

As Introduced

132nd General Assembly

Regular Session

2017-2018

H. B. No. 236

Representatives Patton, Cupp

Cosponsor: Representative Hambley

A BILL

To amend sections 121.084, 3781.19, and 4121.13 and 1
to enact new sections 4105.01, 4105.02, 4105.03, 2
4105.04, 4105.05, 4105.06, 4105.07, 4105.08, 3
4105.09, 4105.10, 4105.11, 4105.12, 4105.13, 4
4105.14, 4105.15, and 4105.99 and sections 5
4105.051 and 4105.061, and to repeal sections 6
4105.01, 4105.011, 4105.02, 4105.03, 4105.04, 7
4105.05, 4105.06, 4105.07, 4105.08, 4105.09, 8
4105.10, 4105.11, 4105.12, 4105.13, 4105.14, 9
4105.15, 4105.16, 4105.17, 4105.19, 4105.191, 10
4105.20, 4105.21, and 4105.99 of the Revised 11
Code to enact the Model Elevator Law. 12

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

Section 1. That sections 121.084, 3781.19, and 4121.13 be 13
amended and new sections 4105.01, 4105.02, 4105.03, 4105.04, 14
4105.05, 4105.06, 4105.07, 4105.08, 4105.09, 4105.10, 4105.11, 15
4105.12, 4105.13, 4105.14, 4105.15, and 4105.99 and sections 16
4105.051 and 4105.061 of the Revised Code be enacted to read as 17
follows: 18

Sec. 121.084. (A) All moneys collected under sections 19
3783.05, 3791.07, 4104.07, 4104.18, 4104.44, ~~4105.17, 4105.20,~~ 20
4105.04, 4105.051, 4105.061, 4105.10, 4105.11, 4169.03, and 21
5104.051 of the Revised Code, and any other moneys collected by 22
the division of industrial compliance shall be paid into the 23
state treasury to the credit of the industrial compliance 24
operating fund, which is hereby created. The department of 25
commerce shall use the moneys in the fund for paying the 26
operating expenses of the division and the administrative 27
assessment described in division (B) of this section. 28

(B) The director of commerce, with the approval of the 29
director of budget and management, shall prescribe procedures 30
for assessing the industrial compliance operating fund a 31
proportionate share of the administrative costs of the 32
department of commerce. The assessment shall be made in 33
accordance with those procedures and be paid from the industrial 34
compliance operating fund to the division of administration fund 35
created in section 121.08 of the Revised Code. 36

Sec. 3781.19. There is hereby established in the 37
department of commerce a board of building appeals consisting of 38
five members who shall be appointed by the governor with the 39
advice and consent of the senate. Terms of office shall be for 40
four years, commencing on the fourteenth day of October and 41
ending on the thirteenth day of October. Each member shall hold 42
office from the date of appointment until the end of the term 43
for which the member was appointed. Any member appointed to fill 44
a vacancy occurring prior to the expiration of the term for 45
which the member's predecessor was appointed shall hold office 46
for the remainder of such term. Any member shall continue in 47
office subsequent to the expiration date of the member's term 48
until a successor takes office, or until a period of sixty days 49

has elapsed, whichever occurs first. One member shall be an attorney-at-law, admitted to the bar of this state and of the remaining members, one shall be a registered architect and one shall be a professional engineer, each of whom shall be duly licensed to practice their respective professions in this state, one shall be a fire prevention officer qualified under section 3737.66 of the Revised Code, and one shall be a person with recognized ability in the plumbing or pipefitting profession. No member of the board of building standards shall be a member of the board of building appeals. Each member shall be paid an amount fixed pursuant to Chapter 124. of the Revised Code per diem. The department shall provide and assign to the board such employees as are required by the board to perform its functions. The board may adopt its own rules of procedure not inconsistent with sections 3781.06 to 3781.18 and 3791.04 of the Revised Code, and may change them in its discretion. The board may establish reasonable fees, based on actual costs for administration of filing and processing, not to exceed two hundred dollars, for the costs of filing and processing appeals. A full and complete record of all proceedings of the board shall be kept and be open to public inspection.

In the enforcement by any department of the state or any political subdivision of this chapter and Chapter 3791., and sections 3737.41, 3737.42, 4104.02, 4104.06, 4104.43, 4104.44, and 4104.45, ~~4105.011, and 4105.11~~ of the Revised Code and any rule made thereunder, such department is the agency referred to in sections 119.07, 119.08, and 119.10 of the Revised Code.

The appropriate municipal or county board of appeals, where one exists, certified pursuant to section 3781.20 of the Revised Code shall conduct the adjudication hearing referred to in sections 119.09 to 119.13 and required by section 3781.031 of

the Revised Code. If there is no certified municipal or county 81
board of appeals, the board of building appeals shall conduct 82
the adjudication hearing. If the adjudication hearing concerns 83
section 3781.111 of the Revised Code or any rule made 84
thereunder, reasonable notice of the time, date, place, and 85
subject of the hearing shall be given to any local corporation, 86
association, or other organization composed of or representing 87
handicapped persons, as defined in section 3781.111 of the 88
Revised Code, or if there is no local organization, then to any 89
statewide corporation, association, or other organization 90
composed of or representing handicapped persons. 91

In addition to the provisions of Chapter 119. of the 92
Revised Code, the municipal, county, or state board of building 93
appeals, as the agency conducting the adjudication hearing, may 94
reverse or modify the order of the enforcing agency if it finds 95
that the order is contrary to this chapter and Chapters 3791. 96
and 4104., and sections 3737.41, and 3737.42, ~~4105.011, and~~ 97
~~4105.11~~ of the Revised Code and any rule made thereunder or to a 98
fair interpretation or application of such laws or any rule made 99
thereunder, or that a variance from the provisions of such laws 100
or any rule made thereunder, in the specific case, will not be 101
contrary to the public interest where a literal enforcement of 102
such provisions will result in unnecessary hardship. 103

The state board of building appeals or a certified 104
municipal or county board of appeals shall render its decision 105
within thirty days after the date of the adjudication hearing. 106
Following the adjudication hearing, any municipal or county 107
officer, official municipal or county board, or person who was a 108
party to the hearing before the municipal or county board of 109
appeals may apply to the state board of appeals for a de novo 110
hearing before the state board, or may appeal directly to the 111

court of common pleas pursuant to section 3781.031 of the Revised Code.

