

**As Reported by the Senate General Government Budget Committee**

**134th General Assembly**

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

**Representative Baldrige**

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

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**A BILL**

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

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

**Section 1.** That sections 4105.01 and 4105.10 be amended 15  
and sections 4105.30, 4785.01, 4785.02, 4785.021, 4785.03, 16  
4785.04, 4785.041, 4785.05, 4785.051, 4785.06, 4785.07, 4785.08, 17

4785.09, 4785.091, 4785.092, 4785.10, and 4785.99 of the Revised 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 47  
state. 48

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

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

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

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

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

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

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

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

**Sec. 4105.30.** (A) It shall be the responsibility of the 73  
owner of all conveyances to have an elevator contractor licensed 74

under Chapter 4785. of the Revised Code ensure that the required 75  
tests are performed at intervals in compliance with the ASME 76  
A17.1/CSA B44 Appendix N, ASME A18.1, and ASCE 21. All tests 77  
shall be performed by an elevator mechanic licensed under 78  
Chapter 4785. of the Revised Code. 79

(B) As used in this section, "ASME A17.1," "ASME A18.1," 80  
"ASCE 21," and "conveyance" have the same meanings as in section 81  
4785.01 of the Revised Code. 82

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

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

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

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

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

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

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

(7) "Conveyance services" means erecting, constructing, 101  
installing, altering, servicing, repairing, dismantling, 102

<u>removing, or maintaining a conveyance.</u>	103
<u>(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.</u>	104 105 106
<u>(9) "Elevator" means a conveyance defined as an elevator in the elevators and escalators safety code and the platform lifts and stairway chairlifts safety standards.</u>	107 108 109
<u>(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.</u>	110 111 112 113
<u>(11) "Elevator mechanic" means any individual who has been issued an elevator mechanic's license under this chapter.</u>	114 115
<u>(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.</u>	116 117 118
<u>(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.</u>	119 120 121
<u>(14) "Escalator" means a conveyance defined as an escalator in the elevators and escalators safety code.</u>	122 123
<u>(15) "Material alteration" means an alteration, as defined in the standards related to the item altered.</u>	124 125
<u>(16) "Material hoists safety requirements" means the safety requirements adopted by the American national standards institute commonly referred to as ANSI/ASSP A10.5.</u>	126 127 128
<u>(17) "Moving walk" means a moving walk as defined in the</u>	129

<u>elevators and escalators safety code.</u>	130
<u>(18) "Platform lifts and stairway chairlifts safety standards" means the safety standard adopted by the American society of mechanical engineers commonly referred to as ASME A18.1.</u>	131 132 133 134
<u>(19) "Powered industrial trucks safety standards" means the safety standards adopted by the American national standards institute commonly referred to as ANSI/ITSDF B56.</u>	135 136 137
<u>(20) "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.</u>	138 139 140
<u>(21) "Private residence" means a distinct building or a unit in a multiple dwelling building that is occupied by members of a single-family unit.</u>	141 142 143
<u>(22) "Repair" means a repair as defined in the appropriate reference standard that does not require a permit.</u>	144 145
<u>(23) "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.</u>	146 147 148 149
<u>(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.</u>	150 151 152
<u>(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.</u>	153 154 155
<u><b>Sec. 4785.02.</b> (A) This chapter shall be used to regulate the individuals and entities performing construction, testing,</u>	156 157

