

**As Passed by the Senate**

**134th General Assembly**

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**Am. Sub. H. B. No. 107**

**Representative Baldrige**

**Cosponsors: Representatives Young, T., Sweeney, Cross, Abrams, Ghanbari, Johnson, Cutrona, Brent, Carfagna, Edwards, Galonski, Hicks-Hudson, Hillyer, Jones, Kelly, Leland, Lepore-Hagan, Lightbody, Loychik, Miller, A., Miller, J., O'Brien, Russo, Sheehy, Smith, K., Sobecki, Upchurch, Weinstein, West**

**Senators Antonio, Cirino, Craig, Hackett, Hoagland, Johnson, Rulli, Thomas, Yuko**

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**A BILL**

To amend sections 4105.01 and 4105.10 and to enact 1  
sections 4105.30, 4785.01, 4785.02, 4785.021, 2  
4785.03, 4785.04, 4785.041, 4785.05, 4785.051, 3  
4785.06, 4785.07, 4785.08, 4785.09, 4785.091, 4  
4785.092, 4785.10, and 4785.99 of the Revised 5  
Code to revise the Elevator Law and to repeal 6  
sections 4105.30, 4785.01, 4785.02, 4785.021, 7  
4785.03, 4785.04, 4785.041, 4785.05, 4785.051, 8  
4785.06, 4785.07, 4785.08, 4785.09, 4785.091, 9  
4785.092, 4785.10, and 4785.99 of the Revised 10  
Code on the date that is ten years after the 11  
effective date of this act to subsequently 12  
eliminate licensure of elevator contractors and 13  
mechanics in ten years. 14

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

**Section 1.** That sections 4105.01 and 4105.10 be amended 15

and sections 4105.30, 4785.01, 4785.02, 4785.021, 4785.03, 16  
4785.04, 4785.041, 4785.05, 4785.051, 4785.06, 4785.07, 4785.08, 17  
4785.09, 4785.091, 4785.092, 4785.10, and 4785.99 of the Revised 18  
Code be enacted to read as follows: 19

**Sec. 4105.01.** As used in this chapter: 20

(A) "Elevator" means a hoisting and lowering apparatus 21  
equipped with a car, cage, or platform which moves on or between 22  
permanent rails or guides and serves two or more fixed landings 23  
in a building or structure to which section 3781.06 of the 24  
Revised Code applies or in a private residence. "Elevator" 25  
includes dumb-waiters other than hand-powered dumb-waiters, 26  
escalators, manlifts, moving walks, of the endless belt type, 27  
other lifting or lowering apparatus permanently installed on or 28  
between rails or guides, and all equipment, machinery, and 29  
construction related to any elevator; but does not include 30  
construction hoists and other similar temporary lifting or 31  
lowering apparatuses, ski lifts, chairlifts installed in a 32  
private residence, a lifting device installed in a showroom for 33  
demonstration purposes only, traveling, portable amusement rides 34  
or devices that are not affixed to a permanent foundation, or 35  
nonportable amusement rides or devices that are affixed to a 36  
permanent foundation. 37

(B) "Passenger elevator" means an elevator that is 38  
designed to carry persons to its contract capacity. 39

(C) "Freight elevator" means an elevator normally used for 40  
carrying freight and on which only the operator and employees in 41  
the pursuit of their duties, by the permission of the employer, 42  
are allowed to ride. 43

(D) "Gravity elevator" means an elevator utilizing gravity 44

to move. 45

(E) "General inspector" means a state inspector examined 46  
and hired to inspect elevators and lifting apparatus for that 47  
state. 48

(F) "Special inspector" means an inspector examined and 49  
commissioned by the superintendent of industrial compliance to 50  
inspect elevators and lifting apparatus in the state. 51

(G) "Inspector" means either a general or special 52  
inspector. 53

(H) "Private residence" means a distinct building or a 54  
unit in a multiple dwelling building that is occupied by members 55  
of a single-family unit. 56

**Sec. 4105.10.** (A) Except as provided in division (B) of 57  
this section, elevators shall be inspected in accordance with 58  
the following: 59

(1) Every passenger elevator, escalator, moving walk, and 60  
freight elevator, including gravity elevators, shall be 61  
inspected twice every twelve months. 62

~~(B)~~ (2) Power dumb-waiters, hoists, and other lifting or 63  
lowering apparatus, not designed to carry persons, permanently 64  
installed, either on or between rails or guides, shall be 65  
inspected at least once every twelve months. 66

