A BILL

To amend sections 4104.19, 4104.35, 4733.11, 4740.06, and 4765.30 and to enact section 4743.09 of the Revised Code to require a licensing authority to issue an occupational license to an applicant who completes a registered apprenticeship program and meets other requirements for licensure.

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

Section 1. That sections 4104.19, 4104.35, 4733.11, 4740.06, and 4765.30 be amended and section 4743.09 of the Revised Code be enacted to read as follows:

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

(B) To qualify to take the examination required to obtain a steam engineer, high pressure boiler operator, or low pressure boiler operator license, a person shall be at least eighteen years of age and meet both one of the following requirements:

1. Be at least eighteen years of age;

2. Have a combination of experience and education for the type of license sought as determined to be acceptable by the superintendent;

3. Have completed a registered apprenticeship program as described in section 4743.09 of the Revised Code.

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

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

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

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

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

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

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

(F) Each license issued under this chapter expires one year after the date of issue. Each person holding a valid, unexpired license may renew the license, without reexamination, by applying to the superintendent not more than ninety days before the expiration of the license, and submitting with the application the renewal fee established in section 4104.18 of the Revised Code. Upon receipt of the renewal information and fee, the superintendent shall issue the licensee a certificate of renewal.

(G) The superintendent, in accordance with Chapter 119. of the Revised Code, may suspend or revoke any license, or may refuse to issue a license under this chapter upon finding that a licensee or an applicant for a license has violated or is violating the requirements of this chapter.

Sec. 4104.35. (A) Any person may apply to the historical boiler licensing board to become licensed to operate historical boilers in public. The board shall issue a license to any person who satisfies the following criteria:
(1) Is sixteen years of age or older;

(2) Has completed a historical boiler operator's course that is approved by the board;

(3) Passes a written or verbal examination that is approved by the board and that tests for competence in operating historical boilers;

(4) Has at least one hundred hours of actual operating experience or training in the operation of historical boilers.

(B) An applicant who has completed a registered apprenticeship program as described in section 4743.09 of the Revised Code is not required to complete the requirements described in divisions (A)(2) and (4) of this section to receive a license under this section.

(C) A person who satisfies the criteria described in division (A) or (B) of this section shall pay a one-time fee of fifty dollars for the issuance of a license under this section.

(D) A license issued under this section is valid for the lifetime of the operator unless the license is revoked by the board pursuant to division (E) of this section.

(E) Persons who are under the age of sixteen may be trained in the operation of historical boilers by serving as apprentices to operators who are licensed under this section, in order to obtain the training required under division (A)(4) of this section for licensure.

(F) The board shall revoke a license issued under this section in accordance with rules the board adopts under division (A)(4) of section 4104.34 of the Revised Code. A person whose license is revoked may requalify for licensure if the person
satisfies the criteria the board establishes in rules it adopts pursuant to division (A)(5) of section 4104.34 of the Revised Code.

Sec. 4733.11. (A) The state board of registration for professional engineers and surveyors shall consider an applicant to be qualified for registration as a professional engineer if an applicant satisfies all of the requirements listed in either division (A)(1) or (2) of this section as follows:

(1)(a) Graduation from an accredited engineering curriculum of four years or more or completion of a registered apprenticeship program as described in section 4743.09 of the Revised Code;

(b) A specific record of four years or more of practical experience in engineering work completed in addition to, and not overlapping in time, any school work or training and related instruction completed under division (A)(1)(a) of this section that is acceptable to the board, not more than two years of which may be before graduation or finishing an apprenticeship program but after the completion of the second year of college or the apprenticeship program, indicating that the applicant is competent to be placed in responsible charge of such work;

(c) Passing the prescribed examinations under divisions (A) and (B) of section 4733.13 of the Revised Code.