<u>maintenance, alteration, and repair of the following equipment,</u>	158
<u>associated parts, and hoistways:</u>	159
<u>(1) Hoisting and lowering mechanisms equipped with a car</u>	160
<u>or platform that moves between two or more landings, including</u>	161
<u>both of the following:</u>	162
<u>(a) Elevators;</u>	163
<u>(b) Platform lifts.</u>	164
<u>(2) Power-driven stairways and walkways for carrying</u>	165
<u>persons between landings, including both of the following:</u>	166
<u>(a) Escalators;</u>	167
<u>(b) Moving walks.</u>	168
<u>(3) Hoisting and lowering mechanisms equipped with a car</u>	169
<u>that serves two or more landings and is restricted to the</u>	170
<u>carrying of material by its limited size or limited access to</u>	171
<u>the car, including both of the following:</u>	172
<u>(a) Dumbwaiters;</u>	173
<u>(b) Material lifts and dumbwaiters with automatic transfer</u>	174
<u>devices.</u>	175
<u>(4) Automatic guided transit vehicles on guideways with an</u>	176
<u>exclusive right-of-way, including automated people movers.</u>	177
<u>(B) This chapter shall not be used to regulate any of the</u>	178
<u>following:</u>	179
<u>(1) Material hoists within the scope of the material</u>	180
<u>hoists safety requirements;</u>	181
<u>(2) Manlifts within the scope of the belt manlifts safety</u>	182
<u>standards;</u>	183

<u>(3) Mobile scaffolds, towers, and platforms within the</u>	184
<u>scope of the vehicle-mounted elevating and rotating work</u>	185
<u>platforms standards;</u>	186
<u>(4) Powered platforms and equipment for exterior and</u>	187
<u>interior maintenance within the scope of the powered platforms</u>	188
<u>for building maintenance safety standards;</u>	189
<u>(5) Conveyors and related equipment within the scope of</u>	190
<u>the conveyors, cableways, and related equipment safety code;</u>	191
<u>(6) Cranes, derricks, hoists, hooks, jacks, and slings</u>	192
<u>within the scope of cableways, cranes, derricks, hoists, hooks,</u>	193
<u>jacks, and slings safety standards;</u>	194
<u>(7) Industrial trucks within the scope of the powered</u>	195
<u>industrial trucks safety standards;</u>	196
<u>(8) Portable equipment, except for portable escalators</u>	197
<u>which are covered by the elevators and escalators safety code;</u>	198
<u>(9) Tiering or piling machines used to move materials to</u>	199
<u>and from storage located and operating entirely within one</u>	200
<u>story;</u>	201
<u>(10) Equipment for feeding or positioning materials at</u>	202
<u>machine tools, printing presses, and similar machines;</u>	203
<u>(11) Skip or furnace hoists;</u>	204
<u>(12) Wharf ramps;</u>	205
<u>(13) Railroad car lifts or dumpers;</u>	206
<u>(14) Line jacks, false cars, shafters, moving platforms,</u>	207
<u>and similar equipment used for installing an elevator by a</u>	208
<u>contractor licensed in this state;</u>	209
<u>(15) Chairlifts;</u>	210



(16) Any conveyance installed in a showroom that is for demonstration purposes only. 211  
212

**Sec. 4785.021.** The general assembly's intent in enacting 213  
section 4105.30 and Chapter 4785. of the Revised Code is to 214  
provide for the safety of installers, maintainers, and users of 215  
elevators and other conveyances, as well as to promote public 216  
safety awareness regarding the same. The use of unsafe and 217  
defective lifting devices imposes a substantial probability of 218  
serious and preventable injury to employees and the public. The 219  
prevention of these injuries and protection of employees and the 220  
public from unsafe conditions is in the best interest of the 221  
people of this state. Elevator personnel performing work covered 222  
by this chapter shall, by documented training, experience, or 223  
both, be familiar with the operation and safety functions of the 224  
components and equipment. Training and experience shall 225  
guarantee the ability to recognize the safety hazards and 226  
perform the procedures to which they are assigned in conformance 227  
with the requirements of this chapter. This chapter shall be 228  
considered the minimum standard for elevator and conveyance 229  
personnel. 230

**Sec. 4785.03.** (A) Except as provided in divisions (C) and 231  
(D) of this section, no individual shall provide conveyance 232  
services in buildings or structures unless that individual is a 233  
licensed elevator mechanic and one of the following applies: 234

(1) The elevator mechanic is working for a licensed 235  
elevator contractor. 236

(2) The elevator mechanic is a sole proprietor who holds 237  
an elevator contractor's license. 238

