

**As Introduced**

**131st General Assembly  
Regular Session  
2015-2016**

**S. B. No. 249**

**Senator Patton  
Cosponsor: Senator Brown**

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**A BILL**

To amend sections 715.27, 3781.102, 4740.01, 1  
4740.02, 4740.04, and 4740.12 of the Revised 2  
Code to require commercial roofing contractors 3  
to have a license. 4

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

**Section 1.** That sections 715.27, 3781.102, 4740.01, 5  
4740.02, 4740.04, and 4740.12 of the Revised Code be amended to 6  
read as follows: 7

**Sec. 715.27.** (A) Any municipal corporation may: 8

(1) Regulate the erection of fences, billboards, signs, 9  
and other structures, within the municipal corporation, and 10  
provide for the removal and repair of insecure billboards, 11  
signs, and other structures; 12

(2) Regulate the construction and repair of wires, poles, 13  
plants, and all equipment to be used for the generation and 14  
application of electricity; 15

(3) Provide for the licensing of house movers; plumbers; 16  
sewer tappers; vault cleaners; and specialty contractors who are 17

not required to hold a valid license issued pursuant to Chapter 18  
4740. of the Revised Code; 19

(4) Require all specialty contractors other than those who 20  
hold a valid license issued pursuant to Chapter 4740. of the 21  
Revised Code, to successfully complete an examination, test, or 22  
demonstration of technical skills, and may impose a fee and 23  
additional requirements for a license or registration to engage 24  
in their respective occupations within the jurisdiction of the 25  
municipal corporation. 26

(B) No municipal corporation shall require any specialty 27  
contractor who holds a valid license issued pursuant to Chapter 28  
4740. of the Revised Code to complete an examination, test, or 29  
demonstration of technical skills to engage in the type of 30  
contracting for which the license is held, within the municipal 31  
corporation. 32

(C) A municipal corporation may require a specialty 33  
contractor who holds a valid license issued pursuant to Chapter 34  
4740. of the Revised Code to register with the municipal 35  
corporation and pay any fee the municipal corporation imposes 36  
before that specialty contractor may engage within the municipal 37  
corporation in the type of contracting for which the license is 38  
held. Any fee shall be the same for all specialty contractors 39  
who engage in the same type of contracting. A municipal 40  
corporation may require a bond and proof of all of the 41  
following: 42

(1) Insurance pursuant to division (B) (4) of section 43  
4740.06 of the Revised Code; 44

(2) Compliance with Chapters 4121. and 4123. of the 45  
Revised Code; 46

(3) Registration with the tax department of the municipal corporation. 47  
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If a municipal corporation requires registration, imposes 49  
such a fee, or requires a bond or proof of the items listed in 50  
divisions (C) (1), (2), and (3) of this section, the municipal 51  
corporation immediately shall permit a contractor who presents 52  
proof of holding a valid license issued pursuant to Chapter 53  
4740. of the Revised Code, who registers, pays the fee, obtains 54  
a bond, and submits the proof described under divisions (C) (1), 55  
(2), and (3) of this section, as required, to engage in the type 56  
of contracting for which the license is held, within the 57  
municipal corporation. 58

(D) A municipal corporation may revoke the registration of 59  
a contractor registered with that municipal corporation for good 60  
cause shown. Good cause shown includes the failure of a 61  
contractor to maintain a bond or the items listed in divisions 62  
(C) (1), (2), and (3) of this section, if the municipal 63  
corporation requires those. 64

(E) A municipal corporation that licenses specialty 65  
contractors pursuant to division (A) (3) of this section may 66  
accept, for purposes of satisfying its licensing requirements, a 67  
valid license issued pursuant to Chapter 4740. of the Revised 68  
Code that a specialty contractor holds, for the construction, 69  
replacement, maintenance, or repair of one-family, two-family, 70  
or three-family dwelling houses or accessory structures 71  
incidental to those dwelling houses. 72

(F) A municipal corporation shall not register a specialty 73  
contractor who is required to hold a license under Chapter 4740. 74  
of the Revised Code but does not hold a valid license issued 75  
under that chapter. 76

(G) As used in this section, "specialty contractor" means 77  
a heating, ventilating, and air conditioning contractor, 78  
refrigeration contractor, electrical contractor, plumbing 79  
contractor, ~~or~~ hydronics contractor, or roofing contractor, as 80  
those contractors are described in Chapter 4740. of the Revised 81  
Code. 82