(2)(a) Graduation from a college curriculum in engineering of four years or more that is not accredited, whose curricula is evaluated by the board and found to be of a high quality essentially equal to the curricula that are accredited by ABET, Inc., or graduation from a college curriculum in engineering technology of four years or more that is accredited by the
engineering technical accreditation commission of ABET, Inc.; or
completion of a registered apprenticeship program as described
in section 4743.09 of the Revised Code;

(b) Eight years or more of practical experience in
engineering work completed in addition to, and not overlapping
in time, any school work or training and related instruction
completed under division (A)(2)(a) of this section that is
acceptable to the state board of registration for professional
engineers and surveyors, not more than two years of which may be
before college graduation or finishing an apprenticeship program
but after completion of the second year of college or the
apprenticeship program, indicating that the applicant is
competent to be placed in responsible charge of such work;

(c) Passing the prescribed examinations under divisions
(A) and (B) of section 4733.13 of the Revised Code.

(B) The state board of registration for professional
engineers and surveyors shall consider an applicant to be
qualified for registration as a professional surveyor if the
applicant satisfies all of the requirements listed in either
division (B)(1) or (2) of this section as follows:

(1)(a) Graduation from an approved curriculum in surveying
of four years or more;

(b) A specific record of four years or more of surveying
office and field experience completed in addition to, and not
overlapping in time, any school work completed under division
(B)(1)(a) of this section that is of a character acceptable to
the board, at least two years of which shall be after college
graduation, with at least two of the four years of work in the
surveying of land boundaries under the direct supervision of a
professional surveyor, who may indicate in writing that the applicant is competent to be placed in responsible charge of the work;

(c) Passing the prescribed examinations under divisions (A) and (C) of section 4733.13 of the Revised Code.

(2)(a) Graduation from an accredited curriculum in civil engineering of four years or more in a recognized school or college;

(b) Successful completion of at least sixteen semester hours, or equivalent quarter or trimester hours, of approved surveying courses in surveying and mapping arts and sciences, except that courses successfully completed as prior studies may be credited by the board toward this requirement, of which at least six semester hours, or equivalent quarter or trimester hours, are in surveying of land boundaries;

(c) A specific record of four years or more of surveying office and field experience completed in addition to, and not overlapping in time, any school work completed under division (B)(2)(a) of this section that is of a character acceptable to the board, at least two years of which shall be after college graduation, with at least two of the four years of work in surveying of land boundaries under the direct supervision of a professional surveyor, who may indicate in writing that the applicant is competent to be placed in responsible charge of the work;

(d) Passing the prescribed examinations under divisions (A) and (C) of section 4733.13 of the Revised Code.

(C) Engineering experience, for a professional engineer's practical experience requirement, or surveying experience, for a
professional surveyor's practical experience requirement, in any
of the armed forces of the United States or civilian war
services may be credited for registration, if the experience is
acceptable to the board.

(D) As used in this section, "an approved curriculum in
surveying" is one which has been accredited by the related
accreditation committee of ABET, Inc., or one which has been
approved by the state board of registration for professional
engineers and surveyors.

(E) No person is eligible for registration as a
professional engineer, or professional surveyor, who is not of
good character and reputation.

(F) In considering the qualifications of applicants,
responsible charge of engineering or surveying teaching may be
construed as responsible charge of engineering or surveying
work, respectively. No applicant shall receive credit for more
than six years of engineering or surveying experience because of
educational qualifications. The mere execution, as a contractor,
of work designed by a professional engineer or professional
surveyor, or the supervision of the construction of such work as
a superintendent is not deemed to be practical experience in
engineering or surveying work.

(G) Every person applying for registration as a
professional engineer or professional surveyor shall be required
to pass the fundamentals examination and the principles and
practice examination as provided in section 4733.13 of the
Revised Code. In addition to passing each requisite examination,
each applicant must submit evidence, satisfactory to the board,
that the applicant has completed the practical experience
required in this section.
(H) The board shall require the applicant for registration as a professional engineer or professional surveyor to take two examinations. The first examination, known as the fundamentals examination, may be taken by the applicant at any time after the applicant has completed the required education under division (A) or (B) of this section, or, at the discretion of the board, an applicant may be permitted to take the first examination during the applicant's concluding term of an approved curriculum in engineering or surveying of four years or more or final year of a registered apprenticeship program.

