of the governor, the reason for 2854  
the governor's action, and the answer, if any, of the member shall 2855  
be filed by the governor with the secretary of state and shall be 2856  
open to public inspection. 2857

Members of the board shall be paid two hundred fifty dollars 2858  
for each meeting that the member attends, except that no member 2859  
shall be paid or receive more than seven hundred fifty dollars for 2860  
attending meetings during any calendar year. Each member shall be 2861  
reimbursed for the member's actual and necessary expenses incurred 2862  
in the performance of official board duties. The chairperson shall 2863  
be paid two hundred fifty dollars annually in addition to any 2864  
compensation the chairperson receives under this division for 2865  
attending meetings and any other compensation the chairperson 2866  
receives for serving on the board. 2867

The division shall provide the board with such offices and 2868  
such clerical, professional, and other assistance as may be 2869  
reasonably necessary for the board to carry on its work. The 2870  
division shall maintain accurate copies of the board's rules as 2871  
promulgated in accordance with division (B) of this section and 2872  
shall keep all of the board's records, including business records, 2873  
and inspection reports as well as its own records and reports. The 2874  
cost of administering the board and conducting inspections shall 2875  
be included in the budget of the division based on revenues 2876  
generated by the registration fees established under section 2877  
4169.03 of the Revised Code. 2878

(B) In accordance with Chapter 119. of the Revised Code, the board shall adopt and may amend or rescind rules relating to public safety in the construction, maintenance, mechanical operation, and inspection of passenger tramways. The rules shall be in accordance with established standards in the business of ski area operation, if any, and shall not discriminate in their application to ski area operators.

No person shall violate the rules of the board.

(C) The authority of the board shall not extend to any matter relative to the operation of a ski area other than the construction, maintenance, mechanical operation, and inspection of passenger tramways.

(D) A majority of the board constitutes a quorum and may perform and exercise all the duties and powers devolving upon the board.

**Sec. 4169.03.** (A) Before a passenger tramway operator may operate any passenger tramway in the state, the operator shall apply to the ski tramway board, on forms prepared by it, for registration by the board. The application shall contain an inventory of the passenger tramways that the applicant intends to operate and other information as the board may reasonably require and shall be accompanied by the following annual fees:

(1) Each aerial passenger tramway, five hundred dollars;

(2) Each skimobile, two hundred dollars;

(3) Each chair lift, two hundred dollars;

(4) Each J bar, T bar, or platter pull, one hundred dollars;

(5) Each rope tow, fifty dollars;

(6) Each wire rope tow, seventy-five dollars;

(7) Each conveyer, one hundred dollars. 2907

When an operator operates an aerial passenger tramway, a 2908  
 skimobile, or a chair lift during both a winter and summer season, 2909  
 the annual fee shall be one and one-half the above amount for the 2910  
 respective passenger tramway. 2911

(B) Upon payment of the appropriate annual fees in accordance 2912  
 with division (A) of this section, the board shall issue a 2913  
 registration certificate to the operator. Each certificate shall 2914  
 remain in force until the thirtieth day of September next ensuing. 2915  
 The board shall renew an operator's certificate in accordance with 2916  
 the standard renewal procedure in Chapter 4745. of the Revised 2917  
 Code upon payment of the appropriate annual fees. 2918

(C) Money received from the registration fees and from the 2919  
 fines collected pursuant to section 4169.99 of the Revised Code 2920  
 shall be paid into the state treasury to the credit of the 2921  
~~industrial compliance labor~~ operating fund created in section 2922  
 121.084 of the Revised Code. 2923

(D) No person shall operate a passenger tramway in this state 2924  
 unless the person has been registered by the board. 2925

**Sec. 4169.04.** (A) The division of ~~industrial compliance labor~~ 2926  
 in the department of commerce shall make such inspection of the 2927  
 construction, maintenance, and mechanical operation of passenger 2928  
 tramways as the ski tramway board may reasonably require. The 2929  
 division may contract with other qualified engineers to make such 2930  
 inspection or may accept the inspection report by any qualified 2931  
 inspector of an insurance company authorized to insure passenger 2932  
 tramways in this state. 2933

