

As Introduced

134th General Assembly

Regular Session

2021-2022

H. B. No. 181

Representative Powell

**Cosponsors: Representatives Holmes, Zeltwanger, Riedel, Gross, McClain,
Koehler**

A BILL

To amend sections 4104.19, 4733.14, 4740.06, and 1
4765.30 and to enact section 4743.09 of the 2
Revised Code to require a licensing authority to 3
issue an occupational license to an applicant 4
who completes a registered apprenticeship 5
program and meets other requirements. 6

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

Section 1. That sections 4104.19, 4733.14, 4740.06, and 7
4765.30 be amended and section 4743.09 of the Revised Code be 8
enacted to read as follows: 9

Sec. 4104.19. (A) Any person seeking a license to operate 10
as a steam engineer, high pressure boiler operator, or low 11
pressure boiler operator shall file a written application with 12
the superintendent of industrial compliance on a form prescribed 13
by the superintendent with the appropriate application fee as 14
set forth in section 4104.18 of the Revised Code. The 15
application shall contain information satisfactory to the 16
superintendent to demonstrate that the applicant meets the 17
requirements of division (B) of this section. The application 18

shall be filed with the superintendent not more than sixty days 19
and not less than thirty days before the license examination is 20
offered. 21

(B) To qualify to take the examination required to obtain 22
a steam engineer, high pressure boiler operator, or low pressure 23
boiler operator license, a person shall meet both of the 24
following requirements: 25

(1) Be at least eighteen years of age; 26

(2) Have one year of experience in the operation of steam 27
engines, high pressure boilers, or low pressure boilers as 28
applicable to the type of license being sought, or a combination 29
of experience and education for the type of license sought as 30
determined to be acceptable by the superintendent. 31

(C) No applicant shall qualify to take an examination or 32
to renew a license if the applicant has violated this chapter or 33
if the applicant has obtained or renewed a license issued under 34
this chapter by fraud, misrepresentation, or deception. 35

(D) The superintendent shall issue a license to each 36
applicant who receives a passing score on the examination, as 37
determined by the superintendent, for the license for which the 38
applicant applied. 39

(E) The superintendent may select and contract with one or 40
more persons to do all of the following relative to the 41
examinations for a license to operate as a steam engineer, high 42
pressure boiler operator, or low pressure boiler operator: 43

(1) Prepare, administer, score, and maintain the 44
confidentiality of the examination; 45

(2) Maintain responsibility for all expenses required to 46

fulfill division (E) (1) of this section;	47
(3) Charge each applicant a fee for administering the examination, in an amount authorized by the superintendent;	48 49
(4) Design the examination for each type of license to determine an applicant's competence to operate the equipment for which the applicant is seeking licensure.	50 51 52
(F) Each license issued under this chapter expires one year after the date of issue. Each person holding a valid, unexpired license may renew the license, without reexamination, by applying to the superintendent not more than ninety days before the expiration of the license, and submitting with the application the renewal fee established in section 4104.18 of the Revised Code. Upon receipt of the renewal information and fee, the superintendent shall issue the licensee a certificate of renewal.	53 54 55 56 57 58 59 60 61
(G) The superintendent, in accordance with Chapter 119. of the Revised Code, may suspend or revoke any license, or may refuse to issue a license under this chapter upon finding that a licensee or an applicant for a license has violated or is violating the requirements of this chapter. The superintendent shall not refuse to issue a license to an applicant because of a disqualifying offense unless the refusal is in accordance with section 9.79 of the Revised Code.	62 63 64 65 66 67 68 69
<u>(H) Section 4743.09 of the Revised does not apply to a license issued under this section.</u>	70 71
Sec. 4733.14. The state board of registration for professional engineers and surveyors shall, upon payment of the registration fee, register and issue a certificate showing initial registration of an applicant who, in the opinion of the	72 73 74 75

board, has satisfactorily met all the requirements of this 76
chapter. In the case of a registered professional engineer, the 77
certificate shall authorize the practice of "professional 78
engineering," and in the case of a registered professional 79
surveyor, the certificate shall authorize the practice of 80
"professional surveying." Certificates of registration shall 81
show the full name of the registrant, shall have a serial 82
number, and shall be signed by the chairperson and the secretary 83
of the board under seal of the board. 84

Registration by the board shall be evidence that the 85
person named therein is entitled to all the rights and 86
privileges of a registered professional engineer, or of a 87
registered professional surveyor, while the registration remains 88
unrevoked or unexpired. 89

