

As Introduced

**132nd General Assembly
Regular Session
2017-2018**

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
<u>(2) A certificate of operation provided to the owner of an</u>	108
<u>elevator installed in a private residence need not be renewed,</u>	109
<u>except as provided in division (B) (2) of section 4105.10 of the</u>	110
<u>Revised Code.</u>	111
<u>Sec. 4105.30.</u> (A) <u>It shall be the responsibility of the</u>	112
<u>owner of all conveyances to have an elevator contractor licensed</u>	113
<u>under Chapter 4785. of the Revised Code ensure that the required</u>	114
<u>tests are performed at intervals in compliance with the ASME</u>	115
<u>A17.1/CSA B44 Appendix N, ASME A18.1, and ASCE 21. All tests</u>	116
<u>shall be performed by an elevator mechanic licensed under</u>	117
<u>Chapter 4785. of the Revised Code.</u>	118
<u>(B) As used in this section, "ASME A17.1," "ASME A18.1,"</u>	119
<u>"ASCE 21," and "conveyance" have the same meanings as in section</u>	120
<u>4785.01 of the Revised Code.</u>	121
<u>Sec. 4785.01.</u> (A) <u>As used in this chapter:</u>	122
<u>(1) "Automated people mover" means an installation as</u>	123
<u>defined in the automated people mover standards.</u>	124
<u>(2) "Automated people mover standards" means the standards</u>	125
<u>adopted by the American society of civil engineers, commonly</u>	126
<u>referred to as ASCE 21.</u>	127
<u>(3) "Belt manlifts safety standards" means the safety</u>	128
<u>standards commonly referred to as ASME 90.1.</u>	129
<u>(4) "Board" means the elevator safety review board, which</u>	130
<u>is within the board of building standards and under the</u>	131
<u>department of commerce.</u>	132
<u>(5) "Business entity" includes a sole proprietorship,</u>	133
<u>partnership, and corporation.</u>	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) (1) 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>(2) A person or entity providing conveyance services,</u>	281
<u>including wiring a conveyance, exclusively in private residences</u>	282
<u>that is not licensed under this chapter shall notify the</u>	283
<u>division of this fact. This notification shall include a list of</u>	284
<u>all of the person's or entity's employees who provide conveyance</u>	285
<u>services, as applicable. The person or entity shall update the</u>	286
<u>notification as often as necessary to ensure that it contains an</u>	287
<u>accurate list of the person's or entity's employees who provide</u>	288
<u>conveyance services.</u>	289
<u>(D) (1) Except as provided in division (D) (2) of this</u>	290
<u>section, a person shall not dismantle a conveyance unless</u>	291
<u>licensed under this chapter.</u>	292
<u>(2) Division (D) (1) of this section does not apply to a</u>	293
<u>conveyance that is to be destroyed as a result of a complete</u>	294
<u>demolition of a secured building or structure or where the</u>	295
<u>hoistway or wellway is demolished back to the basic support</u>	296
<u>structure and where no access is permitted therein.</u>	297
<u>Sec. 4785.04. (A) Any business entity wishing to provide</u>	298
<u>conveyance services shall apply for an elevator contractor's</u>	299
<u>license with the division of industrial compliance within the</u>	300

department of commerce on a form provided by the division. 301

(B) Any individual wishing to provide conveyance services 302
shall apply for an elevator mechanic's license with the division 303
of industrial compliance on a form provided by the division. 304

(C) An application made under this section shall contain 305
all of the following: 306

(1) (a) If an applicant is an individual or sole 307
proprietor, the name, residence address, and business address of 308
the applicant; 309

(b) If an applicant is a partnership, the name, residence 310
address, and business address of each partner; 311

(c) If an applicant is a domestic corporation, the name 312
and business address of the corporation and the name and 313
residence address of the principal officer of the corporation; 314

(d) If the applicant is a corporation other than a 315
domestic corporation, the name and address of an agent located 316
in this state who shall be authorized to accept service of 317
process and official notices. 318

(2) The number of years the applicant has engaged in the 319
business of conveyance services; 320

(3) If the applicant is applying for an elevator 321
contractor's license, both of the following: 322

(a) The approximate number of persons, if any, to be 323
employed by the applicant, and if applicable, satisfactory 324
evidence that the employees are or will be covered by workers' 325
compensation insurance in accordance with section 4785.07 of the 326
Revised Code; 327