(B) If, as the result of an inspection, an employee of the 2934  
 division or other agent with whom the division has contracted 2935  
 finds that a violation of the board's rules exists or a condition 2936

in passenger tramway construction, maintenance, or mechanical 2937  
 operation exists that endangers public safety, the employee or 2938  
 agent shall make an immediate report to the board for appropriate 2939  
 investigation and order. 2940

Sec. 4171.04. (A) Before a person may operate any roller 2941  
 skating rink in the state, the person shall: 2942

(1) Apply to the superintendent of ~~the division of industrial~~ 2943  
~~compliance labor~~ in the department of commerce on forms designated 2944  
 by the superintendent for a certificate of registration; 2945

(2) Provide an inventory of all the roller skating rinks that 2946  
 the applicant intends to operate, and any other information the 2947  
 superintendent may reasonably require on the application; 2948

(3) Include with the application a registration fee of 2949  
 twenty-five dollars for each roller skating rink to be operated by 2950  
 the applicant. 2951

(B) Upon compliance with division (A) of this section, the 2952  
 superintendent shall issue a certificate of registration to the 2953  
 operator for each roller skating rink to be operated by the 2954  
 applicant. Each certificate shall remain in force as follows: 2955

(1) Until the thirty-first day of December next ensuing; or 2956

(2) For sixty days after the dissolution of a partnership. 2957

(C) In case of the dissolution of a partnership by death, the 2958  
 surviving partner or partners may operate a roller skating rink 2959  
 pursuant to the certificate of registration obtained by the 2960  
 partnership in accordance with this chapter for a period of sixty 2961  
 days following dissolution. The heirs or representatives of 2962  
 deceased persons and receivers or trustees in bankruptcy appointed 2963  
 by any competent authority may operate under the certificate of 2964  
 registration of the person succeeded in possession. 2965

(D) The superintendent shall renew an operator's certificate of registration in accordance with the standard license renewal procedure set forth in Chapter 4745. of the Revised Code upon payment of a renewal fee of twenty-five dollars for each roller skating rink to be operated by the applicant.

(E) Money received from the registration and renewal fees collected pursuant to this chapter shall be paid into the state treasury to the credit of the ~~industrial compliance~~ labor operating fund created in section 121.084 of the Revised Code."

Between lines 69747 and 69748, insert:

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

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

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

(a) Keep or set standards for and delegate to another person

the keeping of the minutes, books, and other records and files of	2996
the board and each section of the board;	2997
(b) Issue all licenses in the name of the board;	2998
(c) Send out all notices, including advance notices of	2999
meetings of the board and each section of the board, and attend to	3000
all correspondence of the board and each section of the board,	3001
under the direction of the administrative section;	3002
(d) Receive and deposit all fees payable pursuant to this	3003
chapter into the <del>industrial compliance</del> <u>labor</u> operating fund	3004
created pursuant to section 121.084 of the Revised Code;	3005
(e) Perform all other duties incidental to the office of the	3006
secretary or properly assigned to the secretary by the	3007
administrative section of the board.	3008
(3) Before entering upon the discharge of the duties of the	3009
secretary, the secretary shall file with the treasurer of state a	3010
bond in the sum of five thousand dollars, payable to the state, to	3011
ensure the faithful performance of the secretary's duties. The	3012
board shall pay the premium of the bond in the same manner as it	3013
pays other expenditures of the board.	3014
(C) Upon the request of the administrative section of the	3015
board, the director of commerce shall supply the board and its	3016
sections with personnel, office space, and supplies, as the	3017
director determines appropriate. The administrative section of the	3018
board shall employ any additional staff it considers necessary and	3019
appropriate.	3020
(D) The chairperson of the board or the secretary, or both,	3021
as authorized by the board, shall approve all vouchers of the	3022
board.	3023
<b>Sec. 4740.11.</b> The Ohio construction industry licensing board	3024

and its sections shall deposit all receipts and fines collected 3025  
 under this chapter into the state treasury to the credit of the 3026  
~~industrial-compliance~~ labor operating fund created in section 3027  
 121.084 of the Revised Code." 3028