(3) The elevator mechanic is a member of a partnership 239

<u>that holds an elevator contractor's license.</u>	240
<u>(B) (1) No individual shall wire any conveyance, from the</u>	241
<u>mainline feeder terminals on the controller, unless that</u>	242
<u>individual is a licensed elevator mechanic and one of the</u>	243
<u>following applies:</u>	244
<u>(a) The elevator mechanic is working for a licensed</u>	245
<u>elevator contractor.</u>	246
<u>(b) The elevator mechanic is a sole proprietor who holds</u>	247
<u>an elevator contractor's license.</u>	248
<u>(c) The elevator mechanic is a member of a partnership</u>	249
<u>that holds an elevator contractor's license.</u>	250
<u>(2) No other license shall be required to wire a</u>	251
<u>conveyance.</u>	252
<u>(C) An individual or business entity providing conveyance</u>	253
<u>services, including wiring a conveyance, exclusively in private</u>	254
<u>residences is not required to obtain a license under this</u>	255
<u>chapter.</u>	256
<u>(D) (1) Except as provided in division (D) (2) of this</u>	257
<u>section, an individual or business entity shall not dismantle a</u>	258
<u>conveyance unless licensed under this chapter.</u>	259
<u>(2) Division (D) (1) of this section does not apply to a</u>	260
<u>conveyance that is to be destroyed as a result of a complete</u>	261
<u>demolition of a secured building or structure or where the</u>	262
<u>hoistway or wellway is demolished back to the basic support</u>	263
<u>structure and where no access is permitted therein.</u>	264
<b>Sec. 4785.04.</b> <u>(A) Any business entity wishing to provide</u>	265
<u>conveyance services shall apply for an elevator contractor's</u>	266
<u>license with the division of industrial compliance within the</u>	267

<u>department of commerce on a form provided by the division.</u>	268
<u>(B) Any individual wishing to provide conveyance services</u>	269
<u>shall apply for an elevator mechanic's license with the division</u>	270
<u>on a form provided by the division.</u>	271
<u>(C) An application made under this section shall contain</u>	272
<u>all of the following:</u>	273
<u>(1) (a) If an applicant is an individual or sole</u>	274
<u>proprietor, the name, residence address, and business address of</u>	275
<u>the applicant;</u>	276
<u>(b) If an applicant is a partnership, the name, residence</u>	277
<u>address, and business address of each partner;</u>	278
<u>(c) If an applicant is a domestic corporation, the name</u>	279
<u>and business address of the corporation and the name and</u>	280
<u>residence address of the principal officer of the corporation;</u>	281
<u>(d) If the applicant is a corporation other than a</u>	282
<u>domestic corporation, the name and address of an agent located</u>	283
<u>in this state who shall be authorized to accept service of</u>	284
<u>process and official notices.</u>	285
<u>(2) The number of years the applicant has engaged in the</u>	286
<u>business of conveyance services;</u>	287
<u>(3) If the applicant is applying for an elevator</u>	288
<u>contractor's license, both of the following:</u>	289
<u>(a) The approximate number of individuals, if any, to be</u>	290
<u>employed by the applicant, and if applicable, satisfactory</u>	291
<u>evidence that the employees are or will be covered by workers'</u>	292
<u>compensation insurance in accordance with section 4785.07 of the</u>	293
<u>Revised Code;</u>	294