~~(C)~~ (3) The board of building standards may designate, by 67  
rule, classifications of passenger elevators with a capacity of 68  
seven hundred fifty pounds or less that shall be inspected once 69  
every twelve months. 70

(B) Division (A) of this section does not apply to an 71  
elevator installed in a private residence. 72

Sec. 4105.30. (A) It shall be the responsibility of the 73  
owner of all conveyances to have an elevator contractor licensed 74  
under Chapter 4785. of the Revised Code ensure that the required 75  
tests are performed at intervals in compliance with the ASME 76  
A17.1/CSA B44 Appendix N and ASCE 21. All tests shall be 77  
performed by an elevator mechanic licensed under Chapter 4785. 78  
of the Revised Code. 79

(B) As used in this section, "ASME A17.1," "ASCE 21," and 80  
"conveyance" have the same meanings as in section 4785.01 of the 81  
Revised Code. 82

Sec. 4785.01. (A) As used in this chapter: 83

(1) "Automated people mover" means an installation as 84  
defined in the automated people mover standards. 85

(2) "Automated people mover standards" means the standards 86  
adopted by the American society of civil engineers commonly 87  
referred to as ASCE 21. 88

(3) "Belt manlifts safety standards" means the safety 89  
standards adopted by the American society of mechanical 90  
engineers commonly referred to as ASME A90.1. 91

(4) "Business entity" includes a sole proprietorship, 92  
partnership, and corporation. 93

(5) "Cableways, cranes, derricks, hoists, hooks, jacks, 94  
and slings safety standards" means the safety standards adopted 95  
by the American society of mechanical engineers commonly 96  
referred to as ASME B30. 97

(6) "Conveyance" means any means of transportation subject 98  
to the jurisdiction of this chapter, as described in division 99  
(A) of section 4785.02 of the Revised Code. 100

(7) "Conveyance services" means erecting, constructing, 101  
installing, altering, servicing, repairing, dismantling, 102  
removing, or maintaining a conveyance. 103

(8) "Conveyors, cableways, and related equipment safety 104  
code" means the safety code adopted by the American society of 105  
mechanical engineers commonly referred to as ASME B20.1. 106

(9) "Elevator" means a conveyance defined as an elevator 107  
in the elevators and escalators safety code. 108

(10) "Elevator contractor" means any business entity that 109  
has been issued an elevator contractor's license under this 110  
chapter and that is engaged in the business of providing 111  
conveyance services. 112

(11) "Elevator mechanic" means any individual who has been 113  
issued an elevator mechanic's license under this chapter. 114

(12) "Elevator mechanic's license" means a license issued 115  
by the division authorizing the holder to provide conveyance 116  
services and perform electrical work on conveyances. 117

(13) "Elevators and escalators safety code" means the 118  
safety code adopted by the American society of mechanical 119  
engineers commonly referred to as ASME A17.1/CSA B44. 120

(14) "Escalator" means a conveyance defined as an 121  
escalator in the elevators and escalators safety code. 122

(15) "Material alteration" means an alteration, as defined 123  
in the standards related to the item altered. 124

(16) "Material hoists safety requirements" means the 125  
safety requirements adopted by the American national standards 126  
institute commonly referred to as ANSI/ASSP A10.5. 127

(17) "Moving walk" means a moving walk as defined in the 128  
elevators and escalators safety code. 129

(18) "Powered industrial trucks safety standards" means 130  
the safety standards adopted by the American national standards 131  
institute commonly referred to as ANSI/ITSDF B56. 132

(19) "Powered platforms for building maintenance safety 133  
standards" means the standards adopted by the American society 134  
of mechanical engineers commonly referred to as ASME 120.1. 135

(20) "Private residence" means a distinct building or a 136  
unit in a multiple dwelling building that is occupied by members 137  
of a single-family unit. 138

(21) "Repair" means a repair as defined in the appropriate 139  
reference standard that does not require a permit. 140

(22) "Vehicle-mounted elevating and rotating work 141  
platforms standards" means the standards adopted by the American 142  
national standards institute and commonly referred to as 143  
ANSI/SAIA A92. 144

(B) For any term found in this chapter that is not defined 145  
in this section, the corresponding definition found in the 146  
appropriate standard shall be used. 147

(C) If a standard referenced in this chapter is replaced 148  
by a successor standard, then that successor shall be referenced 149  
for purposes of interpreting this chapter. 150

**Sec. 4785.02.** (A) This chapter shall be used to regulate 151  
the individuals and entities performing construction, testing, 152  
maintenance, alteration, and repair of the following equipment, 153  
associated parts, and hoistways: 154