Each registrant may, upon completing registration, obtain 90
a seal of the design authorized by the board, bearing the 91
registrant's name and the legend, "registered professional 92
engineer," or "registered professional surveyor," provided, 93
however, that any registered surveyor's seal obtained prior to 94
the amendment of this section effective April 4, 1985, 140 Ohio 95
Laws 4092, shall remain as a legal seal for any registrant who 96
was registered as a "registered surveyor." Plans, 97
specifications, plats, reports, and all other engineering or 98
surveying work products issued by a registrant shall be stamped 99
with the seal and be signed and dated by the registrant or bear 100
a computer-generated seal and electronic signature and date, but 101
no person shall stamp, seal, or sign any documents after the 102
registration of the registrant named thereon has expired or the 103
registration has been revoked or suspended, unless the 104
registration has been renewed or reissued. 105

Section 4743.09 of the Revised Code does not apply to a 106
certificate of registration authorizing the practice of 107
professional engineering issued under this section. 108

Sec. 4740.06. (A) Any individual who applies for a license 109
shall file a written application with the appropriate specialty 110
section of the Ohio construction industry licensing board, 111
accompanied with the application fee as determined pursuant to 112
section 4740.09 of the Revised Code. The application shall be on 113
the form the section prescribes and verified by the applicant's 114
oath. The applicant shall provide information satisfactory to 115
the section showing that the applicant meets the requirements of 116
division (B) of this section. 117

(B) To qualify to take an examination, an individual 118
shall: 119

(1) Be at least eighteen years of age; 120

(2) Be a United States citizen or legal alien who produces 121
valid documentation to demonstrate the individual is a legal 122
resident of the United States; 123

(3) ~~Either have~~ Meet one of the following requirements 124
demonstrating the individual's experience in the type of 125
licensed trade for which the application is filed: 126

(a) Have been a tradesperson in the type of licensed trade 127
for which the application is filed for not less than five years 128
immediately prior to the date the application is filed, ~~be;~~ 129

(b) Be a currently registered engineer in this state with 130
three years of business experience in the construction industry 131
in the trade for which the engineer is applying to take an 132
examination, ~~or have;~~ 133

<u>(c) Have completed a registered apprenticeship program as</u>	134
<u>described in section 4743.09 of the Revised Code;</u>	135
<u>(d) Have other experience acceptable to the appropriate</u>	136
<u>specialty section of the board.</u>	137
(4) Maintain contractor's liability insurance in an amount	138
the appropriate specialty section of the board determines and	139
only in one contracting company name;	140
(5) Not have done any of the following:	141
(a) Violated this chapter or any rule adopted pursuant to	142
it;	143
(b) Obtained or renewed a license issued pursuant to this	144
chapter, or any order, ruling, or authorization of the board or	145
a section of the board by fraud, misrepresentation, or	146
deception;	147
(c) Engaged in fraud, misrepresentation, or deception in	148
the conduct of business.	149
(C) When an applicant for licensure as a contractor in a	150
licensed trade meets the qualifications set forth in division	151
(B) of this section and passes the required examination, the	152
appropriate specialty section of the board, within ninety days	153
after the application was filed, shall authorize the	154
administrative section of the board to license the applicant for	155
the type of contractor's license for which the applicant	156
qualifies. A specialty section of the board may withdraw its	157
authorization to the administrative section for issuance of a	158
license for good cause shown, on the condition that notice of	159
that withdrawal is given prior to the administrative section's	160
issuance of the license.	161

(D) (1) Except as provided in division (D) (2) of this 162
section, if an applicant does not pass the required examination, 163
the applicant may retake the examination not less than sixty 164
days after the applicant's most recent examination. 165

(2) An applicant who does not pass the required 166
examination after taking the examination five times under this 167
section shall reapply for a license under division (A) of this 168
section before retaking the required examination any subsequent 169
time. 170

(E) All licenses a contractor holds pursuant to this 171
chapter shall expire annually on the same date, which shall be 172
the expiration date of the original license the contractor 173
holds. An individual holding a valid, unexpired license may 174
renew the license, without reexamination, by submitting an 175
application to the appropriate specialty section of the board 176
not more than ninety calendar days before the expiration of the 177
license, along with the renewal fee the specialty section 178
requires and proof of compliance with the applicable continuing 179
education requirements. The applicant shall provide information 180
in the renewal application satisfactory to demonstrate to the 181
appropriate specialty section that the applicant continues to 182
meet the requirements of division (B) of this section. 183

Upon application and within one calendar year after a 184
license has expired, a section may waive any of the requirements 185
for renewal of a license upon finding that an applicant 186
substantially meets the renewal requirements or that failure to 187
timely apply for renewal is due to excusable neglect. A section 188
that waives requirements for renewal of a license may impose 189
conditions upon the licensee and assess a late filing fee of not 190
more than double the usual renewal fee. An applicant shall 191

satisfy any condition the section imposes before a license is 192
reissued. 193

(F) An individual holding a valid license may request the 194
section of the board that authorized that license to place the 195
license in inactive status under conditions, and for a period of 196
time, as that section determines. 197

