

**As Introduced**

**132nd General Assembly**

**Regular Session**

**2017-2018**

**H. B. No. 236**

**Representatives Patton, Cupp**

**Cosponsor: Representative Hambley**

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**A BILL**

To amend sections 121.084, 3781.19, and 4121.13 and 1  
to enact new sections 4105.01, 4105.02, 4105.03, 2  
4105.04, 4105.05, 4105.06, 4105.07, 4105.08, 3  
4105.09, 4105.10, 4105.11, 4105.12, 4105.13, 4  
4105.14, 4105.15, and 4105.99 and sections 5  
4105.051 and 4105.061, and to repeal sections 6  
4105.01, 4105.011, 4105.02, 4105.03, 4105.04, 7  
4105.05, 4105.06, 4105.07, 4105.08, 4105.09, 8  
4105.10, 4105.11, 4105.12, 4105.13, 4105.14, 9  
4105.15, 4105.16, 4105.17, 4105.19, 4105.191, 10  
4105.20, 4105.21, and 4105.99 of the Revised 11  
Code to enact the Model Elevator Law. 12

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

**Section 1.** That sections 121.084, 3781.19, and 4121.13 be 13  
amended and new sections 4105.01, 4105.02, 4105.03, 4105.04, 14  
4105.05, 4105.06, 4105.07, 4105.08, 4105.09, 4105.10, 4105.11, 15  
4105.12, 4105.13, 4105.14, 4105.15, and 4105.99 and sections 16  
4105.051 and 4105.061 of the Revised Code be enacted to read as 17  
follows: 18

**Sec. 121.084.** (A) All moneys collected under sections 19  
3783.05, 3791.07, 4104.07, 4104.18, 4104.44, ~~4105.17, 4105.20,~~ 20  
4105.04, 4105.051, 4105.061, 4105.10, 4105.11, 4169.03, and 21  
5104.051 of the Revised Code, and any other moneys collected by 22  
the division of industrial compliance shall be paid into the 23  
state treasury to the credit of the industrial compliance 24  
operating fund, which is hereby created. The department of 25  
commerce shall use the moneys in the fund for paying the 26  
operating expenses of the division and the administrative 27  
assessment described in division (B) of this section. 28

(B) The director of commerce, with the approval of the 29  
director of budget and management, shall prescribe procedures 30  
for assessing the industrial compliance operating fund a 31  
proportionate share of the administrative costs of the 32  
department of commerce. The assessment shall be made in 33  
accordance with those procedures and be paid from the industrial 34  
compliance operating fund to the division of administration fund 35  
created in section 121.08 of the Revised Code. 36

**Sec. 3781.19.** There is hereby established in the 37  
department of commerce a board of building appeals consisting of 38  
five members who shall be appointed by the governor with the 39  
advice and consent of the senate. Terms of office shall be for 40  
four years, commencing on the fourteenth day of October and 41  
ending on the thirteenth day of October. Each member shall hold 42  
office from the date of appointment until the end of the term 43  
for which the member was appointed. Any member appointed to fill 44  
a vacancy occurring prior to the expiration of the term for 45  
which the member's predecessor was appointed shall hold office 46  
for the remainder of such term. Any member shall continue in 47  
office subsequent to the expiration date of the member's term 48  
until a successor takes office, or until a period of sixty days 49

has elapsed, whichever occurs first. One member shall be an attorney-at-law, admitted to the bar of this state and of the remaining members, one shall be a registered architect and one shall be a professional engineer, each of whom shall be duly licensed to practice their respective professions in this state, one shall be a fire prevention officer qualified under section 3737.66 of the Revised Code, and one shall be a person with recognized ability in the plumbing or pipefitting profession. No member of the board of building standards shall be a member of the board of building appeals. Each member shall be paid an amount fixed pursuant to Chapter 124. of the Revised Code per diem. The department shall provide and assign to the board such employees as are required by the board to perform its functions. The board may adopt its own rules of procedure not inconsistent with sections 3781.06 to 3781.18 and 3791.04 of the Revised Code, and may change them in its discretion. The board may establish reasonable fees, based on actual costs for administration of filing and processing, not to exceed two hundred dollars, for the costs of filing and processing appeals. A full and complete record of all proceedings of the board shall be kept and be open to public inspection.

In the enforcement by any department of the state or any political subdivision of this chapter and Chapter 3791., and sections 3737.41, 3737.42, 4104.02, 4104.06, 4104.43, 4104.44, and 4104.45, ~~4105.011, and 4105.11~~ of the Revised Code and any rule made thereunder, such department is the agency referred to in sections 119.07, 119.08, and 119.10 of the Revised Code.

The appropriate municipal or county board of appeals, where one exists, certified pursuant to section 3781.20 of the Revised Code shall conduct the adjudication hearing referred to in sections 119.09 to 119.13 and required by section 3781.031 of

the Revised Code. If there is no certified municipal or county board of appeals, the board of building appeals shall conduct the adjudication hearing. If the adjudication hearing concerns section 3781.111 of the Revised Code or any rule made thereunder, reasonable notice of the time, date, place, and subject of the hearing shall be given to any local corporation, association, or other organization composed of or representing handicapped persons, as defined in section 3781.111 of the Revised Code, or if there is no local organization, then to any statewide corporation, association, or other organization composed of or representing handicapped persons.

In addition to the provisions of Chapter 119. of the Revised Code, the municipal, county, or state board of building appeals, as the agency conducting the adjudication hearing, may reverse or modify the order of the enforcing agency if it finds that the order is contrary to this chapter and Chapters 3791. and 4104., and sections 3737.41, and 3737.42, ~~4105.011, and 4105.11~~ of the Revised Code and any rule made thereunder or to a fair interpretation or application of such laws or any rule made thereunder, or that a variance from the provisions of such laws or any rule made thereunder, in the specific case, will not be contrary to the public interest where a literal enforcement of such provisions will result in unnecessary hardship.

The state board of building appeals or a certified municipal or county board of appeals shall render its decision within thirty days after the date of the adjudication hearing. Following the adjudication hearing, any municipal or county officer, official municipal or county board, or person who was a party to the hearing before the municipal or county board of appeals may apply to the state board of appeals for a de novo hearing before the state board, or may appeal directly to the

court of common pleas pursuant to section 3781.031 of the Revised Code.

