



# OCCUPATIONAL REGULATION

Ohio Legislative Service  
Commission

*134th* General Assembly

# **Occupational Regulation**

A Guide to State Laws on the Practice of Regulated Occupations



Ohio Legislative Service Commission

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# INTRODUCTION

The Legislative Service Commission (LSC) is required by law to publish a biennial report comparing 33% of the state's current occupational regulations with the general state policy outlined by S.B. 255 of the 132<sup>nd</sup> General Assembly. (*R.C. 103.27.*) The report is intended to assist the General Assembly in its review of the associated agencies and occupational licensing boards the following biennium. The 2022 publication is the second edition of the report. It covers occupations regulated by the following agencies and occupational licensing boards:

- Accountancy Board of Ohio;
- Ohio Architects Board;
- Ohio Landscape Architects Board;
- Board of Building Standards;
- Ohio Bureau of Motor Vehicles;
- Ohio Department of Agriculture;
- Ohio Department of Mental Health and Addiction Services;
- Ohio Department of Public Safety;
- Division of Financial Institutions;
- Division of Industrial Compliance;
- Division of Unclaimed Funds;
- Ohio Board of Motor Vehicle Repair;
- Ohio Casino Control Commission;
- Division of Real Estate and Professional Licensing;
- Ohio Cemetery Dispute Resolution Commission;
- Real Estate Appraiser Board;
- Real Estate Commission;
- Secretary of State; and
- State Racing Commission.

In advance of this publication, LSC distributed a survey to each of the agencies and occupational licensing boards listed above. The survey was developed in consultation with House and Senate members and staff. It includes general questions about the agency or board and questions specific to each occupation it regulates. The substance of the survey responses is fully reproduced in this report. All content submitted by an agency or board is preceded by a heading that contains the relevant agency code.

LSC staff conducted a surrounding state comparison for each occupation covered by this report. They contrast the Ohio regulation with the equivalent regulations in Indiana, Kentucky, Michigan, Pennsylvania, and West Virginia on the following topics: (1) education and training requirements, (2) experience requirements, (3) exam requirements, (4) continuing education requirements, (5) initial licensure fee, (6) license duration, and (7) renewal fee. The surrounding state comparison charts include citations to relevant statutes, administrative rules, and secondary materials. Each chart is preceded by a heading that includes “(LSC).”

There are a few instances throughout this report in which there is no survey for a particular occupation. In some cases, this means that LSC has not yet received a survey response from the agency or licensing board. In other cases, it is an indication that the agency’s or board’s survey response did not align precisely with LSC’s occupational regulation tracking records. LSC will update this as additional surveys are submitted and inconsistencies are resolved.

The report is available on the LSC website ([lsc.ohio.gov](http://lsc.ohio.gov)) under the General Reference heading<sup>1</sup> and a printed copy may be obtained from the LSC library, subject to a copying charge. Please contact the LSC library at (614) 466-5312 if you would like to obtain a copy.

It is LSC’s hope that readers find this report to be a valuable resource. Please direct any questions or comments regarding the report to LSC Office of Research and Drafting Division Chief, Joe McDaniels at (614) 466-0278.

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<sup>1</sup> S.B. 255 of the 132<sup>nd</sup> General Assembly also requires LSC to issue a report for each introduced bill that substantially changes or enacts an occupational regulation. That report is available on the bill’s Documents page of the General Assembly’s website ([legislature.ohio.gov](http://legislature.ohio.gov)).

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# ACCOUNTANCY BOARD OF OHIO

## General information (ACC)

### Duties

The Accountancy Board of Ohio is the state government agency established by the Ohio General Assembly in 1908 to regulate the practice of public accounting in Ohio. The board is responsible for examining and licensing certified public accountants, licensing the remaining public accountants, registering public accounting firms, and enforcing the provisions of Chapter 4701 of the Ohio Revised Code as passed by the General Assembly and Chapter 4701 of the Ohio Administrative Code as adopted by the board.

The board is entirely self-sustaining and does not spend any tax dollars. Revenue is generated from fees collected for license applications, license renewals and other services. The board reimburses other state agencies for services rendered.

The Board protects the public by meeting the following broad objectives:

- **Licensing.** Ensuring only those applicants meeting all requirements of Ohio’s laws and rules are licensed or certified in a timely manner.
- **Enforcement.** Enforcing the laws and rules governing certified public accountants (CPAs), public accountants (PAs), and public accounting firms in a fair and consistent manner to ensure license holders practice competently and ethically. The Ohio Attorney General is the statutory legal counsel to the board. An assistant attorney general represents the board in administrative hearings and court proceedings.
- **Education.** The board, through its staff, provide timely and accurate information to members of the public and to applicants and license holders. This educational/consultation component is an important means to protect the public through the dissemination of information about the Board’s laws and rules, and to license holders and potential license holders by communicating information regarding examination, certification, licensing, and other areas of CPA practice.
- **Interagency Cooperation.** The board and its staff correspond and collaborate with other state and federal entities, such as, but not limited to: Ohio’s college and university accounting departments and educators, the National Association of State Boards of Accounting (NASBA), American Institute of Certified Public Accountants (AICPA), US Department of Labor, US Securities and Exchange Commission (SEC), and other state boards of accounting in an effort to promote the profession, streamline the CPA examination process, improve mutual recognition/reciprocity, and hold accountable those who violate professional standards, financial regulations, and the public trust.

**Membership** (*Current members, chairperson and other officers, and selection process.*)

Current Board Members:

Chair – Gerald Weinstein, CPA – 4701.02(A) - appointed 05/30/2017, term ends 10/20/2023

Vice-Chair – Brendan Fitzgerald, CPA - 4701.02(A) - appointed 12/07/2018, term ends 10/20/2025

Secretary – R. Scott Blake - public member – appointed 11/14/2017, term ends 10/20/2024

Kenya Watts, CPA. Past Chair – 4701.02(C) - appointed 01/14/2016, term ends 10/20/2022

John Soucie, CPA - 4701.02(B) - appointed 05/30/2017, term ends 10/20/2023

Louise Jackson, CPA - 4701.02(C) - appointed 10/21/2019, term ends 10/20/2026

Megan Durst, CPA - 4701.02(A) - appointed 01/01/2021, term ends 10/20/2027

Jillian Brown, CPA - 4701.02(B) - appointed 06/13/2022, term ends 10/20/2028

Janice Culver, CPA - 4701.02(C) - appointed 06/17/2022, term ends 10/20/2022

The makeup of the board is set by Ohio Revised Code (RC) 4701.02. Its members consist of nine members appointed by the governor with the advice and consent of the senate. Eight of the members shall be certified public accountants of whom:

- (A) At least two shall be in active public accounting practice in public accounting firms having offices only in this state;
- (B) At least two shall be in active public accounting practice in public accounting firms having offices in at least one-half of the states;
- (C) At least two shall not be engaged in the public practice of accounting.

One member of the board shall be a representative of the public who has never had any direct relationship with the accounting profession except as a user of the services of accountants from time to time. Not more than one member shall be affiliated with the same accounting firm, and all members of the board shall be citizens of the United States and residents of the state. Terms of office shall be for seven years, each term commencing on the twenty-first day of October and ending on the twentieth day of October. Each member shall hold office from the date of his appointment until the end of the term for which he was appointed. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall hold office for the remainder of such term. Any member shall continue in office after the expiration date of his term until his successor takes office, or until a period of sixty days has elapsed, whichever occurs first. No person who has served one complete seven-year term shall be eligible for reappointment. The governor may, after hearing, remove any member of the board for neglect of duty or other just cause.



**Budget** *(Current budget, description of budgeting process, sources of funding, and expected increases or decreases in budget or funding in future years.)*

FY2023 Operating Budget Total is \$1,329,542, Fund 4K90

FY2023 CPA Education Assistance Total is \$525,000, Fund 4J80

for a FY2023 total of \$1,854,542.