(G) Except for the ninety-day extension provided for a 198
license assigned to a contracting company under division (D) of 199
section 4740.07 of the Revised Code, a license held by an 200
individual immediately terminates upon the death of the 201
individual. 202

(H) Nothing in any license issued by the Ohio construction 203
industry licensing board shall be construed to limit or 204
eliminate any requirement of or any license issued by the Ohio 205
fire marshal. 206

(I) (1) Subject to division (I) (3) of this section, no 207
specialty section of the board shall adopt, maintain, renew, or 208
enforce any rule, or otherwise preclude in any way, an 209
individual from renewing a license under this chapter due to any 210
past criminal activity or interpretation of moral character. If 211
the specialty section denies an individual a license renewal, 212
the reasons for such denial shall be put in writing. 213

(2) The section may refuse to issue a license to an 214
applicant because of a conviction of or plea of guilty to an 215
offense if the refusal is in accordance with section 9.79 of the 216
Revised Code. 217

(3) In considering a renewal of an individual's license, 218
the section shall not consider any conviction or plea of guilty 219
prior to the initial licensing. However, the board may consider 220

a conviction or plea of guilty if it occurred after the 221
individual was initially licensed, or after the most recent 222
license renewal. 223

(4) The section may grant an individual a conditional 224
license that lasts for one year. After the one-year period has 225
expired, the license is no longer considered conditional, and 226
the individual shall be considered fully licensed. 227

(J) Notwithstanding divisions (E) and (I) of this section 228
and sections 4740.04 and 4740.05 of the Revised Code, the board 229
may establish rules that amend the continuing education 230
requirements and license renewal schedule for licensees as 231
provided in or adopted pursuant to those sections for the 232
purpose of establishing a compliance incentive program. These 233
rules may include provisions for the creation of the program and 234
the qualifications, continuing education requirements, and 235
renewal schedule for the program. 236

Sec. 4743.09. (A) As used in this section: 237

(1) "License" means an authorization evidenced by a 238
license, certificate, registration, permit, card, or other 239
authority that is issued or conferred by a licensing authority 240
to an individual by which the individual has or claims the 241
privilege to engage in a profession, occupation, or occupational 242
activity over which the licensing authority has jurisdiction. 243

(2) "Licensing authority" means a state agency, as defined 244
in section 1.60 of the Revised Code, that issues licenses under 245
Title XLVII or any other provision of the Revised Code to 246
practice an occupation or profession. 247

(3) "Registered apprenticeship program" means any of the 248
following programs: 249

(a) A program that trains an individual for one or more 250
occupations through paid on-the-job training and related 251
instruction that has been registered by the office of 252
apprenticeship of the United States department of labor as 253
meeting the minimum standards established by the "National 254
Apprenticeship Act of 1937," 29 U.S.C. 50, and 29 C.F.R. Parts 255
29 and 30; 256

(b) An apprenticeship program registered by the department 257
of job and family services under Chapter 4139. of the Revised 258
Code; 259

(c) An apprenticeship program registered by the state 260
apprenticeship agency of another state that has been authorized 261
to register apprenticeship programs for federal purposes under 262
the laws of that state. 263

(4) "Registration entity" means the office of 264
apprenticeship of the United States department of labor, the 265
department of job and family services, or a state apprenticeship 266
agency of another state. 267

(5) "State apprenticeship agency" means the state 268
government agency that is authorized by the office of 269
apprenticeship of the United States department of labor to 270
register and oversee apprenticeship programs in the state. 271

(B) (1) A licensing authority shall grant a license to an 272
applicant who meets all of the following requirements: 273

(a) Has received a certificate from a registration entity 274
showing that the applicant has successfully completed a 275
registered apprenticeship program related to the profession or 276
occupation for which the applicant seeks a license; 277