In addition, any local corporation, association, or other organization composed of or representing handicapped persons as defined in section 3781.111 of the Revised Code, or, if no local corporation, association, or organization exists, then any statewide corporation, association, or other organization composed of or representing handicapped persons may apply for the de novo hearing or appeal to the court of common pleas from any decision of a certified municipal or county board of appeals interpreting, applying, or granting a variance from section 3781.111 of the Revised Code and any rule made thereunder. Application for a de novo hearing before the state board shall be made no later than thirty days after the municipal or county board renders its decision.

The state board of building appeals or the appropriate certified local board of building appeals shall grant variances and exemptions from the requirements of section 3781.108 of the Revised Code in accordance with rules adopted by the board of building standards pursuant to division (K) of section 3781.10 of the Revised Code.

The state board of building appeals or the appropriate certified local board of building appeals shall, in granting a variance or exemption from section 3781.108 of the Revised Code, in addition to any other considerations the state or the appropriate local board determines appropriate, consider the architectural and historical significance of the building.

**Sec. 4105.01.** (A) As used in this chapter:

(1) "Automated people mover" means an installation as

<u>defined in the automated people mover standards.</u>	141
<u>(2) "Automated people mover standards" means the standards</u>	142
<u>adopted by the American society of civil engineers, commonly</u>	143
<u>referred to as ASCE 21.</u>	144
<u>(3) "Belt manlifts safety standards" means the safety</u>	145
<u>standards commonly referred to as ASME 90.1.</u>	146
<u>(4) "Board" means the elevator safety review board, which</u>	147
<u>is within the board of building standards and under the</u>	148
<u>department of commerce.</u>	149
<u>(5) "Business entity" includes a sole proprietorship,</u>	150
<u>partnership, and corporation.</u>	151
<u>(6) "Cableways, cranes, derricks, hoists, hooks, jacks,</u>	152
<u>and slings safety standards" means the safety standards commonly</u>	153
<u>referred to as ASME B30.</u>	154
<u>(7) "Certificate of operation" means a document issued by</u>	155
<u>the board indicating that the conveyance has had the required</u>	156
<u>safety inspection and tests and fees have been paid as set forth</u>	157
<u>in this chapter.</u>	158
<u>(8) "Conveyance" means any means of transportation subject</u>	159
<u>to the jurisdiction of this chapter, as described in division</u>	160
<u>(A) of section 4105.02 of the Revised Code.</u>	161
<u>(9) "Conveyance services" means erecting, constructing,</u>	162
<u>installing, altering, servicing, repairing, dismantling,</u>	163
<u>removing, or maintaining a conveyance.</u>	164
<u>(10) "Conveyors, cableways, and related equipment safety</u>	165
<u>code" means the safety code commonly referred to as ASME B20.1.</u>	166
<u>(11) "Dormant conveyance" means a conveyance placed out of</u>	167

<u>service in accordance with the appropriate safety standards.</u>	168
<u>(12) "Elevator" means a conveyance defined as an elevator</u>	169
<u>in the elevators and escalators safety code and the platform</u>	170
<u>lifts and stairway chairlifts safety standards.</u>	171
<u>(13) "Elevator contractor" means any business entity that</u>	172
<u>possesses an elevator contractor's license in accordance with</u>	173
<u>section 4105.05 of the Revised Code and that is engaged in the</u>	174
<u>business of providing conveyance services.</u>	175
<u>(14) "Elevator inspector" means any individual who has</u>	176
<u>been issued an elevator inspector's license under this chapter.</u>	177
<u>(15) "Elevator mechanic" means any person who has been</u>	178
<u>issued an elevator mechanic's license under this chapter.</u>	179
<u>(16) "Elevator mechanic's license" means a license issued</u>	180
<u>by the board authorizing the holder to provide conveyance</u>	181
<u>services and perform electrical work on conveyances.</u>	182
<u>(17) "Elevators and escalators safety code" means the</u>	183
<u>American national standard code commonly referred to as ASME</u>	184
<u>A17.1/CSA B44.</u>	185
<u>(18) "Escalator" means a conveyance defined as an</u>	186
<u>escalator in the elevators and escalators safety code.</u>	187
<u>(19) "Existing elevators and escalators safety code" means</u>	188
<u>the American national standard code commonly referred to as ASME</u>	189
<u>A17.3.</u>	190
<u>(20) "Existing installation" means an "installation,</u>	191
<u>existing" as defined in the elevators and escalators safety</u>	192
<u>code.</u>	193
<u>(21) "Inspector's license" means a license issued by the</u>	194

<u>board entitling the holder to engage in the business of</u>	195
<u>inspecting conveyances covered by this chapter.</u>	196
<u>(22) "Material alteration" means an alteration, as defined</u>	197
<u>in the standards related to the item altered.</u>	198
<u>(23) "Material hoists safety requirements" means the</u>	199
<u>safety requirements commonly referred to as ANSI A10.5.</u>	200
<u>(24) "Moving walk" means a moving walk as defined in the</u>	201
<u>elevators and escalators safety code.</u>	202
<u>(25) "Performance-based safety code for elevators and</u>	203
<u>escalators" means the American national standard code commonly</u>	204
<u>referred to as ASME A17.7/CSA B44.7.</u>	205
<u>(26) "Platform lifts and stairway chairlifts safety</u>	206
<u>standards" means the American national standard code commonly</u>	207
<u>referred to as ASME A18.1.</u>	208
<u>(27) "Private residence" means a distinct building or a</u>	209
<u>unit in a multiple dwelling building that is occupied by members</u>	210
<u>of a single-family unit.</u>	211
<u>(28) "Powered industrial trucks safety standards" means</u>	212
<u>the safety standards commonly referred to as ASME B56.</u>	213
<u>(29) "Powered platforms for building maintenance</u>	214
<u>standards" means the standards commonly referred to as ANSI</u>	215
<u>120.1.</u>	216
<u>(30) "Repair" means a repair as defined in the appropriate</u>	217
<u>reference standard that does not require a permit.</u>	218
<u>(31) "Standards for the qualification of elevator</u>	219
<u>inspectors" means the standards commonly referred to as ASME</u>	220
<u>OEI-1.</u>	221