The board is entirely self-sustaining, funded exclusively by revenue generated from fees collected for license applications, license renewals and other services, which are deposited into GRF occupational licensing fund. The board reimburses other state agencies for services rendered. Biennial budget requests are submitted to OBM for review and are submitted as part of the Governor's budget bill to the legislature and evaluated by the General Assembly.

The board's budget allocation increases each year due to state-negotiated wage increases for staff, increases in fees paid to DAS (especially the year-over-year increase in eLicense fees), rental increases, and overall cost of doing business.

Currently, the board's revenues cover its costs on an annual basis. For instance, FY 2022 revenues were \$1,983,664 and the expenditures were \$1,289,873, which does not include the 4J80 education assistance expenditures of \$ 233,852. Expected increases of eLicense, rent, a need to hire a scanning company to scan over 48,000 historical files at a cost of approximately \$75,000 and other yearly increases are anticipated.

**Workload** *(Assess current, past, and anticipated workload. Has the workload increased or decreased significantly in the preceding six years?)*

The board is always seeking to streamline its processes to reduce workload and bureaucracy. All applications are processed through eLicense Ohio which has reduced the number of documents required to be submitted and the number of physical documents to be stored and processed. The number of license applications and renewals have only small variances year over year; the workload has held steady. The board anticipates a reduction in the number of people who sit for the CPA examination beginning in 2024, when an updated version of the CPA examination goes into effect. This reduction in testing may result in a reduction in initial license applications beginning in 2025.

**Staffing** *(How many staff are currently employed by the Board? What are their roles? Are staffing levels proportionate to the Board's current and anticipated workload?)*

The board currently employs nine full-time staff and nine board members. Staff consist of:

Two Certification/Licensure Examiner 2: Review and approve license applications

Two Investigators: Investigate non-compliance issues and complaints made against CPAs and public accounting firms

One Administrative Professional 1: Information requests, license verifications, social media recordings and informational pamphlets

One Administrative Professional 2: Education assistance program, revenue and deposits, CPE sponsorships and license status changes

Investigation Supervisor 1: Supervise Investigators, investigations, and hearing processes and drafts and reviews rule changes

Program Administrator 3: Supervise Certification/Licensure Examiners, Administrative Professionals and Investigation Supervisor, manages allotments and expenses, finance and budget preparation, training and general human resource administration

Executive Director: Operational oversight of staff processes. Communicates with board members, prepares for board meetings, manages the office and budget, and is the general representative of the board

The workload is constant and demanding and is anticipated to remain so in the future. All staff are cross trained to answer frequently asked questions, verify continuing education submissions, and provide general information.

**Administrative hearings and public complaints** *(Describe the Board's processes for administering discipline and addressing complaints. Assess the efficiency of the processes.)*

The board has a systematic process for addressing complaints. Complaints are entered online, either by the public via an online portal, or by board staff. Complaints are evaluated and the progress of each case is tracked and carried out as prescribed in the board's investigation procedures manual. Disciplinary actions are carried out by the Board via the administrative hearing process as outlined in RC 119. The Board has its own disciplinary manual to offer guidance on the process, and it issues administrative Orders once the hearing process has been completed.

The complaints process has been streamlined over the past six years due to the computerization of the complaints submission process and focus on using standard procedures and guidance. The disciplinary process is dictated by RC 119 and has benefitted from use of a disciplinary manual.

## Public accountant

### Survey responses (ACC)

Description
Initial registration for public accountants ended on April 16, 1993, per ORC 4701.07. Individuals registered before that date were grandfathered into this category based on a series of requirements and the issuance of a public accountant “registration,” which is a type of license. These individuals, once registered, must meet the same professional standards and responsibilities of a certified public accountant and are subject to the jurisdiction of the board. The term “public accountant” is reserved only for those who hold a valid and current public accountant license.

Type (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)
Permit Permit-Employed in Public Accounting Non-Practicing Registration *Note: these are all licenses

If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	N/A – the Board no longer issues new public accountant licenses.
Number renewed annually	Licenses renew on triennial cycles, split into three groups. For PAs - Group 1: Ten, Group 2: 18, Group 3: Seven

If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>Have there been significant increases or decreases in active registrations, certifications, or licenses in the preceding six years?</b>	There has been a decrease in public accountants due to its aging demographic and the fact the board no longer issues public accountant licenses.
<b>Education or training requirements</b>	N/A – the board no longer issues public accountant licenses.
<b>Experience requirements</b>	N/A – the board no longer issues public accountant licenses.
<b>Examination requirements</b> ( <i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Board receive any proceeds of those fees? If so, how are the proceeds used?</i> )	N/A – the board no longer issues public accountant licenses.
<b>Continuing education requirements</b> ( <i>Including a description of the curriculum and the process of setting it.</i> )	PA permit (and permit-employed in public accounting) requirements are the same as CPAs: 120 CPE credits earned over each three-year licensing cycle, which includes earning at least 20 credits per calendar year and three credits of professional standards & responsibilities (PSR), at least 24 credits in taxation subjects if the PA performs tax work, and at least 24 credits of auditing/accounting/attestation subjects if the PA performs those services.  PAs who hold a non-practicing registration have no CPE requirements.
<b>Initial fee</b>	N/A – the board no longer issues public accountant licenses.
<b>Duration</b>	Three years (triennial license cycle)

If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>Renewal fee</b> <i>(If different from initial fee, please explain why.)</i>	\$180 for a permit/permit-employed in public accounting \$85 for a non-practicing registration
<b>Does the Board recognize uniform licensure requirements or allow for reciprocity?</b>	Yes.
<b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b>	No.
<b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Board?</b>	Yes. Any person may perform non-attest financial services, prepare taxes, and use the term “accountant” without being regulated by the board.
<b>Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?</b>	Yes.
<b>Other information</b> <i>(Significant attributes or prerequisites to licensure not addressed in this chart.)</i>	

**Oversight and disciplinary authority of the Board respecting individuals engaged in the occupation.**

Individuals licensed by the board are subject to Ohio accountancy laws and board rules. The Board oversees licensing compliance and may discipline those who hold a public accountant registration or license per ORC 4701.16, subsections (A) and (B).

**How much revenue is derived from fees charged by the Board to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

Approximately \$3,300 is generated over a three-year period. \$30 of each license renewed goes into the Board's education assistance scholarship fund and the remainder goes into the Board's 4K90 operating fund.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

There are no federal laws that require the state to regulate the practice of public accountants.

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

Violations of RC section 4701 and OAC chapter 4701.

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

Yes, the regulation is effective. The law allows the board to determine if an individual is qualified to practice public accounting. It also allows for the investigation and discipline for violations of RC 4701 and OAC 4701. As the board is the only entity that oversees public accountants in Ohio, no other less restrictive means to prevent harm exist.

**Are there any changes the Board would like to see implemented?**

No.

