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# OHIO LEGISLATIVE SERVICE COMMISSION

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**To:** The Honorable Robert McColley  
Ohio Senate

**From:** Andrew Little, Attorney *AL*  
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**Date:** April 17, 2020

**Subject:** Surrounding state comparison of certain occupational regulations administered by the Department of Commerce

This memorandum compares the law governing historical boiler operators, home inspectors, and ski tramways in Ohio and each of the surrounding states. It assesses whether an occupational license is required to engage in the profession and, if so, describes any (1) education and training requirements, (2) experience requirements, (3) exam requirements, (4) continuing education requirements, (5) initial licensure fees, (6) the duration of the license, and (7) renewal fees. In Ohio, each of these professions is regulated by an independent board within the Department of Commerce.

## Historical Boiler Licensing Board

Historical Boiler Operator License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes, (R.C. 4104.32 and 4104.35).	No, boiler operators are not licensed; boilers are inspected. (I.C. 22-15-6-2). <sup>1</sup>	No. Boiler operators generally required to be licensed. No specific license for historical or antique boiler operators. (KRS 236.210.)	No. Boiler operators generally required to be registered. It does not appear that Michigan requires a distinct license for operating a historic or “antique” boiler. However, such boilers are required to be inspected annually, if used for a commercial purpose, or once every three years for all other antique boilers. (MCLS 339.5917.)	No. Antique boilers are inspected. No specific license for antique boiler operators. (35 P.S. 1330.3 and 1330.4.)	No. Boilers are inspected. No operators license. (W.Va. Code 21-3-7.)

<sup>1</sup> <https://faqs.in.gov/hc/en-us/articles/115005237508-What-are-the-licensing-requirements-for-boiler-operators->, accessed March 17, 2020.

Historical Boiler Operator License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Education or training	Yes, Board approved course (R.C. 4104.35(A)(2)).	N/A	N/A	N/A	N/A	N/A
Experience	Yes, 100 hours (R.C. 4104.35(A)(4)).	N/A	N/A	N/A	N/A	N/A
Exam	Yes (R.C. 4104.35(A)(3)).	N/A	N/A	N/A	N/A	N/A
Continuing education	No.	N/A	N/A	N/A	N/A	N/A
Initial licensure fee	\$50 (R.C. 4104.35(B)).	N/A	N/A	N/A	N/A	N/A
License duration	Infinite (R.C. 4104.35(C)).	N/A	N/A	N/A	N/A	N/A
Renewal fee	N/A	N/A	N/A	N/A	N/A	N/A

## Ohio Home Inspector Board

Home Inspector License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes (R.C. 4764.02).	Yes (Ind. Code Ann. 25-20.2-5-1).	Yes (KRS 198B.712(1)).	No <sup>2</sup>	No, though Pennsylvania does regulate the conduct of home inspectors (68 Pa.C.S. 7501 to 7513).	Yes (W. Va. CSR 87-5-2(1)).
Education or training	Yes, a curriculum approved by the Board in addition to a high school diploma or GED (R.C. 4764.07(D)(5) and (8)).	Yes, an Indiana Home Inspectors Licensing Board approved training program in addition to a high school diploma or GED (Ind. Code Ann. 25-20.2-5-2(a)(1) and (3)).	Yes, a Kentucky Board of Home Inspectors approved course in addition to a high school diploma or GED (KRS 198B.712(3)).	No	No	Yes, 80 hours of instruction directly related to the performance of professional home inspections and a high school diploma or GED (W. Va. CSR 87-5-4.1b and c). <sup>3</sup>

<sup>2</sup> Michigan.gov, *State License Search: Certified Home Inspector*, available at <https://www.michigan.gov/statelicensesearch/0,4671,7-180-24786-80983--,00.html> (accessed April 15, 2020).

<sup>3</sup> A grandfather clause allows applicants to substitute three-years of experience for the instruction in specified circumstances.

