

**As Reported by the Senate Transportation, Commerce and Workforce
Committee**

132nd General Assembly

**Regular Session
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Am. S. B. No. 308

Senators Uecker, Yuko

A BILL

To amend sections 121.084, 4105.01, 4105.10, and 1
4105.15 and to enact sections 4105.101, 4105.30, 2
4785.01, 4785.02, 4785.03, 4785.04, 4785.041, 3
4785.05, 4785.051, 4785.06, 4785.07, 4785.08, 4
4785.09, 4785.091, 4785.092, and 4785.99 of the 5
Revised Code to revise the Elevator Law. 6

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

Section 1. That sections 121.084, 4105.01, 4105.10, and 7
4105.15 be amended and sections 4105.101, 4105.30, 4785.01, 8
4785.02, 4785.03, 4785.04, 4785.041, 4785.05, 4785.051, 4785.06, 9
4785.07, 4785.08, 4785.09, 4785.091, 4785.092, and 4785.99 of 10
the Revised Code be enacted to read as follows: 11

Sec. 121.084. (A) All moneys collected under sections 12
3783.05, 3791.07, 4104.07, 4104.18, 4104.44, 4105.17, 4105.20, 13
4169.03, and 5104.051, and Chapter 4785. of the Revised Code, 14
and any other moneys collected by the division of industrial 15
compliance shall be paid into the state treasury to the credit 16
of the industrial compliance operating fund, which is hereby 17
created. The department of commerce shall use the moneys in the 18
fund for paying the operating expenses of the division and the 19

administrative assessment described in division (B) of this section. 20
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(B) The director of commerce, with the approval of the director of budget and management, shall prescribe procedures for assessing the industrial compliance operating fund a proportionate share of the administrative costs of the department of commerce. The assessment shall be made in accordance with those procedures and be paid from the industrial compliance operating fund to the division of administration fund created in section 121.08 of the Revised Code. 22
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Sec. 4105.01. As used in this chapter: 30

(A) "Elevator" means a hoisting and lowering apparatus equipped with a car, cage, or platform which moves on or between permanent rails or guides and serves two or more fixed landings in a building or structure to which section 3781.06 of the Revised Code applies or in a private residence. "Elevator" includes dumb-waiters other than hand-powered dumb-waiters, escalators, manlifts, moving walks, of the endless belt type, other lifting or lowering apparatus permanently installed on or between rails or guides, and all equipment, machinery, and construction related to any elevator; but does not include construction hoists and other similar temporary lifting or lowering apparatuses, ski lifts, chairlifts installed in a private residence, a lifting device installed in a showroom for demonstration purposes only, traveling, portable amusement rides or devices that are not affixed to a permanent foundation, or nonportable amusement rides or devices that are affixed to a permanent foundation. 31
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(B) "Passenger elevator" means an elevator that is designed to carry persons to its contract capacity. 48
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(C) "Freight elevator" means an elevator normally used for carrying freight and on which only the operator and employees in the pursuit of their duties, by the permission of the employer, are allowed to ride.

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

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

(F) "Special inspector" means an inspector examined and commissioned by the superintendent of industrial compliance to inspect elevators and lifting apparatus in the state.

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

(H) "Private residence" has the same meaning as in section 4785.01 of the Revised Code.

Sec. 4105.10. (A) Except as provided in division (B) of this section, elevators shall be inspected in accordance with the following:

(1) Every passenger elevator, escalator, moving walk, and freight elevator, including gravity elevators, shall be inspected twice every twelve months.

~~(B)~~ (2) Power dumb-waiters, hoists, and other lifting or lowering apparatus, not designed to carry persons, permanently installed, either on or between rails or guides, shall be inspected at least once every twelve months.

~~(C)~~ (3) The board of building standards may designate, by rule, classifications of passenger elevators with a capacity of

seven hundred fifty pounds or less that shall be inspected once 78
every twelve months. 79

(B) (1) Division (A) of this section does not apply to an 80
elevator installed in a private residence. Such elevators shall 81
only be inspected for the initial certificate of inspection as 82
provided in section 4105.15 of the Revised Code and pursuant to 83
division (B) (2) of this section. 84

(2) If title to a private residence containing an elevator 85
is to be transferred, then that elevator shall be inspected no 86
more than sixty days prior to the date of the sale. 87

Sec. 4105.101. (A) Upon completion of an inspection of an 88
elevator installed in a private residence, the inspector shall 89
provide to the owner of that residence a notice informing the 90
owner of the hazards of altering or repairing an elevator and 91
the liability that the owner could potentially face for making 92
such an alteration or repair without the proper training or 93
license. 94