(1) Elevators; 155

<u>(2) Power-driven stairways and walkways for carrying</u>	156
<u>persons between landings, including both of the following:</u>	157
<u>(a) Escalators;</u>	158
<u>(b) Moving walks.</u>	159
<u>(3) Hoisting and lowering mechanisms equipped with a car</u>	160
<u>that serves two or more landings and is restricted to the</u>	161
<u>carrying of material by its limited size or limited access to</u>	162
<u>the car, including both of the following:</u>	163
<u>(a) Dumbwaiters;</u>	164
<u>(b) Material lifts and dumbwaiters with automatic transfer</u>	165
<u>devices.</u>	166
<u>(4) Automatic guided transit vehicles on guideways with an</u>	167
<u>exclusive right-of-way, including automated people movers.</u>	168
<u>(B) This chapter shall not be used to regulate any of the</u>	169
<u>following:</u>	170
<u>(1) Material hoists within the scope of the material</u>	171
<u>hoists safety requirements;</u>	172
<u>(2) Manlifts within the scope of the belt manlifts safety</u>	173
<u>standards;</u>	174
<u>(3) Mobile scaffolds, towers, and platforms within the</u>	175
<u>scope of the vehicle-mounted elevating and rotating work</u>	176
<u>platforms standards;</u>	177
<u>(4) Powered platforms and equipment for exterior and</u>	178
<u>interior maintenance within the scope of the powered platforms</u>	179
<u>for building maintenance safety standards;</u>	180
<u>(5) Conveyors and related equipment within the scope of</u>	181
<u>the conveyors, cableways, and related equipment safety code;</u>	182

<u>(6) Cranes, derricks, hoists, hooks, jacks, and slings</u>	183
<u>within the scope of cableways, cranes, derricks, hoists, hooks,</u>	184
<u>jacks, and slings safety standards;</u>	185
<u>(7) Industrial trucks within the scope of the powered</u>	186
<u>industrial trucks safety standards;</u>	187
<u>(8) Portable equipment, except for portable escalators</u>	188
<u>which are covered by the elevators and escalators safety code;</u>	189
<u>(9) Tiering or piling machines used to move materials to</u>	190
<u>and from storage located and operating entirely within one</u>	191
<u>story;</u>	192
<u>(10) Equipment for feeding or positioning materials at</u>	193
<u>machine tools, printing presses, and similar machines;</u>	194
<u>(11) Skip or furnace hoists;</u>	195
<u>(12) Wharf ramps;</u>	196
<u>(13) Railroad car lifts or dumpers;</u>	197
<u>(14) Line jacks, false cars, shafters, moving platforms,</u>	198
<u>and similar equipment used for installing an elevator by a</u>	199
<u>contractor licensed in this state;</u>	200
<u>(15) Platform lifts and stairway chairlifts within the</u>	201
<u>scope of the safety standard adopted by the American society of</u>	202
<u>mechanical engineers commonly referred to as ASME A18.1;</u>	203
<u>(16) Any conveyance installed in a showroom that is for</u>	204
<u>demonstration purposes only.</u>	205
<b><u>Sec. 4785.021. The general assembly's intent in enacting</u></b>	206
<b><u>section 4105.30 and Chapter 4785. of the Revised Code is to</u></b>	207
<b><u>provide for the safety of installers, maintainers, and users of</u></b>	208
<b><u>elevators and other conveyances, as well as to promote public</u></b>	209



safety awareness regarding the same. The use of unsafe and 210  
defective lifting devices imposes a substantial probability of 211  
serious and preventable injury to employees and the public. The 212  
prevention of these injuries and protection of employees and the 213  
public from unsafe conditions is in the best interest of the 214  
people of this state. Elevator personnel performing work covered 215  
by this chapter shall, by documented training, experience, or 216  
both, be familiar with the operation and safety functions of the 217  
components and equipment. Training and experience shall 218  
guarantee the ability to recognize the safety hazards and 219  
perform the procedures to which they are assigned in conformance 220  
with the requirements of this chapter. This chapter shall be 221  
considered the minimum standard for elevator and conveyance 222  
personnel. 223

**Sec. 4785.03.** (A) Except as provided in divisions (C) and 224  
(D) of this section, no individual shall provide conveyance 225  
services in buildings or structures unless that individual is a 226  
licensed elevator mechanic and one of the following applies: 227

(1) The elevator mechanic is working for a licensed 228  
elevator contractor. 229

(2) The elevator mechanic is a sole proprietor who holds 230  
an elevator contractor's license. 231

(3) The elevator mechanic is a member of a partnership 232  
that holds an elevator contractor's license. 233

