

**As Introduced**

**133rd General Assembly**

**Regular Session**

**2019-2020**

**H. B. No. 289**

**Representative Baldridge**

**Cosponsors: Representatives Ghanbari, Green, Cross, Wilkin, Jones, Patton,  
Sweeney, Lepore-Hagan, Skindell, Edwards**

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**A BILL**

To amend sections 119.12, 121.084, 4105.01, 1  
4105.10, and 4105.15 and to enact sections 2  
4105.101, 4105.30, 4785.01, 4785.02, 4785.03, 3  
4785.04, 4785.041, 4785.05, 4785.051, 4785.06, 4  
4785.07, 4785.08, 4785.09, 4785.091, 4785.092, 5  
and 4785.99 of the Revised Code to revise the 6  
Elevator Law. 7

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

**Section 1.** That sections 119.12, 121.084, 4105.01, 8  
4105.10, and 4105.15 be amended and sections 4105.101, 4105.30, 9  
4785.01, 4785.02, 4785.03, 4785.04, 4785.041, 4785.05, 4785.051, 10  
4785.06, 4785.07, 4785.08, 4785.09, 4785.091, 4785.092, and 11  
4785.99 of the Revised Code be enacted to read as follows: 12

**Sec. 119.12.** (A) (1) Except as provided in division (A) (2) 13  
or (3) of this section, any party adversely affected by any 14  
order of an agency issued pursuant to an adjudication denying an 15  
applicant admission to an examination, or denying the issuance 16  
or renewal of a license or registration of a licensee, or 17  
revoking or suspending a license, or allowing the payment of a 18

forfeiture under section 4301.252 of the Revised Code, or 19  
imposing a civil penalty under section 4785.091 of the Revised 20  
Code may appeal from the order of the agency to the court of 21  
common pleas of the county in which the place of business of the 22  
licensee is located or the county in which the licensee is a 23  
resident. 24

(2) An appeal from an order described in division (A) (1) 25  
of this section issued by any of the following agencies shall be 26  
made to the court of common pleas of Franklin county: 27

- (a) The liquor control commission; 28
- (b) The Ohio casino control commission~~7~~i 29
- (c) The state medical board; 30
- ~~(e)~~ (d) The state chiropractic board; 31
- ~~(d)~~ (e) The board of nursing; 32
- ~~(e)~~ (f) The bureau of workers' compensation regarding 33  
participation in the health partnership program created in 34  
sections 4121.44 and 4121.441 of the Revised Code; 35
- (g) The elevator safety review board. 36

(3) If any party appealing from an order described in 37  
division (A) (1) of this section is not a resident of and has no 38  
place of business in this state, the party may appeal to the 39  
court of common pleas of Franklin county. 40

(B) Any party adversely affected by any order of an agency 41  
issued pursuant to any other adjudication may appeal to the 42  
court of common pleas of Franklin county, except that appeals 43  
from orders of the fire marshal issued under Chapter 3737. of 44  
the Revised Code may be to the court of common pleas of the 45

county in which the building of the aggrieved person is located 46  
and except that appeals under division (B) of section 124.34 of 47  
the Revised Code from a decision of the state personnel board of 48  
review or a municipal or civil service township civil service 49  
commission shall be taken to the court of common pleas of the 50  
county in which the appointing authority is located or, in the 51  
case of an appeal by the department of rehabilitation and 52  
correction, to the court of common pleas of Franklin county. 53

(C) This section does not apply to appeals from the 54  
department of taxation. 55

(D) Any party desiring to appeal shall file a notice of 56  
appeal with the agency setting forth the order appealed from and 57  
stating that the agency's order is not supported by reliable, 58  
probative, and substantial evidence and is not in accordance 59  
with law. The notice of appeal may, but need not, set forth the 60  
specific grounds of the party's appeal beyond the statement that 61  
the agency's order is not supported by reliable, probative, and 62  
substantial evidence and is not in accordance with law. The 63  
notice of appeal shall also be filed by the appellant with the 64  
court. In filing a notice of appeal with the agency or court, 65  
the notice that is filed may be either the original notice or a 66  
copy of the original notice. Unless otherwise provided by law 67  
relating to a particular agency, notices of appeal shall be 68  
filed within fifteen days after the mailing of the notice of the 69  
agency's order as provided in this section. For purposes of this 70  
paragraph, an order includes a determination appealed pursuant 71  
to division (C) of section 119.092 of the Revised Code. The 72  
amendments made to this paragraph by Sub. H.B. 215 of the 128th 73  
general assembly are procedural, and this paragraph as amended 74  
by those amendments shall be applied retrospectively to all 75  
appeals pursuant to this paragraph filed before September 13, 76

2010, but not earlier than May 7, 2009, which was the date the 77  
supreme court of Ohio released its opinion and judgment in 78  
Medcorp, Inc. v. Ohio Dep't. of Job and Family Servs. (2009), 79  
121 Ohio St.3d 622. 80

(E) The filing of a notice of appeal shall not 81  
automatically operate as a suspension of the order of an agency. 82  
If it appears to the court that an unusual hardship to the 83  
appellant will result from the execution of the agency's order 84  
pending determination of the appeal, the court may grant a 85  
suspension and fix its terms. If an appeal is taken from the 86  
judgment of the court and the court has previously granted a 87  
suspension of the agency's order as provided in this section, 88  
the suspension of the agency's order shall not be vacated and 89  
shall be given full force and effect until the matter is finally 90  
adjudicated. No renewal of a license or permit shall be denied 91  
by reason of the suspended order during the period of the appeal 92  
from the decision of the court of common pleas. In the case of 93  
an appeal from the Ohio casino control commission, the state 94  
medical board, or the state chiropractic board, the court may 95  
grant a suspension and fix its terms if it appears to the court 96  
that an unusual hardship to the appellant will result from the 97  
execution of the agency's order pending determination of the 98  
appeal and the health, safety, and welfare of the public will 99  
not be threatened by suspension of the order. This provision 100  
shall not be construed to limit the factors the court may 101  
consider in determining whether to suspend an order of any other 102  
agency pending determination of an appeal. 103