(B) The owner of the elevator shall acknowledge receiving 95
the notification required under this section via signature. 96

(C) The division of industrial compliance shall adopt the 97
exact form of such a notification in rule. 98

Sec. 4105.15. (A) No certificate of operation for any 99
elevator shall be issued by the director of commerce until such 100
elevator has been inspected as required by this chapter. 101
~~Certificates~~ 102

(B) (1) Except as provided in division (B) (2) of this 103
section, certificates of operation shall be renewed by the owner 104
or user of the elevator in accordance with rules adopted by the 105
superintendent of industrial compliance pursuant to section 106

4105.12 of the Revised Code. 107

(2) A certificate of operation provided to the owner of an 108
elevator installed in a private residence need not be renewed, 109
except as provided in division (B) (2) of section 4105.10 of the 110
Revised Code. 111

Sec. 4105.30. (A) It shall be the responsibility of the 112
owner of all conveyances to have an elevator contractor licensed 113
under Chapter 4785. of the Revised Code ensure that the required 114
tests are performed at intervals in compliance with the ASME 115
A17.1/CSA B44 Appendix N, ASME A18.1, and ASCE 21. All tests 116
shall be performed by an elevator mechanic licensed under 117
Chapter 4785. of the Revised Code. 118

(B) As used in this section, "ASME A17.1," "ASME A18.1," 119
"ASCE 21," and "conveyance" have the same meanings as in section 120
4785.01 of the Revised Code. 121

Sec. 4785.01. (A) As used in this chapter: 122

(1) "Automated people mover" means an installation as 123
defined in the automated people mover standards. 124

(2) "Automated people mover standards" means the standards 125
adopted by the American society of civil engineers, commonly 126
referred to as ASCE 21. 127

(3) "Belt manlifts safety standards" means the safety 128
standards commonly referred to as ASME 90.1. 129

(4) "Board" means the elevator safety review board, which 130
is within the board of building standards and under the 131
department of commerce. 132

(5) "Business entity" includes a sole proprietorship, 133
partnership, and corporation. 134

(6) "Cableways, cranes, derricks, hoists, hooks, jacks, and slings safety standards" means the safety standards commonly referred to as ASME B30. 135
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(7) "Conveyance" means any means of transportation subject to the jurisdiction of this chapter, as described in division (A) of section 4785.02 of the Revised Code. 138
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(8) "Conveyance services" means erecting, constructing, installing, altering, servicing, repairing, dismantling, removing, or maintaining a conveyance. 141
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(9) "Conveyors, cableways, and related equipment safety code" means the safety code commonly referred to as ASME B20.1. 144
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(10) "Division" means the division of industrial compliance located within the department of commerce. 146
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(11) "Elevator" means a conveyance defined as an elevator in the elevators and escalators safety code and the platform lifts and stairway chairlifts safety standards. 148
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(12) "Elevator contractor" means any business entity that has been issued an elevator contractor's license under this chapter and that is engaged in the business of providing conveyance services. 151
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(13) "Elevator mechanic" means any person who has been issued an elevator mechanic's license under this chapter. 155
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(14) "Elevator mechanic's license" means a license issued by the division authorizing the holder to provide conveyance services and perform electrical work on conveyances. 157
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(15) "Elevators and escalators safety code" means the American national standard code commonly referred to as ASME A17.1/CSA B44, or its successor. 160
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<u>(16) "Escalator" means a conveyance defined as an</u>	163
<u>escalator in the elevators and escalators safety code.</u>	164
<u>(17) "Material alteration" means an alteration, as defined</u>	165
<u>in the standards related to the item altered.</u>	166
<u>(18) "Material hoists safety requirements" means the</u>	167
<u>safety requirements commonly referred to as ANSI A10.5.</u>	168
<u>(19) "Moving walk" means a moving walk as defined in the</u>	169
<u>elevators and escalators safety code.</u>	170
<u>(20) "Platform lifts and stairway chairlifts safety</u>	171
<u>standards" means the American national standard code commonly</u>	172
<u>referred to as ASME A18.1.</u>	173
<u>(21) "Powered industrial trucks safety standards" means</u>	174
<u>the safety standards commonly referred to as ASME B56.</u>	175
<u>(22) "Powered platforms for building maintenance</u>	176
<u>standards" means the standards commonly referred to as ANSI</u>	177
<u>120.1.</u>	178
<u>(23) "Private residence" means a distinct building or a</u>	179
<u>unit in a multiple dwelling building that is occupied by members</u>	180
<u>of a single-family unit.</u>	181
<u>(24) "Repair" means a repair as defined in the appropriate</u>	182
<u>reference standard that does not require a permit.</u>	183
<u>(25) "Superintendent" means the superintendent of</u>	184
<u>industrial compliance.</u>	185
<u>(26) "Vehicle-mounted elevating and rotating work</u>	186
<u>platforms standards" means the standards commonly referred to as</u>	187
<u>ANSI A92.</u>	188
<u>(B) For any term found in this chapter that is not defined</u>	189