(B) (1) No individual shall wire any conveyance, from the 234  
mainline feeder terminals on the controller, unless that 235  
individual is a licensed elevator mechanic and one of the 236  
following applies: 237

(a) The elevator mechanic is working for a licensed 238

<u>elevator contractor.</u>	239
<u>(b) The elevator mechanic is a sole proprietor who holds an elevator contractor's license.</u>	240 241
<u>(c) The elevator mechanic is a member of a partnership that holds an elevator contractor's license.</u>	242 243
<u>(2) No other license shall be required to wire a conveyance.</u>	244 245
<u>(C) An individual or business entity providing conveyance services, including wiring a conveyance, exclusively in private residences is not required to obtain a license under this chapter.</u>	246 247 248 249
<u>(D) (1) Except as provided in division (D) (2) of this section, an individual or business entity shall not dismantle a conveyance unless licensed under this chapter.</u>	250 251 252
<u>(2) Division (D) (1) of this section does not apply to a conveyance that is to be destroyed as a result of a complete demolition of a secured building or structure or where the hoistway or wellway is demolished back to the basic support structure and where no access is permitted therein.</u>	253 254 255 256 257
<b>Sec. 4785.04.</b> <u>(A) Any business entity wishing to provide conveyance services shall apply for an elevator contractor's license with the division of industrial compliance within the department of commerce on a form provided by the division.</u>	258 259 260 261
<u>(B) Any individual wishing to provide conveyance services shall apply for an elevator mechanic's license with the division on a form provided by the division.</u>	262 263 264
<u>(C) An application made under this section shall contain all of the following:</u>	265 266

<u>(1) (a) If an applicant is an individual or sole</u>	267
<u>proprietor, the name, residence address, and business address of</u>	268
<u>the applicant;</u>	269
<u>(b) If an applicant is a partnership, the name, residence</u>	270
<u>address, and business address of each partner;</u>	271
<u>(c) If an applicant is a domestic corporation, the name</u>	272
<u>and business address of the corporation and the name and</u>	273
<u>residence address of the principal officer of the corporation;</u>	274
<u>(d) If the applicant is a corporation other than a</u>	275
<u>domestic corporation, the name and address of an agent located</u>	276
<u>in this state who shall be authorized to accept service of</u>	277
<u>process and official notices.</u>	278
<u>(2) The number of years the applicant has engaged in the</u>	279
<u>business of conveyance services;</u>	280
<u>(3) If the applicant is applying for an elevator</u>	281
<u>contractor's license, both of the following:</u>	282
<u>(a) The approximate number of individuals, if any, to be</u>	283
<u>employed by the applicant, and if applicable, satisfactory</u>	284
<u>evidence that the employees are or will be covered by workers'</u>	285
<u>compensation insurance in accordance with section 4785.07 of the</u>	286
<u>Revised Code;</u>	287
<u>(b) Satisfactory evidence that the applicant and all</u>	288
<u>employees are, or will be, covered by general liability,</u>	289
<u>personal injury, and property damage insurance in accordance</u>	290
<u>with section 4785.07 of the Revised Code.</u>	291
<u>(4) A description of the criminal convictions and pleas of</u>	292
<u>guilty of the applicants and each employee, if any, as verified</u>	293
<u>by a criminal records check;</u>	294

<u>(5) Such other information as the division considers</u>	295
<u>appropriate.</u>	296
<u>(D) The division may issue an elevator mechanic's license</u>	297
<u>to an applicant only if that applicant has demonstrated one of</u>	298
<u>the following qualifications:</u>	299
<u>(1) An acceptable combination of documented experience and</u>	300
<u>education credits, as follows:</u>	301
<u>(a) Not less than three years of work experience in the</u>	302
<u>elevator industry, in construction, maintenance, service,</u>	303
<u>repair, or any combination thereof, as verified by current and</u>	304
<u>previous employers licensed to do business in this state;</u>	305
<u>(b) Satisfactory completion of a written examination</u>	306
<u>administered by the division, or by a testing agency approved by</u>	307
<u>the division, on the most recent referenced codes and standards.</u>	308
<u>(2) (a) Acceptable proof that the applicant has worked as</u>	309
<u>an elevator construction, maintenance, or repair person,</u>	310
<u>consisting of having worked without direct and immediate</u>	311
<u>supervision for an elevator contractor authorized to do business</u>	312
<u>in this state for a period of not less than three years</u>	313
<u>immediately prior to the effective date of this section;</u>	314
<u>(b) An applicant seeking to establish qualifications</u>	315
<u>pursuant to division (D) (2) (a) of this section shall apply</u>	316
<u>within one year after the effective date of this section.</u>	317
<u>(3) A certificate of completion or other evidence of</u>	318
<u>having successfully passed the mechanic examination of a</u>	319
<u>nationally recognized training program for the elevator</u>	320
<u>industry, such as the national elevator industry educational</u>	321
<u>program or the certified elevator technician program of the</u>	322
<u>national association of elevator contractors;</u>	323