(F) The final order of adjudication may apply to any 104  
renewal of a license or permit which has been granted during the 105  
period of the appeal. 106

(G) Notwithstanding any other provision of this section, 107  
any order issued by a court of common pleas or a court of 108  
appeals suspending the effect of an order of the liquor control 109  
commission issued pursuant to Chapter 4301. or 4303. of the 110  
Revised Code that suspends, revokes, or cancels a permit issued 111  
under Chapter 4303. of the Revised Code or that allows the 112  
payment of a forfeiture under section 4301.252 of the Revised 113  
Code shall terminate not more than six months after the date of 114  
the filing of the record of the liquor control commission with 115  
the clerk of the court of common pleas and shall not be 116  
extended. The court of common pleas, or the court of appeals on 117  
appeal, shall render a judgment in that matter within six months 118  
after the date of the filing of the record of the liquor control 119  
commission with the clerk of the court of common pleas. A court 120  
of appeals shall not issue an order suspending the effect of an 121  
order of the liquor control commission that extends beyond six 122  
months after the date on which the record of the liquor control 123  
commission is filed with a court of common pleas. 124

(H) Notwithstanding any other provision of this section, 125  
any order issued by a court of common pleas or a court of 126  
appeals suspending the effect of an order of the Ohio casino 127  
control commission issued under Chapter 3772. of the Revised 128  
Code that limits, conditions, restricts, suspends, revokes, 129  
denies, not renews, fines, or otherwise penalizes an applicant, 130  
licensee, or person excluded or ejected from a casino facility 131  
in accordance with section 3772.031 of the Revised Code shall 132  
terminate not more than six months after the date of the filing 133  
of the record of the Ohio casino control commission with the 134  
clerk of the court of common pleas and shall not be extended. 135  
The court of common pleas, or the court of appeals on appeal, 136  
shall render a judgment in that matter within six months after 137

the date of the filing of the record of the Ohio casino control 138  
commission with the clerk of the court of common pleas. A court 139  
of appeals shall not issue an order suspending the effect of an 140  
order of the Ohio casino control commission that extends beyond 141  
six months after the date on which the record of the Ohio casino 142  
control commission is filed with the clerk of a court of common 143  
pleas. 144

(I) Notwithstanding any other provision of this section, 145  
any order issued by a court of common pleas suspending the 146  
effect of an order of the state medical board or state 147  
chiropractic board that limits, revokes, suspends, places on 148  
probation, or refuses to register or reinstate a certificate 149  
issued by the board or reprimands the holder of the certificate 150  
shall terminate not more than fifteen months after the date of 151  
the filing of a notice of appeal in the court of common pleas, 152  
or upon the rendering of a final decision or order in the appeal 153  
by the court of common pleas, whichever occurs first. 154

~~(I)~~ (J) Within thirty days after receipt of a notice of 155  
appeal from an order in any case in which a hearing is required 156  
by sections 119.01 to 119.13 of the Revised Code, the agency 157  
shall prepare and certify to the court a complete record of the 158  
proceedings in the case. Failure of the agency to comply within 159  
the time allowed, upon motion, shall cause the court to enter a 160  
finding in favor of the party adversely affected. Additional 161  
time, however, may be granted by the court, not to exceed thirty 162  
days, when it is shown that the agency has made substantial 163  
effort to comply. The record shall be prepared and transcribed, 164  
and the expense of it shall be taxed as a part of the costs on 165  
the appeal. The appellant shall provide security for costs 166  
satisfactory to the court of common pleas. Upon demand by any 167  
interested party, the agency shall furnish at the cost of the 168

party requesting it a copy of the stenographic report of 169  
testimony offered and evidence submitted at any hearing and a 170  
copy of the complete record. 171

~~(J)~~ (K) Notwithstanding any other provision of this 172  
section, any party desiring to appeal an order or decision of 173  
the state personnel board of review shall, at the time of filing 174  
a notice of appeal with the board, provide a security deposit in 175  
an amount and manner prescribed in rules that the board shall 176  
adopt in accordance with this chapter. In addition, the board is 177  
not required to prepare or transcribe the record of any of its 178  
proceedings unless the appellant has provided the deposit 179  
described above. The failure of the board to prepare or 180  
transcribe a record for an appellant who has not provided a 181  
security deposit shall not cause a court to enter a finding 182  
adverse to the board. 183

~~(K)~~ (L) Unless otherwise provided by law, in the hearing of 184  
the appeal, the court is confined to the record as certified to 185  
it by the agency. Unless otherwise provided by law, the court 186  
may grant a request for the admission of additional evidence 187  
when satisfied that the additional evidence is newly discovered 188  
and could not with reasonable diligence have been ascertained 189  
prior to the hearing before the agency. 190

~~(L)~~ (M) The court shall conduct a hearing on the appeal and 191  
shall give preference to all proceedings under sections 119.01 192  
to 119.13 of the Revised Code, over all other civil cases, 193  
irrespective of the position of the proceedings on the calendar 194  
of the court. An appeal from an order of the state medical board 195  
issued pursuant to division (G) of either section 4730.25 or 196  
4731.22 of the Revised Code, the state chiropractic board issued 197  
pursuant to section 4734.37 of the Revised Code, the liquor 198

control commission issued pursuant to Chapter 4301. or 4303. of 199  
the Revised Code, or the Ohio casino control commission issued 200  
pursuant to Chapter 3772. of the Revised Code shall be set down 201  
for hearing at the earliest possible time and takes precedence 202  
over all other actions. The hearing in the court of common pleas 203  
shall proceed as in the trial of a civil action, and the court 204  
shall determine the rights of the parties in accordance with the 205  
laws applicable to a civil action. At the hearing, counsel may 206  
be heard on oral argument, briefs may be submitted, and evidence 207  
may be introduced if the court has granted a request for the 208  
presentation of additional evidence. 209