(32) "Temporary certificate of operation" means a document 222  
issued by the board that permits the temporary use of a 223  
noncompliant conveyance by the general public for not more than 224  
thirty days while repairs are being completed. 225

(33) "Temporarily dormant conveyance" means a conveyance 226  
that has been disabled in accordance with section 4105.16 of the 227  
Revised Code. 228

(34) "Vehicle-mounted elevating and rotating work 229  
platforms standards" means the standards commonly referred to as 230  
ANSI A92. 231

(B) For any term found in this chapter that is not defined 232  
in this section, the corresponding definition found in the 233  
appropriate standard shall be used. 234

**Sec. 4105.02.** (A) This chapter shall be used to regulate 235  
the design, construction, operation, inspection, testing, 236  
maintenance, alteration, and repair of the following equipment, 237  
associated parts, and hoistways: 238

(1) Hoisting and lowering mechanisms equipped with a car 239  
or platform that moves between two or more landings, including 240  
both of the following: 241

(a) Elevators; 242

(b) Platform lifts and stairway chairlifts. 243

(2) Power-driven stairways and walkways for carrying 244  
persons between landings, including both of the following: 245

(a) Escalators; 246

(b) Moving walks. 247

(3) Hoisting and lowering mechanisms equipped with a car 248

<u>that serves two or more landings and is restricted to the</u>	249
<u>carrying of material by its limited size or limited access to</u>	250
<u>the car, including both of the following:</u>	251
<u>(a) Dumbwaiters;</u>	252
<u>(b) Material lifts and dumbwaiters with automatic transfer</u>	253
<u>devices.</u>	254
<u>(4) Automatic guided transit vehicles on guideways with an</u>	255
<u>exclusive right-of-way, including automated people movers.</u>	256
<u>(B) This chapter shall not be used to regulate any of the</u>	257
<u>following:</u>	258
<u>(1) Material hoists within the scope of the American</u>	259
<u>national standard safety requirements for material hoists;</u>	260
<u>(2) Manlifts within the scope of the American society of</u>	261
<u>mechanical engineers safety standards for belt manlifts;</u>	262
<u>(3) Mobile scaffolds, towers, and platforms within the</u>	263
<u>scope of the American national standards for vehicle-mounted</u>	264
<u>elevating and rotating work platforms;</u>	265
<u>(4) Powered platforms and equipment for exterior and</u>	266
<u>interior maintenance within the scope of the American national</u>	267
<u>standards for powered platforms for building maintenance;</u>	268
<u>(5) Conveyors and related equipment within the scope of</u>	269
<u>the American society of mechanical engineers safety code for</u>	270
<u>conveyors, cableways, and related equipment;</u>	271
<u>(6) Cranes, derricks, hoists, hooks, jacks, and slings</u>	272
<u>within the scope of American society of mechanical engineers</u>	273
<u>safety standards for cableways, cranes, derricks, hoists, hooks,</u>	274
<u>jacks, and slings;</u>	275

<u>(7) Industrial trucks within the scope of the American society of mechanical engineers safety standards for powered industrial trucks;</u>	276
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<u>(8) Portable equipment, except for portable escalators which are covered by the American society of mechanical engineers safety code for elevators and escalators;</u>	279
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<u>(9) Tiering or piling machines used to move materials to and from storage located and operating entirely within one story;</u>	282
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<u>(10) Equipment for feeding or positioning materials at machine tools, printing presses, and similar machines;</u>	285
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<u>(11) Skip or furnace hoists;</u>	287
<u>(12) Wharf ramps;</u>	288
<u>(13) Railroad car lifts or dumpers;</u>	289
<u>(14) Line jacks, false cars, shafters, moving platforms, and similar equipment used for installing an elevator by a contractor licensed in this state.</u>	290
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<b><u>Sec. 4105.03.</u></b> (A) <u>No person shall provide conveyance services in buildings or structures unless that person is a licensed elevator mechanic and one of the following applies:</u>	293
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<u>(1) The elevator mechanic is working for a licensed elevator contractor.</u>	296
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<u>(2) The elevator mechanic is a sole proprietor who holds a contractor's license.</u>	298
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<u>(3) The elevator mechanic is a member of a partnership that holds a contractor's license.</u>	300
	301
<u>(B) (1) No person shall wire any conveyance, from the</u>	302

mainline feeder terminals on the controller, unless that person 303  
is a licensed elevator mechanic and one of the following 304  
applies: 305

(a) The elevator mechanic is working for a licensed 306  
elevator contractor. 307

(b) The elevator mechanic is a sole proprietor who holds a 308  
contractor's license. 309

(c) The elevator mechanic is a member of a partnership 310  
that holds a contractor's license. 311

(2) No other license shall be required to wire a 312  
conveyance. 313

(C) No person shall inspect any conveyance within 314  
buildings or structures, including private residences, unless 315  
that person is a licensed elevator inspector. 316

**Sec. 4105.04.** (A) There is hereby created, within the 317  
board of building standards established by section 3781.07 of 318  
the Revised Code, the elevator safety review board. 319

(B) The board shall consist of the following members: 320

(1) The director of commerce or the director's designee; 321

(2) A representative of the board of building standards; 322

(3) The following individuals, appointed by the governor: 323

(a) One representative of a major elevator manufacturing 324  
company; 325

(b) One representative of an elevator servicing company; 326

(c) One representative of the architectural design or 327  
elevator consulting profession; 328

<u>(d) One representative of the general public;</u>	329
<u>(e) One representative of municipalities in this state;</u>	330
<u>(f) One representative of building owners or managers;</u>	331
<u>(g) One representative of the building trade, comprised of</u> <u>individuals providing conveyance services.</u>	332 333
<u>(C) The term of those members appointed to the board shall</u> <u>be three years. Vacancies shall be filled in the same manner as</u> <u>the original appointments.</u>	334 335 336
<u>(D) 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>	337 338 339
<u>(E) (1) The governor shall appoint one of the members to</u> <u>serve as chair of the board.</u>	340 341
<u>(2) A majority of the board shall constitute a quorum.</u>	342
<u>(3) The chair shall be the deciding vote in the event of a</u> <u>tie vote.</u>	343 344
<u>(F) (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>	345 346 347 348
<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, variances, and for the transaction</u> <u>of such other business as properly may come before it.</u>	349 350 351 352
<u>(b) Special meetings shall be called as prescribed in</u> <u>rules adopted by the board.</u>	353 354
<u>(G) The seat of any appointed board member absent from</u>	355