Home Inspector License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Experience	Yes, either by completing 10 inspections with a licensed home inspector or through a separate curriculum approved by the Ohio Home Inspector Board (R.C. 4764.07(D)(6)).	No (Ind. Code Ann. 25-20.2-5-2).	No ( <i>See e.g.</i> , 831 KAR 2:020).	No	No	No (W. Va. CSR 87-5-4).
Exam	Yes, the National Home Inspector Examination (R.C. 4764.07(D)(4)).	Yes, the National Home Inspector Examination (Ind. Code Ann. 25-20.2-5-2(3) and 878 IAC 1-3-3).	Yes, from a provider approved by the Kentucky Board of Home Inspectors (KRS 198B.712(3) and 831 KAR 2:020).	No	No	Yes, the National Home Inspector Examination or an alternative approved by the State Fire Marshal (W. Va. CSR 87-5-4.1a).
Continuing education	14 hours per year (R.C. 4764.08(A)).	32 hours for renewal (878 IAC 1-5-1(a)).	14 hours per year of licensure (831 KAR 2:040, Sec. 11).	No	No	16 hours per year (W. Va. CSR 87-5-6.4).

Home Inspector License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Initial licensure fee	\$235 <sup>4</sup>	\$50 (878 IAC 1-3-1).	\$250 (831 KAR 2:020, Sec. 1(1)(g)).	No	No	\$125 plus a \$25 application fee (W. Va. CSR 87-5-7.1 and .3).
License duration	3 years (R.C. 4764.09).	Generally, 2 years, though initial licenses may be for a shorter period (Ind. Code Ann. 25-20.2-6-1).	Generally, 2 years, though initial licenses may be for a shorter period (KRS 198B.722).	No	No	Generally 12 months, though initial licenses may be slightly longer (less than a month) (W. Va. CSR 87-5-6.1).
Renewal fee	\$235 <sup>5</sup>	\$50 (878 IAC 1-3-1 and 878 IAC 1-5-1).	\$200 per year of licensure (typically \$400) (831 KAR 2:020, Sec. 5).	No	No	\$100 (W. Va. CSR 87-5-7.2).

<sup>4</sup> Proposed Ohio Administrative Code (O.A.C.) 1301:17-1-03(A) (note: withdrawal has been suggested for this proposed rule). <http://www.registerofohio.state.oh.us/rules/search;jsessionid=65c2467d833770a6c0a531a511fb%20%3Chttp://www.registerofohio.state.oh.us/rules/search%3bjsessionid=65c2467d833770a6c0a531a511fb%3E>.

<sup>5</sup> Proposed O.A.C. 1301:17-1-03(B) (note: withdrawal has been suggested for this proposed rule). <http://www.registerofohio.state.oh.us/rules/search;jsessionid=65c2467d833770a6c0a531a511fb%20%3Chttp://www.registerofohio.state.oh.us/rules/search%3bjsessionid=65c2467d833770a6c0a531a511fb%3E>.

## Ski Tramway Board

Ski Tramways						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	No. Businesses operating ski tramways apply for a business registration. It is not the same as an occupational license. For example, it does not give the holder of the license the right to operate any ski tramway anywhere in Ohio. There is no education requirement or experience requirement. The tramways are merely inspected. (R.C. 4169.03.)	No. Ski lifts are included under the definition of “regulated amusement device.” Regulated amusement devices receive operating permits and are inspected and renewed annually. (Burns Ind. Code Ann. 22-12-1-19.1 and 22-15-7-2.)	No. There do not appear to be any ski lifts or tramways in Kentucky.	No. Ski lifts are required to be inspected and permitted. (MCLS 408.329.)	No. Ski lifts are inspected and permitted. (35 P.S. 7210.105(C)(1) and 71 P.S. 240.13A(a)(2)(C).)	No. It does not appear that West Virginia ski lift operators are specifically required to conduct inspections. However, they are required to carry insurance and the insurer likely requires inspections. (W.Va. Code 20-3A-6.)
Education or training	N/A	N/A	N/A	N/A	N/A	N/A
Experience	N/A	N/A	N/A	N/A	N/A	N/A
Exam	N/A	N/A	N/A	N/A	N/A	N/A

Ski Tramways						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Continuing education	N/A	N/A	N/A	N/A	N/A	N/A
Initial licensure fee	N/A	N/A	N/A	N/A	N/A	N/A
License duration	N/A	N/A	N/A	N/A	N/A	N/A
Renewal fee	N/A	N/A	N/A	N/A	N/A	N/A