<u>in this section, the corresponding definition found in the</u>	190
<u>appropriate standard shall be used.</u>	191
<u>(C) If a standard referenced in this chapter is replaced</u>	192
<u>by a successor standard, then that successor shall be referenced</u>	193
<u>for purposes of interpreting this chapter.</u>	194
<u>Sec. 4785.02.</u> (A) <u>This chapter shall be used to regulate</u>	195
<u>the individuals and entities performing construction, testing,</u>	196
<u>maintenance, alteration, and repair of the following equipment,</u>	197
<u>associated parts, and hoistways:</u>	198
<u>(1) Hoisting and lowering mechanisms equipped with a car</u>	199
<u>or platform that moves between two or more landings, including</u>	200
<u>both of the following:</u>	201
<u>(a) Elevators;</u>	202
<u>(b) Platform lifts.</u>	203
<u>(2) Power-driven stairways and walkways for carrying</u>	204
<u>persons between landings, including both of the following:</u>	205
<u>(a) Escalators;</u>	206
<u>(b) Moving walks.</u>	207
<u>(3) Hoisting and lowering mechanisms equipped with a car</u>	208
<u>that serves two or more landings and is restricted to the</u>	209
<u>carrying of material by its limited size or limited access to</u>	210
<u>the car, including both of the following:</u>	211
<u>(a) Dumbwaiters;</u>	212
<u>(b) Material lifts and dumbwaiters with automatic transfer</u>	213
<u>devices.</u>	214
<u>(4) Automatic guided transit vehicles on guideways with an</u>	215
<u>exclusive right-of-way, including automated people movers.</u>	216

<u>(B) This chapter shall not be used to regulate any of the</u>	217
<u>following:</u>	218
<u>(1) Material hoists within the scope of the American</u>	219
<u>national standard safety requirements for material hoists;</u>	220
<u>(2) Manlifts within the scope of the American society of</u>	221
<u>mechanical engineers safety standards for belt manlifts;</u>	222
<u>(3) Mobile scaffolds, towers, and platforms within the</u>	223
<u>scope of the American national standards for vehicle-mounted</u>	224
<u>elevating and rotating work platforms;</u>	225
<u>(4) Powered platforms and equipment for exterior and</u>	226
<u>interior maintenance within the scope of the American national</u>	227
<u>standards for powered platforms for building maintenance;</u>	228
<u>(5) Conveyors and related equipment within the scope of</u>	229
<u>the American society of mechanical engineers safety code for</u>	230
<u>conveyors, cableways, and related equipment;</u>	231
<u>(6) Cranes, derricks, hoists, hooks, jacks, and slings</u>	232
<u>within the scope of American society of mechanical engineers</u>	233
<u>safety standards for cableways, cranes, derricks, hoists, hooks,</u>	234
<u>jacks, and slings;</u>	235
<u>(7) Industrial trucks within the scope of the American</u>	236
<u>society of mechanical engineers safety standards for powered</u>	237
<u>industrial trucks;</u>	238
<u>(8) Portable equipment, except for portable escalators</u>	239
<u>which are covered by the American society of mechanical</u>	240
<u>engineers safety code for elevators and escalators;</u>	241
<u>(9) Tiering or piling machines used to move materials to</u>	242
<u>and from storage located and operating entirely within one</u>	243
<u>story;</u>	244