In addition, any local corporation, association, or other organization composed of or representing handicapped persons as defined in section 3781.111 of the Revised Code, or, if no local corporation, association, or organization exists, then any statewide corporation, association, or other organization composed of or representing handicapped persons may apply for the de novo hearing or appeal to the court of common pleas from any decision of a certified municipal or county board of appeals interpreting, applying, or granting a variance from section 3781.111 of the Revised Code and any rule made thereunder. Application for a de novo hearing before the state board shall be made no later than thirty days after the municipal or county board renders its decision.

The state board of building appeals or the appropriate certified local board of building appeals shall grant variances and exemptions from the requirements of section 3781.108 of the Revised Code in accordance with rules adopted by the board of building standards pursuant to division (K) of section 3781.10 of the Revised Code.

The state board of building appeals or the appropriate certified local board of building appeals shall, in granting a variance or exemption from section 3781.108 of the Revised Code, in addition to any other considerations the state or the appropriate local board determines appropriate, consider the architectural and historical significance of the building.

Sec. 4105.01. (A) As used in this chapter:

(1) "Automated people mover" means an installation as

<u>defined in the automated people mover standards.</u>	141
<u>(2) "Automated people mover standards" means the standards</u>	142
<u>adopted by the American society of civil engineers, commonly</u>	143
<u>referred to as ASCE 21.</u>	144
<u>(3) "Belt manlifts safety standards" means the safety</u>	145
<u>standards commonly referred to as ASME 90.1.</u>	146
<u>(4) "Board" means the elevator safety review board, which</u>	147
<u>is within the board of building standards and under the</u>	148
<u>department of commerce.</u>	149
<u>(5) "Business entity" includes a sole proprietorship,</u>	150
<u>partnership, and corporation.</u>	151
<u>(6) "Cableways, cranes, derricks, hoists, hooks, jacks,</u>	152
<u>and slings safety standards" means the safety standards commonly</u>	153
<u>referred to as ASME B30.</u>	154
<u>(7) "Certificate of operation" means a document issued by</u>	155
<u>the board indicating that the conveyance has had the required</u>	156
<u>safety inspection and tests and fees have been paid as set forth</u>	157
<u>in this chapter.</u>	158
<u>(8) "Conveyance" means any means of transportation subject</u>	159
<u>to the jurisdiction of this chapter, as described in division</u>	160
<u>(A) of section 4105.02 of the Revised Code.</u>	161
<u>(9) "Conveyance services" means erecting, constructing,</u>	162
<u>installing, altering, servicing, repairing, dismantling,</u>	163
<u>removing, or maintaining a conveyance.</u>	164
<u>(10) "Conveyors, cableways, and related equipment safety</u>	165
<u>code" means the safety code commonly referred to as ASME B20.1.</u>	166
<u>(11) "Dormant conveyance" means a conveyance placed out of</u>	167

<u>service in accordance with the appropriate safety standards.</u>	168
<u>(12) "Elevator" means a conveyance defined as an elevator</u>	169
<u>in the elevators and escalators safety code and the platform</u>	170
<u>lifts and stairway chairlifts safety standards.</u>	171
<u>(13) "Elevator contractor" means any business entity that</u>	172
<u>possesses an elevator contractor's license in accordance with</u>	173
<u>section 4105.05 of the Revised Code and that is engaged in the</u>	174
<u>business of providing conveyance services.</u>	175
<u>(14) "Elevator inspector" means any individual who has</u>	176
<u>been issued an elevator inspector's license under this chapter.</u>	177
<u>(15) "Elevator mechanic" means any person who has been</u>	178
<u>issued an elevator mechanic's license under this chapter.</u>	179
<u>(16) "Elevator mechanic's license" means a license issued</u>	180
<u>by the board authorizing the holder to provide conveyance</u>	181
<u>services and perform electrical work on conveyances.</u>	182
<u>(17) "Elevators and escalators safety code" means the</u>	183
<u>American national standard code commonly referred to as ASME</u>	184
<u>A17.1/CSA B44.</u>	185
<u>(18) "Escalator" means a conveyance defined as an</u>	186
<u>escalator in the elevators and escalators safety code.</u>	187
<u>(19) "Existing elevators and escalators safety code" means</u>	188
<u>the American national standard code commonly referred to as ASME</u>	189
<u>A17.3.</u>	190
<u>(20) "Existing installation" means an "installation,</u>	191
<u>existing" as defined in the elevators and escalators safety</u>	192
<u>code.</u>	193
<u>(21) "Inspector's license" means a license issued by the</u>	194

<u>board entitling the holder to engage in the business of</u>	195
<u>inspecting conveyances covered by this chapter.</u>	196
<u>(22) "Material alteration" means an alteration, as defined</u>	197
<u>in the standards related to the item altered.</u>	198
<u>(23) "Material hoists safety requirements" means the</u>	199
<u>safety requirements commonly referred to as ANSI A10.5.</u>	200
<u>(24) "Moving walk" means a moving walk as defined in the</u>	201
<u>elevators and escalators safety code.</u>	202
<u>(25) "Performance-based safety code for elevators and</u>	203
<u>escalators" means the American national standard code commonly</u>	204
<u>referred to as ASME A17.7/CSA B44.7.</u>	205
<u>(26) "Platform lifts and stairway chairlifts safety</u>	206
<u>standards" means the American national standard code commonly</u>	207
<u>referred to as ASME A18.1.</u>	208
<u>(27) "Private residence" means a distinct building or a</u>	209
<u>unit in a multiple dwelling building that is occupied by members</u>	210
<u>of a single-family unit.</u>	211
<u>(28) "Powered industrial trucks safety standards" means</u>	212
<u>the safety standards commonly referred to as ASME B56.</u>	213
<u>(29) "Powered platforms for building maintenance</u>	214
<u>standards" means the standards commonly referred to as ANSI</u>	215
<u>120.1.</u>	216
<u>(30) "Repair" means a repair as defined in the appropriate</u>	217
<u>reference standard that does not require a permit.</u>	218
<u>(31) "Standards for the qualification of elevator</u>	219
<u>inspectors" means the standards commonly referred to as ASME</u>	220
<u>QEI-1.</u>	221

