

# AN ACT

To amend sections 4105.01 and 4105.10 and to enact sections 4105.30, 4785.01, 4785.02, 4785.021, 4785.03, 4785.04, 4785.041, 4785.05, 4785.051, 4785.06, 4785.07, 4785.08, 4785.09, 4785.091, 4785.092, 4785.10, and 4785.99 of the Revised Code to revise the Elevator Law and to repeal sections 4105.30, 4785.01, 4785.02, 4785.021, 4785.03, 4785.04, 4785.041, 4785.05, 4785.051, 4785.06, 4785.07, 4785.08, 4785.09, 4785.091, 4785.092, 4785.10, and 4785.99 of the Revised Code on the date that is ten years after the effective date of this act to subsequently eliminate licensure of elevator contractors and mechanics in ten years.

*Be it enacted by the General Assembly of the State of Ohio:*

SECTION 1. That sections 4105.01 and 4105.10 be amended and sections 4105.30, 4785.01, 4785.02, 4785.021, 4785.03, 4785.04, 4785.041, 4785.05, 4785.051, 4785.06, 4785.07, 4785.08, 4785.09, 4785.091, 4785.092, 4785.10, and 4785.99 of the Revised Code be enacted to read as follows:

Sec. 4105.01. As used in this chapter:

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

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

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

(D) "Gravity elevator" means an elevator utilizing gravity to move.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) Elevators;

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

(a) Escalators;

(b) Moving walks.

(3) Hoisting and lowering mechanisms equipped with a car that serves two or more landings and is restricted to the carrying of material by its limited size or limited access to the car, including both of the following:

- (a) Dumbwaiters;
- (b) Material lifts and dumbwaiters with automatic transfer devices.
- (4) Automatic guided transit vehicles on guideways with an exclusive right-of-way, including automated people movers.
- (B) This chapter shall not be used to regulate any of the following:
- (1) Material hoists within the scope of the material hoists safety requirements;
- (2) Manlifts within the scope of the belt manlifts safety standards;
- (3) Mobile scaffolds, towers, and platforms within the scope of the vehicle-mounted elevating and rotating work platforms standards;
- (4) Powered platforms and equipment for exterior and interior maintenance within the scope of the powered platforms for building maintenance safety standards;
- (5) Conveyors and related equipment within the scope of the conveyors, cableways, and related equipment safety code;
- (6) Cranes, derricks, hoists, hooks, jacks, and slings within the scope of cableways, cranes, derricks, hoists, hooks, jacks, and slings safety standards;
- (7) Industrial trucks within the scope of the powered industrial trucks safety standards;
- (8) Portable equipment, except for portable escalators which are covered by the elevators and escalators safety code;
- (9) Tiering or piling machines used to move materials to and from storage located and operating entirely within one story;
- (10) Equipment for feeding or positioning materials at machine tools, printing presses, and similar machines;
- (11) Skip or furnace hoists;
- (12) Wharf ramps;
- (13) Railroad car lifts or dumpers;
- (14) Line jacks, false cars, shafters, moving platforms, and similar equipment used for installing an elevator by a contractor licensed in this state;
- (15) Platform lifts and stairway chairlifts within the scope of the safety standard adopted by the American society of mechanical engineers commonly referred to as ASME A18.1;
- (16) Any conveyance installed in a showroom that is for demonstration purposes only.
- Sec. 4785.021. The general assembly's intent in enacting section 4105.30 and Chapter 4785. of the Revised Code is to provide for the safety of installers, maintainers, and users of elevators and other conveyances, as well as to promote public safety awareness regarding the same. The use of unsafe and defective lifting devices imposes a substantial probability of serious and preventable injury to employees and the public. The prevention of these injuries and protection of employees and the public from unsafe conditions is in the best interest of the people of this state. Elevator personnel performing work covered by this chapter shall, by documented training, experience, or both, be familiar with the operation and safety functions of the components and equipment. Training and experience shall guarantee the ability to recognize the safety hazards and perform the procedures to which they are assigned in conformance with the requirements of this chapter. This chapter shall be considered the minimum standard for elevator and conveyance personnel.
- Sec. 4785.03. (A) Except as provided in divisions (C) and (D) of this section, no individual

shall provide conveyance services in buildings or structures unless that individual is a licensed elevator mechanic and one of the following applies:

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

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

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

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

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

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

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

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

(C) An individual or business entity providing conveyance services, including wiring a conveyance, exclusively in private residences is not required to obtain a license under this chapter.

(D)(1) Except as provided in division (D)(2) of this section, an individual or business entity shall not dismantle a conveyance unless licensed under this chapter.

(2) Division (D)(1) of this section does not apply to a conveyance that is to be destroyed as a result of a complete demolition of a secured building or structure or where the hoistway or wellway is demolished back to the basic support structure and where no access is permitted therein.

Sec. 4785.04. (A) Any business entity wishing to provide conveyance services shall apply for an elevator contractor's license with the division of industrial compliance within the department of commerce on a form provided by the division.

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

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

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

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

(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;

(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.

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

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

(a) The approximate number of individuals, 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 4785.07 of the Revised Code;

(b) Satisfactory evidence that the applicant and all employees are, or will be, covered by general liability, personal injury, and property damage insurance in accordance with section 4785.07

of the Revised Code.

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

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

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

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

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

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

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

(b) An applicant seeking to establish qualifications pursuant to division (D)(2)(a) of this section shall apply within one year after the effective date of this section.