(4) A certificate of completion of an apprenticeship program for elevator mechanics that has standards substantially equal to those of this chapter and is registered with the bureau of apprenticeship and training, United States department of labor, or a state apprenticeship council; 324  
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(5) A valid license from a state having standards substantially equal to those of this chapter, upon application and without examination. 329  
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(E) The division shall not issue an elevator mechanic's license to any applicant to which any of the following apply: 332  
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(1) The applicant has been convicted of or pleaded guilty or no contest to a disqualifying offense specified on the list the division adopts pursuant to division (B) of section 9.79 of the Revised Code and the division determines that the license should be denied using the process described in section 9.79 of the Revised Code. 334  
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(2) The applicant has violated any provision of this chapter. 340  
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(3) The applicant has violated any rule adopted pursuant to this chapter. 342  
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(4) The applicant has demonstrated incompetence or untrustworthiness. 344  
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(5) The applicant has engaged in fraud, misrepresentation, or deception in the conduct of business. 346  
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(6) The applicant has obtained or attempted to obtain a license or renewal of such license pursuant to this chapter by means of fraud, deception, or misrepresentation. 348  
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(7) The applicant has obtained or attempted to obtain an 351

order, ruling, or authorization from the division by means of 352  
fraud or misrepresentation. 353

(F) (1) The division may issue an elevator contractor's 354  
license to a business entity only if the applicant has in its 355  
employ a licensed elevator mechanic and has proof of compliance 356  
with the insurance requirements prescribed in section 4785.07 of 357  
the Revised Code. 358

(2) The division may issue an elevator contractor's 359  
license to an applicant that holds a valid license from a state 360  
having standards substantially equal to those of this chapter. 361

(G) Upon approval of an application made under this 362  
section, the division shall issue a license to the applicant. 363

(H) Any license issued under this section is valid for a 364  
period of two years and may be renewed. 365

**Sec. 4785.041.** (A) The division of industrial compliance 366  
within the department of commerce may renew a license issued 367  
under section 4785.04 of the Revised Code if the licensee does 368  
all of the following: 369

(1) Submits an application for license renewal on a form 370  
prescribed by the division; 371

(2) Pays the license renewal fee established by the 372  
division; 373

(3) If the licensee is an elevator mechanic, submits 374  
evidence that the applicant has completed the continuing 375  
education coursework described in division (B) of this section; 376

(4) If the license is an elevator contractor's license, 377  
submits proof that the applicant is in compliance with the 378  
insurance requirements prescribed in section 4785.07 of the 379

<u>Revised Code.</u>	380
<u>(B) The continuing education courses described in division</u>	381
<u>(A) (3) of this section shall:</u>	382
<u>(1) Instruct licensees on new and existing rules and</u>	383
<u>standards adopted by the division;</u>	384
<u>(2) Consist of not less than eight hours of instruction;</u>	385
<u>(3) Be attended and completed within one year immediately</u>	386
<u>preceding the scheduled date for the license renewal;</u>	387
<u>(4) Be taught by instructors through continuing education</u>	388
<u>providers approved by the division.</u>	389
<u>(C) A continuing education instructor who holds a license</u>	390
<u>under this chapter is exempt from the continuing education</u>	391
<u>requirement prescribed in division (A) (3) of this section,</u>	392
<u>provided that any such applicant was qualified as an instructor</u>	393
<u>at any time during the year immediately preceding the scheduled</u>	394
<u>date for the license renewal.</u>	395
<u>(D) (1) A licensee who is unable to complete the continuing</u>	396
<u>education coursework required under this section before the</u>	397
<u>expiration of the licensee's license due to a temporary</u>	398
<u>disability may apply for a temporary continuing education waiver</u>	399
<u>from the division.</u>	400
<u>(2) An application for a temporary continuing education</u>	401
<u>waiver shall be made in a form prescribed by the division, which</u>	402
<u>shall be signed by the applicant under the penalty of perjury</u>	403
<u>and accompanied by a certified statement from a competent</u>	404
<u>physician attesting to the temporary disability. If the division</u>	405
<u>grants the waiver, the licensee's license does not expire but is</u>	406
<u>placed on inactive status.</u>	407