In line 69852, strike through "industrial" 3029

In line 69853, strike through "compliance" and insert "labor" 3030

Between lines 74347 and 74348, insert: 3031

"Sec. 5104.051. (A) (1) The department of commerce is 3032  
 responsible for the inspections of child day-care centers as 3033  
 required by division (A) (1) of section 5104.05 of the Revised 3034  
 Code. Where there is a municipal, township, or county building 3035  
 department certified under section 3781.10 of the Revised Code to 3036  
 exercise enforcement authority with respect to the category of 3037  
 building occupancy which includes day-care centers, all 3038  
 inspections required under division (A) (1) of section 5104.05 of 3039  
 the Revised Code shall be made by that department according to the 3040  
 standards established by the board of building standards. 3041  
 Inspections in areas of the state where there is no municipal, 3042  
 township, or county building department certified under section 3043  
 3781.10 of the Revised Code to exercise enforcement authority with 3044  
 respect to the category of building occupancy which includes 3045  
 day-care centers shall be made by personnel of the department of 3046  
 commerce. Inspections of centers shall be contingent upon payment 3047  
 of a fee by the applicant to the department having jurisdiction to 3048  
 inspect. 3049

(2) The department of commerce is responsible for the 3050  
 inspections of type A family day-care homes as required by 3051  
 division (B) (3) of section 5104.05 of the Revised Code. Where 3052  
 there is a municipal, township, or county building department 3053  
 certified under section 3781.10 of the Revised Code to exercise 3054



enforcement authority with respect to the category of building occupancy which includes type A homes, all inspections required under division (B) (3) of section 5104.05 of the Revised Code shall be made by that department according to the standards established by the board of building standards. Inspections in areas of the state where there is no municipal, township, or county building department certified under section 3781.10 of the Revised Code to exercise enforcement authority with respect to the category of building occupancy which includes type A homes shall be made by personnel of the department of commerce. Inspections of type A homes shall be contingent upon payment of a fee by the applicant to the department having jurisdiction to inspect.

(B) The state fire marshal is responsible for the inspections required by divisions (A) (2) and (B) (1) of section 5104.05 of the Revised Code. In municipal corporations and in townships outside municipal corporations where there is a fire prevention official, the inspections shall be made by the fire chief or the fire prevention official under the supervision of and according to the standards established by the state fire marshal. In townships outside municipal corporations where there is no fire prevention official, inspections shall be made by the employees of the state fire marshal.

(C) The state fire marshal shall enforce all statutes and rules pertaining to fire safety and fire prevention in child day-care centers and type A family day-care homes. In the event of a dispute between the state fire marshal and any other responsible officer under sections 5104.05 and 5104.051 of the Revised Code with respect to the interpretation or application of a specific fire safety statute or rule, the interpretation of the state fire marshal shall prevail.

(D) As used in this division, "licensor" has the same meaning

as in section 3717.01 of the Revised Code.

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The licensor for food service operations in the city or general health district in which the center is located is responsible for the inspections required under Chapter 3717. of the Revised Code.

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(E) Any moneys collected by the department of commerce under this section shall be paid into the state treasury to the credit of the ~~industrial compliance~~ labor operating fund created in section 121.084 of the Revised Code."