(b) Satisfactory evidence that the applicant and all 328
employees are, or will be, covered by general liability, 329
personal injury, and property damage insurance in accordance 330
with section 4785.07 of the Revised Code. 331

(4) A description of the criminal convictions and pleas of 332
guilty of the applicants and each employee, if any, as verified 333
by a criminal records check; 334

(5) Such other information as the division considers 335
appropriate. 336

(D) The division may issue an elevator mechanic's license 337
to an applicant only if that applicant has demonstrated one of 338
the following qualifications: 339

(1) An acceptable combination of documented experience and 340
education credits, as follows: 341

(a) Not less than three years of work experience in the 342
elevator industry, in construction, maintenance, service, 343
repair, or any combination thereof, as verified by current and 344
previous employers licensed to do business in this state; 345

(b) Satisfactory completion of a written examination 346
administered by the division, or by a testing agency approved by 347
the division, on the most recent referenced codes and standards. 348

(2) (a) Acceptable proof that the applicant has worked as 349
an elevator construction, maintenance, or repair person, 350
consisting of having worked without direct and immediate 351
supervision for an elevator contractor authorized to do business 352
in this state for a period of not less than three years 353
immediately prior to the effective date of this section; 354

(b) An applicant seeking to establish qualifications 355

pursuant to division (D)(2)(a) of this section shall apply 356
within one year of the effective date of this section. 357

(3) A certificate of completion or other evidence of 358
having successfully passed the mechanic examination of a 359
nationally recognized training program for the elevator 360
industry, such as the national elevator industry educational 361
program or the certified elevator technician program of the 362
national association of elevator contractors; 363

(4) A certificate of completion of an apprenticeship 364
program for elevator mechanics that has standards substantially 365
equal to those of this chapter and is registered with the bureau 366
of apprenticeship and training, United States department of 367
labor, or a state apprenticeship council; 368

(5) A valid license from a state having standards 369
substantially equal to those of this chapter, upon application 370
and without examination. 371

(E) The division shall not issue an elevator mechanic's 372
license to any applicant to which any of the following apply: 373

(1) The applicant has been convicted of or pleaded guilty 374
or no contest to a crime of moral turpitude or disqualifying 375
offense as those terms are defined in section 4776.10 of the 376
Revised Code and the rules adopted pursuant to division (A)(2) 377
of section 4785.08 of the Revised Code. 378

(2) The applicant has violated any provision of this 379
chapter. 380

(3) The applicant has violated any rule adopted pursuant 381
to this chapter. 382

(4) The applicant has demonstrated incompetence or 383

<u>untrustworthiness.</u>	384
<u>(5) The applicant has engaged in fraud, misrepresentation,</u>	385
<u>or deception in the conduct of business.</u>	386
<u>(6) The applicant has obtained or attempted to obtain a</u>	387
<u>license or renewal of such license pursuant to this chapter by</u>	388
<u>means of fraud, deception, or misrepresentation.</u>	389
<u>(7) The applicant has obtained or attempted to obtain an</u>	390
<u>order, ruling, or authorization from the division of industrial</u>	391
<u>compliance by means of fraud or misrepresentation.</u>	392
<u>(F) (1) The division may issue an elevator contractor's</u>	393
<u>license to a business entity only if the applicant has in its</u>	394
<u>employ a licensed elevator mechanic and has proof of compliance</u>	395
<u>with the insurance requirements prescribed in section 4785.07 of</u>	396
<u>the Revised Code.</u>	397
<u>(2) The division may issue an elevator contractor's</u>	398
<u>license to an applicant that holds a valid license from a state</u>	399
<u>having standards substantially equal to those of this chapter.</u>	400
<u>(G) Upon approval of an application made under this</u>	401
<u>section, the division shall issue a license to the applicant.</u>	402
<u>(H) Any license issued under this section shall be valid</u>	403
<u>for a period of two years and may be renewed.</u>	404
<u>Sec. 4785.041.</u> (A) <u>The division may renew a license issued</u>	405
<u>under section 4785.04 of the Revised Code if the licensee does</u>	406
<u>all of the following:</u>	407
<u>(1) Submits an application for license renewal on a form</u>	408
<u>prescribed by the division;</u>	409
<u>(2) Pays the license renewal fee established by the</u>	410

division; 411

(3) Submits evidence that the applicant has completed the 412
continuing education coursework described in division (B) of 413
this section; 414