<u>(10) Equipment for feeding or positioning materials at</u>	245
<u>machine tools, printing presses, and similar machines;</u>	246
<u>(11) Skip or furnace hoists;</u>	247
<u>(12) Wharf ramps;</u>	248
<u>(13) Railroad car lifts or dumpers;</u>	249
<u>(14) Line jacks, false cars, shafters, moving platforms,</u>	250
<u>and similar equipment used for installing an elevator by a</u>	251
<u>contractor licensed in this state;</u>	252
<u>(15) Chairlifts;</u>	253
<u>(16) Any conveyance installed in a showroom that is for</u>	254
<u>demonstration purposes only.</u>	255
<u>Sec. 4785.03. (A) Except as provided in divisions (C) and</u>	256
<u>(D) of this section, no person shall provide conveyance services</u>	257
<u>in buildings or structures unless that person is a licensed</u>	258
<u>elevator mechanic and one of the following applies:</u>	259
<u>(1) The elevator mechanic is working for a licensed</u>	260
<u>elevator contractor.</u>	261
<u>(2) The elevator mechanic is a sole proprietor who holds a</u>	262
<u>contractor's license.</u>	263
<u>(3) The elevator mechanic is a member of a partnership</u>	264
<u>that holds a contractor's license.</u>	265
<u>(B) (1) No person shall wire any conveyance, from the</u>	266
<u>mainline feeder terminals on the controller, unless that person</u>	267
<u>is a licensed elevator mechanic and one of the following</u>	268
<u>applies:</u>	269
<u>(a) The elevator mechanic is working for a licensed</u>	270
<u>elevator contractor.</u>	271

<u>(b) The elevator mechanic is a sole proprietor who holds a</u>	272
<u>contractor's license.</u>	273
<u>(c) The elevator mechanic is a member of a partnership</u>	274
<u>that holds a contractor's license.</u>	275
<u>(2) No other license shall be required to wire a</u>	276
<u>conveyance.</u>	277
<u>(C) A person or entity providing conveyance services,</u>	278
<u>including wiring a conveyance, exclusively in private residences</u>	279
<u>shall not be required to obtain a license under this chapter.</u>	280
<u>(D) (1) Except as provided in division (D) (2) of this</u>	281
<u>section, a person shall not dismantle a conveyance unless</u>	282
<u>licensed under this chapter.</u>	283
<u>(2) Division (D) (1) of this section does not apply to a</u>	284
<u>conveyance that is to be destroyed as a result of a complete</u>	285
<u>demolition of a secured building or structure or where the</u>	286
<u>hoistway or wellway is demolished back to the basic support</u>	287
<u>structure and where no access is permitted therein.</u>	288
<u>Sec. 4785.04. (A) Any business entity wishing to provide</u>	289
<u>conveyance services shall apply for an elevator contractor's</u>	290
<u>license with the division of industrial compliance within the</u>	291
<u>department of commerce on a form provided by the division.</u>	292
<u>(B) Any individual wishing to provide conveyance services</u>	293
<u>shall apply for an elevator mechanic's license with the division</u>	294
<u>of industrial compliance on a form provided by the division.</u>	295
<u>(C) An application made under this section shall contain</u>	296
<u>all of the following:</u>	297
<u>(1) (a) If an applicant is an individual or sole</u>	298
<u>proprietor, the name, residence address, and business address of</u>	299

<u>the applicant;</u>	300
<u>(b) If an applicant is a partnership, the name, residence</u>	301
<u>address, and business address of each partner;</u>	302
<u>(c) If an applicant is a domestic corporation, the name</u>	303
<u>and business address of the corporation and the name and</u>	304
<u>residence address of the principal officer of the corporation;</u>	305
<u>(d) If the applicant is a corporation other than a</u>	306
<u>domestic corporation, the name and address of an agent located</u>	307
<u>in this state who shall be authorized to accept service of</u>	308
<u>process and official notices.</u>	309
<u>(2) The number of years the applicant has engaged in the</u>	310
<u>business of conveyance services;</u>	311
<u>(3) If the applicant is applying for an elevator</u>	312
<u>contractor's license, both of the following:</u>	313
<u>(a) The approximate number of persons, if any, to be</u>	314
<u>employed by the applicant, and if applicable, satisfactory</u>	315
<u>evidence that the employees are or will be covered by workers'</u>	316
<u>compensation insurance in accordance with section 4785.07 of the</u>	317
<u>Revised Code;</u>	318
<u>(b) Satisfactory evidence that the applicant and all</u>	319
<u>employees are, or will be, covered by general liability,</u>	320
<u>personal injury, and property damage insurance in accordance</u>	321
<u>with section 4785.07 of the Revised Code.</u>	322
<u>(4) A description of the criminal convictions and pleas of</u>	323
<u>guilty of the applicants and each employee, if any, as verified</u>	324
<u>by a criminal records check;</u>	325
<u>(5) Such other information as the division considers</u>	326
<u>appropriate.</u>	327

(D) The division may issue an elevator mechanic's license 328
to an applicant only if that applicant has demonstrated one of 329
the following qualifications: 330