<u>three consecutive meetings shall be deemed vacant.</u>	356
<u>(H) The board may consult with and retain engineering</u>	357
<u>authorities and organizations concerning all of the following:</u>	358
<u>(1) Standard safety codes;</u>	359
<u>(2) Rules and regulations governing the operation,</u>	360
<u>maintenance, servicing, construction, alteration, installation,</u>	361
<u>and inspection of conveyances;</u>	362
<u>(3) The qualifications for licensing elevator mechanics,</u>	363
<u>contractors, and inspectors.</u>	364
<u>(I) The board may recommend to the general assembly</u>	365
<u>legislation governing conveyances and the licensing of elevator</u>	366
<u>mechanics, contractors, and inspectors.</u>	367
<u>(J) The board shall establish rules in accordance with</u>	368
<u>Chapter 119. of the Revised Code regulating conveyances. The</u>	369
<u>rules shall incorporate all of the following:</u>	370
<u>(1) The elevators and escalators safety code;</u>	371
<u>(2) The existing elevators and escalators safety code;</u>	372
<u>(3) The platform lifts and stairway chairlifts safety</u>	373
<u>standards;</u>	374
<u>(4) The standards for the qualification of elevator</u>	375
<u>inspectors;</u>	376
<u>(5) The automated people mover standards.</u>	377
<u>(K) (1) The board shall adopt in rule the latest edition of</u>	378
<u>any standard prescribed in division (J) of this section within</u>	379
<u>six months of the standard's effective date.</u>	380
<u>(2) Any modifications to the standards prescribed in</u>	381

division (J) of this section that are made by the board shall be 382  
justified in writing. 383

(L) (1) The board may grant exceptions and variances from 384  
the literal requirements of applicable code and standards, 385  
regulations, and local legislation in cases where such variances 386  
would not jeopardize the public safety and welfare. 387

(2) If the board denies a request for an exception or a 388  
variance, and an appeal to the denial is made, a hearing officer 389  
shall hear the appeal and hold hearings relating to the denial. 390  
The hearing officer shall decide upon the appeal within thirty 391  
days of the filing of the appeal. 392

(M) The board may issue a stop work order in situations 393  
where it identifies conditions that endanger public safety or 394  
where conveyance services are being provided in violation of 395  
this chapter or associated rules. 396

(N) The board may adopt in rule fee schedules for 397  
licenses, permits, certificates, and inspections. The fees shall 398  
reflect the actual costs and expenses to administer this 399  
chapter. 400

(O) The board may appoint hearing officers to conduct 401  
hearings pursuant to this section and section 4105.07 of the 402  
Revised Code. 403

**Sec. 4105.05.** (A) Any business entity wishing to provide 404  
conveyance services shall make application for an elevator 405  
contractor's license with the board on a form provided by the 406  
board. 407

(B) Any individual wishing to provide conveyance services 408  
shall make application for an elevator mechanic's license with 409  
the board on a form provided by the board. 410

(C) Any individual wishing to engage in the business of conveyance inspections shall make application for an elevator inspector's license with the board on a form provided by the board. 411  
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(D) An application made under this section shall contain all of the following: 415  
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(1) (a) If an applicant is an individual or sole proprietor, the name, residence address, and business address of the applicant; 417  
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(b) If an applicant is a partnership, the name, residence address, and business address of each partner; 420  
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(c) If an applicant is a domestic corporation, the name and business address of the corporation and the name and residence address of the principal officer of the corporation; 422  
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(d) If the applicant is a corporation other than a domestic corporation, the name and address of an agent located in this state who shall be authorized to accept service of process and official notices. 425  
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(2) The number of years the applicant has engaged in the business of conveyance services or conveyance inspections; 429  
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(3) If the applicant is applying for an elevator contractor's license, both of the following: 431  
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(a) The approximate number of persons, if any, to be employed by the applicant, and if applicable, satisfactory evidence that the employees are or will be covered by workers' compensation insurance in accordance with section 4105.12 of the Revised Code; 433  
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(b) Satisfactory evidence that the applicant and all 438

employees are, or will be, covered by general liability, 439  
personal injury, and property damage insurance in accordance 440  
with section 4105.12 of the Revised Code. 441

(4) A description of the criminal convictions and pleas of 442  
guilty of the applicants and each employee, if any, as verified 443  
by a criminal records check; 444

(5) Such other information as the board considers 445  
appropriate. 446

(E) The board may issue an elevator mechanic's license to 447  
an applicant only if that applicant has demonstrated one of the 448  
following qualifications: 449

(1) An acceptable combination of documented experience and 450  
education credits, as follows: 451

(a) Not less than three years of work experience in the 452  
elevator industry, in construction, maintenance, service, 453  
repair, or any combination thereof, as verified by current and 454  
previous employers licensed to do business in this state; 455

(b) Satisfactory completion of a written examination 456  
administered by the board on the most recent referenced codes 457  
and standards. 458

(2) (a) Acceptable proof that the applicant has worked as 459  
an elevator construction, maintenance, or repair person, 460  
consisting of having worked without direct and immediate 461  
supervision for an elevator contractor authorized to do business 462  
in this state for a period of not less than three years 463  
immediately prior to the effective date of this section; 464

(b) An applicant seeking to establish qualifications 465  
pursuant to division (E) (2) of this section shall apply within 466

one year of the effective date of this section. 467

(3) A certificate of completion or other evidence of 468  
having successfully passed the mechanic examination of a 469  
nationally recognized training program for the elevator 470  
industry, such as the national elevator industry educational 471  
program or its equivalent; 472

(4) A certificate of completion of an apprenticeship 473  
program for elevator mechanics that has standards substantially 474  
equal to those of this chapter and is registered with the bureau 475  
of apprenticeship and training, United States department of 476  
labor, or a state apprenticeship council; 477