(32) "Temporary certificate of operation" means a document 222
issued by the board that permits the temporary use of a 223
noncompliant conveyance by the general public for not more than 224
thirty days while repairs are being completed. 225

(33) "Temporarily dormant conveyance" means a conveyance 226
that has been disabled in accordance with section 4105.16 of the 227
Revised Code. 228

(34) "Vehicle-mounted elevating and rotating work 229
platforms standards" means the standards commonly referred to as 230
ANSI A92. 231

(B) For any term found in this chapter that is not defined 232
in this section, the corresponding definition found in the 233
appropriate standard shall be used. 234

Sec. 4105.02. (A) This chapter shall be used to regulate 235
the design, construction, operation, inspection, testing, 236
maintenance, alteration, and repair of the following equipment, 237
associated parts, and hoistways: 238

(1) Hoisting and lowering mechanisms equipped with a car 239
or platform that moves between two or more landings, including 240
both of the following: 241

(a) Elevators; 242

(b) Platform lifts and stairway chairlifts. 243

(2) Power-driven stairways and walkways for carrying 244
persons between landings, including both of the following: 245

(a) Escalators; 246

(b) Moving walks. 247

(3) Hoisting and lowering mechanisms equipped with a car 248

<u>that serves two or more landings and is restricted to the</u>	249
<u>carrying of material by its limited size or limited access to</u>	250
<u>the car, including both of the following:</u>	251
<u>(a) Dumbwaiters;</u>	252
<u>(b) Material lifts and dumbwaiters with automatic transfer</u>	253
<u>devices.</u>	254
<u>(4) Automatic guided transit vehicles on guideways with an</u>	255
<u>exclusive right-of-way, including automated people movers.</u>	256
<u>(B) This chapter shall not be used to regulate any of the</u>	257
<u>following:</u>	258
<u>(1) Material hoists within the scope of the American</u>	259
<u>national standard safety requirements for material hoists;</u>	260
<u>(2) Manlifts within the scope of the American society of</u>	261
<u>mechanical engineers safety standards for belt manlifts;</u>	262
<u>(3) Mobile scaffolds, towers, and platforms within the</u>	263
<u>scope of the American national standards for vehicle-mounted</u>	264
<u>elevating and rotating work platforms;</u>	265
<u>(4) Powered platforms and equipment for exterior and</u>	266
<u>interior maintenance within the scope of the American national</u>	267
<u>standards for powered platforms for building maintenance;</u>	268
<u>(5) Conveyors and related equipment within the scope of</u>	269
<u>the American society of mechanical engineers safety code for</u>	270
<u>conveyors, cableways, and related equipment;</u>	271
<u>(6) Cranes, derricks, hoists, hooks, jacks, and slings</u>	272
<u>within the scope of American society of mechanical engineers</u>	273
<u>safety standards for cableways, cranes, derricks, hoists, hooks,</u>	274
<u>jacks, and slings;</u>	275

<u>(7) Industrial trucks within the scope of the American society of mechanical engineers safety standards for powered industrial trucks;</u>	276
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<u>(8) Portable equipment, except for portable escalators which are covered by the American society of mechanical engineers safety code for elevators and escalators;</u>	279
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<u>(9) Tiering or piling machines used to move materials to and from storage located and operating entirely within one story;</u>	282
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<u>(10) Equipment for feeding or positioning materials at machine tools, printing presses, and similar machines;</u>	285
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<u>(11) Skip or furnace hoists;</u>	287
<u>(12) Wharf ramps;</u>	288
<u>(13) Railroad car lifts or dumpers;</u>	289
<u>(14) Line jacks, false cars, shafters, moving platforms, and similar equipment used for installing an elevator by a contractor licensed in this state.</u>	290
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<u>Sec. 4105.03.</u> (A) <u>No person shall provide conveyance services in buildings or structures unless that person is a licensed elevator mechanic and one of the following applies:</u>	293
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<u>(1) The elevator mechanic is working for a licensed elevator contractor.</u>	296
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<u>(2) The elevator mechanic is a sole proprietor who holds a contractor's license.</u>	298
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<u>(3) The elevator mechanic is a member of a partnership that holds a contractor's license.</u>	300
	301
<u>(B) (1) No person shall wire any conveyance, from the</u>	302

mainline feeder terminals on the controller, unless that person 303
is a licensed elevator mechanic and one of the following 304
applies: 305

(a) The elevator mechanic is working for a licensed 306
elevator contractor. 307

(b) The elevator mechanic is a sole proprietor who holds a 308
contractor's license. 309

(c) The elevator mechanic is a member of a partnership 310
that holds a contractor's license. 311

(2) No other license shall be required to wire a 312
conveyance. 313

(C) No person shall inspect any conveyance within 314
buildings or structures, including private residences, unless 315
that person is a licensed elevator inspector. 316

Sec. 4105.04. (A) There is hereby created, within the 317
board of building standards established by section 3781.07 of 318
the Revised Code, the elevator safety review board. 319

(B) The board shall consist of the following members: 320

(1) The director of commerce or the director's designee; 321

(2) A representative of the board of building standards; 322

(3) The following individuals, appointed by the governor: 323

(a) One representative of a major elevator manufacturing 324
company; 325

(b) One representative of an elevator servicing company; 326

(c) One representative of the architectural design or 327
elevator consulting profession; 328