(1) An acceptable combination of documented experience and 331
education credits, as follows: 332

(a) Not less than three years of work experience in the 333
elevator industry, in construction, maintenance, service, 334
repair, or any combination thereof, as verified by current and 335
previous employers licensed to do business in this state; 336

(b) Satisfactory completion of a written examination 337
administered by the division, or by a testing agency approved by 338
the division, on the most recent referenced codes and standards. 339

(2) (a) Acceptable proof that the applicant has worked as 340
an elevator construction, maintenance, or repair person, 341
consisting of having worked without direct and immediate 342
supervision for an elevator contractor authorized to do business 343
in this state for a period of not less than three years 344
immediately prior to the effective date of this section; 345

(b) An applicant seeking to establish qualifications 346
pursuant to division (D) (2) (a) of this section shall apply 347
within one year of the effective date of this section. 348

(3) A certificate of completion or other evidence of 349
having successfully passed the mechanic examination of a 350
nationally recognized training program for the elevator 351
industry, such as the national elevator industry educational 352
program or the certified elevator technician program of the 353
national association of elevator contractors; 354

(4) A certificate of completion of an apprenticeship 355
program for elevator mechanics that has standards substantially 356

equal to those of this chapter and is registered with the bureau 357
of apprenticeship and training, United States department of 358
labor, or a state apprenticeship council; 359

(5) A valid license from a state having standards 360
substantially equal to those of this chapter, upon application 361
and without examination. 362

(E) The division shall not issue an elevator mechanic's 363
license to any applicant to which any of the following apply: 364

(1) The applicant has been convicted of or pleaded guilty 365
or no contest to a crime of moral turpitude or disqualifying 366
offense as those terms are defined in section 4776.10 of the 367
Revised Code and the rules adopted pursuant to division (A) (2) 368
of section 4785.08 of the Revised Code. 369

(2) The applicant has violated any provision of this 370
chapter. 371

(3) The applicant has violated any rule adopted pursuant 372
to this chapter. 373

(4) The applicant has demonstrated incompetence or 374
untrustworthiness. 375

(5) The applicant has engaged in fraud, misrepresentation, 376
or deception in the conduct of business. 377

(6) The applicant has obtained or attempted to obtain a 378
license or renewal of such license pursuant to this chapter by 379
means of fraud, deception, or misrepresentation. 380

(7) The applicant has obtained or attempted to obtain an 381
order, ruling, or authorization from the division of industrial 382
compliance by means of fraud or misrepresentation. 383

(F) (1) The division may issue an elevator contractor's license to a business entity only if the applicant has in its employ a licensed elevator mechanic and has proof of compliance with the insurance requirements prescribed in section 4785.07 of the Revised Code. 384
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(2) The division may issue an elevator contractor's license to an applicant that holds a valid license from a state having standards substantially equal to those of this chapter. 389
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(G) Upon approval of an application made under this section, the division shall issue a license to the applicant. 392
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(H) Any license issued under this section shall be valid for a period of two years and may be renewed. 394
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Sec. 4785.041. (A) The division may renew a license issued under section 4785.04 of the Revised Code if the licensee does all of the following: 396
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(1) Submits an application for license renewal on a form prescribed by the division; 399
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(2) Pays the license renewal fee established by the division; 401
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(3) Submits evidence that the applicant has completed the continuing education coursework described in division (B) of this section; 403
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(4) If the license is an elevator contractor's license, submits proof that the applicant is in compliance with the insurance requirements prescribed in section 4785.07 of the Revised Code. 406
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(B) Such continuing education courses shall: 410

(1) Instruct licensees on new and existing rules and standards adopted by the division; 411
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(2) Consist of not less than eight hours of instruction; 413

(3) Be attended and completed within one year immediately preceding the scheduled date for the license renewal; 414
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(4) Be taught by instructors through continuing education providers approved by the division. 416
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(C) All continuing education instructors shall be exempt from the continuing education requirement prescribed in division (A) (3) of this section, provided that such applicant was qualified as an instructor at any time during the year immediately preceding the scheduled date for the license renewal. 418
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(D) (1) A licensee who is unable to complete the continuing education coursework required under this section prior to the expiration of their license due to a temporary disability may apply for a temporary continuing education waiver from the division. 424
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(2) An application for a temporary continuing education waiver shall be made in a form prescribed by the division, which shall be signed by the applicant under the penalty of perjury and accompanied by a certified statement from a competent physician attesting to the temporary disability. If the division grants the waiver, the licensee's license does not expire but is placed on inactive status. 429
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(3) Upon the termination of the temporary disability, the licensee shall submit to the division a certified statement from the same physician, if practicable, attesting to the termination of the temporary disability. The division shall then take the 436
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licensee's license off inactive status and shall issue a waiver 440
sticker, valid for ninety days, to the licensee and affix the 441
sticker to the license. The licensee may then perform the tasks 442
the license authorizes the licensee to perform but the licensee 443
shall meet the continuing education requirement during this 444
ninety-day period or be considered to have not met the 445
continuing education requirement and the license shall be deemed 446
to be expired. 447