(5) A valid license from a state having standards 478  
substantially equal to those of this chapter, upon application 479  
and without examination. 480

(F) The board may issue an inspector's license to an 481  
applicant only if that applicant is an ASME QEI-1 qualified 482  
elevator inspector. 483

(G) (1) The board may issue an elevator contractor's 484  
license to a business entity only if the applicant has in its 485  
employ a licensed elevator mechanic and has proof of compliance 486  
with the insurance requirements prescribed in section 4105.12 of 487  
the Revised Code. 488

(2) The board may issue an elevator contractor's license 489  
to an applicant that holds a valid license from a state having 490  
standards substantially equal to those of this chapter. 491

(H) Upon approval of an application made under this 492  
section, the board shall issue a license to the applicant. 493

(I) Any license issued under this section shall be valid 494

for a period of two years and may be renewed. 495

Sec. 4105.051. (A) The board may renew a license issued 496  
under section 4105.05 of the Revised Code if the licensee does 497  
all of the following: 498

(1) Submits an application for license renewal on a form 499  
prescribed by the board; 500

(2) Pays the license renewal fee established by the board; 501

(3) Submits evidence that the applicant has completed the 502  
continuing education coursework described in division (B) of 503  
this section; 504

(4) If the license is an elevator contractor's license, 505  
submits proof that the applicant is in compliance with the 506  
insurance requirements prescribed in section 4105.12 of the 507  
Revised Code. 508

(B) Such continuing education courses shall: 509

(1) Instruct licensees on new and existing rules and 510  
standards adopted by the board; 511

(2) Consist of not less than eight hours of instruction; 512

(3) Be attended and completed within one year immediately 513  
preceding the scheduled date for the license renewal; 514

(4) Be taught by instructors through continuing education 515  
providers approved by the board. 516

(C) All continuing education instructors shall be exempt 517  
from the continuing education requirement prescribed in division 518

(A) (3) of this section, provided that such applicant was 519  
qualified as an instructor at any time during the year 520

immediately preceding the scheduled date for the license 521

renewal. 522

(D) (1) A licensee who is unable to complete the continuing 523  
education coursework required under this section prior to the 524  
expiration of their license due to a temporary disability may 525  
apply for a temporary continuing education waiver from the 526  
board. 527

(2) An application for a temporary continuing education 528  
waiver shall be made in a form prescribed by the board, which 529  
shall be signed by the applicant under the pains and penalties 530  
of perjury and accompanied by a certified statement from a 531  
competent physician attesting to the temporary disability. If 532  
the board grants the waiver, the licensee's license does not 533  
expire but is placed on inactive status. 534

(3) Upon the termination of the temporary disability, the 535  
licensee shall submit to the board a certified statement from 536  
the same physician, if practicable, attesting to the termination 537  
of the temporary disability. The board shall then take the 538  
licensee's license off inactive status and shall issue a waiver 539  
sticker, valid for ninety days, to the licensee and affix the 540  
sticker to the license. The licensee may then perform the tasks 541  
the license authorizes the licensee to perform but the licensee 542  
shall meet the continuing education requirement during this 543  
ninety-day period or be considered to have not met the 544  
continuing education requirement and the license shall be deemed 545  
to be expired. 546

(E) (1) Approved continuing education providers shall keep 547  
uniform records, for a period of ten years, of attendance of 548  
licensees in a format approved by the board. Such records shall 549  
be available for inspection by the board upon request. 550

(2) Approved training providers shall be responsible for 551  
the security of all attendance records and certificates of 552  
completion, provided, however, that falsifying or knowingly 553  
allowing another to falsify such attendance records or 554  
certificates of completion shall constitute grounds for 555  
suspension or revocation of a continuing education provider's 556  
board approval. 557

Sec. 4105.06. (A) Whenever the board determines that an 558  
emergency exists due to disaster, act of God, or work stoppage, 559  
and the number of persons in the state holding elevator 560  
mechanic's licenses issued by the board is insufficient to cope 561  
with the emergency, the board shall declare such a state of 562  
emergency and respond as prescribed in this section to assure 563  
the safety of the public. 564

(B) Notwithstanding section 4105.03 of the Revised Code, 565  
during such a state of emergency, any person found by a licensed 566  
elevator contractor to have an acceptable combination of 567  
documented experience and education to perform conveyance 568  
services without direct and immediate supervision may perform 569  
conveyance services without an elevator mechanic's license, as 570  
provided in this section. 571

(C) Such a person shall seek an emergency elevator 572  
mechanic's license from the board within five business days 573  
after commencing work that would otherwise require an elevator 574  
mechanic's license. 575

(D) An elevator contractor associated with a person 576  
seeking an emergency elevator mechanic's license shall furnish 577  
proof of competency as the board may require. 578

(E) (1) An emergency elevator mechanic's license shall be 579

valid for a period of forty-five days from the date of issuance. 580

(2) The board may restrict the validity of an emergency 581  
elevator mechanic's license to a particular conveyance or 582  
geographical area as the board sees fit, but shall otherwise 583  
entitle the licensee to the rights and privileges of an elevator 584  
mechanic's license issued pursuant to this chapter. 585

(F) The board may renew an emergency elevator mechanic's 586  
license for the duration of a state of emergency. 587

(G) No fee shall be charged for any emergency elevator 588  
mechanic's license or renewal thereof. 589

**Sec. 4105.061.** (A) An elevator contractor shall notify the 590  
board when there are no licensed elevator mechanics available to 591  
provide conveyance services and may request that the board issue 592  
temporary elevator mechanic's licenses to persons certified by 593  
the licensed elevator contractor to have an acceptable 594  
combination of documented experience and education to provide 595  
conveyance services without direct and immediate supervision. 596

(B) Any person certified by an elevator contractor to have 597  
an acceptable combination of documented experience and education 598  
to provide conveyance services without direct and immediate 599  
supervision shall immediately seek a temporary elevator 600  
mechanic's license from the board and shall pay an application 601  
fee as set by the board. If the board is satisfied as to the 602  
person's qualifications, the board shall issue a temporary 603  
elevator mechanic's license to the person. 604