<u>(b) Satisfactory evidence that the applicant and all</u>	295
<u>employees are, or will be, covered by general liability,</u>	296
<u>personal injury, and property damage insurance in accordance</u>	297
<u>with section 4785.07 of the Revised Code.</u>	298
<u>(4) A description of the criminal convictions and pleas of</u>	299
<u>guilty of the applicants and each employee, if any, as verified</u>	300
<u>by a criminal records check;</u>	301
<u>(5) Such other information as the division considers</u>	302
<u>appropriate.</u>	303
<u>(D) The division may issue an elevator mechanic's license</u>	304
<u>to an applicant only if that applicant has demonstrated one of</u>	305
<u>the following qualifications:</u>	306
<u>(1) An acceptable combination of documented experience and</u>	307
<u>education credits, as follows:</u>	308
<u>(a) Not less than three years of work experience in the</u>	309
<u>elevator industry, in construction, maintenance, service,</u>	310
<u>repair, or any combination thereof, as verified by current and</u>	311
<u>previous employers licensed to do business in this state;</u>	312
<u>(b) Satisfactory completion of a written examination</u>	313
<u>administered by the division, or by a testing agency approved by</u>	314
<u>the division, on the most recent referenced codes and standards.</u>	315
<u>(2) (a) Acceptable proof that the applicant has worked as</u>	316
<u>an elevator construction, maintenance, or repair person,</u>	317
<u>consisting of having worked without direct and immediate</u>	318
<u>supervision for an elevator contractor authorized to do business</u>	319
<u>in this state for a period of not less than three years</u>	320
<u>immediately prior to the effective date of this section;</u>	321
<u>(b) An applicant seeking to establish qualifications</u>	322

pursuant to division (D)(2)(a) of this section shall apply 323  
within one year after the effective date of this section. 324

(3) A certificate of completion or other evidence of 325  
having successfully passed the mechanic examination of a 326  
nationally recognized training program for the elevator 327  
industry, such as the national elevator industry educational 328  
program or the certified elevator technician program of the 329  
national association of elevator contractors; 330

(4) A certificate of completion of an apprenticeship 331  
program for elevator mechanics that has standards substantially 332  
equal to those of this chapter and is registered with the bureau 333  
of apprenticeship and training, United States department of 334  
labor, or a state apprenticeship council; 335

(5) A valid license from a state having standards 336  
substantially equal to those of this chapter, upon application 337  
and without examination. 338

(E) The division shall not issue an elevator mechanic's 339  
license to any applicant to which any of the following apply: 340

(1) The applicant has been convicted of or pleaded guilty 341  
or no contest to a disqualifying offense specified on the list 342  
the division adopts pursuant to division (B) of section 9.79 of 343  
the Revised Code and the division determines that the license 344  
should be denied using the process described in section 9.79 of 345  
the Revised Code. 346

(2) The applicant has violated any provision of this 347  
chapter. 348

(3) The applicant has violated any rule adopted pursuant 349  
to this chapter. 350

<u>(4) The applicant has demonstrated incompetence or</u>	351
<u>untrustworthiness.</u>	352
<u>(5) The applicant has engaged in fraud, misrepresentation,</u>	353
<u>or deception in the conduct of business.</u>	354
<u>(6) The applicant has obtained or attempted to obtain a</u>	355
<u>license or renewal of such license pursuant to this chapter by</u>	356
<u>means of fraud, deception, or misrepresentation.</u>	357
<u>(7) The applicant has obtained or attempted to obtain an</u>	358
<u>order, ruling, or authorization from the division by means of</u>	359
<u>fraud or misrepresentation.</u>	360
<u>(F) (1) The division may issue an elevator contractor's</u>	361
<u>license to a business entity only if the applicant has in its</u>	362
<u>employ a licensed elevator mechanic and has proof of compliance</u>	363
<u>with the insurance requirements prescribed in section 4785.07 of</u>	364
<u>the Revised Code.</u>	365
<u>(2) The division may issue an elevator contractor's</u>	366
<u>license to an applicant that holds a valid license from a state</u>	367
<u>having standards substantially equal to those of this chapter.</u>	368
<u>(G) Upon approval of an application made under this</u>	369
<u>section, the division shall issue a license to the applicant.</u>	370
<u>(H) Any license issued under this section is valid for a</u>	371
<u>period of two years and may be renewed.</u>	372
<b><u>Sec. 4785.041. (A) The division of industrial compliance</u></b>	373
<b><u>within the department of commerce may renew a license issued</u></b>	374
<b><u>under section 4785.04 of the Revised Code if the licensee does</u></b>	375
<b><u>all of the following:</u></b>	376
<u>(1) Submits an application for license renewal on a form</u>	377
<u>prescribed by the division;</u>	378