## Surrounding state comparison (LSC)

Public Accountant						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Type of regulation	Public accountant (PA) registration, must be accompanied by an Ohio (practicing) permit or an Ohio (inactive) registration (only available to those who applied for a PA registration on or before April 16, 1993) ( <i>R.C. 4701.14</i> ).	Accounting practitioner certificate (repealed, only license renewals) ( <i>Ind. Code 25-2.1-6-4.5</i> ).	Public accountant emeritus designation (repealed, only license renewal) ( <i>Ky. Rev. Stat. 325.220(8) and 325.312</i> ).	No clear equivalent.	Public accountant registration, must be accompanied by a license to practice or placement on the “inactive roll” (repealed, only license renewals) ( <i>63 Pa. Cons. Stat. 9.12; 49 Pa. Code 11.7</i> ).	Public accountant registration (repealed, only license renewals) ( <i>W. Va. Code 30-9-2(33) and (35) and 30-9-15</i> ).
Education or training	N/A	N/A	N/A	N/A	N/A	N/A
Experience	N/A	N/A	N/A	N/A	N/A	N/A
Exam	N/A	N/A	N/A	N/A	N/A	N/A
Continuing education	At least 120 hours every three years and 20 hours annually ( <i>R.C.</i>	At least 120 hours every three years with at least four hours being in ethics. Must complete at least	N/A	N/A	At least 80 hours every two years and at least 20 hours annually ( <i>63 Pa. Cons. Stat.</i>	At least 120 hours every three years with at least four hours being in ethics. Must complete at least



Public Accountant						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	4701.11; O.A.C. 4701-15-02).	20 hours annually. (Ind. Code 25-2.1-4-5; 872 Ind. Admin. Code 1-3-3.)			9.8b(b); 49 Pa. Code 11.62).	20 hours annually. (W. Va. Code 30-9-12(b); W. Va. Code R. 1-1-7.3.)
Initial licensure fee	N/A	N/A	N/A	N/A	N/A	N/A
License duration	One to three years (R.C. 4701.10).	Three years (Ind. Code 25-2.1-4-2; 872 Ind. Admin. Code 1-3-6).	N/A	N/A	Two years (63 Pa. Cons. Stat. 9.8b; 49 Pa. Code 11.4).	One year (W. Va. Code 30-9-12(a)).
Renewal fee	\$150 for a permit to practice or \$55 for a registration (R.C. 4701.10).	\$105 (triennial registration fee plus renewal fee) (Ind. Code 25-2.1-5-6; 872 Ind. Admin. Code 1-1-10 and 1-1-10.5).	N/A	N/A	\$100 (63 Pa. Cons. Stat. 9.8b; 49 Pa. Code 11).	\$85 (W. Va. Code 30-9-12(a); W. Va. Code R. 1-1-18.2.c).

## Certified public accountant (CPA)

### Survey responses (ACC)

#### Description

To be certified and licensed as an Ohio CPA, the following requirements must be met:

- At least 18 years of age
- Completion of a baccalaureate degree, at least 150 semester credits, and at least 30 semester credits of accounting and 24 semester credits in business. Alternately, a candidate can complete a baccalaureate degree, 30 semester credits of accounting and 24 credits in business, along with a score of at least 670 on the Graduate Management Admissions Test (GMAT)
- Successful completion of the Uniform CPA Examination
- Completion of at least one year of accounting experience (four years if the person met the education requirements via GMAT qualification)
- Completion of a three-credit course approved by the board in professional standards and responsibilities that emphasizes Ohio accountancy law and board rules
- Is an Ohio resident, or employed full-time in Ohio
- Completion of a criminal background check

**Type** *(License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)*

Permit\*

Permit-Employed in Public Accounting\*

Non-Practicing Registration\*

Peer Review Firm\*(PR) – business license to perform attestation services that may only be performed by a licensed CPA

Tax/Consulting Firm\*(TC) – business license to perform non-attestation services using the CPA designation

\*Note: these are all licenses

Out of State

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<p><b>Number issued annually</b></p>	<p>Over the past six fiscal years</p> <table border="0"> <tr> <td colspan="2"><u>New CPA certifications:</u></td> <td colspan="2"><u>Initial Firm Registrations:</u></td> </tr> <tr> <td>FY2017: 907</td> <td>FY2018: 840</td> <td>FY2017: 16 PR, 35 TC</td> <td>FY2018: 17 PR, 53 TC</td> </tr> <tr> <td>FY2019: 794</td> <td>FY2020: 697</td> <td>FY2019: 19 PR, 82 TC</td> <td>FY2020: 20 PR, 89 TC</td> </tr> <tr> <td>FY2021: 718</td> <td>FY2022: 658</td> <td>FY2021: 19 PR, 100 TC</td> <td>FY2022: 19 PR, 119 TC</td> </tr> </table>	<u>New CPA certifications:</u>		<u>Initial Firm Registrations:</u>		FY2017: 907	FY2018: 840	FY2017: 16 PR, 35 TC	FY2018: 17 PR, 53 TC	FY2019: 794	FY2020: 697	FY2019: 19 PR, 82 TC	FY2020: 20 PR, 89 TC	FY2021: 718	FY2022: 658	FY2021: 19 PR, 100 TC	FY2022: 19 PR, 119 TC
<u>New CPA certifications:</u>		<u>Initial Firm Registrations:</u>															
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FY2019: 794	FY2020: 697	FY2019: 19 PR, 82 TC	FY2020: 20 PR, 89 TC														
FY2021: 718	FY2022: 658	FY2021: 19 PR, 100 TC	FY2022: 19 PR, 119 TC														
<p><b>Number renewed annually</b></p>	<p>Over the past six fiscal years (eLicense Ohio implemented April 2018):</p> <p>FY2017: 8,283 Permit/Permit-Employed in Public Accounting, 2,734 Registration, 488 Peer Review Firm, 488 Tax Consulting Firm</p> <p>FY2018: 7,805 Permit/Permit-Employed in Public Accounting, 2,738 Registration, 414 Peer Review Firm, 775 Tax Consulting Firm</p> <p>FY2019: 8,089 Permit/Permit-Employed in Public Accounting, 2,954 Registration, 327 Peer Review Firm, 585 Tax Consulting Firm</p> <p>FY2020: 7,137 Permit/ Permit-Employed in Public Accounting, 2,580 Registration, 505 Out of State, 282 Peer Review Firm, 352 Tax Consulting Firm</p> <p>FY2021: 6,801 Permit/Permit-Employed in Public Accounting, 2,663 Registration, 487 Out of State, 314 Peer Review Firm, 479 Tax Consulting Firm</p> <p>FY2022: 6,959 Permit/Permit-Employed in Public Accounting, 2,782 Registration, 444 Out of State, 284 Peer Review Firm, 499 Tax Consulting Firm</p>																
<p><b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b></p>	<p>There has been a decrease in the number of permit/permit-employed in public accounting licenses renewed, with registrations holding steady. The number of peer review firms and tax consulting firms continue to decline, although more tax consulting firms have been registered with the board in the past two fiscal years. These decreases reflect the aging demographic of the profession.</p>																

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<p><b>Education or training requirements</b></p>	<p>For CPA certificate:</p> <ul style="list-style-type: none"> <li>• Baccalaureate degree with at least 120 semester credits earned, overall total of 150 semester credits earned, including 30 semester credits in accounting and 24 semester credits in business. In lieu of the 150-semester credit requirement, one can qualify to take the Uniform CPA Examination by meeting all other education requirements and obtaining a score of at least 670 on the Graduate Management Admissions Test (GMAT).</li> <li>• Successful completion of Uniform CPA Examination.</li> <li>• Successful completion of three CPE credits of professional standards and responsibilities (PSR) approved by the board and specific to Ohio accountancy law and board rules.</li> </ul>
<p><b>Experience requirements</b></p>	<p>One year of full-time accounting experience, or four years of full-time accounting experience if qualified for Exam via GMAT</p>
<p><b>Examination requirements</b> (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Board receive any proceeds of those fees? If so, how are the proceeds used?</i>)</p>	<p>The Uniform CPA Examination is created and administered via partnership between the American Institute of Certified Public Accountants (AICPA) and the National Association of State Boards of Accounting (NASBA). The fees are as follows (as of January 1, 2021):</p> <p>Application Fee: \$180  Registration Fee: \$100  Exam Fees (each for four sections): \$226.15</p> <p>The Board receives no revenue from Exam applications, Exam registration, or Exam fees.</p>
<p><b>Continuing education requirements</b> (<i>Including a description of the curriculum and the process of setting it.</i>)</p>	<p>Continuing professional education (CPE) is substantially equivalent at approximately 40 CPE credits per calendar year across the 55 jurisdictions CPAs can be licensed, with each jurisdiction able to set requirements within the overall credits needed. This equivalent CPE requirement ensures CPAs can obtain reciprocal licensing quickly. The National Association of State Boards of Accounting (NASBA) sets CPE guidelines to maintain substantial equivalence. Ohio uses NASBA guidelines to set its CPE requirements for renewing licenses:</p>