<u>(d) One representative of the general public;</u>	329
<u>(e) One representative of municipalities in this state;</u>	330
<u>(f) One representative of building owners or managers;</u>	331
<u>(g) One representative of the building trade, comprised of</u> <u>individuals providing conveyance services.</u>	332 333
<u>(C) The term of those members appointed to the board shall</u> <u>be three years. Vacancies shall be filled in the same manner as</u> <u>the original appointments.</u>	334 335 336
<u>(D) All members of the board shall serve without salary,</u> <u>but shall be reimbursed for all expenses necessary in the</u> <u>performance of their duties.</u>	337 338 339
<u>(E) (1) The governor shall appoint one of the members to</u> <u>serve as chair of the board.</u>	340 341
<u>(2) A majority of the board shall constitute a quorum.</u>	342
<u>(3) The chair shall be the deciding vote in the event of a</u> <u>tie vote.</u>	343 344
<u>(F) (1) The board shall meet and organize within ten days</u> <u>after the appointment of its members and at such meeting shall</u> <u>elect from its members one secretary of the board to serve for a</u> <u>term as prescribed in rules adopted by the board.</u>	345 346 347 348
<u>(2) (a) The board shall meet not less than once a month and</u> <u>as often as the board considers necessary for the consideration</u> <u>of code regulations, appeals, variances, and for the transaction</u> <u>of such other business as properly may come before it.</u>	349 350 351 352
<u>(b) Special meetings shall be called as prescribed in</u> <u>rules adopted by the board.</u>	353 354
<u>(G) The seat of any appointed board member absent from</u>	355

<u>three consecutive meetings shall be deemed vacant.</u>	356
<u>(H) The board may consult with and retain engineering</u>	357
<u>authorities and organizations concerning all of the following:</u>	358
<u>(1) Standard safety codes;</u>	359
<u>(2) Rules and regulations governing the operation,</u>	360
<u>maintenance, servicing, construction, alteration, installation,</u>	361
<u>and inspection of conveyances;</u>	362
<u>(3) The qualifications for licensing elevator mechanics,</u>	363
<u>contractors, and inspectors.</u>	364
<u>(I) The board may recommend to the general assembly</u>	365
<u>legislation governing conveyances and the licensing of elevator</u>	366
<u>mechanics, contractors, and inspectors.</u>	367
<u>(J) The board shall establish rules in accordance with</u>	368
<u>Chapter 119. of the Revised Code regulating conveyances. The</u>	369
<u>rules shall incorporate all of the following:</u>	370
<u>(1) The elevators and escalators safety code;</u>	371
<u>(2) The existing elevators and escalators safety code;</u>	372
<u>(3) The platform lifts and stairway chairlifts safety</u>	373
<u>standards;</u>	374
<u>(4) The standards for the qualification of elevator</u>	375
<u>inspectors;</u>	376
<u>(5) The automated people mover standards.</u>	377
<u>(K) (1) The board shall adopt in rule the latest edition of</u>	378
<u>any standard prescribed in division (J) of this section within</u>	379
<u>six months of the standard's effective date.</u>	380
<u>(2) Any modifications to the standards prescribed in</u>	381

division (J) of this section that are made by the board shall be 382
justified in writing. 383

(L) (1) The board may grant exceptions and variances from 384
the literal requirements of applicable code and standards, 385
regulations, and local legislation in cases where such variances 386
would not jeopardize the public safety and welfare. 387

(2) If the board denies a request for an exception or a 388
variance, and an appeal to the denial is made, a hearing officer 389
shall hear the appeal and hold hearings relating to the denial. 390
The hearing officer shall decide upon the appeal within thirty 391
days of the filing of the appeal. 392

(M) The board may issue a stop work order in situations 393
where it identifies conditions that endanger public safety or 394
where conveyance services are being provided in violation of 395
this chapter or associated rules. 396

(N) The board may adopt in rule fee schedules for 397
licenses, permits, certificates, and inspections. The fees shall 398
reflect the actual costs and expenses to administer this 399
chapter. 400

(O) The board may appoint hearing officers to conduct 401
hearings pursuant to this section and section 4105.07 of the 402
Revised Code. 403

Sec. 4105.05. (A) Any business entity wishing to provide 404
conveyance services shall make application for an elevator 405
contractor's license with the board on a form provided by the 406
board. 407

(B) Any individual wishing to provide conveyance services 408
shall make application for an elevator mechanic's license with 409
the board on a form provided by the board. 410

(C) Any individual wishing to engage in the business of conveyance inspections shall make application for an elevator inspector's license with the board on a form provided by the board. 411
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(D) An application made under this section shall contain all of the following: 415
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(1) (a) If an applicant is an individual or sole proprietor, the name, residence address, and business address of the applicant; 417
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(b) If an applicant is a partnership, the name, residence address, and business address of each partner; 420
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(c) If an applicant is a domestic corporation, the name and business address of the corporation and the name and residence address of the principal officer of the corporation; 422
423
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(d) If the applicant is a corporation other than a domestic corporation, the name and address of an agent located in this state who shall be authorized to accept service of process and official notices. 425
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(2) The number of years the applicant has engaged in the business of conveyance services or conveyance inspections; 429
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(3) If the applicant is applying for an elevator contractor's license, both of the following: 431
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(a) The approximate number of persons, if any, to be employed by the applicant, and if applicable, satisfactory evidence that the employees are or will be covered by workers' compensation insurance in accordance with section 4105.12 of the Revised Code; 433
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(b) Satisfactory evidence that the applicant and all 438

employees are, or will be, covered by general liability, 439
personal injury, and property damage insurance in accordance 440
with section 4105.12 of the Revised Code. 441

(4) A description of the criminal convictions and pleas of 442
guilty of the applicants and each employee, if any, as verified 443
by a criminal records check; 444

(5) Such other information as the board considers 445
appropriate. 446

(E) The board may issue an elevator mechanic's license to 447
an applicant only if that applicant has demonstrated one of the 448
following qualifications: 449

(1) An acceptable combination of documented experience and 450
education credits, as follows: 451

(a) Not less than three years of work experience in the 452
elevator industry, in construction, maintenance, service, 453
repair, or any combination thereof, as verified by current and 454
previous employers licensed to do business in this state; 455

(b) Satisfactory completion of a written examination 456
administered by the board on the most recent referenced codes 457
and standards. 458