(4) If the license is an elevator contractor's license, 415
submits proof that the applicant is in compliance with the 416
insurance requirements prescribed in section 4785.07 of the 417
Revised Code. 418

(B) Such continuing education courses shall: 419

(1) Instruct licensees on new and existing rules and 420
standards adopted by the division; 421

(2) Consist of not less than eight hours of instruction; 422

(3) Be attended and completed within one year immediately 423
preceding the scheduled date for the license renewal; 424

(4) Be taught by instructors through continuing education 425
providers approved by the division. 426

(C) All continuing education instructors shall be exempt 427
from the continuing education requirement prescribed in division 428
(A) (3) of this section, provided that such applicant was 429
qualified as an instructor at any time during the year 430
immediately preceding the scheduled date for the license 431
renewal. 432

(D) (1) A licensee who is unable to complete the continuing 433
education coursework required under this section prior to the 434
expiration of their license due to a temporary disability may 435
apply for a temporary continuing education waiver from the 436
division. 437

(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. 438
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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 licensee's license off inactive status and shall issue a waiver sticker, valid for ninety days, to the licensee and affix the sticker to the license. The licensee may then perform the tasks the license authorizes the licensee to perform but the licensee shall meet the continuing education requirement during this ninety-day period or be considered to have not met the continuing education requirement and the license shall be deemed to be expired. 445
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(E) (1) Approved continuing education providers shall keep uniform records, for a period of ten years, of attendance of licensees in a format approved by the division. Such records shall be available for inspection by the division upon request. 457
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(2) Approved training providers shall be responsible for the security of all attendance records and certificates of completion, provided, however, that falsifying or knowingly allowing another to falsify such attendance records or certificates of completion shall constitute grounds for suspension or revocation of a continuing education provider's division approval. 461
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(F) The division shall not renew the license of any individual or entity that fails to meet the standard prescribed in division (E) of section 4785.04 of the Revised Code. 468
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Sec. 4785.05. (A) Whenever the division determines that an emergency exists due to disaster, act of God, or work stoppage, and the number of persons in the state holding elevator mechanic's licenses issued by the division is insufficient to cope with the emergency, the division shall declare such a state of emergency and respond as prescribed in this section to assure the safety of the public. 471
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(B) Notwithstanding section 4785.03 of the Revised Code, during such a state of emergency, any person found by a licensed elevator contractor to have an acceptable combination of documented experience and education to perform conveyance services without direct and immediate supervision may perform conveyance services without an elevator mechanic's license, as provided in this section. 478
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(C) Such a person shall seek an emergency elevator mechanic's license from the division within five business days after commencing work that would otherwise require an elevator mechanic's license. 485
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(D) An elevator contractor associated with a person seeking an emergency elevator mechanic's license shall furnish proof of competency as the division may require. 489
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(E) (1) An emergency elevator mechanic's license shall be valid for a period of forty-five days from the date of issuance. 492
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(2) The division may restrict the validity of an emergency elevator mechanic's license to a particular conveyance or geographical area as the division sees fit, but shall otherwise 494
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entitle the licensee to the rights and privileges of an elevator 497
mechanic's license issued pursuant to this chapter. 498

(F) The division may renew an emergency elevator 499
mechanic's license for the duration of a state of emergency. 500

(G) No fee shall be charged for any emergency elevator 501
mechanic's license or renewal thereof. 502

Sec. 4785.051. (A) An elevator contractor shall notify the 503
division when there are no licensed elevator mechanics available 504
to provide conveyance services and may request that the division 505
issue temporary elevator mechanic's licenses to persons 506
certified by the licensed elevator contractor to have an 507
acceptable combination of documented experience and education to 508
provide conveyance services without direct and immediate 509
supervision. 510

(B) Any person certified by an elevator contractor to have 511
an acceptable combination of documented experience and education 512
to provide conveyance services without direct and immediate 513
supervision shall immediately seek a temporary elevator 514
mechanic's license from the division and shall pay an 515
application fee as set by the division. If the division is 516
satisfied as to the person's qualifications, the division shall 517
issue a temporary elevator mechanic's license to the person. 518

(C) A temporary license issued under this section shall be 519
valid only for a specified term set by the division, which shall 520
be noted on the license, and only while the licensee is employed 521
by the elevator contractor that certified the individual as 522
being qualified. 523

(D) A temporary elevator mechanic's license shall be 524
renewable in accordance with rules adopted by the division. 525