**Sec. 3781.102.** (A) Any county or municipal building 83  
department certified pursuant to division (E) of section 3781.10 84  
of the Revised Code as of September 14, 1970, and that, as of 85  
that date, was inspecting single-family, two-family, and three- 86  
family residences, and any township building department 87  
certified pursuant to division (E) of section 3781.10 of the 88  
Revised Code, is hereby declared to be certified to inspect 89  
single-family, two-family, and three-family residences 90  
containing industrialized units, and shall inspect the buildings 91  
or classes of buildings subject to division (E) of section 92  
3781.10 of the Revised Code. 93

(B) Each board of county commissioners may adopt, by 94  
resolution, rules establishing standards and providing for the 95  
licensing of electrical and heating, ventilating, and air 96  
conditioning contractors who are not required to hold a valid 97  
and unexpired license pursuant to Chapter 4740. of the Revised 98  
Code. 99

Rules adopted by a board of county commissioners pursuant 100  
to this division may be enforced within the unincorporated areas 101  
of the county and within any municipal corporation where the 102  
legislative authority of the municipal corporation has 103  
contracted with the board for the enforcement of the county 104  
rules within the municipal corporation pursuant to section 105  
307.15 of the Revised Code. The rules shall not conflict with 106

rules adopted by the board of building standards pursuant to 107  
section 3781.10 of the Revised Code or by the department of 108  
commerce pursuant to Chapter 3703. of the Revised Code. This 109  
division does not impair or restrict the power of municipal 110  
corporations under Section 3 of Article XVIII, Ohio 111  
Constitution, to adopt rules concerning the erection, 112  
construction, repair, alteration, and maintenance of buildings 113  
and structures or of establishing standards and providing for 114  
the licensing of specialty contractors pursuant to section 115  
715.27 of the Revised Code. 116

A board of county commissioners, pursuant to this 117  
division, may require all electrical contractors and heating, 118  
ventilating, and air conditioning contractors, other than those 119  
who hold a valid and unexpired license issued pursuant to 120  
Chapter 4740. of the Revised Code, to successfully complete an 121  
examination, test, or demonstration of technical skills, and may 122  
impose a fee and additional requirements for a license to engage 123  
in their respective occupations within the jurisdiction of the 124  
board's rules under this division. 125

(C) No board of county commissioners shall require any 126  
specialty contractor who holds a valid and unexpired license 127  
issued pursuant to Chapter 4740. of the Revised Code to 128  
successfully complete an examination, test, or demonstration of 129  
technical skills in order to engage in the type of contracting 130  
for which the license is held, within the unincorporated areas 131  
of the county and within any municipal corporation whose 132  
legislative authority has contracted with the board for the 133  
enforcement of county regulations within the municipal 134  
corporation, pursuant to section 307.15 of the Revised Code. 135

(D) A board may impose a fee for registration of a 136

specialty contractor who holds a valid and unexpired license 137  
issued pursuant to Chapter 4740. of the Revised Code before that 138  
specialty contractor may engage in the type of contracting for 139  
which the license is held within the unincorporated areas of the 140  
county and within any municipal corporation whose legislative 141  
authority has contracted with the board for the enforcement of 142  
county regulations within the municipal corporation, pursuant to 143  
section 307.15 of the Revised Code, provided that the fee is the 144  
same for all specialty contractors who wish to engage in that 145  
type of contracting. If a board imposes such a fee, the board 146  
immediately shall permit a specialty contractor who presents 147  
proof of holding a valid and unexpired license and pays the 148  
required fee to engage in the type of contracting for which the 149  
license is held within the unincorporated areas of the county 150  
and within any municipal corporation whose legislative authority 151  
has contracted with the board for the enforcement of county 152  
regulations within the municipal corporation, pursuant to 153  
section 307.15 of the Revised Code. 154

(E) The political subdivision associated with each 155  
municipal, township, and county building department the board of 156  
building standards certifies pursuant to division (E) of section 157  
3781.10 of the Revised Code may prescribe fees to be paid by 158  
persons, political subdivisions, or any department, agency, 159  
board, commission, or institution of the state, for the 160  
acceptance and approval of plans and specifications, and for the 161  
making of inspections, pursuant to sections 3781.03 and 3791.04 162  
of the Revised Code. 163