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In line 90800, after "121.07," insert "121.08, 121.083, 121.084,"

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In line 90803, after "124.07," insert "124.11,"

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In line 90843, after "3301.42," insert "3301.55,"

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In line 90861, after "3702.94," insert "3703.01, 3703.03, 3703.04, 3703.05, 3703.06, 3703.07, 3703.08, 3703.10, 3703.21, 3703.99,"

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In line 90862, after "3712.03," insert "3713.01, 3713.02, 3713.03, 3713.04, 3713.05, 3713.06, 3713.07, 3713.08, 3713.09, 3713.10,"

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In line 90868, after "3721.02," insert "3721.071,"

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In line 90869, after "3722.04," insert "3722.041,"

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In line 90872, after "3737.71," insert "3743.04, 3743.25,"

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In line 90874, after "3781.01," insert "3781.03,"; after "3781.10," insert "3781.102, 3781.11,"; after "3781.19," insert "3783.05, 3791.02, 3791.04, 3791.05, 3791.07,"

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In line 90876, after "3953.231," insert "4104.01, 4104.02, 4104.06,"

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In line 90877, after "4104.07," insert "4104.08, 4104.09,"

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4104.10,"; after "4104.101," insert "4104.12, 4104.15, 4104.16, 3114  
4104.17,"; after "4104.18," insert "4104.19, 4104.21, 4104.33, 3115  
4104.42, 4104.43, 4104.44, 4104.48, 4105.01, 4105.02, 4105.03, 3116  
4105.04, 4105.05, 4105.06, 4105.09, 4105.11, 4105.12, 4105.13, 3117  
4105.15, 4105.16,"; after "4105.17," insert "4105.191, 4105.20, 3118  
4105.21," 3119

In line 90878, after "4141.162," insert "4169.02, 4169.03, 3120  
4169.04, 4171.04," 3121

In line 90892, after "4736.01," insert "4740.03, 4740.11," 3122

In line 90901, after "5104.041," insert "5104.051," 3123

Between lines 103156 and 103157, insert: 3124

"Section 515.\_\_\_\_. The Division of Labor and Worker Safety in 3125  
the Department of Commerce and the Division of Industrial 3126  
Compliance in the Department of Commerce are hereby abolished on 3127  
the effective date of section 121.04 of the Revised Code, as 3128  
amended by this act. The Division of Labor shall supersede the 3129  
Division of Labor and Worker Safety and Division of Industrial 3130  
Compliance, and the Superintendent of Labor shall supersede the 3131  
Superintendent of Labor and Worker Safety and the Superintendent 3132  
of Industrial Compliance. The Superintendent of Labor or Division 3133  
of Labor, as applicable, shall succeed to and have and perform all 3134  
the duties, powers, and obligations pertaining to the duties, 3135  
powers, and obligations of the Superintendent and Division of 3136  
Labor and Worker Safety and the Superintendent and Division of 3137  
Industrial Compliance. For the purpose of the institution, 3138  
conduct, and completion of matters relating to its succession, the 3139  
Superintendent of Labor or the Division of Labor, as applicable, 3140  
is deemed to be the continuation of and successor under law to the 3141  
Superintendent and Division of Labor and Worker Safety or the 3142  
Superintendent and Division of Industrial Compliance, as 3143  
applicable. All rules, actions, determinations, commitments, 3144

resolutions, decisions, and agreements pertaining to those duties, 3145  
 powers, obligations, functions, and rights in force or in effect 3146  
 on the effective date of section 121.04 of the Revised Code, as 3147  
 amended by this act, shall continue in force and effect subject to 3148  
 any further lawful action thereon by the Superintendent or 3149  
 Division of Labor. Wherever the Superintendent of Labor and Worker 3150  
 Safety, Division of Labor and Worker Safety, Superintendent of 3151  
 Industrial Compliance, or Division of Industrial Compliance are 3152  
 referred to in any provision of law, or in any agreement or 3153  
 document that pertains to those duties, powers, obligations, 3154  
 functions, and rights, the reference is to the Superintendent of 3155  
 Labor or Division of Labor, as appropriate. 3156