<u>(2) Pays the license renewal fee established by the</u>	379
<u>division;</u>	380
<u>(3) If the licensee is an elevator mechanic, submits</u>	381
<u>evidence that the applicant has completed the continuing</u>	382
<u>education coursework described in division (B) of this section;</u>	383
<u>(4) If the license is an elevator contractor's license,</u>	384
<u>submits proof that the applicant is in compliance with the</u>	385
<u>insurance requirements prescribed in section 4785.07 of the</u>	386
<u>Revised Code.</u>	387
<u>(B) The continuing education courses described in division</u>	388
<u>(A) (3) of this section shall:</u>	389
<u>(1) Instruct licensees on new and existing rules and</u>	390
<u>standards adopted by the division;</u>	391
<u>(2) Consist of not less than eight hours of instruction;</u>	392
<u>(3) Be attended and completed within one year immediately</u>	393
<u>preceding the scheduled date for the license renewal;</u>	394
<u>(4) Be taught by instructors through continuing education</u>	395
<u>providers approved by the division.</u>	396
<u>(C) A continuing education instructor who holds a license</u>	397
<u>under this chapter is exempt from the continuing education</u>	398
<u>requirement prescribed in division (A) (3) of this section,</u>	399
<u>provided that any such applicant was qualified as an instructor</u>	400
<u>at any time during the year immediately preceding the scheduled</u>	401
<u>date for the license renewal.</u>	402
<u>(D) (1) A licensee who is unable to complete the continuing</u>	403
<u>education coursework required under this section before the</u>	404
<u>expiration of the licensee's license due to a temporary</u>	405
<u>disability may apply for a temporary continuing education waiver</u>	406

from the division. 407

(2) An application for a temporary continuing education 408  
waiver shall be made in a form prescribed by the division, which 409  
shall be signed by the applicant under the penalty of perjury 410  
and accompanied by a certified statement from a competent 411  
physician attesting to the temporary disability. If the division 412  
grants the waiver, the licensee's license does not expire but is 413  
placed on inactive status. 414

(3) On the termination of the temporary disability, the 415  
licensee shall submit to the division a certified statement from 416  
the same physician, if practicable, attesting to the termination 417  
of the temporary disability. The division shall then take the 418  
licensee's license off inactive status and shall issue a waiver 419  
sticker, valid for ninety days, to the licensee and affix the 420  
sticker to the license. The licensee may then perform the tasks 421  
the license authorizes the licensee to perform but the licensee 422  
shall meet the continuing education requirement during this 423  
ninety-day period or be considered to have not met the 424  
continuing education requirement and the license shall be deemed 425  
to be expired. 426

(E) (1) Approved continuing education providers shall keep 427  
uniform records, for a period of ten years, of attendance of 428  
licensees in a format approved by the division. Such records 429  
shall be available for inspection by the division on request. 430

(2) Approved training providers are responsible for the 431  
security of all attendance records and certificates of 432  
completion, provided, however, that falsifying or knowingly 433  
allowing another to falsify such attendance records or 434  
certificates of completion constitutes grounds for suspension or 435  
revocation of a continuing education provider's division 436



approval. 437

(F) The division shall not renew the license of an 438  
individual or entity if the individual or entity would be denied 439  
an initial license for a reason listed in division (E) of 440  
section 4785.04 of the Revised Code. 441

Sec. 4785.05. (A) Whenever the division of industrial 442  
compliance within the department of commerce determines that an 443  
emergency exists due to disaster, act of God, or work stoppage, 444  
and the number of individuals in the state holding elevator 445  
mechanic's licenses issued by the division is insufficient to 446  
cope with the emergency, the division shall declare such a state 447  
of emergency and respond as prescribed in this section to assure 448  
the safety of the public. 449

(B) Notwithstanding section 4785.03 of the Revised Code, 450  
during such a state of emergency, any individual found by a 451  
licensed elevator contractor to have an acceptable combination 452  
of documented experience and education to perform conveyance 453  
services without direct and immediate supervision may perform 454  
conveyance services without an elevator mechanic's license, as 455  
provided in this section. 456