(F) Each political subdivision that prescribes fees 164  
pursuant to division (E) of this section shall collect, on 165  
behalf of the board of building standards, fees equal to the 166  
following: 167

(1) Three per cent of the fees the political subdivision collects in connection with nonresidential buildings;	168 169
(2) One per cent of the fees the political subdivision collects in connection with residential buildings.	170 171
(G) (1) The board shall adopt rules, in accordance with Chapter 119. of the Revised Code, specifying the manner in which the fee assessed pursuant to division (F) of this section shall be collected and remitted monthly to the board. The board shall pay the fees into the state treasury to the credit of the industrial compliance operating fund created in section 121.084 of the Revised Code.	172 173 174 175 176 177 178
(2) All money credited to the industrial compliance operating fund under this division shall be used exclusively for the following:	179 180 181
(a) Operating costs of the board;	182
(b) Providing services, including educational programs, for the building departments that are certified by the board pursuant to division (E) of section 3781.10 of the Revised Code;	183 184 185
(c) Paying the expenses of the residential construction advisory committee, including the expenses of committee members as provided in section 4740.14 of the Revised Code.	186 187 188
(H) A board of county commissioners that adopts rules providing for the licensing of electrical and heating, ventilating, and air conditioning contractors, pursuant to division (B) of this section, may accept, for purposes of satisfying the requirements of rules adopted under that division, a valid and unexpired license issued pursuant to Chapter 4740. of the Revised Code that is held by an electrical or heating, ventilating, and air conditioning contractor, for	189 190 191 192 193 194 195 196

the construction, replacement, maintenance, or repair of one- 197  
family, two-family, or three-family dwelling houses or accessory 198  
structures incidental to those dwelling houses. 199

(I) A board of county commissioners shall not register a 200  
specialty contractor who is required to hold a license under 201  
Chapter 4740. of the Revised Code but does not hold a valid 202  
license issued under that chapter. 203

(J) As used in this section, "specialty contractor" means 204  
a heating, ventilating, and air conditioning contractor, 205  
refrigeration contractor, electrical contractor, plumbing 206  
contractor, ~~or~~ hydronics contractor, or roofing contractor, as 207  
those contractors are described in Chapter 4740. of the Revised 208  
Code. 209

**Sec. 4740.01.** As used in this chapter: 210

(A) "License" means a license the Ohio construction 211  
industry licensing board issues to an individual as a heating, 212  
ventilating, and air conditioning contractor, refrigeration 213  
contractor, electrical contractor, plumbing contractor, ~~or~~ 214  
hydronics contractor, or roofing contractor. 215

(B) "Contractor" means any individual or contracting 216  
company that satisfies both of the following: 217

(1) Has responsibility for the means, method, and manner 218  
of construction, improvement, renovation, repair, or maintenance 219  
on a construction project with respect to one or more trades and 220  
who offers, identifies, advertises, or otherwise holds out or 221  
represents that the individual or contracting company is 222  
permitted or qualified to perform or have responsibility for the 223  
means, method, and manner of construction, improvement, 224  
renovation, repair, or maintenance with respect to one or more 225



trades on a construction project;	226
(2) Does either of the following:	227
(a) Performs construction, improvement, or renovation on a construction project with respect to the individual's or contracting company's trade;	228 229 230
(b) Employs tradespersons who perform construction, improvement, or renovation on a construction project with respect to the individual's or contracting company's trades.	231 232 233
(C) "Contracting company" means a company in the construction industry working on construction projects.	234 235
(D) "Licensed trade" means a trade performed by a heating, ventilating, and air conditioning contractor, a refrigeration contractor, an electrical contractor, a plumbing contractor, <del>or</del> a hydronics contractor, <u>or roofing contractor</u> .	236 237 238 239
(E) "Tradesperson" means any individual who is employed by a contractor and who engages in construction, improvement, renovation, repair, or maintenance of buildings or structures without assuming responsibility for the means, method, or manner of that construction, improvement, renovation, repair, or maintenance.	240 241 242 243 244 245
(F) "Construction project" means a construction project involving a building or structure subject to Chapter 3781. of the Revised Code and the rules adopted under that chapter, but not an industrialized unit or a residential building as defined in section 3781.06 of the Revised Code.	246 247 248 249 250
(G) "Training agency" means an entity approved by the administrative section of the board to provide continuing education courses.	251 252 253