If the regulation is a registration, certification, or license requirement, please complete the following:	
	<p>--Total of 120 CPE credits earned in each three-year reporting period (coincides with the licensing cycle; only 40 CPE credits are required to renew for the first three-year license) to include:</p> <ul style="list-style-type: none"> <li>--At least 20 CPE credits earned in each calendar year</li> <li>--Three credits of board approved professional standards and responsibilities (PSR/ethics)</li> <li>--If the CPA performs tax work, they must have at least 24 CPE subject credits in taxation</li> <li>--If the CPA performs accounting/auditing/attestation work, they must have at least 24 CPE subject credits in those subjects</li> </ul>
<b>Initial fee</b>	<p>\$0 to apply for a CPA certificate as an Ohio Examination candidate            \$100 to apply for CPA certificate via Transfer of Grades or Reciprocity            \$120 for initial two-year permit/permit-employed in public accounting            \$56 for initial two-year non-practicing registration            \$10 to apply for initial three-year firm registration (peer review or tax/consulting)</p>
<b>Duration</b>	Initial licensing cycle is two years for CPAs and three years for peer review/tax consulting firms
<b>Renewal fee</b> <i>(If different from initial fee, please explain why.)</i>	<p>\$180 for three-year permit/permit-employed in public accounting            \$85 for three-year non-practicing registration            \$30 for three-year firm registration</p>
<b>Does the Board recognize uniform licensure requirements or allow for reciprocity?</b>	Yes, the CPA profession is substantially equivalent across all 55 jurisdictions CPAs can be certified. Those seeking licensure via reciprocity will have their CPA credentials verified by the state in which they are currently licensed.

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<p><b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b></p>	<p>No</p>
<p><b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Board?</b></p>	<p>A person may prepare/sign tax returns and perform non-attest accounting work without being licensed as a CPA. A non-CPA who is employed by a public accounting firm can work on attest engagements without being licensed as a CPA only under the firm’s direct supervision.</p>
<p><b>Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?</b></p>	<p>Yes</p>
<p><b>Other information</b> (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>)</p>	<p>Peer review firms are required to undergo a peer review as part of professional requirements. This process is handled in Ohio by the board’s peer review administrator, the Ohio Society of CPAs (OSCPA). The OSCPAs peer review program is overseen by the AICPA and the board and is conducted in accordance with professional standards. Peer review firms must show proof of completion of an acceptable peer review (not previously used to renew the firm’s registration) to renew the firm’s registration.</p>

**Oversight and disciplinary authority of the Board respecting individuals engaged in the occupation.**

The formal complaint process is a structured process for staff and the public to follow. The process is efficient, especially with the 2018 implementation of complaint filing via the eLicense Ohio complaint portal. The process is outlined on the Board’s website, and board investigators are available to facilitate complaint filing by phone and email. The complaint filing process includes identifying and demographic information, a complaint narrative, and the ability to upload information to establish a violation of Ohio accountancy laws and/or board rules. The Board’s investigations are managed by the executive director, investigations supervisor, and two board investigators, all of whom are knowledgeable regarding Ohio accountancy laws and board rules as well as codes of professional conduct issued by the AICPA and NASBA. Formal disciplinary actions are issued by the board itself via the administrative hearing process outlined in Chapter 119 of the Revised Code.

**How much revenue is derived from fees charged by the Board to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

Biannually, license applicants and license holders submit approximately \$3.17 million to the board for deposit into the 4K90 account pursuant to: 4701.20 Depositing receipts

All receipts of the accountancy board shall be deposited in the state treasury to the credit of the occupational licensing and regulatory fund, except that any payment made to the board in connection with an application for examination or for a permit, registration, or certificate shall be deposited only after the board approves the application. In the event the application is not approved, the board shall return the payment to the applicant. All vouchers of the board shall be approved by the board president or executive secretary, or both, as authorized by the board.”

Overall, to regulate all license types, the board is allotted biennial operating funds in an amount significantly less than its generated revenue. For example, in FY21-22, the board received revenue from applicants and license holders of approximately \$3,166,878. The Board’s biennial expenditures for FY21-22 were approximately \$2,926,886, which was below our total allocation. The Board therefore remains self-funding and has not required controlling board approval of funding more than the Executive Budget allocations.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

There are no federal laws that require the state to regulate the practice of public accounting.

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

Per RC 4701.16:

(A) After notice and hearing as provided in Chapter 119. of the Revised Code, the accountancy board may discipline as described in division (B) of this section a person holding an Ohio permit, an Ohio registration, a firm registration, a CPA certificate, or a PA registration or any other person whose activities are regulated by the board for any one or any combination of the following causes:

- (1) Fraud or deceit in obtaining a firm registration or in obtaining a CPA certificate, a PA registration, an Ohio permit, or an Ohio registration;
- (2) Dishonesty, fraud, or gross negligence in the practice of public accounting;
- (3) Violation of any of the provisions of section 4701.14 of the Revised Code;
- (4) Violation of a rule of professional conduct promulgated by the board under the authority granted by this chapter;
- (5) Conviction of a felony under the laws of any state or of the United States;
- (6) Conviction of any crime, an element of which is dishonesty or fraud, under the laws of any state or of the United States;
- (7) Cancellation, revocation, suspension, or refusal to renew authority to practice as a certified public accountant, a public accountant, or a public accounting firm by any other state, for any cause other than failure to pay registration fees in that other state;
- (8) Suspension or revocation of the right to practice before any state or federal agency;
- (9) Failure of a holder of a CPA certificate or PA registration to obtain an Ohio permit or an Ohio registration, or the failure of a public accounting firm to obtain a firm registration;
- (10) Conduct discreditable to the public accounting profession or to the holder of an Ohio permit, Ohio registration, or foreign certificate;
- (11) Failure of a public accounting firm to comply with section 4701.04 of the Revised Code.

(B) For any of the reasons specified in division (A) of this section, the board may do any of the following:

- (1) Revoke, suspend, or refuse to renew any CPA certificate or PA registration or any Ohio permit, Ohio registration, or firm registration;
- (2) Disqualify a person who is not a holder of an Ohio permit or a foreign certificate from owning an equity interest in a public accounting firm or qualified firm;
- (3) Publicly censure a registered firm or a holder of a CPA certificate, a PA registration, an Ohio permit, or an Ohio registration;
- (4) Levy against a registered firm or a holder of a CPA certificate, a PA registration, an Ohio permit, or an Ohio registration a penalty or fine not to exceed five thousand dollars for each offense. Any fine shall be reasonable and in relation to the severity of the offense.



**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

(5) In the case of violations of division (A)(2) or (4) of this section, require completion of remedial continuing education programs prescribed by the board in addition to those required by section 4701.11 of the Revised Code;

(6) In the case of violations of division (A)(2) or (4) of this section, require the holder of a CPA certificate, PA registration, or firm registration to submit to a peer review by a professional committee designated by the board, which committee shall report to the board concerning that holder's compliance with generally accepted accounting principles, generally accepted auditing standards, or other generally accepted technical standards;

(7) Revoke or suspend the privileges to offer or render attest services in this state or to use a CPA title or designation in this state of an individual who holds a foreign certificate.