(2) (a) Acceptable proof that the applicant has worked as 459
an elevator construction, maintenance, or repair person, 460
consisting of having worked without direct and immediate 461
supervision for an elevator contractor authorized to do business 462
in this state for a period of not less than three years 463
immediately prior to the effective date of this section; 464

(b) An applicant seeking to establish qualifications 465
pursuant to division (E) (2) of this section shall apply within 466

one year of the effective date of this section. 467

(3) A certificate of completion or other evidence of 468
having successfully passed the mechanic examination of a 469
nationally recognized training program for the elevator 470
industry, such as the national elevator industry educational 471
program or its equivalent; 472

(4) A certificate of completion of an apprenticeship 473
program for elevator mechanics that has standards substantially 474
equal to those of this chapter and is registered with the bureau 475
of apprenticeship and training, United States department of 476
labor, or a state apprenticeship council; 477

(5) A valid license from a state having standards 478
substantially equal to those of this chapter, upon application 479
and without examination. 480

(F) The board may issue an inspector's license to an 481
applicant only if that applicant is an ASME QEI-1 qualified 482
elevator inspector. 483

(G) (1) The board may issue an elevator contractor's 484
license to a business entity only if the applicant has in its 485
employ a licensed elevator mechanic and has proof of compliance 486
with the insurance requirements prescribed in section 4105.12 of 487
the Revised Code. 488

(2) The board may issue an elevator contractor's license 489
to an applicant that holds a valid license from a state having 490
standards substantially equal to those of this chapter. 491

(H) Upon approval of an application made under this 492
section, the board shall issue a license to the applicant. 493

(I) Any license issued under this section shall be valid 494

for a period of two years and may be renewed. 495

Sec. 4105.051. (A) The board may renew a license issued 496
under section 4105.05 of the Revised Code if the licensee does 497
all of the following: 498

(1) Submits an application for license renewal on a form 499
prescribed by the board; 500

(2) Pays the license renewal fee established by the board; 501

(3) Submits evidence that the applicant has completed the 502
continuing education coursework described in division (B) of 503
this section; 504

(4) If the license is an elevator contractor's license, 505
submits proof that the applicant is in compliance with the 506
insurance requirements prescribed in section 4105.12 of the 507
Revised Code. 508

(B) Such continuing education courses shall: 509

(1) Instruct licensees on new and existing rules and 510
standards adopted by the board; 511

(2) Consist of not less than eight hours of instruction; 512

(3) Be attended and completed within one year immediately 513
preceding the scheduled date for the license renewal; 514

(4) Be taught by instructors through continuing education 515
providers approved by the board. 516

(C) All continuing education instructors shall be exempt 517
from the continuing education requirement prescribed in division 518

(A) (3) of this section, provided that such applicant was 519
qualified as an instructor at any time during the year 520

immediately preceding the scheduled date for the license 521

renewal. 522

(D) (1) A licensee who is unable to complete the continuing 523
education coursework required under this section prior to the 524
expiration of their license due to a temporary disability may 525
apply for a temporary continuing education waiver from the 526
board. 527

(2) An application for a temporary continuing education 528
waiver shall be made in a form prescribed by the board, which 529
shall be signed by the applicant under the pains and penalties 530
of perjury and accompanied by a certified statement from a 531
competent physician attesting to the temporary disability. If 532
the board grants the waiver, the licensee's license does not 533
expire but is placed on inactive status. 534

(3) Upon the termination of the temporary disability, the 535
licensee shall submit to the board a certified statement from 536
the same physician, if practicable, attesting to the termination 537
of the temporary disability. The board shall then take the 538
licensee's license off inactive status and shall issue a waiver 539
sticker, valid for ninety days, to the licensee and affix the 540
sticker to the license. The licensee may then perform the tasks 541
the license authorizes the licensee to perform but the licensee 542
shall meet the continuing education requirement during this 543
ninety-day period or be considered to have not met the 544
continuing education requirement and the license shall be deemed 545
to be expired. 546

(E) (1) Approved continuing education providers shall keep 547
uniform records, for a period of ten years, of attendance of 548
licensees in a format approved by the board. Such records shall 549
be available for inspection by the board upon request. 550

(2) Approved training providers shall be responsible for 551
the security of all attendance records and certificates of 552
completion, provided, however, that falsifying or knowingly 553
allowing another to falsify such attendance records or 554
certificates of completion shall constitute grounds for 555
suspension or revocation of a continuing education provider's 556
board approval. 557

Sec. 4105.06. (A) Whenever the board determines that an 558
emergency exists due to disaster, act of God, or work stoppage, 559
and the number of persons in the state holding elevator 560
mechanic's licenses issued by the board is insufficient to cope 561
with the emergency, the board shall declare such a state of 562
emergency and respond as prescribed in this section to assure 563
the safety of the public. 564

(B) Notwithstanding section 4105.03 of the Revised Code, 565
during such a state of emergency, any person found by a licensed 566
elevator contractor to have an acceptable combination of 567
documented experience and education to perform conveyance 568
services without direct and immediate supervision may perform 569
conveyance services without an elevator mechanic's license, as 570
provided in this section. 571

(C) Such a person shall seek an emergency elevator 572
mechanic's license from the board within five business days 573
after commencing work that would otherwise require an elevator 574
mechanic's license. 575

(D) An elevator contractor associated with a person 576
seeking an emergency elevator mechanic's license shall furnish 577
proof of competency as the board may require. 578

(E) (1) An emergency elevator mechanic's license shall be 579

valid for a period of forty-five days from the date of issuance. 580

(2) The board may restrict the validity of an emergency 581
elevator mechanic's license to a particular conveyance or 582
geographical area as the board sees fit, but shall otherwise 583
entitle the licensee to the rights and privileges of an elevator 584
mechanic's license issued pursuant to this chapter. 585

(F) The board may renew an emergency elevator mechanic's 586
license for the duration of a state of emergency. 587

(G) No fee shall be charged for any emergency elevator 588
mechanic's license or renewal thereof. 589