**Sec. 4740.02.** (A) There is hereby created within the 254  
department of commerce, the Ohio construction industry licensing 255  
board, consisting of ~~seventeen~~twenty-two residents of this 256  
state. The board shall have an administrative section and ~~three~~  
four specialty sections: a plumbing and hydronics section, an 258  
electrical section, ~~and~~a heating, ventilating, air 259  
conditioning, and refrigeration section, and a roofing section. 260  
The director of commerce shall appoint all members of the board. 261  
The director or the director's designee shall serve as a member 262  
of the administrative section and the director shall appoint to 263  
the section to represent the public, one member who is not a 264  
member of any group certified by any section of the board. Each 265  
section, other than the administrative section, shall annually 266  
elect a member of its section to serve a one-year term on the 267  
administrative section. 268

(B) The plumbing and hydronics section consists of five 269  
members, one of whom is a plumbing inspector employed by the 270  
department of commerce, a municipal corporation, or a health 271  
district, two of whom are plumbing contractors who have no 272  
affiliation with any union representing plumbers, and two of 273  
whom are plumbing contractors who are signatories to agreements 274  
with unions representing plumbers. 275

The plumbing and hydronics section has primary 276  
responsibility for the licensure of plumbing contractors and 277  
hydronics contractors. 278

(C) The electrical section consists of five members, one 279  
of whom is an electrical inspector employed by the department of 280  
commerce, a municipal corporation, or a county, two of whom are 281  
electrical contractors who have no affiliation with any union 282  
representing electricians, and two of whom are electrical 283

contractors who are signatories to agreements with unions 284  
representing electricians. 285

The electrical section has primary responsibility for the 286  
licensure of electrical contractors. 287

(D) The heating, ventilating, air conditioning, and 288  
refrigeration section consists of five members, one of whom is a 289  
heating, ventilating, air conditioning, and refrigeration 290  
inspector employed by either the department of commerce or a 291  
municipal corporation; two of whom are heating, ventilating, and 292  
air conditioning contractors or refrigeration contractors who 293  
have no affiliation with any union representing heating, 294  
ventilating, and air conditioning tradespersons or refrigeration 295  
tradespersons; and two of whom are heating, ventilating, and air 296  
conditioning contractors or refrigeration contractors who are 297  
signatories to agreements with unions representing heating, 298  
ventilating, and air conditioning tradespersons or refrigeration 299  
tradespersons. 300

The heating, ventilating, air conditioning, and 301  
refrigeration section has primary responsibility for the 302  
licensure of heating, ventilating, and air conditioning 303  
contractors and refrigeration contractors. 304

(E) The roofing section consists of five members, one of 305  
whom is a building inspector employed by the department of 306  
commerce or a municipal corporation, two of whom are roofing 307  
contractors who have no affiliation with any union representing 308  
roofers, and two of whom are roofing contractors who are 309  
signatories to agreements with unions representing roofers. The 310  
roofing section has primary responsibility for the licensure of 311  
roofing contractors. 312

(F) (1) Within ninety days after July 31, 1992, initial 313  
appointments shall be made to the board. Of the initial 314  
appointments to the board, two appointments in each section, 315  
other than the administrative section, are for terms ending one 316  
year after July 31, 1992, and two are for terms ending two years 317  
after July 31, 1992. All other appointments to the board are for 318  
terms ending three years after July 31, 1992. 319

Within ninety days after the effective date of this 320  
amendment, initial appointments shall be made to the roofing 321  
section of the board. Two initial appointments in the section 322  
shall be for terms ending one year after the effective date of 323  
this amendment, two initial appointments shall be for terms 324  
ending two years after the effective date of this amendment, and 325  
the remaining initial appointment shall be for a term ending 326  
three years after the effective date of this amendment. 327

