

As Introduced

132nd General Assembly

Regular Session

2017-2018

H. B. No. 745

Representative Young

A BILL

To amend section 3737.51 and to enact section 1
3737.15 of the Revised Code to require marina 2
operators to obtain electrical inspections 3
before scheduled fire code examinations. 4

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

Section 1. That section 3737.51 be amended and section 5
3737.15 of the Revised Code be enacted to read as follows: 6

Sec. 3737.15. (A) As used in this section: 7

(1) "Electrical contractor" means a person licensed as an 8
electrical contractor by the Ohio construction industry 9
licensing board under Chapter 4740. of the Revised Code. 10

(2) "Marina" means any portion of the waters in this 11
state, either naturally or artificially protected, for the 12
mooring, servicing, or safety of watercraft, including 13
artificially protected works, the public or private lands 14
ashore, and structures or facilities provided within the 15
enclosed body of water for the mooring or servicing of 16
watercraft or the servicing of their crews or passengers. 17

(3) "Watercraft" has the same meaning as in section 18

1546.01 of the Revised Code. 19

(4) "Waters in this state" has the same meaning as in 20
section 1546.01 of the Revised Code. 21

(B) If the state fire marshal, any assistant fire marshal, 22
the chief of the fire department of a municipal corporation 23
where a fire department is established, the chief of the fire 24
department in a township where a fire department is established, 25
and such members of any such departments as may be designated by 26
such chief, the fire prevention officer of a municipal 27
corporation where no fire department exists, or the fire 28
prevention officer of a township where no fire department is 29
established examines, pursuant to section 3737.14 of the Revised 30
Code, a marina where watercraft requiring registration under 31
Chapter 1547. of the Revised Code are moored or serviced, and 32
schedules such examination with the marina operator in advance, 33
then the examining official shall do both of the following: 34

(1) Inform, at the time the examination is scheduled, the 35
marina operator of the marina operator's obligations under 36
division (C) of this section; 37

(2) Demand, at the time of the examination, that the 38
marina operator produce the certificate required by division (C) 39
of this section. 40

(C) (1) Not more than three years before an examination 41
described in division (B) of this section, the person that 42
operates the marina that is to be examined shall obtain a 43
certification from an electrical contractor stating that all 44
electrical equipment at the marina that is provided for use by a 45
watercraft or a watercraft's crew or passengers was inspected by 46
the electrical contractor and found to be in compliance with 47

either of the following: 48

(a) Paragraph (C) (5) of rule 1301:7-7-36 of the 49
Administrative Code; 50

(b) Any other standard designated by the state fire 51
marshal in the state fire code. 52

(2) No marina operator shall fail to produce a 53
certification required by division (C) (1) of this section upon 54
demand made pursuant to division (B) (2) of this section. Any 55
such failure shall be considered a dangerous condition due to 56
defective or poorly installed electrical wiring and equipment 57
under division (A) of section 3737.41 of the Revised Code. 58

Sec. 3737.51. (A) No person shall knowingly violate any 59
provision of the state fire code or any order made pursuant to 60
it. 61

(B) Any person who has received a citation for a serious 62
violation of the fire code or any order issued pursuant to it, 63
shall be assessed a civil penalty of not more than one thousand 64
dollars for each such violation. 65

(C) Any person who has received a citation for a violation 66
of the fire code or any order issued pursuant to it, and such 67
violation is specifically determined not to be of a serious 68
nature, may be assessed a civil penalty of not more than one 69
thousand dollars for each such violation. 70

(D) Any person who has received a citation pursuant to 71
section 3737.41 of the Revised Code as a result of the person's 72
failure to produce a certification as required by section 73
3737.15 of the Revised Code may be assessed a civil penalty of 74
not more than one thousand dollars for each such failure. 75

(E) Any person who fails to correct a violation for which 76
a citation has been issued within the period permitted for its 77
correction, may be assessed a civil penalty of not more than one 78
thousand dollars for each day during which such failure or 79
violation continues. 80

~~(E)~~(F) Any person who violates any of the posting 81
requirements, as prescribed by division (C) of section 3737.42 82
of the Revised Code, shall be assessed a civil penalty of not 83
more than one thousand dollars for each violation. 84

~~(F)~~(G) Due consideration to the appropriateness of the 85
penalty with respect to the gravity of the violation, the good 86
faith of the person being charged, and the history of previous 87
violations shall be given whenever a penalty is assessed under 88
this chapter. 89

~~(G)~~(H) For purposes of this section, a serious violation 90
shall be considered to exist if there is a substantial 91
probability that an occurrence causing death or serious physical 92
harm to persons could result from a condition which exists, or 93
from one or more practices, means, methods, operations, or 94
processes which have been adopted or are in use, unless the 95
person did not and could not with the exercise of reasonable 96
diligence, know of the presence of the violation. 97

~~(H)~~(I) Civil penalties imposed by this chapter shall be 98
paid to the fire marshal for deposit into the general revenue 99
fund. Such penalties may be recovered in a civil action in the 100
name of the state brought in the court of common pleas of the 101
county where the violation is alleged to have occurred. 102

Section 2. That existing section 3737.51 of the Revised 103
Code is hereby repealed. 104