Sec. 4105.061. (A) An elevator contractor shall notify the 590
board when there are no licensed elevator mechanics available to 591
provide conveyance services and may request that the board issue 592
temporary elevator mechanic's licenses to persons certified by 593
the licensed elevator contractor to have an acceptable 594
combination of documented experience and education to provide 595
conveyance services without direct and immediate supervision. 596

(B) Any person certified by an elevator contractor to have 597
an acceptable combination of documented experience and education 598
to provide conveyance services without direct and immediate 599
supervision shall immediately seek a temporary elevator 600
mechanic's license from the board and shall pay an application 601
fee as set by the board. If the board is satisfied as to the 602
person's qualifications, the board shall issue a temporary 603
elevator mechanic's license to the person. 604

(C) A temporary license issued under this section shall be 605
valid only for a specified term set by the board, which shall be 606
noted on the license, and only while the licensee is employed by 607
the elevator contractor that certified the individual as being 608

qualified. 609

(D) A temporary elevator mechanic's license shall be 610
renewable in accordance with rules adopted by the board. 611

Sec. 4105.07. (A) The board may suspend or revoke a 612
license issued pursuant to this chapter or subject the licensee 613
to civil penalty upon verification that the licensee has 614
committed one or more of the following: 615

(1) Made any false statement as to a material matter in an 616
application for a license; 617

(2) Committed fraud, misrepresentation, or bribery in 618
securing a license; 619

(3) Failed to notify the board and the owner or lessee of 620
a conveyance of any condition not in compliance with this 621
chapter or associated rules; 622

(4) Committed any violation of this chapter. 623

(B) (1) An administrative action taken under division (A) 624
of this section shall be made only after a hearing held by the 625
board in accordance with Chapter 119. of the Revised Code. 626

(2) Notice of such a hearing shall be provided to the 627
licensee in question at least ten days prior to the hearing at 628
the last known address appearing on the license, served 629
personally or by registered mail. 630

The notice shall state the date, hour, and place of the 631
hearing and set forth a statement of facts constituting the 632
grounds for the charges against the licensee. 633

(C) (1) If the board revokes or suspends the license of a 634
licensee or subjects the license holder to a civil penalty, the 635

licensee may appeal such a determination to a hearing officer 636
appointed by the board. 637

(2) The board shall hold a hearing on such an appeal 638
within thirty days of the appeal being made and shall provide 639
written notice to all interested parties of the hearing within 640
fifteen days of the hearing. 641

(3) The board shall issue a final decision on the appeal 642
within thirty days of the hearing. 643

Sec. 4105.08. (A) Within six months after the date of the 644
appointment of the final member to the board, the owner or 645
lessee of every existing conveyance shall register the 646
conveyance with the board, giving all of the following 647
information: 648

(1) The type, rated load, and speed of the conveyance; 649

(2) The name of the manufacturer of the conveyance; 650

(3) The location of the conveyance and the purpose for 651
which it is used; 652

(4) Any additional information the board may require. 653

(B) The owner of a conveyance for which construction has 654
begun subsequent to the date prescribed in division (A) of this 655
section, but which has not yet been completed, shall, at the 656
time the conveyance is completed and placed in service, register 657
the conveyance with the board in the manner described in 658
division (A) of this section. 659

Sec. 4105.09. Licensees shall ensure that installation, 660
service, and maintenance of a conveyance is performed in 661
accordance with state and local law and with generally accepted 662
standards referenced in such laws or related rules. 663

When any material alteration is made to a conveyance, the licensees involved shall ensure that the conveyance adheres to the appropriate conveyance standard for the alteration. 664
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Sec. 4105.10. (A) Except as otherwise provided in section 4105.08 of the Revised Code, no conveyance covered by this chapter shall be erected, constructed, installed, or altered within buildings or structures unless a permit for the work has been issued by the board to an elevator contractor prior to commencement of the work. 667
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(B) The board shall not issue a permit required under this section to any person other than a licensed elevator contractor. 673
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(C) A copy of such a permit required under this section shall be kept at the construction site in question at all times while the work is in progress. 675
676
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(D) The board shall set the permit fees in rule. 678

Permit fees shall be nonrefundable. 679

(E) (1) Each application for a permit shall be accompanied by copies of specifications, accurately scaled and fully dimensioned plans, and all applicable fees. 680
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(2) The plans required under this division shall show all of the following: 683
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(a) The location of the conveyance in relation to the plans and elevation of the building; 685
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(b) The location of the machinery room and the equipment to be installed, relocated, or altered; 687
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(c) All structural supporting members of the building or structure, including foundations. 689
690

(3) The plans and specifications required under this 691
division shall specify all materials to be employed and all 692
loads to be supported or conveyed. 693

(4) The plans and specifications required under this 694
division shall be sufficiently complete to illustrate all 695
details of construction and design. 696

(F) The board may revoke a permit if the board finds any 697
of the following to be true: 698

(1) The applicant made a false statement or 699
misrepresentation as to the material facts in the application, 700
plans, or specifications on which the permit was based. 701

(2) The permit was issued in error and should not have 702
been issued in accordance with the law or applicable rules. 703

(3) The work detailed under the permit is not being 704
performed in accordance with the application, plans, or 705
specifications submitted with the application. 706

(4) The work detailed under the permit is not being 707
performed in accordance with the law, associated rules, or 708
conditions of the permit. 709

(5) The elevator contractor to whom the permit was issued 710
fails or refuses to comply with a stop work order issued under 711
section 4105.04 of the Revised Code. 712

(G) (1) A permit issued under this section shall expire if 713
any of the following occurs: 714

(a) The work authorized by the permit is not commenced 715
within six months after the date of issuance. 716

(b) The work authorized by the permit is not commenced 717

within a shorter period of time as the board may specify at the 718
time the permit is issued. 719

(c) The work is stopped for a period of sixty days, or 720
such shorter period of time as the board may specify at the time 721
the permit is issued, after the work has been started. 722

(2) For good cause, the board may allow an extension of 723
the time periods specified in division (G)(1) of this section. 724

Sec. 4105.11. (A) All new conveyance installations shall 725
be performed by a licensed elevator contractor. 726