All authorized obligations and supplements thereto of the 3157  
 Superintendent and Division of Labor and Worker Safety and the 3158  
 Superintendent and Division of Industrial Compliance pertaining to 3159  
 the duties, powers, and obligations transferred are binding on the 3160  
 Superintendent or Division of Labor, as applicable, and nothing in 3161  
 this act impairs the obligations or rights thereunder or under any 3162  
 contract. The abolition of the Division of Labor and Worker Safety 3163  
 and the Division of Industrial Compliance and the transfer of the 3164  
 duties, powers, and obligations of the Superintendent and Division 3165  
 of Labor and Worker Safety and the Superintendent and Division of 3166  
 Industrial Compliance do not affect the validity of agreements or 3167  
 obligations made by those superintendents or divisions pursuant to 3168  
 Chapters 121., 3703., 3781., 3791., 4104., 4105., and 4740. of the 3169  
 Revised Code or any other provisions of law. 3170

In connection with the transfer of duties, powers, 3171  
 obligations, functions, and rights and abolition of the Division 3172  
 of Labor and Worker Safety and the Division of Industrial 3173  
 Compliance, all real property and interest therein, documents, 3174  
 books, money, papers, records, machinery, furnishings, office 3175  
 equipment, furniture, and all other property over which the 3176

Superintendent and Division of Labor and Worker Safety or the 3177  
 Superintendent and Division of Industrial Compliance has control 3178  
 pertaining to the duties, powers, and obligations transferred and 3179  
 the rights of the Superintendent and Division of Labor and Worker 3180  
 Safety and the Superintendent and Division of Industrial 3181  
 Compliance to enforce or receive any of the aforesaid is 3182  
 automatically transferred to the Superintendent and Division of 3183  
 Labor without necessity for further action on the part of the 3184  
 Superintendent, Division of Labor, or the Director of Commerce. 3185  
 Additionally, all appropriations or reappropriations made to the 3186  
 Superintendent and Division of Labor and Worker Safety and the 3187  
 Superintendent and Division of Industrial Compliance for the 3188  
 purposes of the performance of their duties, powers, and 3189  
 obligations, are transferred to the Superintendent and Division of 3190  
 Labor to the extent of the remaining unexpended or unencumbered 3191  
 balance thereof, whether allocated or unallocated, and whether 3192  
 obligated or unobligated." 3193

Between lines 106644 and 106645, insert: 3194

"Section 4169.02 of the Revised Code as amended by both Am. 3195  
 Sub. S.B. 293 and Sub. H.B. 535 of the 121st General Assembly. 3196

Section 4169.04 of the Revised Code as amended by both Am. 3197  
 Sub. S.B. 293 and Sub. H.B. 535 of the 121st General Assembly." 3198

In line 7 of the title, after "121.07," insert "121.08, 3199  
 121.083, 121.084," 3200

In line 11 of the title, after "124.07," insert "124.11," 3201

In line 65 of the title, after "3301.42," insert "3301.55," 3202

In line 91 of the title, after "3702.94," insert "3703.01, 3203  
 3703.03, 3703.04, 3703.05, 3703.06, 3703.07, 3703.08, 3703.10, 3204  
 3703.21, 3703.99," 3205

In line 92 of the title, after "3712.03," insert "3713.01, 3206

3713.02, 3713.03, 3713.04, 3713.05, 3713.06, 3713.07, 3713.08, 3207  
 3713.09, 3713.10," 3208

In line 100 of the title, after "3721.02," insert "3721.071," 3209

In line 102 of the title, after "3722.04," insert "3722.041," 3210

In line 106 of the title, after "3737.71," insert "3743.04, 3211  
 3743.25," 3212

In line 108 of the title, after "3781.01," insert "3781.03,"; 3213  
 after "3781.10," insert "3781.102, 3781.11," 3214

In line 109 of the title, after "3781.19," insert "3783.05, 3215  
 3791.02, 3791.04, 3791.05, 3791.07," 3216

In line 112 of the title, after "3953.231," insert "4104.01, 3217  
 4104.02, 4104.06,"; after "4104.07," insert "4104.08, 4104.09, 3218  
 4104.10,"; after "4104.101," insert "4104.12, 4104.15, 4104.16, 3219  
 4104.17," 3220