(C) A temporary license issued under this section shall be 605  
valid only for a specified term set by the board, which shall be 606  
noted on the license, and only while the licensee is employed by 607  
the elevator contractor that certified the individual as being 608

qualified. 609

(D) A temporary elevator mechanic's license shall be 610  
renewable in accordance with rules adopted by the board. 611

**Sec. 4105.07.** (A) The board may suspend or revoke a 612  
license issued pursuant to this chapter or subject the licensee 613  
to civil penalty upon verification that the licensee has 614  
committed one or more of the following: 615

(1) Made any false statement as to a material matter in an 616  
application for a license; 617

(2) Committed fraud, misrepresentation, or bribery in 618  
securing a license; 619

(3) Failed to notify the board and the owner or lessee of 620  
a conveyance of any condition not in compliance with this 621  
chapter or associated rules; 622

(4) Committed any violation of this chapter. 623

(B) (1) An administrative action taken under division (A) 624  
of this section shall be made only after a hearing held by the 625  
board in accordance with Chapter 119. of the Revised Code. 626

(2) Notice of such a hearing shall be provided to the 627  
licensee in question at least ten days prior to the hearing at 628  
the last known address appearing on the license, served 629  
personally or by registered mail. 630

The notice shall state the date, hour, and place of the 631  
hearing and set forth a statement of facts constituting the 632  
grounds for the charges against the licensee. 633

(C) (1) If the board revokes or suspends the license of a 634  
licensee or subjects the license holder to a civil penalty, the 635

licensee may appeal such a determination to a hearing officer 636  
appointed by the board. 637

(2) The board shall hold a hearing on such an appeal 638  
within thirty days of the appeal being made and shall provide 639  
written notice to all interested parties of the hearing within 640  
fifteen days of the hearing. 641

(3) The board shall issue a final decision on the appeal 642  
within thirty days of the hearing. 643

**Sec. 4105.08.** (A) Within six months after the date of the 644  
appointment of the final member to the board, the owner or 645  
lessee of every existing conveyance shall register the 646  
conveyance with the board, giving all of the following 647  
information: 648

(1) The type, rated load, and speed of the conveyance; 649

(2) The name of the manufacturer of the conveyance; 650

(3) The location of the conveyance and the purpose for 651  
which it is used; 652

(4) Any additional information the board may require. 653

(B) The owner of a conveyance for which construction has 654  
begun subsequent to the date prescribed in division (A) of this 655  
section, but which has not yet been completed, shall, at the 656  
time the conveyance is completed and placed in service, register 657  
the conveyance with the board in the manner described in 658  
division (A) of this section. 659

**Sec. 4105.09.** Licensees shall ensure that installation, 660  
service, and maintenance of a conveyance is performed in 661  
accordance with state and local law and with generally accepted 662  
standards referenced in such laws or related rules. 663

When any material alteration is made to a conveyance, the licensees involved shall ensure that the conveyance adheres to the appropriate conveyance standard for the alteration. 664  
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**Sec. 4105.10.** (A) Except as otherwise provided in section 4105.08 of the Revised Code, no conveyance covered by this chapter shall be erected, constructed, installed, or altered within buildings or structures unless a permit for the work has been issued by the board to an elevator contractor prior to commencement of the work. 667  
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(B) The board shall not issue a permit required under this section to any person other than a licensed elevator contractor. 673  
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(C) A copy of such a permit required under this section shall be kept at the construction site in question at all times while the work is in progress. 675  
676  
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(D) The board shall set the permit fees in rule. 678

Permit fees shall be nonrefundable. 679

(E) (1) Each application for a permit shall be accompanied by copies of specifications, accurately scaled and fully dimensioned plans, and all applicable fees. 680  
681  
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(2) The plans required under this division shall show all of the following: 683  
684

(a) The location of the conveyance in relation to the plans and elevation of the building; 685  
686

(b) The location of the machinery room and the equipment to be installed, relocated, or altered; 687  
688

(c) All structural supporting members of the building or structure, including foundations. 689  
690

(3) The plans and specifications required under this 691  
division shall specify all materials to be employed and all 692  
loads to be supported or conveyed. 693

(4) The plans and specifications required under this 694  
division shall be sufficiently complete to illustrate all 695  
details of construction and design. 696

(F) The board may revoke a permit if the board finds any 697  
of the following to be true: 698

(1) The applicant made a false statement or 699  
misrepresentation as to the material facts in the application, 700  
plans, or specifications on which the permit was based. 701

(2) The permit was issued in error and should not have 702  
been issued in accordance with the law or applicable rules. 703

(3) The work detailed under the permit is not being 704  
performed in accordance with the application, plans, or 705  
specifications submitted with the application. 706

(4) The work detailed under the permit is not being 707  
performed in accordance with the law, associated rules, or 708  
conditions of the permit. 709

(5) The elevator contractor to whom the permit was issued 710  
fails or refuses to comply with a stop work order issued under 711  
section 4105.04 of the Revised Code. 712

(G) (1) A permit issued under this section shall expire if 713  
any of the following occurs: 714

(a) The work authorized by the permit is not commenced 715  
within six months after the date of issuance. 716

(b) The work authorized by the permit is not commenced 717

within a shorter period of time as the board may specify at the 718  
time the permit is issued. 719

(c) The work is stopped for a period of sixty days, or 720  
such shorter period of time as the board may specify at the time 721  
the permit is issued, after the work has been started. 722

(2) For good cause, the board may allow an extension of 723  
the time periods specified in division (G)(1) of this section. 724

**Sec. 4105.11.** (A) All new conveyance installations shall 725  
be performed by a licensed elevator contractor. 726

(B) Subsequent to installation, the licensed elevator 727  
contractor shall certify to the board compliance with the 728  
applicable sections of this chapter. 729

(C)(1) Prior to any conveyance being used, the owner or 730  
lessee of the conveyance shall obtain a certificate of operation 731  
from the board. The owner or lessee shall maintain a certificate 732  
of operation at all times the conveyance is in use. 733

(2) A fee, as set forth in rule adopted by the board, 734  
shall be paid for the certificate of operation. 735

(3) It shall be the responsibility of the licensed 736  
elevator contractor to properly complete and submit all 737  
information needed for an application for an initial certificate 738  
of operations for new installations. 739