(C) If the board levies a fine against or suspends the certificate of a person or registration of a person or firm for a violation of division (A)(2) or (4) of this section, it may waive all or any portion of the fine or suspension if the holder of the CPA certificate, PA registration, or firm registration complies fully with division (B)(5) or (6) of this section.

(D) A person engaged in the practice of public accounting shall not be subject to discipline by the accountancy board solely because the person provided professional accounting services to the holder of a license under Chapter 3796. of the Revised Code.

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

Yes, the regulation is effective. The law allows the board to determine if an individual is qualified to practice public accounting. It also allows for the investigation and discipline for violations of RC 4701 and OAC 4701. As the board is the only entity that oversees certified public accountants in Ohio, no other less restrictive means to prevent harm exist.

**Are there any changes the Board would like to see implemented?**

No.

**Surrounding state comparison (LSC)**

Certified Public Accountant						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Type of regulation	Certified public accountant (CPA) certificate, must be accompanied by an Ohio (practicing) permit or an Ohio (inactive) registration ( <i>R.C. 4701.14</i> ).	Certified public accountant certificate ( <i>Ind. Code 25-2.1-12-4</i> ).	Certified public accountant license ( <i>Ky. Rev. Stat. 325.285 and 325.290</i> ).	Certified public accountant certificate, must be accompanied by a license to practice or a registration (registration is for title protection only) ( <i>Mich. Comp. Laws 339.723 and 339.727</i> ).	Certified public accountant certificate, must be accompanied by a license to practice or placement on the inactive roll ( <i>63 Pa. Cons. Stat. 9.12</i> ).	Certified public accountant certificate ( <i>W. Va. Code 30-9-26</i> ).
Education or training	Baccalaureate or higher degree and 150 credit hours with an	Baccalaureate or higher degree and 150 credit hours with accounting	Baccalaureate or master's degree and 150 credit hours with	Baccalaureate degree with accounting concentration and	Baccalaureate or higher degree and 150 credit hours with 24 semester	Baccalaureate or higher degree and 150 credit hours with accounting

Certified Public Accountant						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	accounting concentration, unless the requirement is waived ( <i>R.C. 4701.06(A)(3)(a)</i> ).	concentration or equivalent ( <i>Ind. Code 25-2.1-3-2</i> ).	accounting concentration or equivalent ( <i>Ky. Rev. Stat. 325.261</i> ).	completed at least 150 semester hours of college education ( <i>Mich. Comp. Laws 339.725(1)(e) and (2)</i> ).	credits in accounting or related discipline ( <i>63 Pa. Cons. Stat. 9.4b</i> ).	concentration or equivalent ( <i>W. Va. Code 30-9-8; W. Va. Code R. 1-1-4.1.a</i> ).
Experience	Must be at least 18 years old and have one year of experience providing accounting services verified by a CPA.  If education requirement is waived, must have four years of specified experience.  ( <i>R.C. 4701.06(A)(3)(b) and (B); O.A.C. 4701-7-05.</i> )	Two years of experience providing a service involving the use of accounting, attest, financial advisory, or similar skills verified by a CPA; may be waived if hold certain advanced degrees ( <i>Ind. Code 25-2.1-3-10 and 25-2.1-3-11</i> ).	Must be at least 18 years old and have one year of experience in accounting or auditing position verified by a CPA ( <i>Ky. Rev. Stat. 325.261(6); 201 Ky. Admin. Regs. 1:063</i> ).	One year of employment in a position involving accounting experience verified by a CPA ( <i>Mich. Comp. Laws 339.725(4)</i> ).	Must be at least 18 years old and have at least one year containing 1,600 hours of experience providing a service involving the use of accounting, attest, financial advisory, or similar skills verified by a CPA ( <i>63 Pa. Cons. Stat. 9.4b; 49 Pa. Code 11.55 and 11.56</i> ).	At least one year of experience providing a service involving the use of accounting, attest, financial advisory, or similar skills verified by a CPA ( <i>W. Va. Code 30-9-8; W. Va. Code R. 1-1-4.1.c</i> ).
Exam	Uniform CPA exam ( <i>R.C.</i> )	Uniform CPA exam ( <i>Ind. Code</i> )	Uniform CPA exam ( <i>Ky. Rev. Stat. 325.261(4)</i> );	Uniform CPA exam ( <i>Mich. Comp. Laws 339.725(3)</i> ); <i>Mich.</i>	Uniform CPA exam ( <i>63 Pa. Cons. Stat. 9.4b</i> ); <i>Penn. Dept. of</i>	Uniform CPA exam ( <i>W. Va. Code 30-9-8</i> ); <i>W.</i>

Certified Public Accountant						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	4701.06(A)(4); O.A.C. 4701-5-01).	25-2.1-3-3 and 25-2.1-3-5).	201 Ky. Admin. Regs. 1:050).	Admin. Code R. 338.5110a).	State, <u>Certified Public Accountant</u> ).	Va. Code R. 1-1-4.1.b).
Continuing education	At least 120 hours every three years and 20 hours annually (R.C. 4701.11; O.A.C. 4701-15-02).	At least 120 hours every three years including at least four hours in ethics. Must complete at least 20 hours annually. (Ind. Code 25-2.1-4-5; 872 Ind. Admin. Code 1-3-3.)	At least 80 hours every two years (Ky. Rev. Stat. 325.330 and 201 Ky. Admin. Regs. 1:100).	At least 40 hours every year with at least two hours in ethics (Mich. Comp. Laws 339.729).	At least 80 hours every two years. Must complete at least 20 hours annually. (63 Pa. Cons. Stat. 9.8b(b); 49 Pa. Code 11.62.)	At least 120 hours every three years including at least four hours in ethics. Must complete at least 20 hours annually. (W. Va. Code 30-9-12(b); W. Va. Code R. 1-1-7.3.)
Initial licensure fee	\$100 plus either the Ohio permit or the Ohio registration fee.  Ohio permit (practicing): <ul style="list-style-type: none"> <li>▪ Three year: \$180;</li> <li>▪ Two year: \$120;</li> <li>▪ One year: \$60.</li> </ul>	\$85 (triennial registration fee plus issuance fee) (Ind. Code 25-2.1-5-6; 872 Ind. Admin. Code 1-1-10 and 1-1-10.5).	\$100 (Ky. Rev. Stat. 325.330(1); 201 Ky. Admin. Regs. 1:050).	\$100 (Mich. Comp. Laws 339.721; Michigan Dept. of Licensing and Regulatory Affairs, <u>License Fees</u> ).	\$65 (63 Pa. Cons. Stat. 9.8b; 49 Pa. Code 11.4).	\$120 (W. Va. Code 30-9-7(a)(4); W. Va. Code R. 1-1-18.2.a).

Certified Public Accountant						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	Ohio registration (inactive): <ul style="list-style-type: none"> <li>▪ Three year: \$180;</li> <li>▪ Two year: \$120;</li> <li>▪ One year: \$60.</li> </ul> (R.C. 4701.10 and 4701.21; <a href="#">Accountancy Board of Ohio: Fees.</a> )					
License duration	One to three years (R.C. 4701.10).	Three years ( <i>Ind. Code 25-2.1-4-2; 872 Ind. Admin. Code 1-3-6</i> ).	Two years ( <i>Ky. Rev. Stat. 325.330(2)</i> ).	Two years ( <i>Mich. Comp. Laws 339.729</i> ).	Two years ( <i>63 Pa. Cons. Stat. 9.8b; 49 Pa. Code 11.4</i> ).	One year ( <i>W. Va. Code 30-9-12(a)</i> ).
Renewal fee	Ohio permit (practicing): <ul style="list-style-type: none"> <li>▪ Three year: \$180;</li> <li>▪ Two year: \$120;</li> <li>▪ One year: \$60.</li> </ul> Ohio registration (inactive):	\$105 (triennial registration fee plus renewal fee) ( <i>Ind. Code 25-2.1-5-6; 872 Ind. Admin. Code 1-1-10 and 1-1-10.5</i> ).	\$100 ( <i>Ky. Rev. Stat. 325.330; 201 Ky. Admin. Regs. 1:065</i> ).	\$200 ( <i>Mich. Comp. Laws 339.721; Michigan Dept. of Licensing and Regulatory Affairs, <a href="#">Renewing a License</a></i> ).	\$100 ( <i>63 Pa. Cons. Stat. 9.8b; 49 Pa. Code 11.4</i> ).	\$85 ( <i>W. Va. Code 30-9-12(a); W. Va. Code R. 1-1-18.2.c</i> ).