(2) Thereafter, terms of office are for three years, each 328  
term ending on the same day of the same month of the year as did 329  
the term that it succeeds. Each member shall hold office from 330  
the date of appointment until the end of the term for which the 331  
member was appointed. Members may be reappointed. Vacancies 332  
shall be filled in the manner provided for original 333  
appointments. Any member appointed to fill a vacancy occurring 334  
prior to the expiration of the term for which the member's 335  
predecessor was appointed shall hold office as a member for the 336  
remainder of that term. A member shall continue in office 337  
subsequent to the expiration of a term until a successor takes 338  
office or until a period of sixty days has elapsed, whichever 339  
occurs first. 340

~~(F)~~ (G) Before entering upon the discharge of official 341  
duties, each member shall take the oath of office required by 342

Section 7 of Article XV, Ohio Constitution. 343

~~(G)~~(H) Each member, except for the director or the 344  
director's designee, shall receive a per diem amount fixed 345  
pursuant to section 124.15 of the Revised Code when actually 346  
attending to matters of the board and for the time spent in 347  
necessary travel, and all actual and necessary expenses incurred 348  
in the discharge of official duties. 349

~~(H)~~(I) The director of commerce may remove any member of 350  
the board the director appoints for malfeasance, misfeasance, or 351  
nonfeasance. 352

~~(I)~~(J) Membership on the board and holding any office of 353  
the board does not constitute holding a public office or 354  
employment within the meaning of any section of the Revised 355  
Code, or an interest, either direct or indirect, in a contract 356  
or expenditure of money by the state or any municipal 357  
corporation, township, special district, school district, 358  
county, or other political subdivision. No member or officer of 359  
the board is disqualified from holding any public office or 360  
employment nor shall the officer or member forfeit any public 361  
office or employment by reason of holding a position as an 362  
officer or member of the board. 363

~~(J)~~(K) The board, and each section of the board, shall 364  
meet only after adequate advance notice of the meeting has been 365  
given to each member of the board or section, as appropriate. 366

**Sec. 4740.04.** The administrative section of the Ohio 367  
construction industry licensing board is responsible for the 368  
administration of this chapter and shall do all of the 369  
following: 370

(A) Schedule the contractor examinations each of the other 371

sections of the board directs. Each type of examination shall be held at least four times per year. 372  
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(B) Select and contract with one or more persons to do all of the following relative to the examinations: 374  
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(1) Prepare, administer, score, and maintain the confidentiality of the examinations; 376  
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(2) Be responsible for all the expenses required to fulfill division (B)(1) of this section; 378  
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(3) Charge an applicant a fee in an amount the administrative section of the board authorizes for administering the examination. 380  
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(C) Issue and renew licenses as follows: 383

(1) Issue a license to any individual who the appropriate specialty section of the board determines is qualified pursuant to section 4740.06 of the Revised Code to hold a license and has attained, within the twelve months preceding the individual's application for licensure, a score on the examination that the appropriate specialty section authorizes for the licensed trade. 384  
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(a) Each license shall include the contractor's name, license number, expiration date, and the name of the contracting company associated with the individual, as applicable. 390  
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(b) Each license issued to an individual who holds more than one valid license shall contain the same license number and expiration date as the original license issued to that individual. 393  
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(2) Renew licenses for individuals who meet the renewal requirements of section 4740.06 of the Revised Code. 397  
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(D) Make an annual written report to the director of 399  
commerce on proceedings had by or before the board for the 400  
previous year and make an annual statement of all money received 401  
and expended by the board during the year; 402

(E) Keep a record containing the name, address, the date 403  
on which the board issues or renews a license to, and the 404  
license number of, every heating, ventilating, and air 405  
conditioning contractor, refrigeration contractor, electrical 406  
contractor, plumbing contractor, ~~and~~ hydronics contractor, and 407  
roofing contractor issued a license pursuant to this chapter; 408

(F) Regulate a contractor's use and display of a license 409  
issued pursuant to this chapter and of any information contained 410  
in that license; 411

(G) Adopt rules in accordance with Chapter 119. of the 412  
Revised Code as necessary to properly discharge the 413  
administrative section's duties under this chapter. The rules 414  
shall include, but not be limited to, the following: 415

(1) Application procedures for examinations; 416

(2) Specifications for continuing education requirements 417  
for license renewal that address all of the following: 418

(a) A requirement that an individual who holds any number 419  
of valid and unexpired licenses accrue a total of ten hours of 420  
continuing education courses per year; 421