(D)(1) For newly installed platform lifts and stairway 740  
chairlifts for private residences, both of the following apply: 741

(a) The certificate of operation shall be issued only 742  
after a licensed state inspection firm has inspected and 743  
approved the lift in accordance with division (D) of this 744  
section. 745

(b) The initial certificate of operation fee, as well as any subsequent renewal fees, shall be waived. 746  
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(2) For existing platform and stairway chairlifts for private residences, the initial certificate of operation fee, as well as any subsequent renewal fees, shall be waived. 748  
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(3) The board shall inspect, in accordance with the requirements set forth in this chapter, all newly installed and existing platform lifts and stairway chairlifts for private residences subsequent to an inspection by a person, firm, or corporation to which a license to inspect conveyances has been issued. 751  
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(4) The board shall provide notice to the owner of the private residence where the conveyance is located with relevant information about conveyance safety requirements, including having the owner contact the board in order to ensure that the conveyance is periodically and timely inspected and made safe before the permit for the conveyance expires. The inspection shall be done only at the request and consent of the private residence owner. All penalty provisions of this chapter shall not apply to private residence owners. 757  
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(E) (1) Except as provided in division (E) (2) of this section, a certificate of operation shall be renewed on an annual basis. 766  
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(2) A certificate of operation issued for platform and stairway chairlifts for private residences shall be valid for a period of three years. 769  
770  
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(3) The duration of a certificate of operation issued under former section 4105.15 of the Revised Code shall continue for the period for which it was issued and shall remain valid 772  
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for the duration of that period. 775

(F) Certificates of operation shall be clearly displayed 776  
on or in each conveyance, or in the machine room, for use for 777  
the benefit of code enforcement staff. 778

**Sec. 4105.12.** (A) Elevator contractors, as well as any 779  
elevator inspector not employed by the board, shall submit to 780  
the board proof of insurance coverage greater than or equal to 781  
the following amounts: 782

(1) One million dollars for injury or death of any number 783  
of persons in any one occurrence; 784

(2) Five hundred thousand dollars for property damage in 785  
any one occurrence; 786

(3) Workers' compensation insurance coverage. 787

(B) Such proof of insurance shall be delivered to the 788  
board before or at the time of the issuance or renewal of a 789  
license. 790

(C) If any policy required under this section is 791  
materially altered or canceled, the elevator contractor or 792  
elevator inspector covered by the policy shall give notice of 793  
the material alteration or cancellation to the board at least 794  
ten days prior to the change. 795

**Sec. 4105.13.** (A) The board shall develop an enforcement 796  
program that will ensure compliance with regulations and 797  
requirements referenced in this chapter, including all of the 798  
following: 799

(1) The identification of property locations that are 800  
subject to said regulations and requirements; 801

<u>(2) Issuing notifications to violating property owners or</u>	802
<u>lessees;</u>	803
<u>(3) Conducting random, on-site inspections and tests on</u>	804
<u>existing installations;</u>	805
<u>(4) Witnessing periodic inspections and testing in order</u>	806
<u>to ensure satisfactory performance by licensees;</u>	807
<u>(5) Assisting in development of public awareness programs.</u>	808
<u>(B) (1) Any person may request an investigation into an</u>	809
<u>alleged violation of this chapter by giving notice to the board</u>	810
<u>of a potential violation or danger.</u>	811
<u>(2) Such notice shall be in writing, shall set forth with</u>	812
<u>reasonable particularity the grounds for the notice, and shall</u>	813
<u>be signed by the person making the request.</u>	814
<u>(3) Upon the request of any person signing the notice,</u>	815
<u>such person's name shall not appear on any copy of such notice</u>	816
<u>or any record published, released, or made available.</u>	817
<u>(C) (1) If, upon receipt of such a request, the board</u>	818
<u>determines that there are reasonable grounds to believe that</u>	819
<u>such violation or danger exists, the board shall investigate</u>	820
<u>whether or not a violation or danger exists.</u>	821
<u>(2) If the board determines that there are no reasonable</u>	822
<u>grounds to believe that a violation or danger exists, the board</u>	823
<u>shall notify the party in writing of that determination.</u>	824
<b><u>Sec. 4105.14. (A) It shall be the responsibility of the</u></b>	825
<b><u>owner of all new and existing conveyances located in any</u></b>	826
<b><u>building or structure to have the conveyance inspected annually</u></b>	827
<b><u>by a licensed elevator inspector.</u></b>	828

(B) Subsequent to any inspection required under this 829  
section, the elevator inspector shall supply the owner or lessee 830  
and the board with a written inspection report describing any 831  
and all code violations. The board shall ensure that the owner 832  
or lessee of the conveyance brings the conveyance into 833  
compliance with the relevant code. An owner or lessee shall have 834  
thirty days from the date of the published inspection report to 835  
be in full compliance with correcting the violations. 836

(C) It shall be the responsibility of the owner of all 837  
conveyances to have an elevator contractor ensure that the 838  
required tests are performed at intervals in compliance with the 839  
ASME A17.1/CSA B44 Appendix N, ASME A18.1 and ASCE 21. All tests 840  
shall be performed by a licensed elevator mechanic. 841

(D) If upon the inspection of any equipment covered by 842  
this chapter, the equipment is found to be in a dangerous 843  
condition or there is an immediate hazard to those riding or 844  
using the equipment, or if the design or the method of operation 845  
of the equipment, in combination with other equipment used, is 846  
considered inherently dangerous in the opinion of the board, the 847  
board shall notify the owner of the condition and shall order 848  
such alterations or additions as the board considers necessary 849  
to eliminate the dangerous condition. 850

(E) The board shall not require an elevator contractor to 851  
remove or dismantle a conveyance that is to be destroyed as a 852  
result of a complete demolition of a secured building or 853  
structure or where the hoistway or wellway is demolished back to 854  
the basic support structure and where no access is permitted 855  
therein. 856

**Sec. 4105.15.** (A) If a conveyance is to be rendered 857  
temporarily dormant for any reason, then it shall be rendered 858

dormant by complying with all of the following: 859

(1) The power supply shall be disconnected by removing the 860  
relevant fuses and placing a padlock on the main line disconnect 861  
switch, holding it in an "off" position. 862