(3) On the termination of the temporary disability, the 408  
licensee shall submit to the division a certified statement from 409  
the same physician, if practicable, attesting to the termination 410  
of the temporary disability. The division shall then take the 411  
licensee's license off inactive status and shall issue a waiver 412  
sticker, valid for ninety days, to the licensee and affix the 413  
sticker to the license. The licensee may then perform the tasks 414  
the license authorizes the licensee to perform but the licensee 415  
shall meet the continuing education requirement during this 416  
ninety-day period or be considered to have not met the 417  
continuing education requirement and the license shall be deemed 418  
to be expired. 419

(E) (1) Approved continuing education providers shall keep 420  
uniform records, for a period of ten years, of attendance of 421  
licensees in a format approved by the division. Such records 422  
shall be available for inspection by the division on request. 423

(2) Approved training providers are responsible for the 424  
security of all attendance records and certificates of 425  
completion, provided, however, that falsifying or knowingly 426  
allowing another to falsify such attendance records or 427  
certificates of completion constitutes grounds for suspension or 428  
revocation of a continuing education provider's division 429  
approval. 430

(F) The division shall not renew the license of an 431  
individual or entity if the individual or entity would be denied 432  
an initial license for a reason listed in division (E) of 433  
section 4785.04 of the Revised Code. 434

**Sec. 4785.05.** (A) Whenever the division of industrial 435  
compliance within the department of commerce determines that an 436  
emergency exists due to disaster, act of God, or work stoppage, 437



and the number of individuals in the state holding elevator 438  
mechanic's licenses issued by the division is insufficient to 439  
cope with the emergency, the division shall declare such a state 440  
of emergency and respond as prescribed in this section to assure 441  
the safety of the public. 442

(B) Notwithstanding section 4785.03 of the Revised Code, 443  
during such a state of emergency, any individual found by a 444  
licensed elevator contractor to have an acceptable combination 445  
of documented experience and education to perform conveyance 446  
services without direct and immediate supervision may perform 447  
conveyance services without an elevator mechanic's license, as 448  
provided in this section. 449

(C) Such an individual shall seek an emergency elevator 450  
mechanic's license from the division within five business days 451  
after commencing work that would otherwise require an elevator 452  
mechanic's license. 453

(D) An elevator contractor associated with an individual 454  
seeking an emergency elevator mechanic's license shall furnish 455  
proof of competency as the division may require. 456

(E) (1) An emergency elevator mechanic's license is valid 457  
for a period of forty-five days from the date of issuance. 458

(2) The division may restrict the validity of an emergency 459  
elevator mechanic's license to a particular conveyance or 460  
geographical area as the division sees fit, but shall otherwise 461  
entitle the licensee to the rights and privileges of an elevator 462  
mechanic's license issued pursuant to this chapter. 463

(F) The division may renew an emergency elevator 464  
mechanic's license for the duration of a state of emergency. 465

(G) No fee shall be charged for any emergency elevator 466

mechanic's license or renewal thereof. 467

**Sec. 4785.051.** (A) An elevator contractor shall notify the 468  
division of industrial compliance within the department of 469  
commerce when there are no licensed elevator mechanics available 470  
to provide conveyance services and may request that the division 471  
issue temporary elevator mechanic's licenses to individuals 472  
certified by the licensed elevator contractor to have an 473  
acceptable combination of documented experience and education to 474  
provide conveyance services without direct and immediate 475  
supervision. 476

(B) Any individual certified by an elevator contractor to 477  
have an acceptable combination of documented experience and 478  
education to provide conveyance services without direct and 479  
immediate supervision shall immediately seek a temporary 480  
elevator mechanic's license from the division and shall pay an 481  
application fee as set by the division. If the division is 482  
satisfied as to the individual's qualifications, the division 483  
shall issue a temporary elevator mechanic's license to the 484  
individual. 485

(C) A temporary license issued under this section is valid 486  
only for a specified term set by the division, which shall be 487  
noted on the license, and only while the licensee is employed by 488  
the elevator contractor that certified the individual as being 489  
qualified. 490

(D) A temporary elevator mechanic's license is renewable 491  
in accordance with rules adopted by the division. 492

**Sec. 4785.06.** Licensees shall ensure that installation, 493  
service, and maintenance of a conveyance is performed in 494  
accordance with state and local law and with generally accepted 495

standards referenced in such laws or related rules. 496

When any material alteration is made to a conveyance, the 497  
licensees involved shall ensure that the conveyance adheres to 498  
the appropriate conveyance standard for the alteration. 499