(b) Fees the board charges to persons who provide 422  
continuing education courses, in an amount of twenty-five 423  
dollars annually for each person approved to provide courses, 424  
not more than ten dollars plus one dollar per credit hour for 425  
each course submitted to a specialty section of the board for 426  
approval according to division (F) of section 4740.05 of the 427

Revised Code, and one dollar per credit hour of instruction per attendee;	428 429
(c) A provision limiting approval of continuing education courses to one year.	430 431
(3) Requirements for criminal records checks of applicants under section 4776.03 of the Revised Code.	432 433
(H) Adopt any continuing education curriculum as the other sections of the board establish or approve pursuant to division (F) of section 4740.05 of the Revised Code;	434 435 436
(I) Keep a record of its proceedings and do all things necessary to carry out this chapter.	437 438
<b>Sec. 4740.12.</b> (A) No political subdivision, district, or agency of the state may adopt an ordinance or rule that requires contractor registration and the assessment of a registration or license fee unless that ordinance or rule also requires any contractor who registers and pays the registration or license fee to be licensed in the contractor's trade pursuant to this chapter.	439 440 441 442 443 444 445
(B) Except as provided in division (A) of this section, nothing in this chapter shall be construed to limit the operation of any statute or rule of this state or any ordinance or rule of any political subdivision, district, or agency of the state that does either of the following:	446 447 448 449 450
(1) Regulates the installation, repair, maintenance, or alteration of plumbing systems, hydronics systems, electrical systems, heating, ventilating, and air conditioning systems, <del>or</del> refrigeration systems, <u>or roofing systems</u> ;	451 452 453 454
(2) Requires the registration and assessment of a	455



registration or license fee of tradespersons who perform 456  
heating, ventilating, and air conditioning, refrigeration, 457  
electrical, plumbing, ~~or~~ hydronics, or roofing construction, 458  
improvement, renovation, repair, or maintenance. 459

**Section 2.** That existing sections 715.27, 3781.102, 460  
4740.01, 4740.02, 4740.04, and 4740.12 of the Revised Code are 461  
hereby repealed. 462

**Section 3.** (A) On or before one hundred twenty days after 463  
the effective date of this section, the Ohio Construction 464  
Industry Licensing Board shall send notice by regular mail to 465  
the legislative authority of a municipal corporation and to the 466  
board of county commissioners of every county that, prior to the 467  
effective date of this section, provided for the licensing or 468  
registration of roofing contractors, informing the municipal 469  
corporation and board of county commissioners of the provisions 470  
of this act. 471

(B) Within ninety days after the effective date of this 472  
section, the Ohio Construction Industry Licensing Board shall 473  
publish notice of the provisions of this act in appropriate 474  
trade publications and in a newspaper of general circulation in 475  
each of the nine most populous metropolitan areas of this state, 476  
once a week for three consecutive weeks. 477

**Section 4.** (A) The roofing section of the Ohio 478  
Construction Industry Licensing Board shall issue a roofing 479  
license, to any individual who meets the criteria described in 480  
division (B) of this section. 481

(B) The individual does all of the following: 482

(1) Applies to the roofing section of the Board within 483  
twelve months after the effective date of this section; 484

(2) Pays the appropriate fee determined by the roofing section of the Board;	485 486
(3) Has been actively engaged as a roofing contractor in this state for at least three years immediately prior to the effective date of this section;	487 488 489
(4) Furnishes business records or other evidence to verify the experience required under division (B) (3) of this section;	490 491
(5) Provides evidence of all of the following:	492
(a) Current contractor's liability insurance, including without limitation, complete operations coverage, in the amount of five hundred thousand dollars;	493 494 495
(b) Compliance with Chapters 4121. and 4123. of the Revised Code;	496 497
(c) Compliance with any other applicable legal requirements to do business in this state, as determined by the Board.	498 499 500
(C) Notwithstanding division (B) (5) (a) of this section, when more than one individual affiliated with a contracting company is issued a license pursuant to division (B) of this section, those individuals collectively shall provide to the appropriate section of the Board evidence of current contractor's liability coverage, including complete operations coverage, in the total amount of five hundred thousand dollars.	501 502 503 504 505 506 507
<b>Section 5.</b> Sections 1 and 2 of this act, other than the amendments to section 4740.02 of the Revised Code, shall take effect one hundred eighty days after the effective date of this section.	508 509 510 511