(C) Such an individual shall seek an emergency elevator 457  
mechanic's license from the division within five business days 458  
after commencing work that would otherwise require an elevator 459  
mechanic's license. 460

(D) An elevator contractor associated with an individual 461  
seeking an emergency elevator mechanic's license shall furnish 462  
proof of competency as the division may require. 463

(E) (1) An emergency elevator mechanic's license is valid 464  
for a period of forty-five days from the date of issuance. 465

(2) The division may restrict the validity of an emergency 466  
elevator mechanic's license to a particular conveyance or 467  
geographical area as the division sees fit, but shall otherwise 468  
entitle the licensee to the rights and privileges of an elevator 469  
mechanic's license issued pursuant to this chapter. 470

(F) The division may renew an emergency elevator 471  
mechanic's license for the duration of a state of emergency. 472

(G) No fee shall be charged for any emergency elevator 473  
mechanic's license or renewal thereof. 474

**Sec. 4785.051.** (A) An elevator contractor shall notify the 475  
division of industrial compliance within the department of 476  
commerce when there are no licensed elevator mechanics available 477  
to provide conveyance services and may request that the division 478  
issue temporary elevator mechanic's licenses to individuals 479  
certified by the licensed elevator contractor to have an 480  
acceptable combination of documented experience and education to 481  
provide conveyance services without direct and immediate 482  
supervision. 483

(B) Any individual certified by an elevator contractor to 484  
have an acceptable combination of documented experience and 485  
education to provide conveyance services without direct and 486  
immediate supervision shall immediately seek a temporary 487  
elevator mechanic's license from the division and shall pay an 488  
application fee as set by the division. If the division is 489  
satisfied as to the individual's qualifications, the division 490  
shall issue a temporary elevator mechanic's license to the 491  
individual. 492

(C) A temporary license issued under this section is valid 493  
only for a specified term set by the division, which shall be 494

noted on the license, and only while the licensee is employed by 495  
the elevator contractor that certified the individual as being 496  
qualified. 497

(D) A temporary elevator mechanic's license is renewable 498  
in accordance with rules adopted by the division. 499

**Sec. 4785.06.** Licensees shall ensure that installation, 500  
service, and maintenance of a conveyance is performed in 501  
accordance with state and local law and with generally accepted 502  
standards referenced in such laws or related rules. 503

When any material alteration is made to a conveyance, the 504  
licensees involved shall ensure that the conveyance adheres to 505  
the appropriate conveyance standard for the alteration. 506

**Sec. 4785.07.** (A) Elevator contractors shall submit to the 507  
division of industrial compliance within the department of 508  
commerce proof of insurance coverage greater than or equal to 509  
the following amounts: 510

(1) One million dollars for injury or death of any number 511  
of individuals in any one occurrence; 512

(2) Five hundred thousand dollars for property damage in 513  
any one occurrence; 514

(3) Workers' compensation insurance coverage. 515

(B) Such proof of insurance shall be delivered to the 516  
division before or at the time of the issuance or renewal of a 517  
license. 518

(C) If any policy required under this section is 519  
materially altered or canceled, the elevator contractor covered 520  
by the policy shall give notice of the material alteration or 521  
cancellation to the division at least ten days prior to the 522