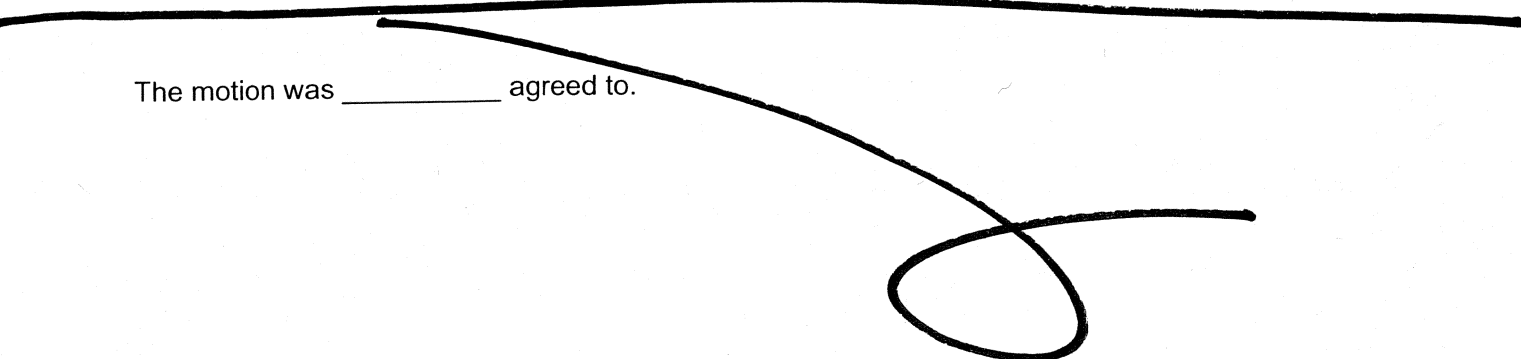
In line 113 of the title, after "4104.18," insert "4104.19, 3221  
 4104.21, 4104.33, 4104.42, 4104.43, 4104.44, 4104.48, 4105.01, 3222  
 4105.02, 4105.03, 4105.04, 4105.05, 4105.06, 4105.09, 4105.11, 3223  
 4105.12, 4105.13, 4105.15, 4105.16,"; after "4105.17," insert 3224  
 "4105.191, 4105.20, 4105.21," 3225

In line 114 of the title, after "4141.162," insert "4169.02, 3226  
 4169.03, 4169.04, 4171.04," 3227

In line 133 of the title, after "4736.01," insert "4740.03, 3228  
 4740.11," 3229

In line 146 of the title, after "5104.041," insert 3230  
 "5104.051," 3231

The motion was \_\_\_\_\_ agreed to.



SYNOPSIS

Division of Labor in the Department of Commerce 3232

R.C. 121.04, 121.08, 121.083, 121.084, 124.11, 3301.55, 3233  
 3703.01, 3703.03 to 3703.08, 3703.10, 3703.21, 3703.99, 3713.01 to 3234  
 3713.10, 3721.071, 3722.02, 3722.04, 3722.041, 3743.04, 3743.25, 3235  
 3781.03, 3781.102, 3781.11, 3783.05, 3791.02, 3791.04, 3791.05, 3236  
 3791.07, 4104.01, 4104.02, 4104.06 to 4104.101, 4104.12, 4104.15 3237  
 to 4104.19, 4104.21, 4104.33, 4104.42 to 4104.44, 4104.48, 3238  
 4105.01, 4105.02 to 4105.06, 4105.09, 4105.11 to 4105.13, 4105.15 3239  
 to 4105.17, 4105.191, 4105.20, 4105.21, 4169.02 to 4169.04, 3240  
 4171.04, 4740.03, 4740.11, 4740.14, and 5104.051; Section \_\_\_\_ 3241

Combines the Division of Labor and Worker Safety and the 3242  
 Division of Industrial Compliance in the Department of Commerce 3243  
 into the Division of Labor in the Department of Commerce, which 3244  
 will be led by the Superintendent of Labor. Transfers the duties 3245  
 of the Superintendent of Labor and Worker Safety, the Division of 3246  
 Labor and Worker Safety, the Superintendent of Industrial 3247  
 Compliance, and the Division of Industrial Compliance to the 3248  
 Superintendent of Labor and the Division of Labor. 3249