(E) (1) Approved continuing education providers shall keep 448
uniform records, for a period of ten years, of attendance of 449
licensees in a format approved by the division. Such records 450
shall be available for inspection by the division upon request. 451

(2) Approved training providers shall be responsible for 452
the security of all attendance records and certificates of 453
completion, provided, however, that falsifying or knowingly 454
allowing another to falsify such attendance records or 455
certificates of completion shall constitute grounds for 456
suspension or revocation of a continuing education provider's 457
division approval. 458

(F) The division shall not renew the license of any 459
individual or entity that fails to meet the standard prescribed 460
in division (E) of section 4785.04 of the Revised Code. 461

Sec. 4785.05. (A) Whenever the division determines that an 462
emergency exists due to disaster, act of God, or work stoppage, 463
and the number of persons in the state holding elevator 464
mechanic's licenses issued by the division is insufficient to 465
cope with the emergency, the division shall declare such a state 466
of emergency and respond as prescribed in this section to assure 467
the safety of the public. 468

(B) Notwithstanding section 4785.03 of the Revised Code, 469
during such a state of emergency, any person found by a licensed 470
elevator contractor to have an acceptable combination of 471
documented experience and education to perform conveyance 472
services without direct and immediate supervision may perform 473
conveyance services without an elevator mechanic's license, as 474
provided in this section. 475

(C) Such a person shall seek an emergency elevator 476
mechanic's license from the division within five business days 477
after commencing work that would otherwise require an elevator 478
mechanic's license. 479

(D) An elevator contractor associated with a person 480
seeking an emergency elevator mechanic's license shall furnish 481
proof of competency as the division may require. 482

(E) (1) An emergency elevator mechanic's license shall be 483
valid for a period of forty-five days from the date of issuance. 484

(2) The division may restrict the validity of an emergency 485
elevator mechanic's license to a particular conveyance or 486
geographical area as the division sees fit, but shall otherwise 487
entitle the licensee to the rights and privileges of an elevator 488
mechanic's license issued pursuant to this chapter. 489

(F) The division may renew an emergency elevator 490
mechanic's license for the duration of a state of emergency. 491

(G) No fee shall be charged for any emergency elevator 492
mechanic's license or renewal thereof. 493

Sec. 4785.051. (A) An elevator contractor shall notify the 494
division when there are no licensed elevator mechanics available 495
to provide conveyance services and may request that the division 496
issue temporary elevator mechanic's licenses to persons 497

certified by the licensed elevator contractor to have an 498
acceptable combination of documented experience and education to 499
provide conveyance services without direct and immediate 500
supervision. 501

(B) Any person certified by an elevator contractor to have 502
an acceptable combination of documented experience and education 503
to provide conveyance services without direct and immediate 504
supervision shall immediately seek a temporary elevator 505
mechanic's license from the division and shall pay an 506
application fee as set by the division. If the division is 507
satisfied as to the person's qualifications, the division shall 508
issue a temporary elevator mechanic's license to the person. 509

(C) A temporary license issued under this section shall be 510
valid only for a specified term set by the division, which shall 511
be noted on the license, and only while the licensee is employed 512
by the elevator contractor that certified the individual as 513
being qualified. 514

(D) A temporary elevator mechanic's license shall be 515
renewable in accordance with rules adopted by the division. 516

Sec. 4785.06. Licensees shall ensure that installation, 517
service, and maintenance of a conveyance is performed in 518
accordance with state and local law and with generally accepted 519
standards referenced in such laws or related rules. 520

When any material alteration is made to a conveyance, the 521
licensees involved shall ensure that the conveyance adheres to 522
the appropriate conveyance standard for the alteration. 523

Sec. 4785.07. (A) Elevator contractors shall submit to the 524
division proof of insurance coverage greater than or equal to 525
the following amounts: 526