(b) Except as provided in division (B) (2) of this section, 278

<u>has passed an examination;</u>	279
<u>(c) Has satisfied any other requirements unrelated to</u>	280
<u>education or experience that the licensing authority requires an</u>	281
<u>applicant to satisfy to obtain an initial license.</u>	282
<u>(2) If a licensing authority does not require all</u>	283
<u>applicants for an initial license to pass an examination to be</u>	284
<u>issued the license, the licensing authority shall not require an</u>	285
<u>applicant to pass an examination to obtain a license.</u>	286
<u>(3) The licensing authority shall not establish a passing</u>	287
<u>score for an examination under division (B) (1) (b) of this</u>	288
<u>section that is higher than the passing score required for all</u>	289
<u>other applicants required to take the examination for an initial</u>	290
<u>license.</u>	291
<u>(C) Each licensing authority shall adopt any rules under</u>	292
<u>Chapter 119. of the Revised Code that it determines are</u>	293
<u>necessary to implement this section.</u>	294
Sec. 4765.30. (A) (1) The state board of emergency medical,	295
fire, and transportation services shall issue a certificate to	296
practice as a first responder to an applicant who meets all of	297
the following conditions:	298
(a) Except as provided in division (A) (2) of this section,	299
is a volunteer for a nonprofit emergency medical service	300
organization or a nonprofit fire department;	301
(b) Holds the appropriate certificate of completion issued	302
in accordance with section 4765.24 of the Revised Code <u>or has</u>	303
<u>completed a registered apprenticeship program as described in</u>	304
<u>section 4743.09 of the Revised Code;</u>	305
(c) Passes the appropriate examination conducted under	306

section 4765.29 of the Revised Code;	307
(d) Is not in violation of any provision of this chapter	308
or the rules adopted under it;	309
(e) Meets any other certification requirements established	310
in rules adopted under section 4765.11 of the Revised Code.	311
(2) The board may waive the requirement to be a volunteer	312
for a nonprofit entity if the applicant meets other requirements	313
established in rules adopted under division (B) (3) of section	314
4765.11 of the Revised Code relative to a person's eligibility	315
to practice as a first responder.	316
(B) The state board of emergency medical, fire, and	317
transportation services shall issue a certificate to practice as	318
an emergency medical technician-basic to an applicant who meets	319
all of the following conditions:	320
(1) Holds a certificate of completion in emergency medical	321
services training-basic issued in accordance with section	322
4765.24 of the Revised Code <u>or has completed a registered</u>	323
<u>apprenticeship program as described in section 4743.09 of the</u>	324
<u>Revised Code;</u>	325
(2) Passes the examination for emergency medical	326
technicians-basic conducted under section 4765.29 of the Revised	327
Code;	328
(3) Is not in violation of any provision of this chapter	329
or the rules adopted under it;	330
(4) Meets any other certification requirements established	331
in rules adopted under section 4765.11 of the Revised Code.	332
(C) The state board of emergency medical, fire, and	333
transportation services shall issue a certificate to practice as	334

an emergency medical technician-intermediate or emergency 335
medical technician-paramedic to an applicant who meets all of 336
the following conditions: 337

(1) Holds a certificate to practice as an emergency 338
medical technician-basic; 339

(2) Holds the appropriate certificate of completion issued 340
in accordance with section 4765.24 of the Revised Code or has 341
completed a registered apprenticeship program as described in 342
section 4743.09 of the Revised Code; 343

(3) Passes the appropriate examination conducted under 344
section 4765.29 of the Revised Code; 345

(4) Is not in violation of any provision of this chapter 346
or the rules adopted under it; 347

(5) Meets any other certification requirements established 348
in rules adopted under section 4765.11 of the Revised Code. 349

(D) A certificate to practice shall have a certification 350
cycle established by the board and may be renewed by the board 351
pursuant to rules adopted under section 4765.11 of the Revised 352
Code. Not later than sixty days prior to the expiration date of 353
an individual's certificate to practice, the board shall notify 354
the individual of the scheduled expiration. 355

An application for renewal shall be accompanied by the 356
appropriate renewal fee established in rules adopted under 357
section 4765.11 of the Revised Code, unless the board waives the 358
fee on determining pursuant to those rules that the applicant 359
cannot afford to pay the fee. Except as provided in division (B) 360
of section 4765.31 of the Revised Code, the application shall 361
include evidence of either of the following: 362

(1) That the applicant received a certificate of 363
completion from the appropriate emergency medical services 364
continuing education program pursuant to section 4765.24 of the 365
Revised Code; 366

(2) That the applicant has successfully passed an 367
examination that demonstrates the competence to have a 368
certificate renewed without completing an emergency medical 369
services continuing education program. The board shall approve 370
such examinations in accordance with rules adopted under section 371
4765.11 of the Revised Code. 372

(E) The board shall not require an applicant for renewal 373
of a certificate to practice to take an examination as a 374
condition of renewing the certificate. This division does not 375
preclude the use of examinations by operators of approved 376
emergency medical services continuing education programs as a 377
condition for issuance of a certificate of completion in 378
emergency medical services continuing education. 379

Section 2. That existing sections 4104.19, 4733.14, 380
4740.06, and 4765.30 of the Revised Code are hereby repealed. 381

Section 3. Sections 4104.19 and 4740.06 of the Revised 382
Code as presented in this act take effect on the later of 383
October 9, 2021, or the effective date of this section. (October 384
9, 2021, is the effective date of an earlier amendment to those 385
sections by H.B. 263 of the 133rd General Assembly.) 386