Am. Sub. H.B. 1

As Passed by the Senate

CC-4668

DOH-28

\_\_\_\_\_ moved to amend as follows:

In line 369, after "3733.02," insert "3733.43,"

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Between lines 54116 and 54117, insert:

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"Sec. 3733.43. (A) Except as otherwise provided in this  
division, prior to the fifteenth day of April in each year, every  
person who intends to operate an agricultural labor camp shall  
make application to the licensor for a license to operate such  
camp, effective for the calendar year in which it is issued. The  
licensor may accept an application on or after the fifteenth day  
of April. The license fees specified in this division shall be  
submitted to the licensor with the application for a license. No  
agricultural labor camp shall be operated in this state without a  
license. Any person operating an agricultural labor camp without a  
current and valid agricultural labor camp license is not excepted  
from compliance with sections 3733.41 to 3733.49 of the Revised  
Code by holding a valid and current hotel license. Each person  
proposing to open an agricultural labor camp shall submit with the  
application for a license any plans required by any rule adopted  
under section 3733.42 of the Revised Code. The For any license  
issued on or after July 1, 2009, the annual license fee is  
~~seventy five~~ one hundred fifty dollars, unless the application for

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a license is made on or after the fifteenth day of April in any 21  
given year, in which case the annual license fee is one hundred 22  
sixty-six dollars. ~~An~~ For any license issued on or after July 1, 23  
2009, an additional fee of ~~ten~~ twenty dollars per housing unit per 24  
year shall be assessed to defray the costs of enforcing sections 25  
3733.41 to 3733.49 of the Revised Code, unless the application for 26  
a license is made on or after the fifteenth day of April in any 27  
given year, in which case an additional fee of ~~fifteen~~ forty-two 28  
dollars and fifty cents per housing unit shall be assessed. All 29  
fees collected under this division shall be deposited in the state 30  
treasury to the credit of the general operations fund created in 31  
section 3701.83 of the Revised Code and shall be used for the 32  
administration and enforcement of sections 3733.41 to 3733.49 of 33  
the Revised Code and rules adopted thereunder. 34

(B) Any license under this section may be denied, suspended, 35  
or revoked by the licensor for violation of sections 3733.41 to 36  
3733.49 of the Revised Code or the rules adopted thereunder. 37  
Unless there is an immediate serious public health hazard, no 38  
denial, suspension, or revocation of a license shall be made 39  
effective until the person operating the agricultural labor camp 40  
has been given notice in writing of the specific violations and a 41  
reasonable time to make corrections. When the licensor determines 42  
that an immediate serious public health hazard exists, the 43  
licensor shall issue an order denying or suspending the license 44  
without a prior hearing. 45

(C) All proceedings under this section are subject to Chapter 46  
119. of the Revised Code except as provided in section 3733.431 of 47  
the Revised Code. 48

(D) Every occupant of an agricultural labor camp shall keep 49  
that part of the dwelling unit, and premises thereof, that the 50  
occupant occupies and controls in a clean and sanitary condition." 51

In line 90871, after "3733.02," insert "3733.43," 52

In line 106543, after "3718.03," insert "3733.43," 53

In line 104 of the title, after "3733.02," insert "3733.43," 54

The motion was \_\_\_\_\_ agreed to.