~~(M)~~ (N) The court may affirm the order of the agency 210  
complained of in the appeal if it finds, upon consideration of 211  
the entire record and any additional evidence the court has 212  
admitted, that the order is supported by reliable, probative, 213  
and substantial evidence and is in accordance with law. In the 214  
absence of this finding, it may reverse, vacate, or modify the 215  
order or make such other ruling as is supported by reliable, 216  
probative, and substantial evidence and is in accordance with 217  
law. The court shall award compensation for fees in accordance 218  
with section 2335.39 of the Revised Code to a prevailing party, 219  
other than an agency, in an appeal filed pursuant to this 220  
section. 221

~~(N)~~ (O) The judgment of the court shall be final and 222  
conclusive unless reversed, vacated, or modified on appeal. 223  
These appeals may be taken either by the party or the agency, 224  
shall proceed as in the case of appeals in civil actions, and 225  
shall be pursuant to the Rules of Appellate Procedure and, to 226  
the extent not in conflict with those rules, Chapter 2505. of 227  
the Revised Code. An appeal by the agency shall be taken on 228  
questions of law relating to the constitutionality, 229



construction, or interpretation of statutes and rules of the 230  
agency, and, in the appeal, the court may also review and 231  
determine the correctness of the judgment of the court of common 232  
pleas that the order of the agency is not supported by any 233  
reliable, probative, and substantial evidence in the entire 234  
record. 235

The court shall certify its judgment to the agency or take 236  
any other action necessary to give its judgment effect. 237

**Sec. 121.084.** (A) All moneys collected under sections 238  
3783.05, 3791.07, 4104.07, 4104.18, 4104.44, 4105.17, 4105.20, 239  
4169.03, and 5104.051, and Chapter 4785. of the Revised Code, 240  
and any other moneys collected by the division of industrial 241  
compliance shall be paid into the state treasury to the credit 242  
of the industrial compliance operating fund, which is hereby 243  
created. The department of commerce shall use the moneys in the 244  
fund for paying the operating expenses of the division and the 245  
administrative assessment described in division (B) of this 246  
section. 247

(B) The director of commerce, with the approval of the 248  
director of budget and management, shall prescribe procedures 249  
for assessing the industrial compliance operating fund a 250  
proportionate share of the administrative costs of the 251  
department of commerce. The assessment shall be made in 252  
accordance with those procedures and be paid from the industrial 253  
compliance operating fund to the division of administration fund 254  
created in section 121.08 of the Revised Code. 255

**Sec. 4105.01.** As used in this chapter: 256

(A) "Elevator" means a hoisting and lowering apparatus 257  
equipped with a car, cage, or platform which moves on or between 258

permanent rails or guides and serves two or more fixed landings 259  
in a building or structure to which section 3781.06 of the 260  
Revised Code applies or in a private residence. "Elevator" 261  
includes dumb-waiters other than hand-powered dumb-waiters, 262  
escalators, manlifts, moving walks, of the endless belt type, 263  
other lifting or lowering apparatus permanently installed on or 264  
between rails or guides, and all equipment, machinery, and 265  
construction related to any elevator; but does not include 266  
construction hoists and other similar temporary lifting or 267  
lowering apparatuses, ski lifts, chairlifts installed in a 268  
private residence, a lifting device installed in a showroom for 269  
demonstration purposes only, traveling, portable amusement rides 270  
or devices that are not affixed to a permanent foundation, or 271  
nonportable amusement rides or devices that are affixed to a 272  
permanent foundation. 273

(B) "Passenger elevator" means an elevator that is 274  
designed to carry persons to its contract capacity. 275

(C) "Freight elevator" means an elevator normally used for 276  
carrying freight and on which only the operator and employees in 277  
the pursuit of their duties, by the permission of the employer, 278  
are allowed to ride. 279

(D) "Gravity elevator" means an elevator utilizing gravity 280  
to move. 281

(E) "General inspector" means a state inspector examined 282  
and hired to inspect elevators and lifting apparatus for that 283  
state. 284

(F) "Special inspector" means an inspector examined and 285  
commissioned by the superintendent of industrial compliance to 286  
inspect elevators and lifting apparatus in the state. 287

(G) "Inspector" means either a general or special 288  
inspector. 289

(H) "Private residence" has the same meaning as in section 290  
4785.01 of the Revised Code. 291

**Sec. 4105.10.** (A) Except as provided in division (B) of 292  
this section, elevators shall be inspected in accordance with 293  
the following: 294

(1) Every passenger elevator, escalator, moving walk, and 295  
freight elevator, including gravity elevators, shall be 296  
inspected twice every twelve months. 297

~~(B)~~ (2) Power dumb-waiters, hoists, and other lifting or 298  
lowering apparatus, not designed to carry persons, permanently 299  
installed, either on or between rails or guides, shall be 300  
inspected at least once every twelve months. 301

~~(C)~~ (3) The board of building standards may designate, by 302  
rule, classifications of passenger elevators with a capacity of 303  
seven hundred fifty pounds or less that shall be inspected once 304  
every twelve months. 305

(B) (1) Division (A) of this section does not apply to an 306  
elevator installed in a private residence. Such elevators shall 307  
only be inspected for the initial certificate of inspection as 308  
provided in section 4105.15 of the Revised Code and pursuant to 309  
division (B) (2) of this section. 310

(2) If title to a private residence containing an elevator 311  
is to be transferred, then that elevator shall be inspected and 312  
its certificate of operation shall be renewed not more than 313  
sixty days prior to the date of the sale. 314

**Sec. 4105.101.** (A) Upon completion of an inspection of an 315

elevator installed in a private residence, the inspector shall 316  
provide to the owner of that residence a notice informing the 317  
owner of the hazards of altering or repairing an elevator and 318  
the liability that the owner could potentially face for making 319  
such an alteration or repair without the proper training or 320  
license. 321

(B) The owner of the elevator shall acknowledge receiving 322  
the notification required under this section via signature. 323

(C) The division of industrial compliance shall adopt the 324  
exact form of such a notification in rule. 325

**Sec. 4105.15.** (A) No certificate of operation for any 326  
elevator shall be issued by the director of commerce until such 327  
elevator has been inspected as required by this chapter. 328  
~~Certificates~~ 329