Certified Public Accountant						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	<ul style="list-style-type: none"> <li>▪ Three year: \$180;</li> <li>▪ Two year: \$120;</li> <li>▪ One year: \$60.</li> </ul> <p><i>(R.C. 4701.10 and 4701.21; <a href="#">Accountancy Board of Ohio: Fees.</a>)</i></p>					

# OHIO ARCHITECTS BOARD

## General information (ARC)

### Duties

The Architects Board is charged under Revised Code Chapter 4703 with ensuring the competency of architects by setting standards for the education, experience, service, conduct and practice to be followed by architects. The Board adopts rules, establishes practices, investigates complaints and violations of its rules and requirements, and educates the public as to the profession.

### Membership *(Current members, chairperson and other officers, and selection process.)*

The Board consists of 5 members, all architects who have been licensed for at least 10 years. Board members are chosen by the governor's office and serve for a term of 5 years beginning on October 3rd. The current members are Monica Green (President), Doug Steidl (Vice President), Christopher Meyers (Secretary), Bob Larrimer (assistant Secretary), and John Rademacher (member).

### Budget *(Current budget, description of budgeting process, sources of funding, and expected increases or decreases in budget or funding in future years.)*

The Ohio Architects Board shares the budget and administrative staff of the Ohio Landscape Architects Board. The combined budget for FY23 is \$662,991 and is completely self-funded by licensing fees. No GRF fees are used. The Board anticipates a moderate increased budget request for FY24-FY25 due to inflation and rising administrative costs.

**Workload** *(Assess current, past, and anticipated workload. Has the workload increased or decreased significantly in the preceding six years?)*

The Board staff workload remains relatively consistent over the past six years. While the number of applications and licensees have increased by approximately 7-8% since 2016, the increased automation provided by the elicense system has kept the workload manageable.

Increased proactive enforcement may increase the staff workload and enforcement actions may increase workload by up to 10%, but remains within our current capabilities etc. in strategic initiatives

**Staffing** *(How many staff are currently employed by the Board? What are their roles? Are staffing levels proportionate to the Board's current and anticipated workload?)*

Currently there are 4 staff members employed by the Architects Board and shared by the Landscape Architects Board: a Certification/Licensing Examiner, responsible for all initial administrative licensing matters; an investigator, responsible for all investigations and enforcement matters for the Board; a Program Administrator, responsible for fiscal and upper level licensing matters and serves as the deputy Executive Director; and an Executive Director, responsible for all management, education and outreach matters

**Administrative hearings and public complaints** *(Describe the Board's processes for administering discipline and addressing complaints. Assess the efficiency of the processes.)*

The Board investigates 100% of all complaints received and determines the proper disciplinary response. The Board also proactively searches the internet for potential violations and conducts random audits of licensees to determine compliance with continuing education requirements. If these proactive efforts find violations of the Board's laws or rules, the Board will determine the proper discipline. If a violation warrants discipline rather than education, the Board complies with the notice and administrative hearing requirements of RC Chapter 119. The Board's processes are efficient and thorough and strike the proper balance between protecting the public without being unduly burdensome upon the architectural industry.



# Architect

## Survey responses (ARC)

Description
Architects are specially trained and educated individuals who plan, design, and oversee the construction of buildings, especially in the commercial arena. Architects conduct preliminary studies of the space, prepare designs and drawings, prepare technical submissions, coordinate with clients, stakeholders, government officials, and other design professionals, oversee construction, and administer construction contracts. They serve as both the creative influence and the project manager for the creation of buildings. They ensure that the buildings they design meet not only the needs of their clients, but the health, safety, and welfare of the public that use those buildings.

Type (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)
License; Architects are required to hold a license pursuant to RC 4703.06

If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	Approximately 315 new architect licenses are issued annually
Number renewed annually	Renewal is a biennial requirement. Approximately 6600 architects renew their licenses during every 2-year period.

If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	Architect licensure has remained mostly consistent over the past 6 years with a slight total increase of approximately 8%
<b>Education or training requirements</b>	Architects are required to complete an architecture degree program accredited by the National Architectural Accreditation Board (“NAAB”)
<b>Experience requirements</b>	3740 hours of supervised experience in specified topics of architecture. The experience program is managed by NCARB and required by every US state.
<b>Examination requirements</b> ( <i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Board receive any proceeds of those fees? If so, how are the proceeds used?</i> )	Successful completion of the Architect Registration Examination (“ARE”). The examination is national and a requirement of every U.S. state. The exam is written and administered by the National Council of Architect Registration Boards (“NCARB”) and is proctored by PSI. NCARB charges either \$225 each of the 6 sections of the ARE, and none of these fees are received by the Board. NCARB uses the fees to pay for the costs associated with drafting and administering the examination.
<b>Continuing education requirements</b> ( <i>Including a description of the curriculum and the process of setting it.</i> )	12 hours of continuing education each year, all in the topics of Health, Safety and Welfare. Classes are offered by certain providers approved by the Board, and many are free.
<b>Initial fee</b>	License by examination: \$50. License by reciprocity: \$250
<b>Duration</b>	Up to 2 years, or until expiration on December 31 <sup>st</sup> of odd-numbered years (e.g., 12/31/2021, 12/31/2023)
<b>Renewal fee</b> ( <i>If different from initial fee, please explain why.</i> )	\$125. The initial license fee structure is reduced for first-time licensees (who are typically recent graduates) and increased for reciprocal candidates (who are typically established professionals) and does not necessarily reflect the actual cost of application review and approval. The renewal fees reflect the ongoing costs of enforcement and administration of the Board activities.

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<p><b>Does the Board recognize uniform licensure requirements or allow for reciprocity?</b></p>	<p>The Board allows for reciprocal licensure; Approximately 79% of all new licenses granted are reciprocal applicants.</p>
<p><b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b></p>	<p>No</p>
<p><b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Board?</b></p>	<p>Yes; there is some overlap between the practice of architecture, engineering, and landscape architecture, and architects may practice engineering or landscape architecture that is incidental to the practice of architecture pursuant to RC 4703.32 and RC 4703.18. Moreover, professionals pursuing licensure may practice architecture solely under the supervision of a licensed architect.</p>
<p><b>Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?</b></p>	<p>The licensing requirements for education, experience, and examination are objective and allow for very little discretionary decisions by the Board. Very rarely discretionary review of experience may be required.</p>
<p><b>Other information</b> (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>)</p>	<p>N/A</p>

**Oversight and disciplinary authority of the Board respecting individuals engaged in the occupation.**

The Board has oversight and disciplinary authority over all licensed architects to ensure compliance with its laws and rules, to protect the health, safety and welfare of Ohio citizens and the built environment. The Board investigates all complaints regarding architects, including complaints of competency, professionalism, and ethics. The Board also conducts random audits of the continuing education of licensees to ensure their competency. The Board is authorized to discipline licensees for violations of its laws and rules, including its code of ethics, through fines, suspension, or revocation of licenses. The Board may also seek injunctive or criminal action against those engaged in the unlicensed practice of architecture, pursuant to RC 4703.18.