SYNOPSIS

**Agricultural Labor Camp Fees** 55

**R.C. 3733.43** 56

Increases the amount of the fees for licenses to operate agricultural labor camps issued on or after July 1, 2009, as follows: 57

Increases, if the license application is submitted prior to April 15, the annual license fee from \$75 to \$150. 60

Increases, if the license application is submitted on or after April 15, the annual license fee from \$100 to \$166. 62

Increases, if the license application is submitted prior to April 15, the additional fee charged per housing unit from \$10 per unit to \$20 per unit. 64

Increases, if the license application is submitted on or after April 15, the additional fee charged per housing unit from \$15 per unit to \$42.50 per unit. 67

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Am. Sub. H.B. 1  
As Passed by the Senate  
C-4670  
CD #1076

6 \_\_\_\_\_ moved to amend as follows:

7 In line 415, delete "5747.113,"

8 In line 430, delete "149.308,"

9 In line 456, delete "5907.111,"

10 Delete lines 13756 through 13765

11 Delete lines 86687 through 86791

12 Delete lines 89451 through 89462

13 In line 90917, delete "5747.113,"

14 Delete lines 106421 through 106423

15 In line 167 of the title, delete "5747.113,"

16 In line 188 of the title, delete "149.308,"

17 In line 219 of the title, delete "5907.111,"

18 The motion was \_\_\_\_\_ agreed to.

19 SYNOPSIS

20 **Income Tax Refund Donations**

21 **R.C. 149.308, 5747.113, and 5907.111; Section 803.20**

22 Removes authority granted in the Senate-passed bill for a  
23 taxpayer entitled to an income tax refund to elect to donate  
24 some or all of the refund to the Ohio Historical Society (also  
25 in the House-passed bill) or the Ohio Veterans' Home Agency.

1 128HB1-CC4671.docx/ss

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Am. Sub. H.B. 1  
As Passed by the Senate  
CC-4671  
CD# 1087

6 \_\_\_\_\_ moved to amend as follows:

7 Delete lines 106390 through 106405

8 The motion was \_\_\_\_\_ agreed to.

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SYNOPSIS

10 **CAUV Amnesty**

11 **Section 757.30**

12 Removes a provision in the Senate-passed bill providing  
13 amnesty to a property owner whose property was wrongfully valued  
14 according to its current agricultural use value before July 1,  
15 2009, if the owner so informs the county auditor or Tax  
16 Commissioner, or if the county auditor or Tax Commissioner  
17 discovers the wrongful valuation, on or after July 1, 2009, but  
18 before July 1, 2010.

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Am. Sub. H.B. 1  
As Passed by the Senate  
CC-4672  
TAX-58

6 \_\_\_\_\_ moved to amend as follows:

7 In line 84857, reinsert "that"; delete "under either of the  
8 following circumstances:"

9 In line 84858, delete "(a) The contract"

10 In line 84859, delete the underlined semicolon

11 Delete lines 84860 through 84862

12 In line 84863, delete everything before the period

13 The motion was \_\_\_\_\_ agreed to.

14 SYNOPSIS

15 **Sales and Use Tax Exemption: Employment Services**

16 **R.C. 5739.01 (JJ) (3)**

17 Eliminates from the Senate-passed version of the bill a  
18 proposed sales and use tax exemption for employment service  
19 contracts that last at least one year and provide personnel for  
20 the construction, improvement, repair, or maintenance of real  
21 property when the personnel are subject to a multi-employer  
22 collective bargaining agreement. (There was no such exemption  
23 proposed by the introduced or House-passed versions of the  
24 bill.)

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Am. Sub. H.B. 1  
As Passed by the Senate  
CC 4673  
TAX-49

6 \_\_\_\_\_ moved to amend as follows:

7 In line 414, delete "5739.011,"

8 Delete lines 85180 through 85326

9 In line 90916, delete "5739.011,"

10 In line 106547, delete "5739.011,"

11 In line 165 of the title, delete "5739.011,"

12 The motion was \_\_\_\_\_ agreed to.

13 SYNOPSIS

14 **Sales & Use Tax: Concrete Pumping Equipment Exemption**

15 **R.C. 5739.011(B) (14)**

16 Eliminates language in the Senate-passed version of the  
17 bill that expressly exempts from sales and use taxation  
18 machinery and equipment used to pump concrete and concrete-  
19 related products. (There was no such language proposed by the  
20 introduced or House-passed versions of the bill.)