(B) (1) Except as provided in division (B) (2) of this 330  
section, certificates of operation shall be renewed by the owner 331  
or user of the elevator in accordance with rules adopted by the 332  
superintendent of industrial compliance pursuant to section 333  
4105.12 of the Revised Code. 334

(2) A certificate of operation provided to the owner of an 335  
elevator installed in a private residence need not be renewed, 336  
except as provided in division (B) (2) of section 4105.10 of the 337  
Revised Code. 338

**Sec. 4105.30.** (A) It shall be the responsibility of the 339  
owner of all conveyances to have an elevator contractor licensed 340  
under Chapter 4785. of the Revised Code ensure that the required 341  
tests are performed at intervals in compliance with the ASME 342  
A17.1/CSA B44 Appendix N, ASME A18.1, and ASCE 21. All tests 343  
shall be performed by an elevator mechanic licensed under 344

Chapter 4785. of the Revised Code. 345

(B) As used in this section, "ASME A17.1," "ASME A18.1," 346  
"ASCE 21," and "conveyance" have the same meanings as in section 347  
4785.01 of the Revised Code. 348

**Sec. 4785.01.** (A) As used in this chapter: 349

(1) "Automated people mover" means an installation as 350  
defined in the automated people mover standards. 351

(2) "Automated people mover standards" means the standards 352  
adopted by the American society of civil engineers commonly 353  
referred to as ASCE 21. 354

(3) "Belt manlifts safety standards" means the safety 355  
standards adopted by the American society of mechanical 356  
engineers commonly referred to as ASME A90.1. 357

(4) "Board" means the elevator safety review board, which 358  
is within the board of building standards and under the 359  
department of commerce. 360

(5) "Business entity" includes a sole proprietorship, 361  
partnership, and corporation. 362

(6) "Cableways, cranes, derricks, hoists, hooks, jacks, 363  
and slings safety standards" means the safety standards adopted 364  
by the American society of mechanical engineers commonly 365  
referred to as ASME B30. 366

(7) "Conveyance" means any means of transportation subject 367  
to the jurisdiction of this chapter, as described in division 368  
(A) of section 4785.02 of the Revised Code. 369

(8) "Conveyance services" means erecting, constructing, 370  
installing, altering, servicing, repairing, dismantling, 371

removing, or maintaining a conveyance. 372

(9) "Conveyors, cableways, and related equipment safety 373  
code" means the safety code adopted by the American society of 374  
mechanical engineers commonly referred to as ASME B20.1. 375

(10) "Division" means the division of industrial 376  
compliance located within the department of commerce. 377

(11) "Elevator" means a conveyance defined as an elevator 378  
in the elevators and escalators safety code and the platform 379  
lifts and stairway chairlifts safety standards. 380

(12) "Elevator contractor" means any business entity that 381  
has been issued an elevator contractor's license under this 382  
chapter and that is engaged in the business of providing 383  
conveyance services. 384

(13) "Elevator mechanic" means any individual who has been 385  
issued an elevator mechanic's license under this chapter. 386

(14) "Elevator mechanic's license" means a license issued 387  
by the division authorizing the holder to provide conveyance 388  
services and perform electrical work on conveyances. 389

(15) "Elevators and escalators safety code" means the 390  
safety code adopted by the American society of mechanical 391  
engineers commonly referred to as ASME A17.1/CSA B44. 392

(16) "Escalator" means a conveyance defined as an 393  
escalator in the elevators and escalators safety code. 394

(17) "Material alteration" means an alteration, as defined 395  
in the standards related to the item altered. 396

(18) "Material hoists safety requirements" means the 397  
safety requirements adopted by the American national standards 398

<u>institute commonly referred to as ANSI/ASSP A10.5.</u>	399
<u>(19) "Moving walk" means a moving walk as defined in the</u>	400
<u>elevators and escalators safety code.</u>	401
<u>(20) "Platform lifts and stairway chairlifts safety</u>	402
<u>standards" means the safety standard adopted by the American</u>	403
<u>society of mechanical engineers commonly referred to as ASME</u>	404
<u>A18.1.</u>	405
<u>(21) "Powered industrial trucks safety standards" means</u>	406
<u>the safety standards adopted by the American national standards</u>	407
<u>institute commonly referred to as ANSI/ITSDF B56.</u>	408
<u>(22) "Powered platforms for building maintenance safety</u>	409
<u>standards" means the standards adopted by the American society</u>	410
<u>of mechanical engineers commonly referred to as ASME 120.1.</u>	411
<u>(23) "Private residence" means a distinct building or a</u>	412
<u>unit in a multiple dwelling building that is occupied by members</u>	413
<u>of a single-family unit.</u>	414
<u>(24) "Repair" means a repair as defined in the appropriate</u>	415
<u>reference standard that does not require a permit.</u>	416
<u>(25) "Superintendent" means the superintendent of</u>	417
<u>industrial compliance.</u>	418
<u>(26) "Vehicle-mounted elevating and rotating work</u>	419
<u>platforms standards" means the standards adopted by the American</u>	420
<u>national standards institute and commonly referred to as</u>	421
<u>ANSI/SAIA A92.</u>	422
<u>(B) For any term found in this chapter that is not defined</u>	423
<u>in this section, the corresponding definition found in the</u>	424
<u>appropriate standard shall be used.</u>	425

(C) If a standard referenced in this chapter is replaced 426  
by a successor standard, then that successor shall be referenced 427  
for purposes of interpreting this chapter. 428

**Sec. 4785.02.** (A) This chapter shall be used to regulate 429  
the individuals and entities performing construction, testing, 430  
maintenance, alteration, and repair of the following equipment, 431  
associated parts, and hoistways: 432

(1) Hoisting and lowering mechanisms equipped with a car 433  
or platform that moves between two or more landings, including 434  
both of the following: 435

(a) Elevators; 436

(b) Platform lifts. 437

(2) Power-driven stairways and walkways for carrying 438  
persons between landings, including both of the following: 439

(a) Escalators; 440

(b) Moving walks. 441

(3) Hoisting and lowering mechanisms equipped with a car 442  
that serves two or more landings and is restricted to the 443  
carrying of material by its limited size or limited access to 444  
the car, including both of the following: 445