<u>change.</u>	523
<u>Sec. 4785.08. (A) In accordance with Chapter 119. of the</u>	524
<u>Revised Code, the superintendent of industrial compliance shall</u>	525
<u>adopt rules pertaining to all of the following:</u>	526
<u>(1) The issuance and renewal of elevator mechanic's</u>	527
<u>licenses and elevator contractor's licenses;</u>	528
<u>(2) The list of disqualifying offenses required under</u>	529
<u>division (B) of section 9.79 of the Revised Code.</u>	530
<u>(B) In accordance with Chapter 119. of the Revised Code,</u>	531
<u>the superintendent may adopt rules pertaining to all of the</u>	532
<u>following:</u>	533
<u>(1) Assisting in the development of public awareness</u>	534
<u>programs;</u>	535
<u>(2) Classifications or subclassifications of licenses for</u>	536
<u>elevator mechanics and elevator contractors;</u>	537
<u>(3) Monitoring inspections and testing in order to ensure</u>	538
<u>satisfactory performance by licensees;</u>	539
<u>(4) Fee schedules for elevator mechanic and elevator</u>	540
<u>contractor licenses. The fees shall reflect the actual costs and</u>	541
<u>expenses necessary to administer this chapter.</u>	542
<u>(5) Establishing standards for the approval of license</u>	543
<u>testing agencies, pursuant to division (D)(1)(b) of section</u>	544
<u>4785.04 of the Revised Code;</u>	545
<u>(6) Establishing standards for the approval of continuing</u>	546
<u>education and training providers, pursuant to division (B) of</u>	547
<u>section 4785.041 of the Revised Code;</u>	548
<u>(7) Any other rules necessary to administer and carry out</u>	549

<u>this chapter.</u>	550
<u>(C) Notwithstanding divisions (A) and (B) of this section</u>	551
<u>or Chapter 4105. of the Revised Code, the superintendent shall</u>	552
<u>not adopt rules relating to the construction, maintenance, and</u>	553
<u>repair of elevators, except as pertaining to licensing</u>	554
<u>individuals under this chapter.</u>	555
<u>(D) The superintendent may exercise such other powers and</u>	556
<u>duties as are necessary to carry out the purpose and intent of</u>	557
<u>this chapter.</u>	558
<u>(E) Notwithstanding any provision of section 121.95 of the</u>	559
<u>Revised Code to the contrary, the superintendent may adopt rules</u>	560
<u>pertaining to the issuance and renewal of elevator mechanic's</u>	561
<u>licenses and elevator contractor's licenses that contain</u>	562
<u>regulatory restrictions as described in that section without</u>	563
<u>simultaneously removing two or more other existing regulatory</u>	564
<u>restrictions.</u>	565
<b><u>Sec. 4785.09.</u></b> (A) <u>There is hereby created, within the</u>	566
<u>division of industrial compliance within the department of</u>	567
<u>commerce, the elevator safety review board.</u>	568
<u>(B) The board is responsible for investigating violations</u>	569
<u>of this chapter, holding disciplinary administrative hearings,</u>	570
<u>and assessing penalties in accordance with sections 4785.091 and</u>	571
<u>4785.092 of the Revised Code.</u>	572
<u>(C) The board consists of the following members:</u>	573
<u>(1) The director of commerce or the director's designee;</u>	574
<u>(2) A representative of the board of building standards;</u>	575
<u>(3) The following individuals, appointed by the governor:</u>	576

<u>(a) One representative of a major elevator manufacturing company;</u>	577 578
<u>(b) One representative of an elevator servicing company;</u>	579
<u>(c) One representative of the architectural design or elevator consulting profession;</u>	580 581
<u>(d) One representative of the general public;</u>	582
<u>(e) One representative of municipal corporations in this state;</u>	583 584
<u>(f) One representative of building owners or managers;</u>	585
<u>(g) One representative of the building trade, comprised of an individual providing conveyance services.</u>	586 587
<u>(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.</u>	588 589 590
<u>(E) All members of the board shall serve without salary, but shall be reimbursed for all expenses necessary in the performance of their duties.</u>	591 592 593
<u>(F) (1) The governor shall appoint one of the members to serve as chair of the board.</u>	594 595
<u>(2) A majority of the board shall constitute a quorum.</u>	596
<u>(3) The chair shall be the deciding vote in the event of a tie vote.</u>	597 598
<u>(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.</u>	599 600 601 602

(2) (a) The board shall meet not less than once a month and 603  
as often as the board considers necessary for the consideration 604  
of code regulations, appeals, and variances, and for the 605  
transaction of such other business as properly may come before 606  
it. 607

(b) Special meetings shall be called as prescribed in 608  
rules adopted by the board. 609