(I) The board shall give an applicant an appropriate certificate showing the applicant's status as an engineer intern or surveyor intern upon the occurrence of all of the following:

1. The applicant provides proof to the board that the applicant has passed the fundamentals examination as described in division (A) of section 4733.13 of the Revised Code.

2. The board believes the applicant meets the requirements of this chapter based on verified evidence.

3. The applicant applies for registration in accordance with the requirements of this chapter.

4. The applicant pays the fee required pursuant to section 4733.12 of the Revised Code.

Each applicant applying for registration as a professional engineer or professional surveyor shall first be certified as an engineer intern or surveyor intern in this state.

(J) The applicant is not eligible to take the second examination, known as the principles and practice examination, until the applicant has passed the fundamentals examination.
(K) Any person having the necessary qualifications to entitle the person to registration is eligible for registration though the person may not be practicing the person's profession at the time of making application.

Sec. 4740.06. (A) Any individual who applies for a license shall file a written application with the appropriate specialty section of the Ohio construction industry licensing board, accompanied with the application fee as determined pursuant to section 4740.09 of the Revised Code. The application shall be on the form the section prescribes and verified by the applicant's oath. The applicant shall provide information satisfactory to the section showing that the applicant meets the requirements of division (B) of this section.

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

1. Be at least eighteen years of age;
2. Be a United States citizen or legal alien who produces valid documentation to demonstrate the individual is a legal resident of the United States;
3. Either have meet one of the following requirements demonstrating the individual's experience in the type of licensed trade for which the application is filed:
   a. Have been a tradesperson in the type of licensed trade for which the application is filed for not less than five years immediately prior to the date the application is filed;
   b. Be a currently registered engineer in this state with three years of business experience in the construction industry in the trade for which the engineer is applying to take an examination; or have
(c) Have completed a registered apprenticeship program as described in section 4743.09 of the Revised Code;

(d) Have other experience acceptable to the appropriate specialty section of the board;

(4) Maintain contractor's liability insurance in an amount the appropriate specialty section of the board determines and only in one contracting company name;

(5) Not have done any of the following:

(a) Been convicted of or pleaded guilty to a crime of moral turpitude or a disqualifying offense as those terms are defined in section 4776.10 of the Revised Code;

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

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

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

(C) When an applicant for licensure as a contractor in a licensed trade meets the qualifications set forth in division (B) of this section and passes the required examination, the appropriate specialty section of the board, within ninety days after the application was filed, shall authorize the administrative section of the board to license the applicant for the type of contractor's license for which the applicant qualifies. A specialty section of the board may withdraw its authorization to the administrative section for issuance of a
license for good cause shown, on the condition that notice of
that withdrawal is given prior to the administrative section's
issuance of the license.

(D)(1) Except as provided in division (D)(2) of this
section, if an applicant does not pass the required examination,
the applicant may retake the examination not less than sixty
days after the applicant's most recent examination.

(2) An applicant who does not pass the required
examination after taking the examination five times under this
section shall reapply for a license under division (A) of this
section before retaking the required examination any subsequent
time.

(E) All licenses a contractor holds pursuant to this
chapter shall expire annually on the same date, which shall be
the expiration date of the original license the contractor
holds. An individual holding a valid, unexpired license may
renew the license, without reexamination, by submitting an
application to the appropriate specialty section of the board
not more than ninety calendar days before the expiration of the
license, along with the renewal fee the specialty section
requires and proof of compliance with the applicable continuing
education requirements. The applicant shall provide information
in the renewal application satisfactory to demonstrate to the
appropriate specialty section that the applicant continues to
meet the requirements of division (B) of this section.

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

(F) An individual holding a valid license may request the section of the board that authorized that license to place the license in inactive status under conditions, and for a period of time, as that section determines.

(G) Except for the ninety-day extension provided for a license assigned to a contracting company under division (D) of section 4740.07 of the Revised Code, a license held by an individual immediately terminates upon the death of the individual.

(H) Nothing in any license issued by the Ohio construction industry licensing board shall be construed to limit or eliminate any requirement of or any license issued by the Ohio fire marshal.