(a) Dumbwaiters; 446

(b) Material lifts and dumbwaiters with automatic transfer 447  
devices. 448

(4) Automatic guided transit vehicles on guideways with an 449  
exclusive right-of-way, including automated people movers. 450

(B) This chapter shall not be used to regulate any of the 451  
following: 452



<u>(1) Material hoists within the scope of the material</u>	453
<u>hoists safety requirements;</u>	454
<u>(2) Manlifts within the scope of the belt manlifts safety</u>	455
<u>standards;</u>	456
<u>(3) Mobile scaffolds, towers, and platforms within the</u>	457
<u>scope of the vehicle-mounted elevating and rotating work</u>	458
<u>platforms standards;</u>	459
<u>(4) Powered platforms and equipment for exterior and</u>	460
<u>interior maintenance within the scope of the powered platforms</u>	461
<u>for building maintenance safety standards;</u>	462
<u>(5) Conveyors and related equipment within the scope of</u>	463
<u>the conveyors, cableways, and related equipment safety code;</u>	464
<u>(6) Cranes, derricks, hoists, hooks, jacks, and slings</u>	465
<u>within the scope of cableways, cranes, derricks, hoists, hooks,</u>	466
<u>jacks, and slings safety standards;</u>	467
<u>(7) Industrial trucks within the scope of the powered</u>	468
<u>industrial trucks safety standards;</u>	469
<u>(8) Portable equipment, except for portable escalators</u>	470
<u>which are covered by the elevators and escalators safety code;</u>	471
<u>(9) Tiering or piling machines used to move materials to</u>	472
<u>and from storage located and operating entirely within one</u>	473
<u>story;</u>	474
<u>(10) Equipment for feeding or positioning materials at</u>	475
<u>machine tools, printing presses, and similar machines;</u>	476
<u>(11) Skip or furnace hoists;</u>	477
<u>(12) Wharf ramps;</u>	478
<u>(13) Railroad car lifts or dumpers;</u>	479

(14) Line jacks, false cars, shafters, moving platforms, 480  
and similar equipment used for installing an elevator by a 481  
contractor licensed in this state; 482

(15) Chairlifts; 483

(16) Any conveyance installed in a showroom that is for 484  
demonstration purposes only. 485

**Sec. 4785.03.** (A) Except as provided in divisions (C) and 486  
(D) of this section, no individual shall provide conveyance 487  
services in buildings or structures unless that individual is a 488  
licensed elevator mechanic and one of the following applies: 489

(1) The elevator mechanic is working for a licensed 490  
elevator contractor. 491

(2) The elevator mechanic is a sole proprietor who holds 492  
an elevator contractor's license. 493

(3) The elevator mechanic is a member of a partnership 494  
that holds an elevator contractor's license. 495

(B) (1) No individual shall wire any conveyance, from the 496  
mainline feeder terminals on the controller, unless that 497  
individual is a licensed elevator mechanic and one of the 498  
following applies: 499

(a) The elevator mechanic is working for a licensed 500  
elevator contractor. 501

(b) The elevator mechanic is a sole proprietor who holds 502  
an elevator contractor's license. 503

(c) The elevator mechanic is a member of a partnership 504  
that holds an elevator contractor's license. 505

(2) No other license shall be required to wire a 506

conveyance. 507

(C) An individual or business entity providing conveyance 508  
services, including wiring a conveyance, exclusively in private 509  
residences shall not be required to obtain a license under this 510  
chapter. 511

(D) (1) Except as provided in division (D) (2) of this 512  
section, an individual or business entity shall not dismantle a 513  
conveyance unless licensed under this chapter. 514

(2) Division (D) (1) of this section does not apply to a 515  
conveyance that is to be destroyed as a result of a complete 516  
demolition of a secured building or structure or where the 517  
hoistway or wellway is demolished back to the basic support 518  
structure and where no access is permitted therein. 519

**Sec. 4785.04.** (A) Any business entity wishing to provide 520  
conveyance services shall apply for an elevator contractor's 521  
license with the division of industrial compliance within the 522  
department of commerce on a form provided by the division. 523

(B) Any individual wishing to provide conveyance services 524  
shall apply for an elevator mechanic's license with the division 525  
of industrial compliance on a form provided by the division. 526

(C) An application made under this section shall contain 527  
all of the following: 528

(1) (a) If an applicant is an individual or sole 529  
proprietor, the name, residence address, and business address of 530  
the applicant; 531

(b) If an applicant is a partnership, the name, residence 532  
address, and business address of each partner; 533

(c) If an applicant is a domestic corporation, the name 534

and business address of the corporation and the name and 535  
residence address of the principal officer of the corporation; 536

(d) If the applicant is a corporation other than a 537  
domestic corporation, the name and address of an agent located 538  
in this state who shall be authorized to accept service of 539  
process and official notices. 540

(2) The number of years the applicant has engaged in the 541  
business of conveyance services; 542

(3) If the applicant is applying for an elevator 543  
contractor's license, both of the following: 544

(a) The approximate number of individuals, if any, to be 545  
employed by the applicant, and if applicable, satisfactory 546  
evidence that the employees are or will be covered by workers' 547  
compensation insurance in accordance with section 4785.07 of the 548  
Revised Code; 549

(b) Satisfactory evidence that the applicant and all 550  
employees are, or will be, covered by general liability, 551  
personal injury, and property damage insurance in accordance 552  
with section 4785.07 of the Revised Code. 553

(4) A description of the criminal convictions and pleas of 554  
guilty of the applicants and each employee, if any, as verified 555  
by a criminal records check; 556

(5) Such other information as the division considers 557  
appropriate. 558

(D) The division may issue an elevator mechanic's license 559  
to an applicant only if that applicant has demonstrated one of 560  
the following qualifications: 561

(1) An acceptable combination of documented experience and 562

education credits, as follows: 563

(a) Not less than three years of work experience in the 564  
elevator industry, in construction, maintenance, service, 565  
repair, or any combination thereof, as verified by current and 566  
previous employers licensed to do business in this state; 567