(H) The seat of any appointed board member absent from 610  
three consecutive meetings shall be deemed vacant. 611

**Sec. 4785.091.** (A) The elevator safety review board may 612  
suspend or revoke a license issued pursuant to this chapter or 613  
subject the licensee to civil penalty if the board determines 614  
that one or more of the following applies to the licensee: 615

(1) The licensee has been convicted of or pleaded guilty 616  
to a crime of moral turpitude or disqualifying offense as those 617  
terms are defined in section 4776.10 of the Revised Code and the 618  
list adopted pursuant to division (A) (2) of section 4785.08 of 619  
the Revised Code. 620

(2) The licensee has violated any provision of this 621  
chapter. 622

(3) The licensee has violated any rule adopted pursuant to 623  
this chapter. 624

(4) The licensee has demonstrated incompetence or 625  
untrustworthiness. 626

(5) The licensee has engaged in fraud, misrepresentation, 627  
or deception in the conduct of business. 628

(6) The licensee has obtained or attempted to obtain a 629  
license or renewal of such license pursuant to this chapter by 630

means of fraud, deception, or misrepresentation. 631

(7) The licensee has obtained or attempted to obtain an 632  
order, ruling, or authorization from the division of industrial 633  
compliance by means of fraud or misrepresentation. 634

(B) (1) An administrative action taken under division (A) 635  
of this section shall be made only after a hearing held by the 636  
board in accordance with Chapter 119. of the Revised Code. 637

(2) Notice of such a hearing shall be provided to the 638  
licensee in question at least ten days prior to the hearing at 639  
the last known address appearing on the license, served 640  
personally or by registered mail. 641

The notice shall state the date, hour, and place of the 642  
hearing and set forth a statement of facts constituting the 643  
grounds for the charges against the licensee. 644

(C) An individual against whom the board imposes a civil 645  
penalty pursuant to an adjudication under this section may 646  
appeal the order to the court of common pleas of Franklin 647  
county. The appeal is governed by section 119.12 of the Revised 648  
Code. 649

**Sec. 4785.092.** (A) (1) Any individual may request an 650  
investigation into an alleged violation of this chapter by 651  
giving notice to the elevator safety review board of a potential 652  
violation or danger. 653

(2) Such notice shall be in writing, shall set forth with 654  
reasonable particularity the grounds for the notice, and shall 655  
be signed by the individual making the request. 656

(3) On the request of any individual signing the notice, 657  
the individual's name shall not appear on any copy of such 658



notice or any record published, released, or made available. 659

(B) (1) If, on receipt of such a request, the board 660  
determines that there are reasonable grounds to believe that the 661  
violation or danger exists, the board shall investigate whether 662  
or not a violation or danger exists. 663

(2) If the board determines that there are no reasonable 664  
grounds to believe that a violation or danger exists, the board 665  
shall notify the individual making the request in writing of 666  
that determination. 667

Sec. 4785.10. All money collected under this chapter shall 668  
be deposited into the state treasury to the credit of the 669  
industrial compliance operating fund created under section 670  
121.084 of the Revised Code. 671

Sec. 4785.99. Whoever recklessly violates any of the 672  
provisions of this chapter shall be fined not more than one 673  
thousand five hundred dollars, sentenced to a jail term not 674  
exceeding thirty days, or both. 675

**Section 2.** That existing sections 4105.01 and 4105.10 of 676  
the Revised Code are hereby repealed. 677

**Section 3.** Section 4785.03 of the Revised Code, as enacted 678  
by this act, takes effect one year after the effective date of 679  
this section. 680

**Section 4.** That sections 4105.30, 4785.01, 4785.02, 681  
4785.021, 4785.03, 4785.04, 4785.041, 4785.05, 4785.051, 682  
4785.06, 4785.07, 4785.08, 4785.09, 4785.091, 4785.092, 4785.10, 683  
and 4785.99 of the Revised Code enacted by Section 1 of this act 684  
are hereby repealed. 685

**Section 5.** Section 4 of this act takes effect ten years 686

after the effective date of this section.

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