Sec. 4785.06. Licensees shall ensure that installation, service, and maintenance of a conveyance is performed in accordance with state and local law and with generally accepted standards referenced in such laws or related rules. 526
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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. 530
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Sec. 4785.07. (A) Elevator contractors shall submit to the division proof of insurance coverage greater than or equal to the following amounts: 533
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(1) One million dollars for injury or death of any number of persons in any one occurrence; 536
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(2) Five hundred thousand dollars for property damage in any one occurrence; 538
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(3) Workers' compensation insurance coverage. 540

(B) Such proof of insurance shall be delivered to the division before or at the time of the issuance or renewal of a license. 541
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(C) If any policy required under this section is materially altered or canceled, the elevator contractor covered by the policy shall give notice of the material alteration or cancellation to the division at least ten days prior to the change. 544
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Sec. 4785.08. (A) In accordance with Chapter 119. of the Revised Code, the superintendent of industrial compliance shall adopt rules pertaining to all of the following: 549
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(1) The issuance and renewal of elevator mechanic's licenses and elevator contractor's licenses; 552
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<u>(2) A list of disqualifying offenses, pursuant to division</u>	554
<u>(E) of section 4785.04 of the Revised Code.</u>	555
<u>(B) In accordance with Chapter 119. of the Revised Code,</u>	556
<u>the superintendent may adopt rules pertaining to all of the</u>	557
<u>following:</u>	558
<u>(1) Assisting in the development of public awareness</u>	559
<u>programs;</u>	560
<u>(2) Classifications or subclassifications of licenses for</u>	561
<u>elevator mechanics and elevator contractors;</u>	562
<u>(3) Monitoring inspections and testing in order to ensure</u>	563
<u>satisfactory performance by licensees;</u>	564
<u>(4) Fee schedules for elevator mechanic and elevator</u>	565
<u>contractor licenses. The fees shall reflect the actual costs and</u>	566
<u>expenses necessary to administer this chapter.</u>	567
<u>(5) Establishing standards for the approval of license</u>	568
<u>testing agencies, pursuant to division (D)(1)(b) of section</u>	569
<u>4785.04 of the Revised Code;</u>	570
<u>(6) Establishing standards for the approval of continuing</u>	571
<u>education and training providers, pursuant to division (B) of</u>	572
<u>section 4785.041 of the Revised Code;</u>	573
<u>(7) Any other rules necessary to administer and carry out</u>	574
<u>this chapter.</u>	575
<u>(C) Notwithstanding divisions (A) and (B) of this section</u>	576
<u>or Chapter 4105. of the Revised Code, the superintendent shall</u>	577
<u>not adopt rules relating to the construction, maintenance, and</u>	578
<u>repair of elevators, except as pertaining to licensing</u>	579
<u>individuals under this chapter.</u>	580

(D) The superintendent may exercise such other powers and 581
duties as are necessary to carry out the purpose and intent of 582
this chapter. 583

Sec. 4785.09. (A) There is hereby created, within the 584
board of building standards established by section 3781.07 of 585
the Revised Code, the elevator safety review board. 586

(B) The board shall be responsible for investigating 587
violations of this chapter, holding disciplinary administrative 588
hearings, and assessing penalties in accordance with sections 589
4785.091 and 4785.092 of the Revised Code. 590

(C) The board shall consist of the following members: 591

(1) The director of commerce or the director's designee; 592

(2) A representative of the board of building standards; 593

(3) The following individuals, appointed by the governor: 594

(a) One representative of a major elevator manufacturing 595
company; 596

(b) One representative of an elevator servicing company; 597

(c) One representative of the architectural design or 598
elevator consulting profession; 599

(d) One representative of the general public; 600

(e) One representative of municipal corporations in this 601
state; 602

(f) One representative of building owners or managers; 603

(g) One representative of the building trade, comprised of 604
an individual providing conveyance services. 605

(D) The term of those members appointed to the board shall 606

be three years. Vacancies shall be filled in the same manner as 607
the original appointments. 608

(E) All members of the board shall serve without salary, 609
but shall be reimbursed for all expenses necessary in the 610
performance of their duties. 611

(F) (1) The governor shall appoint one of the members to 612
serve as chair of the board. 613