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

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

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

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

(1) The applicant has been convicted of or pleaded guilty or no contest to a disqualifying offense specified on the list the division adopts pursuant to division (B) of section 9.79 of the Revised Code and the division determines that the license should be denied using the process described in section 9.79 of the Revised Code.

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

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

(4) The applicant has demonstrated incompetence or untrustworthiness.

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

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

(7) The applicant has obtained or attempted to obtain an order, ruling, or authorization from the division by means of fraud or misrepresentation.

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

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

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

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

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

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

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

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

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

(B) The continuing education courses described in division (A)(3) of this section shall:

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

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

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

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

(C) A continuing education instructor who holds a license under this chapter is exempt from the continuing education requirement prescribed in division (A)(3) of this section, provided that any such applicant was qualified as an instructor at any time during the year immediately preceding the scheduled date for the license renewal.

(D)(1) A licensee who is unable to complete the continuing education coursework required under this section before the expiration of the licensee's license due to a temporary disability may apply for a temporary continuing education waiver from the division.

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

(3) On the termination of the temporary disability, the licensee shall submit to the division a certified statement from the same physician, if practicable, attesting to the termination of the temporary disability. The division shall then take the licensee's license off inactive status and shall issue a waiver sticker, valid for ninety days, to the licensee and affix the sticker to the license. The licensee may then perform the tasks the license authorizes the licensee to perform but the licensee shall meet the continuing education requirement during this ninety-day period or be considered to

have not met the continuing education requirement and the license shall be deemed to be expired.

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

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

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

Sec. 4785.05. (A) Whenever the division of industrial compliance within the department of commerce determines that an emergency exists due to disaster, act of God, or work stoppage, and the number of individuals in the state holding elevator mechanic's licenses issued by the division is insufficient to cope with the emergency, the division shall declare such a state of emergency and respond as prescribed in this section to assure the safety of the public.

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

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

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

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

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

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

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

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

(B) Any individual certified by an elevator contractor to have an acceptable combination of



documented experience and education to provide conveyance services without direct and immediate supervision shall immediately seek a temporary elevator mechanic's license from the division and shall pay an application fee as set by the division. If the division is satisfied as to the individual's qualifications, the division shall issue a temporary elevator mechanic's license to the individual.

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

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

Sec. 4785.06. Licensees shall ensure that installation, service, and maintenance of a conveyance is performed in accordance with state and local law and with generally accepted standards referenced in such laws or related rules.

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.

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

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

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

(3) Workers' compensation insurance coverage.

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

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

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

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

(2) The list of disqualifying offenses required under division (B) of section 9.79 of the Revised Code.

(B) In accordance with Chapter 119. of the Revised Code, the superintendent may adopt rules pertaining to all of the following:

(1) Assisting in the development of public awareness programs;

(2) Classifications or subclassifications of licenses for elevator mechanics and elevator contractors;

(3) Monitoring inspections and testing in order to ensure satisfactory performance by licensees;

(4) Fee schedules for elevator mechanic and elevator contractor licenses. The fees shall reflect the actual costs and expenses necessary to administer this chapter.

(5) Establishing standards for the approval of license testing agencies, pursuant to division

(D)(1)(b) of section 4785.04 of the Revised Code:

(6) Establishing standards for the approval of continuing education and training providers, pursuant to division (B) of section 4785.041 of the Revised Code;

(7) Any other rules necessary to administer and carry out this chapter.

(C) Notwithstanding divisions (A) and (B) of this section or Chapter 4105. of the Revised Code, the superintendent shall not adopt rules relating to the construction, maintenance, and repair of elevators, except as pertaining to licensing individuals under this chapter.

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

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

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

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

(C) The board consists of the following members:

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

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

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

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

(b) One representative of an elevator servicing company;

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

(d) One representative of the general public;

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

(f) One representative of building owners or managers;

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

(D) The term of those members appointed to the board is three years. Vacancies shall be filled in the same manner as the original appointments.

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

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

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

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

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

(2)(a) The board shall meet not less than once a month and as often as the board considers necessary for the consideration of code regulations, appeals, and variances, and for the transaction of

such other business as properly may come before it.

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

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

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

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

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

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

(4) The licensee has demonstrated incompetence or untrustworthiness.

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

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

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

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

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

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

(C) An individual against whom the board imposes a civil penalty pursuant to an adjudication under this section may appeal the order to the court of common pleas of Franklin county. The appeal is governed by section 119.12 of the Revised Code.

Sec. 4785.092. (A)(1) Any individual may request an investigation into an alleged violation of this chapter by giving notice to the elevator safety review board of a potential violation or danger.

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

(3) On the request of any individual signing the notice, the individual's name shall not appear on any copy of such notice or any record published, released, or made available.

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

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

Sec. 4785.10. All money collected under this chapter shall be deposited into the state treasury

to the credit of the industrial compliance operating fund created under section 121.084 of the Revised Code.

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

SECTION 2. That existing sections 4105.01 and 4105.10 of the Revised Code are hereby repealed.

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

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

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

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*Speaker* \_\_\_\_\_ *of the House of Representatives.*

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*President* \_\_\_\_\_ *of the Senate.*

Passed \_\_\_\_\_, 20\_\_\_\_

Approved \_\_\_\_\_, 20\_\_\_\_

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*Governor.*

The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

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*Director, Legislative Service Commission.*

Filed in the office of the Secretary of State at Columbus, Ohio, on the \_\_\_\_ day of \_\_\_\_\_, A. D. 20 \_\_\_\_.

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*Secretary of State.*

File No. \_\_\_\_\_ Effective Date \_\_\_\_\_