**How much revenue is derived from fees charged by the Board to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

Approximately \$530,000 average annual revenue (\$1,060,000 biennially) is derived from individual licensing and renewal fees charged by the Architects Board. The revenue is used to support the administrative, licensing, enforcement, and educational activities of the Board.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

There are no federal regulations that apply to the occupation of Architecture, and no federal laws require state regulation.

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

The regulation seeks to prevent harm to the public that would be caused by the incompetent practice of architecture, especially in public areas. The regulation ensures that practicing architects have proven competencies in project development, design, egress, building materials, construction supervision and contract management, and that they comport themselves ethically in accordance with the industry standard practices. A lack of competence or ethics in these critical public safety areas would present a real danger to clients and the users of these public and private spaces, causing physical injury, property damage, and financial ruin.

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

Yes; the licensing requirements of RC 4703.01 et seq prevent public harm by ensuring architecture competencies through advanced education, supervised experience, and a rigorous professional examination. The education, experience, and examination required to earn a license, as well as the architects code of ethics and practice requirements, ensure that licensed architects are ethical and knowledgeable. This ensures that Ohio’s architects design safe, hazard-free buildings for the public to enjoy in the manner intended, thereby bringing value to the client and the community at large. The lack of catastrophic building accidents in this country is a testament to the nation’s efficient statewide regulation of the industry.

**Are there any changes the Board would like to see implemented?**

The Board would like to see additional enforcement powers over unlicensed persons, which is currently limited to pursuing criminal sanctions.

**Surrounding state comparison (LSC)**

Certificate of Qualification to Practice Architecture						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Type of regulation	Certificate of qualification and registration ( <i>R.C. 4703.06</i> ).	Certificate of registration ( <i>Ind. Code 25-4-1-6</i> ).	License ( <i>Ky. Rev. Stat. 323.020</i> ).	License ( <i>Mich. Comp. Laws 339.2004</i> ).	Certificate license ( <i>63 Pa. Cons. Stat. 34.10</i> ).	Certificate of registration ( <i>W. Va. Code 30-12-3 and 30-12-4</i> ).
Education or training	Professional degree in architecture or integrated path	Professional degree from a school or college of architecture	Professional degree in architecture accredited by the	Professional degree or further degree in architecture	Professional degree in architecture from an accredited	Professional degree in architecture from an accredited

**Certificate of Qualification to Practice Architecture**

	<b>Ohio</b>	<b>Indiana</b>	<b>Kentucky</b>	<b>Michigan</b>	<b>Pennsylvania</b>	<b>West Virginia</b>
	program accredited by the National Architectural Accrediting Board ( <i>R.C. 4703.07; O.A.C. 4703-2-02</i> ).	accredited by the National Architectural Accrediting Board ( <i>Ind. Code 25-4-1-6</i> ).	National Architectural Accrediting Board ( <i>Ky. Rev. Stat. 323.050</i> ).	accredited by the National Architectural Accrediting Board or the Canadian Architectural Certification Board ( <i>Mich. Comp. Laws 339.2004; Mich. Admin. Code R. 339.15201</i> ).	school ( <i>63 Pa. Cons. Stat. 34.8</i> ).	school recognized by the National Architectural Accrediting Board ( <i>W. Va. Code 30-12-4; W. Va. Code R. 2-1-5</i> ).
Experience	At least 18 years of age. Internship program (architecture experience program). ( <i>R.C. 4703.07; O.A.C. 4703-2-06</i> .)	At least 18 years of age ( <i>Ind. Code 25-4-1-7</i> ). Intern development program of at least 3,740 hours ( <i>Ind. Code 25-4-1-6 and 25-4-1-7.5; 804 Ind. Admin. Code 1.1-7-1.1</i> ).	Intern Development Program training requirements as provided by the National Council of Architectural Registration Board's (NCARB's) Intern Development Program Guidelines ( <i>201 Ky. Admin. Reg. 19:035</i> ).	Either of the following professional experiences in architectural work: <ul style="list-style-type: none"> <li>▪ A valid certificate of completion of any internship program from NCARB; or</li> <li>▪ Proof of current and continuous licensure in another state</li> </ul>	At least three years practical experience in the employ of or under the direct supervision of a registered architect or as part of the applicant's academic training or six years of practical experience in lieu of a professional degree but requires an	N/A

**Certificate of Qualification to Practice Architecture**

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
				of at least five years. <i>(Mich. Comp. Laws 339.2004; Mich. Admin. Code R. 339.15202.)</i>	additional qualifying exam <i>(63 Pa. Cons. Stat. 34.8).</i>	
Exam	Architect Registration Exam administered by NCARB <i>(R.C. 4703.07 and 4703.09; O.A.C. 4703-2-01).</i>	Architect Registration Exam administered by NCARB <i>(Ind. Code 25-4-1-9; 804 Ind. Admin. Code 1.1-6-2).</i>	Architect Registration Exam administered by NCARB <i>(Ky. Rev. Stat. 323-050; <a href="#">Kentucky Board of Architects website.</a>)</i>	Architect Registration Exam administered by NCARB <i>(Mich. Comp. Laws 339.2004; Mich. Admin. Code R. 339.15204).</i>	Architect Registration Exam administered by NCARB <i>(63 Pa. Cons. Stat. 34.8; 49 Pa. Code 9.41a).</i>	Architect Registration Exam administered by NCARB <i>(W. Va. Code R. 2-1-5 and 2-1-7).</i>
Continuing education	12 hours each year in health, safety, and welfare subjects <i>(O.A.C. 4703-2-07).</i>	24 hours every two years <i>(804 Ind. Admin. Code 1.1-8-3).</i>	12 hours each year on relevant topics addressing health, safety, and welfare subjects <i>(201 Ky. Admin. Regs. 19:087).</i>	Not less than 24 hours every two years <i>(Mich. Admin. Code R. 339.15501; Mich. Admin. Code R. 339.15502).</i>	N/A	12 hours each year in health, safety, and welfare subjects acquired in structured educational activities <i>(W. Va. Code R. 2-1-8).</i>
Initial licensure fee	\$50 <i>(R.C. 4703.16 and 4703.51; O.A.C. 4703-1-04).</i>	\$150 <i>(Ind. Code 25-4-1-16 and 25-1-8-2; 804 Ind. Code R. 1.1-6-2).</i>	\$200 application processing fee for exam; \$50 for license upon	\$30 processing fee <i>(Mich. Comp. Laws 338.2213).</i>	\$40 <i>(63 Pa. Cons. Stat. 34.11; 49 Pa. Code 9.3).</i>	\$100 filing fee <i>(W. Va. Code R. 2-3-3).</i>

**Certificate of Qualification to Practice Architecture**

	<b>Ohio</b>	<b>Indiana</b>	<b>Kentucky</b>	<b>Michigan</b>	<b>Pennsylvania</b>	<b>West Virginia</b>
		<i>Admin. Code 1.1-3-1.1).</i>	passage of exam <i>(Ky. Rev. Stat. 323-080).</i>			
License duration	From date of issuance to December 31 of the odd number year succeeding that date; two years thereafter <i>(R.C. 4703.12 and 4703.13).</i>	Two years <i>(Ind. Code 25-4-1-14).</i>	One or two years <i>(Ky. Rev. Stat. 323.110).</i>	Two years <i>(Mich. Admin. Code R. 339.15501).</i>	Two years <i>(49 Pa. Code 9.3).</i>	One year <i>(W. Va. Code 30-12-5; W. Va. Code R. 2-1-8).</i>
Renewal fee	\$125 <i>(R.C. 4703.16 and 4703.51; O.A.C. 4703-1-04).</i>	\$100 <i>(804 Ind. Admin. Code 1.1-3-1.1).</i>	\$250 <i>(Ky. Rev. Stat. 323-080).</i>	\$35 <i>(Mich. Comp. Laws 338.2213).</i>	\$100 <i>(49 Pa. Code 9.3).</i>	\$75 <i>(W. Va. Code R. 2-3-3).</i>



# OHIO LANDSCAPE ARCHITECTS BOARD

## General information (ARC)

### Duties

The Landscape Architect Board is charged under RC 4703.33 with ensuring the competency of landscape architects by setting standards for the education, experience, service, conduct and practice to be followed by landscape architects. The Board adopts rules, establishes practices, investigates complaints and violations of its rules and requirements, and educates the public as to the profession.