<u>(1) One million dollars for injury or death of any number</u>	527
<u>of persons in any one occurrence;</u>	528
<u>(2) Five hundred thousand dollars for property damage in</u>	529
<u>any one occurrence;</u>	530
<u>(3) Workers' compensation insurance coverage.</u>	531
<u>(B) Such proof of insurance shall be delivered to the</u>	532
<u>division before or at the time of the issuance or renewal of a</u>	533
<u>license.</u>	534
<u>(C) If any policy required under this section is</u>	535
<u>materially altered or canceled, the elevator contractor covered</u>	536
<u>by the policy shall give notice of the material alteration or</u>	537
<u>cancellation to the division at least ten days prior to the</u>	538
<u>change.</u>	539
<u>Sec. 4785.08. (A) In accordance with Chapter 119. of the</u>	540
<u>Revised Code, the superintendent of industrial compliance shall</u>	541
<u>adopt rules pertaining to all of the following:</u>	542
<u>(1) The issuance and renewal of elevator mechanic's</u>	543
<u>licenses and elevator contractor's licenses;</u>	544
<u>(2) A list of disqualifying offenses, pursuant to division</u>	545
<u>(E) of section 4785.04 of the Revised Code.</u>	546
<u>(B) In accordance with Chapter 119. of the Revised Code,</u>	547
<u>the superintendent may adopt rules pertaining to all of the</u>	548
<u>following:</u>	549
<u>(1) Assisting in the development of public awareness</u>	550
<u>programs;</u>	551
<u>(2) Classifications or subclassifications of licenses for</u>	552
<u>elevator mechanics and elevator contractors;</u>	553

<u>(3) Monitoring inspections and testing in order to ensure</u>	554
<u>satisfactory performance by licensees;</u>	555
<u>(4) Fee schedules for elevator mechanic and elevator</u>	556
<u>contractor licenses. The fees shall reflect the actual costs and</u>	557
<u>expenses necessary to administer this chapter.</u>	558
<u>(5) Establishing standards for the approval of license</u>	559
<u>testing agencies, pursuant to division (D) (1) (b) of section</u>	560
<u>4785.04 of the Revised Code;</u>	561
<u>(6) Establishing standards for the approval of continuing</u>	562
<u>education and training providers, pursuant to division (B) of</u>	563
<u>section 4785.041 of the Revised Code;</u>	564
<u>(7) Any other rules necessary to administer and carry out</u>	565
<u>this chapter.</u>	566
<u>(C) Notwithstanding divisions (A) and (B) of this section</u>	567
<u>or Chapter 4105. of the Revised Code, the superintendent shall</u>	568
<u>not adopt rules relating to the construction, maintenance, and</u>	569
<u>repair of elevators, except as pertaining to licensing</u>	570
<u>individuals under this chapter.</u>	571
<u>(D) The superintendent may exercise such other powers and</u>	572
<u>duties as are necessary to carry out the purpose and intent of</u>	573
<u>this chapter.</u>	574
Sec. 4785.09. <u>(A) There is hereby created, within the</u>	575
<u>board of building standards established by section 3781.07 of</u>	576
<u>the Revised Code, the elevator safety review board.</u>	577
<u>(B) The board shall be responsible for investigating</u>	578
<u>violations of this chapter, holding disciplinary administrative</u>	579
<u>hearings, and assessing penalties in accordance with sections</u>	580
<u>4785.091 and 4785.092 of the Revised Code.</u>	581

<u>(C) The board shall consist of the following members:</u>	582
<u>(1) The director of commerce or the director's designee;</u>	583
<u>(2) A representative of the board of building standards;</u>	584
<u>(3) The following individuals, appointed by the governor:</u>	585
<u>(a) One representative of a major elevator manufacturing</u> <u>company;</u>	586 587
<u>(b) One representative of an elevator servicing company;</u>	588
<u>(c) One representative of the architectural design or</u> <u>elevator consulting profession;</u>	589 590
<u>(d) One representative of the general public;</u>	591
<u>(e) One representative of municipal corporations in this</u> <u>state;</u>	592 593
<u>(f) One representative of building owners or managers;</u>	594
<u>(g) One representative of the building trade, comprised of</u> <u>an individual providing conveyance services.</u>	595 596
<u>(D) 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>	597 598 599
<u>(E) 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>	600 601 602
<u>(F) (1) The governor shall appoint one of the members to</u> <u>serve as chair of the board.</u>	603 604
<u>(2) A majority of the board shall constitute a quorum.</u>	605
<u>(3) The chair shall be the deciding vote in the event of a</u>	606

tie vote. 607

(G) (1) The board shall meet and organize within ten days 608
after the appointment of its members and at such meeting shall 609
elect from its members one secretary of the board to serve for a 610
term as prescribed in rules adopted by the board. 611