(2) The car shall be parked and the hoistway doors shall 863  
be closed and latched in position. 864

(3) A wire seal shall be installed by a licensed elevator 865  
inspector. 866

(B) A wire seal and padlock placed on a conveyance under 867  
division (A) of this section shall not be removed for any reason 868  
without the approval of an elevator inspector. 869

(C) A conveyance that has been rendered temporarily 870  
dormant shall not be used until it has been put in safe running 871  
order and is in condition for use. 872

(D) Annual inspections by a licensed inspector shall 873  
continue for the duration of the temporarily dormant status. 874

(E) (1) A conveyance's temporarily dormant status may be 875  
renewable on an annual basis, but shall not exceed a five-year 876  
period. 877

(2) An application for renewal of a conveyance's 878  
temporarily dormant status shall be accompanied by a report by 879  
an elevator inspector describing the conveyance's current 880  
condition. 881

**Sec. 4105.99.** Whoever recklessly violates any of the 882  
provisions of this chapter shall be fined not more than one 883  
thousand five hundred dollars, sentenced to a jail term not 884  
exceeding thirty days, or both. 885

**Sec. 4121.13.** The administrator of workers' compensation 886  
shall: 887

(A) Investigate, ascertain, and declare and prescribe what 888  
hours of labor, safety devices, safeguards, or other means or 889  
methods of protection are best adapted to render the employees 890  
of every employment and place of employment and frequenters of 891  
every place of employment safe, and to protect their welfare as 892  
required by law or lawful orders, and establish and maintain 893  
museums of safety and hygiene in which shall be exhibited safety 894  
devices, safeguards, and other means and methods for the 895  
protection of life, health, safety, and welfare of employees; 896

(B) Ascertain and fix reasonable standards and prescribe, 897  
modify, and enforce reasonable orders for the adoption of safety 898  
devices, safeguards, and other means or methods of protection to 899  
be as nearly uniform as possible as may be necessary to carry 900  
out all laws and lawful orders relative to the protection of the 901  
life, health, safety, and welfare of employees in employments 902  
and places of employment or frequenters of places of employment; 903

(C) Ascertain, fix, and order reasonable standards for the 904  
construction, repair, and maintenance of places of employment as 905  
shall render them safe; 906

(D) Investigate, ascertain, and determine reasonable 907  
classifications of persons, employments, and places of 908  
employment as are necessary to carry out the applicable sections 909  
of sections 4101.01 to 4101.16 and 4121.01 to 4121.29 of the 910  
Revised Code; 911

(E) Adopt reasonable and proper rules relative to the 912  
exercise of ~~his~~ the administrator's powers and authorities, and 913  
proper rules to govern ~~his~~ the administrator's proceedings and 914

to regulate the mode and manner of all investigations and 915  
hearings, which rules shall not be effective until ten days 916  
after their publication; a copy of the rules shall be delivered 917  
at cost to every citizen making application therefor; 918

(F) Investigate all cases of fraud or other illegalities 919  
pertaining to the operation of the workers' compensation system 920  
and its several insurance funds and for that purpose, the 921  
administrator has every power of an inquisitorial nature granted 922  
to the industrial commission in this chapter and Chapter 4123. 923  
of the Revised Code; 924

(G) Do all things convenient and necessary to accomplish 925  
the purposes directed in sections 4101.01 to 4101.16 and 4121.01 926  
to 4121.28 of the Revised Code; 927

(H) Nothing in this section shall be construed to 928  
supersede ~~section 4105.011 of the Revised Code in particular, or~~ 929  
Chapter 4105. of the Revised Code ~~in general.~~ 930

**Section 2.** That existing sections 121.084, 3781.19, and 931  
4121.13 and sections 4105.01, 4105.011, 4105.02, 4105.03, 932  
4105.04, 4105.05, 4105.06, 4105.07, 4105.08, 4105.09, 4105.10, 933  
4105.11, 4105.12, 4105.13, 4105.14, 4105.15, 4105.16, 4105.17, 934  
4105.19, 4105.191, 4105.20, 4105.21, and 4105.99 of the Revised 935  
Code are hereby repealed. 936

**Section 3.** The General Assembly's intent in enacting this 937  
act is to provide for the safety of installers, maintainers, and 938  
users of elevators and other conveyances, as well as to promote 939  
public safety awareness regarding the same. The use of unsafe 940  
and defective lifting devices imposes a substantial probability 941  
of serious and preventable injury to employees and the public. 942  
The prevention of these injuries and protection of employees and 943

the public from unsafe conditions is in the best interest of the 944  
people of this state. Elevator personnel performing work covered 945  
by this act shall, by documented training, experience, or both, 946  
be familiar with the operation and safety functions of the 947  
components and equipment. Training and experience shall include 948  
recognizing the safety hazards and performing the procedures to 949  
which they are assigned in conformance with the requirements of 950  
this act. This act shall be considered the minimum standards for 951  
elevator and conveyance personnel. 952

This act is not intended to prevent the use of systems, 953  
methods, or devices of equivalent or superior quality, strength, 954  
fire resistance, code effectiveness, durability, and safety to 955  
those required by this act, provided that there is technical 956  
documentation to demonstrate the equivalency of the system, 957  
method, or device, as prescribed in the appropriate safety 958  
standards. 959

**Section 4.** (A) The division of industrial compliance shall 960  
transmit to the board a copy of all elevator registrations the 961  
division received pursuant to former section 4105.09 of the 962  
Revised Code. Registration under that former section does not 963  
excuse compliance with section 4105.08 of the Revised Code as 964  
enacted in this act. The board may use the information 965  
transmitted to ensure compliance with this act. 966

(B) Certificates of operation issued for elevators under 967  
former section 4105.15 of the Revised Code shall remain valid 968  
for the period for which the certificate was issued but shall be 969  
renewed under section 4105.11 of the Revised Code. 970

(C) Conveyances begun but not completed prior to the 971  
effective date of this act shall be subject to the permit and 972  
inspection provisions under Chapter 4105. of the Revised Code, 973

as repealed by this act, and the accompanying rules.

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