(B) Subsequent to installation, the licensed elevator 727
contractor shall certify to the board compliance with the 728
applicable sections of this chapter. 729

(C)(1) Prior to any conveyance being used, the owner or 730
lessee of the conveyance shall obtain a certificate of operation 731
from the board. The owner or lessee shall maintain a certificate 732
of operation at all times the conveyance is in use. 733

(2) A fee, as set forth in rule adopted by the board, 734
shall be paid for the certificate of operation. 735

(3) It shall be the responsibility of the licensed 736
elevator contractor to properly complete and submit all 737
information needed for an application for an initial certificate 738
of operations for new installations. 739

(D)(1) For newly installed platform lifts and stairway 740
chairlifts for private residences, both of the following apply: 741

(a) The certificate of operation shall be issued only 742
after a licensed state inspection firm has inspected and 743
approved the lift in accordance with division (D) of this 744
section. 745

(b) The initial certificate of operation fee, as well as any subsequent renewal fees, shall be waived. 746
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(2) For existing platform and stairway chairlifts for private residences, the initial certificate of operation fee, as well as any subsequent renewal fees, shall be waived. 748
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(3) The board shall inspect, in accordance with the requirements set forth in this chapter, all newly installed and existing platform lifts and stairway chairlifts for private residences subsequent to an inspection by a person, firm, or corporation to which a license to inspect conveyances has been issued. 751
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(4) The board shall provide notice to the owner of the private residence where the conveyance is located with relevant information about conveyance safety requirements, including having the owner contact the board in order to ensure that the conveyance is periodically and timely inspected and made safe before the permit for the conveyance expires. The inspection shall be done only at the request and consent of the private residence owner. All penalty provisions of this chapter shall not apply to private residence owners. 757
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(E) (1) Except as provided in division (E) (2) of this section, a certificate of operation shall be renewed on an annual basis. 766
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(2) A certificate of operation issued for platform and stairway chairlifts for private residences shall be valid for a period of three years. 769
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(3) The duration of a certificate of operation issued under former section 4105.15 of the Revised Code shall continue for the period for which it was issued and shall remain valid 772
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for the duration of that period. 775

(F) Certificates of operation shall be clearly displayed 776
on or in each conveyance, or in the machine room, for use for 777
the benefit of code enforcement staff. 778

Sec. 4105.12. (A) Elevator contractors, as well as any 779
elevator inspector not employed by the board, shall submit to 780
the board proof of insurance coverage greater than or equal to 781
the following amounts: 782

(1) One million dollars for injury or death of any number 783
of persons in any one occurrence; 784

(2) Five hundred thousand dollars for property damage in 785
any one occurrence; 786

(3) Workers' compensation insurance coverage. 787

(B) Such proof of insurance shall be delivered to the 788
board before or at the time of the issuance or renewal of a 789
license. 790

(C) If any policy required under this section is 791
materially altered or canceled, the elevator contractor or 792
elevator inspector covered by the policy shall give notice of 793
the material alteration or cancellation to the board at least 794
ten days prior to the change. 795

Sec. 4105.13. (A) The board shall develop an enforcement 796
program that will ensure compliance with regulations and 797
requirements referenced in this chapter, including all of the 798
following: 799

(1) The identification of property locations that are 800
subject to said regulations and requirements; 801

<u>(2) Issuing notifications to violating property owners or lessees;</u>	802
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<u>(3) Conducting random, on-site inspections and tests on existing installations;</u>	804
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<u>(4) Witnessing periodic inspections and testing in order to ensure satisfactory performance by licensees;</u>	806
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<u>(5) Assisting in development of public awareness programs.</u>	808
<u>(B) (1) Any person may request an investigation into an alleged violation of this chapter by giving notice to the board of a potential violation or danger.</u>	809
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<u>(2) Such notice shall be in writing, shall set forth with reasonable particularity the grounds for the notice, and shall be signed by the person making the request.</u>	812
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<u>(3) Upon the request of any person signing the notice, such person's name shall not appear on any copy of such notice or any record published, released, or made available.</u>	815
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<u>(C) (1) If, upon receipt of such a request, the board determines that there are reasonable grounds to believe that such violation or danger exists, the board shall investigate whether or not a violation or danger exists.</u>	818
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<u>(2) If the board determines that there are no reasonable grounds to believe that a violation or danger exists, the board shall notify the party in writing of that determination.</u>	822
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<u>Sec. 4105.14. (A) It shall be the responsibility of the owner of all new and existing conveyances located in any building or structure to have the conveyance inspected annually by a licensed elevator inspector.</u>	825
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(B) Subsequent to any inspection required under this 829
section, the elevator inspector shall supply the owner or lessee 830
and the board with a written inspection report describing any 831
and all code violations. The board shall ensure that the owner 832
or lessee of the conveyance brings the conveyance into 833
compliance with the relevant code. An owner or lessee shall have 834
thirty days from the date of the published inspection report to 835
be in full compliance with correcting the violations. 836

(C) It shall be the responsibility of the owner of all 837
conveyances to have an elevator contractor ensure that the 838
required tests are performed at intervals in compliance with the 839
ASME A17.1/CSA B44 Appendix N, ASME A18.1 and ASCE 21. All tests 840
shall be performed by a licensed elevator mechanic. 841

(D) If upon the inspection of any equipment covered by 842
this chapter, the equipment is found to be in a dangerous 843
condition or there is an immediate hazard to those riding or 844
using the equipment, or if the design or the method of operation 845
of the equipment, in combination with other equipment used, is 846
considered inherently dangerous in the opinion of the board, the 847
board shall notify the owner of the condition and shall order 848
such alterations or additions as the board considers necessary 849
to eliminate the dangerous condition. 850

(E) The board shall not require an elevator contractor to 851
remove or dismantle a conveyance that is to be destroyed as a 852
result of a complete demolition of a secured building or 853
structure or where the hoistway or wellway is demolished back to 854
the basic support structure and where no access is permitted 855
therein. 856