(b) Satisfactory completion of a written examination 568  
administered by the division, or by a testing agency approved by 569  
the division, on the most recent referenced codes and standards. 570

(2) (a) Acceptable proof that the applicant has worked as 571  
an elevator construction, maintenance, or repair person, 572  
consisting of having worked without direct and immediate 573  
supervision for an elevator contractor authorized to do business 574  
in this state for a period of not less than three years 575  
immediately prior to the effective date of this section; 576

(b) An applicant seeking to establish qualifications 577  
pursuant to division (D) (2) (a) of this section shall apply 578  
within one year of the effective date of this section. 579

(3) A certificate of completion or other evidence of 580  
having successfully passed the mechanic examination of a 581  
nationally recognized training program for the elevator 582  
industry, such as the national elevator industry educational 583  
program or the certified elevator technician program of the 584  
national association of elevator contractors; 585

(4) A certificate of completion of an apprenticeship 586  
program for elevator mechanics that has standards substantially 587  
equal to those of this chapter and is registered with the bureau 588  
of apprenticeship and training, United States department of 589  
labor, or a state apprenticeship council; 590

(5) A valid license from a state having standards 591

substantially equal to those of this chapter, upon application 592  
and without examination. 593

(E) The division shall not issue an elevator mechanic's 594  
license to any applicant to which any of the following apply: 595

(1) The applicant has been convicted of or pleaded guilty 596  
or no contest to a crime of moral turpitude or disqualifying 597  
offense as those terms are defined in section 4776.10 of the 598  
Revised Code and the rules adopted pursuant to division (A) (2) 599  
of section 4785.08 of the Revised Code. 600

(2) The applicant has violated any provision of this 601  
chapter. 602

(3) The applicant has violated any rule adopted pursuant 603  
to this chapter. 604

(4) The applicant has demonstrated incompetence or 605  
untrustworthiness. 606

(5) The applicant has engaged in fraud, misrepresentation, 607  
or deception in the conduct of business. 608

(6) The applicant has obtained or attempted to obtain a 609  
license or renewal of such license pursuant to this chapter by 610  
means of fraud, deception, or misrepresentation. 611

(7) The applicant has obtained or attempted to obtain an 612  
order, ruling, or authorization from the division of industrial 613  
compliance by means of fraud or misrepresentation. 614

(F) (1) The division may issue an elevator contractor's 615  
license to a business entity only if the applicant has in its 616  
employ a licensed elevator mechanic and has proof of compliance 617  
with the insurance requirements prescribed in section 4785.07 of 618  
the Revised Code. 619

(2) The division may issue an elevator contractor's 620  
license to an applicant that holds a valid license from a state 621  
having standards substantially equal to those of this chapter. 622

(G) Upon approval of an application made under this 623  
section, the division shall issue a license to the applicant. 624

(H) Any license issued under this section shall be valid 625  
for a period of two years and may be renewed. 626

**Sec. 4785.041.** (A) The division may renew a license issued 627  
under section 4785.04 of the Revised Code if the licensee does 628  
all of the following: 629

(1) Submits an application for license renewal on a form 630  
prescribed by the division; 631

(2) Pays the license renewal fee established by the 632  
division; 633

(3) If the licensee is an elevator mechanic, submits 634  
evidence that the applicant has completed the continuing 635  
education coursework described in division (B) of this section; 636

(4) If the license is an elevator contractor's license, 637  
submits proof that the applicant is in compliance with the 638  
insurance requirements prescribed in section 4785.07 of the 639  
Revised Code. 640

(B) The continuing education courses described in division 641  
(A) (3) of this section shall: 642

(1) Instruct licensees on new and existing rules and 643  
standards adopted by the division; 644

(2) Consist of not less than eight hours of instruction; 645

(3) Be attended and completed within one year immediately 646

preceding the scheduled date for the license renewal; 647

(4) Be taught by instructors through continuing education 648  
providers approved by the division. 649

(C) A continuing education instructor shall be exempt from 650  
the continuing education requirement prescribed in division (A) 651  
(3) of this section, provided that any such applicant was 652  
qualified as an instructor at any time during the year 653  
immediately preceding the scheduled date for the license 654  
renewal. 655

(D) (1) A licensee who is unable to complete the continuing 656  
education coursework required under this section prior to the 657  
expiration of the licensee's license due to a temporary 658  
disability may apply for a temporary continuing education waiver 659  
from the division. 660

(2) An application for a temporary continuing education 661  
waiver shall be made in a form prescribed by the division, which 662  
shall be signed by the applicant under the penalty of perjury 663  
and accompanied by a certified statement from a competent 664  
physician attesting to the temporary disability. If the division 665  
grants the waiver, the licensee's license does not expire but is 666  
placed on inactive status. 667

(3) Upon the termination of the temporary disability, the 668  
licensee shall submit to the division a certified statement from 669  
the same physician, if practicable, attesting to the termination 670  
of the temporary disability. The division shall then take the 671  
licensee's license off inactive status and shall issue a waiver 672  
sticker, valid for ninety days, to the licensee and affix the 673  
sticker to the license. The licensee may then perform the tasks 674  
the license authorizes the licensee to perform but the licensee 675



shall meet the continuing education requirement during this 676  
ninety-day period or be considered to have not met the 677  
continuing education requirement and the license shall be deemed 678  
to be expired. 679

(E) (1) Approved continuing education providers shall keep 680  
uniform records, for a period of ten years, of attendance of 681  
licensees in a format approved by the division. Such records 682  
shall be available for inspection by the division upon request. 683

(2) Approved training providers shall be responsible for 684  
the security of all attendance records and certificates of 685  
completion, provided, however, that falsifying or knowingly 686  
allowing another to falsify such attendance records or 687  
certificates of completion shall constitute grounds for 688  
suspension or revocation of a continuing education provider's 689  
division approval. 690

(F) The division shall not renew the license of any 691  
individual or entity that fails to meet the standard prescribed 692  
in division (E) of section 4785.04 of the Revised Code. 693