(I)(1) Subject to divisions (I)(2), (3), and (4) of this section, no specialty section of the board shall adopt, maintain, renew, or enforce any rule, or otherwise preclude in any way, an individual from receiving or renewing a license under this chapter due to any past criminal activity or interpretation of moral character, except as pursuant to division (B)(5)(a) of this section. If the specialty section denies an individual a license or license renewal, the reasons for such denial shall be put in writing.

(2) Except as otherwise provided in this division, if an individual applying for a license has been convicted of or
pleaded guilty to a misdemeanor that is not a crime of moral turpitude or a disqualifying offense less than one year prior to making the application, the section may use its discretion in granting or denying the individual a license. Except as otherwise provided in this division, if an individual applying for a license has been convicted of or pleaded guilty to a felony that is not a crime of moral turpitude or a disqualifying offense less than three years prior to making the application, the section may use its discretion in granting or denying the individual a license. The provisions in this paragraph do not apply with respect to any offense unless the section, prior to September 28, 2012, was required or authorized to deny the application based on that offense.

In all other circumstances, the section shall follow the procedures it adopts by rule that conform to division (I)(1) of this section.

(3) In considering a renewal of an individual's license, the section shall not consider any conviction or plea of guilty prior to the initial licensing. However, the board may consider a conviction or plea of guilty if it occurred after the individual was initially licensed, or after the most recent license renewal.

(4) The section may grant an individual a conditional license that lasts for one year. After the one-year period has expired, the license is no longer considered conditional, and the individual shall be considered fully licensed.

(I)(J) Notwithstanding divisions (D)(E) and (H)(I) of this section and sections 4740.04 and 4740.05 of the Revised Code, the board may establish rules that amend the continuing education requirements and license renewal schedule for
licensees as provided in or adopted pursuant to those sections for the purpose of establishing a compliance incentive program. These rules may include provisions for the creation of the program and the qualifications, continuing education requirements, and renewal schedule for the program.

**Sec. 4743.09.** (A) As used in this section:

1. "License" means an authorization evidenced by a license, certificate, registration, permit, card, or other authority that is issued or conferred by a licensing authority to an individual by which the individual has or claims the privilege to engage in a profession, occupation, or occupational activity over which the licensing authority has jurisdiction.

2. "Licensing authority" means a state agency, as defined in section 1.60 of the Revised Code, that issues licenses under Title XLVII or any other provision of the Revised Code to practice an occupation or profession.

3. "Registered apprenticeship program" means any of the following programs:

   a. A program that trains an individual for one or more occupations through paid on-the-job training and related instruction that has been registered by the office of apprenticeship of the United States department of labor as meeting the minimum standards established by the "National Apprenticeship Act of 1937," 29 U.S.C. 50, and 29 C.F.R. Parts 29 and 30;

   b. An apprenticeship program registered by the department of job and family services under Chapter 4139. of the Revised Code;

   c. An apprenticeship program registered by the state
apprenticeship agency of another state that has been authorized
to register apprenticeship programs for federal purposes under
the laws of that state.

(4) "Registration entity" means the office of
apprenticeship of the United States department of labor, the
department of job and family services, or a state apprenticeship
agency of another state.

(5) "State apprenticeship agency" means the state
government agency that is authorized by the office of
apprenticeship of the United States department of labor to
register and oversee apprenticeship programs in the state.

(B)(1) A licensing authority shall grant a license to an
applicant who meets all of the following requirements:

(a) Has received a certificate from a registration entity
showing that the applicant has successfully completed a
registered apprenticeship program related to the profession or
occupation for which the applicant seeks a license;

(b) Except as provided in division (B)(2) of this section,
has passed an examination;

(c) Has satisfied any other requirements unrelated to
education or experience that the licensing authority requires an
applicant to satisfy to obtain an initial license.

(2) If a licensing authority does not require all
applicants for an initial license to pass an examination to be
issued the license, the licensing authority shall not require an
applicant to pass an examination to obtain a license.