Sec. 4105.15. (A) If a conveyance is to be rendered 857
temporarily dormant for any reason, then it shall be rendered 858

dormant by complying with all of the following: 859

(1) The power supply shall be disconnected by removing the 860
relevant fuses and placing a padlock on the main line disconnect 861
switch, holding it in an "off" position. 862

(2) The car shall be parked and the hoistway doors shall 863
be closed and latched in position. 864

(3) A wire seal shall be installed by a licensed elevator 865
inspector. 866

(B) A wire seal and padlock placed on a conveyance under 867
division (A) of this section shall not be removed for any reason 868
without the approval of an elevator inspector. 869

(C) A conveyance that has been rendered temporarily 870
dormant shall not be used until it has been put in safe running 871
order and is in condition for use. 872

(D) Annual inspections by a licensed inspector shall 873
continue for the duration of the temporarily dormant status. 874

(E) (1) A conveyance's temporarily dormant status may be 875
renewable on an annual basis, but shall not exceed a five-year 876
period. 877

(2) An application for renewal of a conveyance's 878
temporarily dormant status shall be accompanied by a report by 879
an elevator inspector describing the conveyance's current 880
condition. 881

Sec. 4105.99. Whoever recklessly violates any of the 882
provisions of this chapter shall be fined not more than one 883
thousand five hundred dollars, sentenced to a jail term not 884
exceeding thirty days, or both. 885

Sec. 4121.13. The administrator of workers' compensation 886
shall: 887

(A) Investigate, ascertain, and declare and prescribe what 888
hours of labor, safety devices, safeguards, or other means or 889
methods of protection are best adapted to render the employees 890
of every employment and place of employment and frequenters of 891
every place of employment safe, and to protect their welfare as 892
required by law or lawful orders, and establish and maintain 893
museums of safety and hygiene in which shall be exhibited safety 894
devices, safeguards, and other means and methods for the 895
protection of life, health, safety, and welfare of employees; 896

(B) Ascertain and fix reasonable standards and prescribe, 897
modify, and enforce reasonable orders for the adoption of safety 898
devices, safeguards, and other means or methods of protection to 899
be as nearly uniform as possible as may be necessary to carry 900
out all laws and lawful orders relative to the protection of the 901
life, health, safety, and welfare of employees in employments 902
and places of employment or frequenters of places of employment; 903

(C) Ascertain, fix, and order reasonable standards for the 904
construction, repair, and maintenance of places of employment as 905
shall render them safe; 906

(D) Investigate, ascertain, and determine reasonable 907
classifications of persons, employments, and places of 908
employment as are necessary to carry out the applicable sections 909
of sections 4101.01 to 4101.16 and 4121.01 to 4121.29 of the 910
Revised Code; 911

(E) Adopt reasonable and proper rules relative to the 912
exercise of ~~his~~ the administrator's powers and authorities, and 913
proper rules to govern ~~his~~ the administrator's proceedings and 914

to regulate the mode and manner of all investigations and 915
hearings, which rules shall not be effective until ten days 916
after their publication; a copy of the rules shall be delivered 917
at cost to every citizen making application therefor; 918

(F) Investigate all cases of fraud or other illegalities 919
pertaining to the operation of the workers' compensation system 920
and its several insurance funds and for that purpose, the 921
administrator has every power of an inquisitorial nature granted 922
to the industrial commission in this chapter and Chapter 4123. 923
of the Revised Code; 924

(G) Do all things convenient and necessary to accomplish 925
the purposes directed in sections 4101.01 to 4101.16 and 4121.01 926
to 4121.28 of the Revised Code; 927

(H) Nothing in this section shall be construed to 928
supersede ~~section 4105.011 of the Revised Code in particular, or~~ 929
Chapter 4105. of the Revised Code ~~in general.~~ 930

Section 2. That existing sections 121.084, 3781.19, and 931
4121.13 and sections 4105.01, 4105.011, 4105.02, 4105.03, 932
4105.04, 4105.05, 4105.06, 4105.07, 4105.08, 4105.09, 4105.10, 933
4105.11, 4105.12, 4105.13, 4105.14, 4105.15, 4105.16, 4105.17, 934
4105.19, 4105.191, 4105.20, 4105.21, and 4105.99 of the Revised 935
Code are hereby repealed. 936

Section 3. The General Assembly's intent in enacting this 937
act is to provide for the safety of installers, maintainers, and 938
users of elevators and other conveyances, as well as to promote 939
public safety awareness regarding the same. The use of unsafe 940
and defective lifting devices imposes a substantial probability 941
of serious and preventable injury to employees and the public. 942
The prevention of these injuries and protection of employees and 943

the public from unsafe conditions is in the best interest of the 944
people of this state. Elevator personnel performing work covered 945
by this act shall, by documented training, experience, or both, 946
be familiar with the operation and safety functions of the 947
components and equipment. Training and experience shall include 948
recognizing the safety hazards and performing the procedures to 949
which they are assigned in conformance with the requirements of 950
this act. This act shall be considered the minimum standards for 951
elevator and conveyance personnel. 952

This act is not intended to prevent the use of systems, 953
methods, or devices of equivalent or superior quality, strength, 954
fire resistance, code effectiveness, durability, and safety to 955
those required by this act, provided that there is technical 956
documentation to demonstrate the equivalency of the system, 957
method, or device, as prescribed in the appropriate safety 958
standards. 959

Section 4. (A) The division of industrial compliance shall 960
transmit to the board a copy of all elevator registrations the 961
division received pursuant to former section 4105.09 of the 962
Revised Code. Registration under that former section does not 963
excuse compliance with section 4105.08 of the Revised Code as 964
enacted in this act. The board may use the information 965
transmitted to ensure compliance with this act. 966

(B) Certificates of operation issued for elevators under 967
former section 4105.15 of the Revised Code shall remain valid 968
for the period for which the certificate was issued but shall be 969
renewed under section 4105.11 of the Revised Code. 970

(C) Conveyances begun but not completed prior to the 971
effective date of this act shall be subject to the permit and 972
inspection provisions under Chapter 4105. of the Revised Code, 973

as repealed by this act, and the accompanying rules.

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