**Sec. 4785.07.** (A) Elevator contractors shall submit to the 500  
division of industrial compliance within the department of 501  
commerce proof of insurance coverage greater than or equal to 502  
the following amounts: 503

(1) One million dollars for injury or death of any number 504  
of individuals in any one occurrence; 505

(2) Five hundred thousand dollars for property damage in 506  
any one occurrence; 507

(3) Workers' compensation insurance coverage. 508

(B) Such proof of insurance shall be delivered to the 509  
division before or at the time of the issuance or renewal of a 510  
license. 511

(C) If any policy required under this section is 512  
materially altered or canceled, the elevator contractor covered 513  
by the policy shall give notice of the material alteration or 514  
cancellation to the division at least ten days prior to the 515  
change. 516

**Sec. 4785.08.** (A) In accordance with Chapter 119. of the 517  
Revised Code, the superintendent of industrial compliance shall 518  
adopt rules pertaining to all of the following: 519

(1) The issuance and renewal of elevator mechanic's 520  
licenses and elevator contractor's licenses; 521

(2) The list of disqualifying offenses required under 522

<u>division (B) of section 9.79 of the Revised Code.</u>	523
<u>(B) In accordance with Chapter 119. of the Revised Code,</u>	524
<u>the superintendent may adopt rules pertaining to all of the</u>	525
<u>following:</u>	526
<u>(1) Assisting in the development of public awareness</u>	527
<u>programs;</u>	528
<u>(2) Classifications or subclassifications of licenses for</u>	529
<u>elevator mechanics and elevator contractors;</u>	530
<u>(3) Monitoring inspections and testing in order to ensure</u>	531
<u>satisfactory performance by licensees;</u>	532
<u>(4) Fee schedules for elevator mechanic and elevator</u>	533
<u>contractor licenses. The fees shall reflect the actual costs and</u>	534
<u>expenses necessary to administer this chapter.</u>	535
<u>(5) Establishing standards for the approval of license</u>	536
<u>testing agencies, pursuant to division (D)(1)(b) of section</u>	537
<u>4785.04 of the Revised Code;</u>	538
<u>(6) Establishing standards for the approval of continuing</u>	539
<u>education and training providers, pursuant to division (B) of</u>	540
<u>section 4785.041 of the Revised Code;</u>	541
<u>(7) Any other rules necessary to administer and carry out</u>	542
<u>this chapter.</u>	543
<u>(C) Notwithstanding divisions (A) and (B) of this section</u>	544
<u>or Chapter 4105. of the Revised Code, the superintendent shall</u>	545
<u>not adopt rules relating to the construction, maintenance, and</u>	546
<u>repair of elevators, except as pertaining to licensing</u>	547
<u>individuals under this chapter.</u>	548
<u>(D) The superintendent may exercise such other powers and</u>	549

duties as are necessary to carry out the purpose and intent of 550  
this chapter. 551

(E) Notwithstanding any provision of section 121.95 of the 552  
Revised Code to the contrary, the superintendent may adopt rules 553  
pertaining to the issuance and renewal of elevator mechanic's 554  
licenses and elevator contractor's licenses that contain 555  
regulatory restrictions as described in that section without 556  
simultaneously removing two or more other existing regulatory 557  
restrictions. 558

**Sec. 4785.09.** (A) There is hereby created, within the 559  
division of industrial compliance within the department of 560  
commerce, the elevator safety review board. 561

(B) The board is responsible for investigating violations 562  
of this chapter, holding disciplinary administrative hearings, 563  
and assessing penalties in accordance with sections 4785.091 and 564  
4785.092 of the Revised Code. 565

(C) The board consists of the following members: 566

(1) The director of commerce or the director's designee; 567

(2) A representative of the board of building standards; 568

(3) The following individuals, appointed by the governor: 569

(a) One representative of a major elevator manufacturing 570  
company; 571

(b) One representative of an elevator servicing company; 572

(c) One representative of the architectural design or 573  
elevator consulting profession; 574