(3) The licensing authority shall not establish a passing
score for an examination under division (B)(1)(b) of this
section that is higher than the passing score required for all other applicants required to take the examination for an initial license.

(C) Each licensing authority shall adopt any rules under Chapter 119. of the Revised Code that it determines are necessary to implement this section.

Sec. 4765.30. (A)(1) The state board of emergency medical, fire, and transportation services shall issue a certificate to practice as a first responder to an applicant who meets all of the following conditions:

(a) Except as provided in division (A)(2) of this section, is a volunteer for a nonprofit emergency medical service organization or a nonprofit fire department;

(b) Holds the appropriate certificate of completion issued in accordance with section 4765.24 of the Revised Code or has completed a registered apprenticeship program as described in section 4743.09 of the Revised Code;

(c) Passes the appropriate examination conducted under section 4765.29 of the Revised Code;

(d) Is not in violation of any provision of this chapter or the rules adopted under it;

(e) Meets any other certification requirements established in rules adopted under section 4765.11 of the Revised Code.

(2) The board may waive the requirement to be a volunteer for a nonprofit entity if the applicant meets other requirements established in rules adopted under division (B)(3) of section 4765.11 of the Revised Code relative to a person's eligibility to practice as a first responder.
(B) The state board of emergency medical, fire, and transportation services shall issue a certificate to practice as an emergency medical technician-basic to an applicant who meets all of the following conditions:

1. Holds a certificate of completion in emergency medical services training-basic issued in accordance with section 4765.24 of the Revised Code or has completed a registered apprenticeship program as described in section 4743.09 of the Revised Code;

2. Passes the examination for emergency medical technicians-basic conducted under section 4765.29 of the Revised Code;

3. Is not in violation of any provision of this chapter or the rules adopted under it;


(C) The state board of emergency medical, fire, and transportation services shall issue a certificate to practice as an emergency medical technician-intermediate or emergency medical technician-paramedic to an applicant who meets all of the following conditions:

1. Holds a certificate to practice as an emergency medical technician-basic;

2. Holds the appropriate certificate of completion issued in accordance with section 4765.24 of the Revised Code or has completed a registered apprenticeship program as described in section 4743.09 of the Revised Code;

3. Passes the appropriate examination conducted under
section 4765.29 of the Revised Code;

(4) Is not in violation of any provision of this chapter or the rules adopted under it;

(5) Meets any other certification requirements established in rules adopted under section 4765.11 of the Revised Code.

(D) A certificate to practice shall have a certification cycle established by the board and may be renewed by the board pursuant to rules adopted under section 4765.11 of the Revised Code. Not later than sixty days prior to the expiration date of an individual's certificate to practice, the board shall notify the individual of the scheduled expiration.

An application for renewal shall be accompanied by the appropriate renewal fee established in rules adopted under section 4765.11 of the Revised Code, unless the board waives the fee on determining pursuant to those rules that the applicant cannot afford to pay the fee. Except as provided in division (B) of section 4765.31 of the Revised Code, the application shall include evidence of either of the following:

(1) That the applicant received a certificate of completion from the appropriate emergency medical services continuing education program pursuant to section 4765.24 of the Revised Code;

(2) That the applicant has successfully passed an examination that demonstrates the competence to have a certificate renewed without completing an emergency medical services continuing education program. The board shall approve such examinations in accordance with rules adopted under section 4765.11 of the Revised Code.

(E) The board shall not require an applicant for renewal
of a certificate to practice to take an examination as a condition of renewing the certificate. This division does not preclude the use of examinations by operators of approved emergency medical services continuing education programs as a condition for issuance of a certificate of completion in emergency medical services continuing education.

Section 2. That existing sections 4104.19, 4104.35, 4733.11, 4740.06, and 4765.30 of the Revised Code are hereby repealed.

Section 3. Section 4740.06 of the Revised Code is presented in this act as a composite of the section as amended by both Am. Sub. H.B. 486 and Sub. S.B. 78 of the 130th General Assembly. The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the composite is the resulting version of the section in effect prior to the effective date of the section as presented in this act.