**Sec. 4785.05.** (A) Whenever the division determines that an 694  
emergency exists due to disaster, act of God, or work stoppage, 695  
and the number of individuals in the state holding elevator 696  
mechanic's licenses issued by the division is insufficient to 697  
cope with the emergency, the division shall declare such a state 698  
of emergency and respond as prescribed in this section to assure 699  
the safety of the public. 700

(B) Notwithstanding section 4785.03 of the Revised Code, 701  
during such a state of emergency, any individual found by a 702  
licensed elevator contractor to have an acceptable combination 703  
of documented experience and education to perform conveyance 704

services without direct and immediate supervision may perform 705  
conveyance services without an elevator mechanic's license, as 706  
provided in this section. 707

(C) Such an individual shall seek an emergency elevator 708  
mechanic's license from the division within five business days 709  
after commencing work that would otherwise require an elevator 710  
mechanic's license. 711

(D) An elevator contractor associated with an individual 712  
seeking an emergency elevator mechanic's license shall furnish 713  
proof of competency as the division may require. 714

(E) (1) An emergency elevator mechanic's license shall be 715  
valid for a period of forty-five days from the date of issuance. 716

(2) The division may restrict the validity of an emergency 717  
elevator mechanic's license to a particular conveyance or 718  
geographical area as the division sees fit, but shall otherwise 719  
entitle the licensee to the rights and privileges of an elevator 720  
mechanic's license issued pursuant to this chapter. 721

(F) The division may renew an emergency elevator 722  
mechanic's license for the duration of a state of emergency. 723

(G) No fee shall be charged for any emergency elevator 724  
mechanic's license or renewal thereof. 725

**Sec. 4785.051.** (A) An elevator contractor shall notify the 726  
division when there are no licensed elevator mechanics available 727  
to provide conveyance services and may request that the division 728  
issue temporary elevator mechanic's licenses to individuals 729  
certified by the licensed elevator contractor to have an 730  
acceptable combination of documented experience and education to 731  
provide conveyance services without direct and immediate 732  
supervision. 733

(B) Any individual certified by an elevator contractor to 734  
have an acceptable combination of documented experience and 735  
education to provide conveyance services without direct and 736  
immediate supervision shall immediately seek a temporary 737  
elevator mechanic's license from the division and shall pay an 738  
application fee as set by the division. If the division is 739  
satisfied as to the individual's qualifications, the division 740  
shall issue a temporary elevator mechanic's license to the 741  
individual. 742

(C) A temporary license issued under this section shall be 743  
valid only for a specified term set by the division, which shall 744  
be noted on the license, and only while the licensee is employed 745  
by the elevator contractor that certified the individual as 746  
being qualified. 747

(D) A temporary elevator mechanic's license shall be 748  
renewable in accordance with rules adopted by the division. 749

**Sec. 4785.06. Licensees shall ensure that installation,** 750  
**service, and maintenance of a conveyance is performed in** 751  
**accordance with state and local law and with generally accepted** 752  
**standards referenced in such laws or related rules.** 753

When any material alteration is made to a conveyance, the 754  
licensees involved shall ensure that the conveyance adheres to 755  
the appropriate conveyance standard for the alteration. 756

**Sec. 4785.07. (A) Elevator contractors shall submit to the** 757  
**division proof of insurance coverage greater than or equal to** 758  
**the following amounts:** 759

(1) One million dollars for injury or death of any number 760  
of individuals in any one occurrence; 761

(2) Five hundred thousand dollars for property damage in 762

any one occurrence; 763

(3) Workers' compensation insurance coverage. 764

(B) Such proof of insurance shall be delivered to the 765  
division before or at the time of the issuance or renewal of a 766  
license. 767

(C) If any policy required under this section is 768  
materially altered or canceled, the elevator contractor covered 769  
by the policy shall give notice of the material alteration or 770  
cancellation to the division at least ten days prior to the 771  
change. 772

**Sec. 4785.08.** (A) In accordance with Chapter 119. of the 773  
Revised Code, the superintendent of industrial compliance shall 774  
adopt rules pertaining to all of the following: 775

(1) The issuance and renewal of elevator mechanic's 776  
licenses and elevator contractor's licenses; 777

(2) A list of disqualifying offenses, pursuant to division 778  
(E) of section 4785.04 of the Revised Code. 779

(B) In accordance with Chapter 119. of the Revised Code, 780  
the superintendent may adopt rules pertaining to all of the 781  
following: 782

(1) Assisting in the development of public awareness 783  
programs; 784

(2) Classifications or subclassifications of licenses for 785  
elevator mechanics and elevator contractors; 786

(3) Monitoring inspections and testing in order to ensure 787  
satisfactory performance by licensees; 788

(4) Fee schedules for elevator mechanic and elevator 789

contractor licenses. The fees shall reflect the actual costs and 790  
expenses necessary to administer this chapter. 791

(5) Establishing standards for the approval of license 792  
testing agencies, pursuant to division (D)(1)(b) of section 793  
4785.04 of the Revised Code; 794

(6) Establishing standards for the approval of continuing 795  
education and training providers, pursuant to division (B) of 796  
section 4785.041 of the Revised Code; 797

(7) Any other rules necessary to administer and carry out 798  
this chapter. 799

(C) Notwithstanding divisions (A) and (B) of this section 800  
or Chapter 4105. of the Revised Code, the superintendent shall 801  
not adopt rules relating to the construction, maintenance, and 802  
repair of elevators, except as pertaining to licensing 803  
individuals under this chapter. 804

(D) The superintendent may exercise such other powers and 805  
duties as are necessary to carry out the purpose and intent of 806  
this chapter. 807

**Sec. 4785.09.** (A) There is hereby created, within the 808  
board of building standards established by section 3781.07 of 809  
the Revised Code, the elevator safety review board. 810

(B) The board shall be responsible for investigating 811  
violations of this chapter, holding disciplinary administrative 812  
hearings, and assessing penalties in accordance with sections 813  
4785.091 and 4785.092 of the Revised Code. 814