(d) One representative of the general public; 575

(e) One representative of municipal corporations in this 576

<u>state;</u>	577
<u>(f) One representative of building owners or managers;</u>	578
<u>(g) One representative of the building trade, comprised of</u> <u>an individual providing conveyance services.</u>	579 580
<u>(D) The term of those members appointed to the board is</u> <u>three years. Vacancies shall be filled in the same manner as the</u> <u>original appointments.</u>	581 582 583
<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>	584 585 586
<u>(F) (1) The governor shall appoint one of the members to</u> <u>serve as chair of the board.</u>	587 588
<u>(2) A majority of the board shall constitute a quorum.</u>	589
<u>(3) The chair shall be the deciding vote in the event of a</u> <u>tie vote.</u>	590 591
<u>(G) (1) The board shall meet and organize within ten days</u> <u>after the appointment of its members and at such meeting shall</u> <u>elect from its members one secretary of the board to serve for a</u> <u>term as prescribed in rules adopted by the board.</u>	592 593 594 595
<u>(2) (a) The board shall meet not less than once a month and</u> <u>as often as the board considers necessary for the consideration</u> <u>of code regulations, appeals, and variances, and for the</u> <u>transaction of such other business as properly may come before</u> <u>it.</u>	596 597 598 599 600
<u>(b) Special meetings shall be called as prescribed in</u> <u>rules adopted by the board.</u>	601 602
<u>(H) The seat of any appointed board member absent from</u>	603

three consecutive meetings shall be deemed vacant. 604

Sec. 4785.091. (A) The elevator safety review board may 605  
suspend or revoke a license issued pursuant to this chapter or 606  
subject the licensee to civil penalty if the board determines 607  
that one or more of the following applies to the licensee: 608

(1) The licensee has been convicted of or pleaded guilty 609  
to a crime of moral turpitude or disqualifying offense as those 610  
terms are defined in section 4776.10 of the Revised Code and the 611  
list adopted pursuant to division (A) (2) of section 4785.08 of 612  
the Revised Code. 613

(2) The licensee has violated any provision of this 614  
chapter. 615

(3) The licensee has violated any rule adopted pursuant to 616  
this chapter. 617

(4) The licensee has demonstrated incompetence or 618  
untrustworthiness. 619

(5) The licensee has engaged in fraud, misrepresentation, 620  
or deception in the conduct of business. 621

(6) The licensee has obtained or attempted to obtain a 622  
license or renewal of such license pursuant to this chapter by 623  
means of fraud, deception, or misrepresentation. 624

(7) The licensee has obtained or attempted to obtain an 625  
order, ruling, or authorization from the division of industrial 626  
compliance by means of fraud or misrepresentation. 627

(B) (1) An administrative action taken under division (A) 628  
of this section shall be made only after a hearing held by the 629  
board in accordance with Chapter 119. of the Revised Code. 630

(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. 631  
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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. 635  
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(C) An individual against whom the board imposes a civil penalty pursuant to an adjudication under this section may appeal the order to the court of common pleas of Franklin county. The appeal is governed by section 119.12 of the Revised Code. 638  
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**Sec. 4785.092.** (A) (1) Any individual may request an investigation into an alleged violation of this chapter by giving notice to the elevator safety review board of a potential violation or danger. 643  
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(2) Such notice shall be in writing, shall set forth with reasonable particularity the grounds for the notice, and shall be signed by the individual making the request. 647  
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(3) On the request of any individual signing the notice, the individual's name shall not appear on any copy of such notice or any record published, released, or made available. 650  
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(B) (1) If, on receipt of such a request, the board determines that there are reasonable grounds to believe that the violation or danger exists, the board shall investigate whether or not a violation or danger exists. 653  
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(2) If the board determines that there are no reasonable grounds to believe that a violation or danger exists, the board shall notify the individual making the request in writing of 657  
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that determination. 660

Sec. 4785.10. All money collected under this chapter shall 661  
be deposited into the state treasury to the credit of the 662  
industrial compliance operating fund created under section 663  
121.084 of the Revised Code. 664

Sec. 4785.99. Whoever recklessly violates any of the 665  
provisions of this chapter shall be fined not more than one 666  
thousand five hundred dollars, sentenced to a jail term not 667  
exceeding thirty days, or both. 668

**Section 2.** That existing sections 4105.01 and 4105.10 of 669  
the Revised Code are hereby repealed. 670

**Section 3.** Section 4785.03 of the Revised Code, as enacted 671  
by this act, takes effect one year after the effective date of 672  
this section. 673

**Section 4.** That sections 4105.30, 4785.01, 4785.02, 674  
4785.021, 4785.03, 4785.04, 4785.041, 4785.05, 4785.051, 675  
4785.06, 4785.07, 4785.08, 4785.09, 4785.091, 4785.092, 4785.10, 676  
and 4785.99 of the Revised Code enacted by Section 1 of this act 677  
are hereby repealed. 678

**Section 5.** Section 4 of this act takes effect ten years 679  
after the effective date of this section. 680