(2) (a) The board shall meet not less than once a month and 612
as often as the board considers necessary for the consideration 613
of code regulations, appeals, and variances, and for the 614
transaction of such other business as properly may come before 615
it. 616

(b) Special meetings shall be called as prescribed in 617
rules adopted by the board. 618

(H) The seat of any appointed board member absent from 619
three consecutive meetings shall be deemed vacant. 620

Sec. 4785.091. (A) The board may suspend or revoke a 621
license issued pursuant to this chapter or subject the licensee 622
to civil penalty upon verification that the licensee has 623
committed one or more of the following: 624

(1) Having been convicted of or pleading guilty to a crime 625
of moral turpitude or disqualifying offense as those terms are 626
defined in section 4776.10 of the Revised Code and rules adopted 627
pursuant to division (A) (2) of section 4785.08 of the Revised 628
Code; 629

(2) Violating any provision of this chapter; 630

(3) Violating any rule adopted pursuant to this chapter; 631

(4) Demonstrating incompetence or untrustworthiness; 632

(5) Engaging in fraud, misrepresentation, or deception in 633

the conduct of business; 634

(6) Obtaining or attempting to obtain a license or renewal 635
of such license pursuant to this chapter by means of fraud, 636
deception, or misrepresentation; 637

(7) Obtaining or attempting to obtain an order, ruling, or 638
authorization from the division of industrial compliance by 639
means of fraud or misrepresentation. 640

(B) (1) An administrative action taken under division (A) 641
of this section shall be made only after a hearing held by the 642
board in accordance with Chapter 119. of the Revised Code. 643

(2) Notice of such a hearing shall be provided to the 644
licensee in question at least ten days prior to the hearing at 645
the last known address appearing on the license, served 646
personally or by registered mail. 647

The notice shall state the date, hour, and place of the 648
hearing and set forth a statement of facts constituting the 649
grounds for the charges against the licensee. 650

(C) (1) If the board revokes or suspends the license of a 651
licensee or subjects the license holder to a civil penalty, the 652
licensee may appeal such a determination to a hearing officer 653
appointed by the board. 654

(2) The board shall hold a hearing on such an appeal 655
within thirty days after the appeal is made and shall provide 656
written notice to all interested parties of the hearing within 657
fifteen days after the hearing. 658

(3) The board shall issue a final decision on the appeal 659
within thirty days of the hearing. 660

Sec. 4785.092. (A) (1) Any person may request an 661

investigation into an alleged violation of this chapter by 662
giving notice to the board of a potential violation or danger. 663

(2) Such notice shall be in writing, shall set forth with 664
reasonable particularity the grounds for the notice, and shall 665
be signed by the person making the request. 666

(3) Upon the request of any person signing the notice, the 667
person's name shall not appear on any copy of such notice or any 668
record published, released, or made available. 669

(B) (1) If, upon receipt of such a request, the board 670
determines that there are reasonable grounds to believe that the 671
violation or danger exists, the board shall investigate whether 672
or not a violation or danger exists. 673

(2) If the board determines that there are no reasonable 674
grounds to believe that a violation or danger exists, the board 675
shall notify the person making the request in writing of that 676
determination. 677

Sec. 4785.99. Whoever recklessly violates any of the 678
provisions of this chapter shall be fined not more than one 679
thousand five hundred dollars, sentenced to a jail term not 680
exceeding thirty days, or both. 681

Section 2. That existing sections 121.084, 4105.01, 682
4105.10, and 4105.15 of the Revised Code are hereby repealed. 683

Section 3. The General Assembly's intent in enacting this 684
act is to provide for the safety of installers, maintainers, and 685
users of elevators and other conveyances, as well as to promote 686
public safety awareness regarding the same. The use of unsafe 687
and defective lifting devices imposes a substantial probability 688
of serious and preventable injury to employees and the public. 689
The prevention of these injuries and protection of employees and 690

the public from unsafe conditions is in the best interest of the 691
people of this state. Elevator personnel performing work covered 692
by this act shall, by documented training, experience, or both, 693
be familiar with the operation and safety functions of the 694
components and equipment. Training and experience shall include 695
recognizing the safety hazards and performing the procedures to 696
which they are assigned in conformance with the requirements of 697
this act. This act shall be considered the minimum standards for 698
elevator and conveyance personnel. 699