(C) The board shall consist of the following members: 815

(1) The director of commerce or the director's designee; 816

<u>(2) A representative of the board of building standards;</u>	817
<u>(3) The following individuals, appointed by the governor:</u>	818
<u>(a) One representative of a major elevator manufacturing</u>	819
<u>company;</u>	820
<u>(b) One representative of an elevator servicing company;</u>	821
<u>(c) One representative of the architectural design or</u>	822
<u>elevator consulting profession;</u>	823
<u>(d) One representative of the general public;</u>	824
<u>(e) One representative of municipal corporations in this</u>	825
<u>state;</u>	826
<u>(f) One representative of building owners or managers;</u>	827
<u>(g) One representative of the building trade, comprised of</u>	828
<u>an individual providing conveyance services.</u>	829
<u>(D) The term of those members appointed to the board shall</u>	830
<u>be three years. Vacancies shall be filled in the same manner as</u>	831
<u>the original appointments.</u>	832
<u>(E) All members of the board shall serve without salary,</u>	833
<u>but shall be reimbursed for all expenses necessary in the</u>	834
<u>performance of their duties.</u>	835
<u>(F) (1) The governor shall appoint one of the members to</u>	836
<u>serve as chair of the board.</u>	837
<u>(2) A majority of the board shall constitute a quorum.</u>	838
<u>(3) The chair shall be the deciding vote in the event of a</u>	839
<u>tie vote.</u>	840
<u>(G) (1) The board shall meet and organize within ten days</u>	841
<u>after the appointment of its members and at such meeting shall</u>	842

elect from its members one secretary of the board to serve for a 843  
term as prescribed in rules adopted by the board. 844

(2) (a) The board shall meet not less than once a month and 845  
as often as the board considers necessary for the consideration 846  
of code regulations, appeals, and variances, and for the 847  
transaction of such other business as properly may come before 848  
it. 849

(b) Special meetings shall be called as prescribed in 850  
rules adopted by the board. 851

(H) The seat of any appointed board member absent from 852  
three consecutive meetings shall be deemed vacant. 853

**Sec. 4785.091.** (A) The elevator safety review board may 854  
suspend or revoke a license issued pursuant to this chapter or 855  
subject the licensee to civil penalty if the board determines 856  
that one or more of the following applies to the licensee: 857

(1) The licensee has been convicted of or pleaded guilty 858  
to a crime of moral turpitude or disqualifying offense as those 859  
terms are defined in section 4776.10 of the Revised Code and 860  
rules adopted pursuant to division (A) (2) of section 4785.08 of 861  
the Revised Code. 862

(2) The licensee has violated any provision of this 863  
chapter. 864

(3) The licensee has violated any rule adopted pursuant to 865  
this chapter. 866

(4) The licensee has demonstrated incompetence or 867  
untrustworthiness. 868

(5) The licensee has engaged in fraud, misrepresentation, 869  
or deception in the conduct of business. 870

(6) The licensee has obtained or attempted to obtain a 871  
license or renewal of such license pursuant to this chapter by 872  
means of fraud, deception, or misrepresentation. 873

(7) The licensee has obtained or attempted to obtain an 874  
order, ruling, or authorization from the division of industrial 875  
compliance by means of fraud or misrepresentation. 876

(B) (1) An administrative action taken under division (A) 877  
of this section shall be made only after a hearing held by the 878  
board in accordance with Chapter 119. of the Revised Code. 879

(2) Notice of such a hearing shall be provided to the 880  
licensee in question at least ten days prior to the hearing at 881  
the last known address appearing on the license, served 882  
personally or by registered mail. 883

The notice shall state the date, hour, and place of the 884  
hearing and set forth a statement of facts constituting the 885  
grounds for the charges against the licensee. 886

**Sec. 4785.092.** (A) (1) Any individual may request an 887  
investigation into an alleged violation of this chapter by 888  
giving notice to the elevator safety review board of a potential 889  
violation or danger. 890

(2) Such notice shall be in writing, shall set forth with 891  
reasonable particularity the grounds for the notice, and shall 892  
be signed by the individual making the request. 893

(3) Upon the request of any individual signing the notice, 894  
the individual's name shall not appear on any copy of such 895  
notice or any record published, released, or made available. 896

(B) (1) If, upon receipt of such a request, the board 897  
determines that there are reasonable grounds to believe that the 898



violation or danger exists, the board shall investigate whether 899  
or not a violation or danger exists. 900

(2) If the board determines that there are no reasonable 901  
grounds to believe that a violation or danger exists, the board 902  
shall notify the individual making the request in writing of 903  
that determination. 904

**Sec. 4785.99.** Whoever recklessly violates any of the 905  
provisions of this chapter shall be fined not more than one 906  
thousand five hundred dollars, sentenced to a jail term not 907  
exceeding thirty days, or both. 908

**Section 2.** That existing sections 119.12, 121.084, 909  
4105.01, 4105.10, and 4105.15 of the Revised Code are hereby 910  
repealed. 911

**Section 3.** The General Assembly's intent in enacting this 912  
act is to provide for the safety of installers, maintainers, and 913  
users of elevators and other conveyances, as well as to promote 914  
public safety awareness regarding the same. The use of unsafe 915  
and defective lifting devices imposes a substantial probability 916  
of serious and preventable injury to employees and the public. 917  
The prevention of these injuries and protection of employees and 918  
the public from unsafe conditions is in the best interest of the 919  
people of this state. Elevator personnel performing work covered 920  
by this act shall, by documented training, experience, or both, 921  
be familiar with the operation and safety functions of the 922  
components and equipment. Training and experience shall 923  
guarantee the ability to recognize the safety hazards and 924  
perform the procedures to which they are assigned in conformance 925  
with the requirements of this act. This act shall be considered 926  
the minimum standard for elevator and conveyance personnel. 927

**Section 4.** Section 119.12 of the Revised Code is presented 928  
in this act as a composite of the section as amended by both Am. 929  
Sub. H.B. 52 and Am. Sub. H.B. 64 of the 131st General Assembly. 930  
The General Assembly, applying the principle stated in division 931  
(B) of section 1.52 of the Revised Code that amendments are to 932  
be harmonized if reasonably capable of simultaneous operation, 933  
finds that the composite is the resulting version of the section 934  
in effect prior to the effective date of the section as 935  
presented in this act. 936