(2) A majority of the board shall constitute a quorum. 614

(3) The chair shall be the deciding vote in the event of a 615
tie vote. 616

(G) (1) The board shall meet and organize within ten days 617
after the appointment of its members and at such meeting shall 618
elect from its members one secretary of the board to serve for a 619
term as prescribed in rules adopted by the board. 620

(2) (a) The board shall meet not less than once a month and 621
as often as the board considers necessary for the consideration 622
of code regulations, appeals, and variances, and for the 623
transaction of such other business as properly may come before 624
it. 625

(b) Special meetings shall be called as prescribed in 626
rules adopted by the board. 627

(H) The seat of any appointed board member absent from 628
three consecutive meetings shall be deemed vacant. 629

Sec. 4785.091. (A) The board may suspend or revoke a 630
license issued pursuant to this chapter or subject the licensee 631
to civil penalty upon verification that the licensee has 632
committed one or more of the following: 633

(1) Having been convicted of or pleading guilty to a crime of moral turpitude or disqualifying offense as those terms are defined in section 4776.10 of the Revised Code and rules adopted pursuant to division (A) (2) of section 4785.08 of the Revised Code; 634
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(2) Violating any provision of this chapter; 639

(3) Violating any rule adopted pursuant to this chapter; 640

(4) Demonstrating incompetence or untrustworthiness; 641

(5) Engaging in fraud, misrepresentation, or deception in the conduct of business; 642
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(6) Obtaining or attempting to obtain a license or renewal of such license pursuant to this chapter by means of fraud, deception, or misrepresentation; 644
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(7) Obtaining or attempting to obtain an order, ruling, or authorization from the division of industrial compliance by means of fraud or misrepresentation. 647
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(B) (1) An administrative action taken under division (A) of this section shall be made only after a hearing held by the board in accordance with Chapter 119. of the Revised Code. 650
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(2) Notice of such a hearing shall be provided to the licensee in question at least ten days prior to the hearing at the last known address appearing on the license, served personally or by registered mail. 653
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The notice shall state the date, hour, and place of the hearing and set forth a statement of facts constituting the grounds for the charges against the licensee. 657
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(C) (1) If the board revokes or suspends the license of a 660

licensee or subjects the license holder to a civil penalty, the 661
licensee may appeal such a determination to a hearing officer 662
appointed by the board. 663

(2) The board shall hold a hearing on such an appeal 664
within thirty days after the appeal is made and shall provide 665
written notice to all interested parties of the hearing within 666
fifteen days after the hearing. 667

(3) The board shall issue a final decision on the appeal 668
within thirty days of the hearing. 669

Sec. 4785.092. (A) (1) Any person may request an 670
investigation into an alleged violation of this chapter by 671
giving notice to the board of a potential violation or danger. 672

(2) Such notice shall be in writing, shall set forth with 673
reasonable particularity the grounds for the notice, and shall 674
be signed by the person making the request. 675

(3) Upon the request of any person signing the notice, the 676
person's name shall not appear on any copy of such notice or any 677
record published, released, or made available. 678

(B) (1) If, upon receipt of such a request, the board 679
determines that there are reasonable grounds to believe that the 680
violation or danger exists, the board shall investigate whether 681
or not a violation or danger exists. 682

(2) If the board determines that there are no reasonable 683
grounds to believe that a violation or danger exists, the board 684
shall notify the person making the request in writing of that 685
determination. 686

Sec. 4785.99. Whoever recklessly violates any of the 687
provisions of this chapter shall be fined not more than one 688

thousand five hundred dollars, sentenced to a jail term not 689
exceeding thirty days, or both. 690

Section 2. That existing sections 121.084, 4105.01, 691
4105.10, and 4105.15 of the Revised Code are hereby repealed. 692

Section 3. The General Assembly's intent in enacting this 693
act is to provide for the safety of installers, maintainers, and 694
users of elevators and other conveyances, as well as to promote 695
public safety awareness regarding the same. The use of unsafe 696
and defective lifting devices imposes a substantial probability 697
of serious and preventable injury to employees and the public. 698
The prevention of these injuries and protection of employees and 699
the public from unsafe conditions is in the best interest of the 700
people of this state. Elevator personnel performing work covered 701
by this act shall, by documented training, experience, or both, 702
be familiar with the operation and safety functions of the 703
components and equipment. Training and experience shall include 704
recognizing the safety hazards and performing the procedures to 705
which they are assigned in conformance with the requirements of 706
this act. This act shall be considered the minimum standards for 707
elevator and conveyance personnel. 708