### Membership *(Current members, chairperson and other officers, and selection process.)*

The Board consists of 5 members: 3 licensed landscape architects, one public member, and one allied design professional member. Board members are chosen by the governor's office and serve for a term of 5 years beginning on November 11th. The current members are Patrick Beam (landscape architect member), Timothy Schmalenberger (landscape architect member), John Reiner (landscape architect member and Board Secretary), Christopher Fleming (design professional member), and Gwen Eberly (public member and Board President).

### Budget *(Current budget, description of budgeting process, sources of funding, and expected increases or decreases in budget or funding in future years.)*

The Ohio Landscape Architects Board shares the budget and administrative staff of the Ohio Architects Board. The combined budget for FY23 is \$662,991 and is completely self-funded by licensing fees. No GRF fees are used. The Board anticipates a moderate increased budget request for FY24-FY25 due to inflation and rising administrative costs.

**Workload** *(Assess current, past, and anticipated workload. Has the workload increased or decreased significantly in the preceding six years?)*

The Board staff workload remains relatively consistent over the past six years. While the number of applications and licensees have increased slightly since 2016, the increased automation provided by the elicense system has kept the workload manageable.

Increased proactive enforcement, which remains part of the Board's strategic initiatives, may increase workload by up to 10%, but remains within our current staffing capabilities.

**Staffing** *(How many staff are currently employed by the Board? What are their roles? Are staffing levels proportionate to the Board's current and anticipated workload?)*

Currently there are four staff members shared by the Architects Board and the Landscape Architects Board: a Certification/Licensing Examiner, responsible for all initial administrative licensing matters; an investigator, responsible for all investigations and enforcement matters for the Board; a Program Administrator, responsible for fiscal and upper level licensing matters and serves as the deputy Executive Director; and an Executive Director, responsible for all management, education and outreach matters.

**Administrative hearings and public complaints** *(Describe the Board's processes for administering discipline and addressing complaints. Assess the efficiency of the processes.)*

The Board investigates 100% of all complaints received and determines the proper disciplinary response. The Board also proactively searches the internet for potential violations and conducts random audits of licensees to determine compliance with continuing education requirements. If these proactive efforts find violations of the Board's laws or rules, the Board will determine the proper discipline. If a violation warrants discipline rather than education, the Board complies with the notice and administrative hearing requirements of RC Chapter 119. The Board's processes are efficient and thorough and strike the proper balance between protecting the public without being unduly burdensome upon the landscape architectural industry.

# Landscape architect

## Survey responses (ARC)

Description
<p>Landscape architecture is the analysis, planning, design, management, and stewardship of the natural and built environment. Landscape architecture includes the preparation and sealing of drawings, construction documents, and specifications and the administration of contracts in accordance with accepted professional standards of public health, safety, and welfare.</p> <p>As architects design and oversee the construction of buildings, landscape architects design and oversee the construction of the environment outside buildings. They design large community projects such as public parks, subdivisions, waterfront projects, playgrounds, campuses, zoos, golf courses, walking trails, and outdoor structures, to name a few. The landscape architect keeps the public safe from hazards, protects natural resources, sustainably manages the natural and built environment, and enhances social, economic, cultural, and physical functioning of the public in the present and in the future.</p>
<p><b>Type</b> <i>(License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)</i></p>
<p>License; Landscape Architects are required to hold a license pursuant to RC 4703.34</p>

If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>Number issued annually</b>	Approximately 35 new landscape architect licenses are issued annually
<b>Number renewed annually</b>	Renewal is a biennial requirement. Approximately 600 landscape architects renew every 2 years

If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	Landscape Architect licensure has remained mostly consistent over the past 6 years with a slight increase.
<b>Education or training requirements</b>	Landscape Architects are required to complete a landscape architecture degree program accredited by the national Landscape Architectural Accreditation Board (“LAAB”)
<b>Experience requirements</b>	3 years of experience working in the landscape architecture field, 2 years of which are under the direct supervision of a licensed landscape architect.
<b>Examination requirements</b> ( <i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Board receive any proceeds of those fees? If so, how are the proceeds used?</i> )	Successful completion of the Landscape Architect Registration Examination (“LARE”). The examination is national and a requirement of every U.S. state as well as several Canadian provinces. The exam is written and administered by the Council of Landscape Architect Registration Boards (“CLARB”) and is proctored by Prometric. CLARB charges either \$375 or \$590 each of the 4 sections of the LARE, and none of these fees are received by the Board. CLARB uses the fees to pay for the costs associated with drafting and administering the examination.
<b>Continuing education requirements</b> ( <i>Including a description of the curriculum and the process of setting it.</i> )	24 hours of continuing education during each 2-year renewal period; 16 of these hours must be in the topics of Health, Safety and Welfare. Classes are offered by certain providers approved by the Board, and many are free.
<b>Initial fee</b>	License by examination: \$50. License by reciprocity: \$250
<b>Duration</b>	Up to 2 years, or until expiration on December 31 <sup>st</sup> of even-numbered years (e.g., 12/31/2020, 12/31/2022)

If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>Renewal fee</b> <i>(If different from initial fee, please explain why.)</i>	\$125. The initial license fee structure is reduced for first-time licensees (who are typically recent graduates) and increased for reciprocal candidates (who are typically established professionals) and does not necessarily reflect the actual cost of application review and approval. The renewal fees reflect the ongoing costs of enforcement and administration of the Board activities.
<b>Does the Board recognize uniform licensure requirements or allow for reciprocity?</b>	The Board allows for reciprocal licensure; Approximately 80% of all new licenses granted are reciprocal applicants.
<b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b>	No
<b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Board?</b>	Yes; there is some overlap between the practice of architecture and landscape architecture, and architects may practice landscape architecture that is incidental to the practice of architecture pursuant to RC 4703.32. Moreover, those working toward licensure may work under the supervision of a licensed landscape architect.
<b>Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?</b>	The licensing requirements for education, experience, and examination are objective and allow for very little discretionary decisions by the Board. Very rarely discretionary review of experience may be required.
<b>Other information</b> <i>(Significant attributes or prerequisites to licensure not addressed in this chart.)</i>	N/A

**Oversight and disciplinary authority of the Board respecting individuals engaged in the occupation.**

The Board has oversight and disciplinary authority over all licensed landscape architects to ensure compliance with its laws and rules, to protect the health, safety and welfare of Ohio citizens and the built and natural environment. The Board investigates all complaints regarding landscape architects, including complaints of competency, professionalism, and ethics. The Board also conducts random audits of the continuing education of licensees to ensure their competency. The Board is authorized to discipline licensees for violations of its laws and rules, including its code of ethics, through fines, suspension, or revocation of licenses. The Board may also seek injunctive or criminal action against those engaged in the unlicensed practice of landscape architecture, pursuant to RC 4703.46.

**How much revenue is derived from fees charged by the Board to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

Approximately \$100,000 biennial revenue is derived from individual licensing fees charged by the Landscape Architects Board. The revenue is used to support the administrative, licensing, enforcement, and educational activities of the Board.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

There are no federal regulations that apply to the occupation of Landscape Architecture, and no federal laws require state regulation.

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

The regulation seeks to prevent harm to the public that would be caused by the incompetent practice of landscape architecture. Competent landscape architects tackle issues involving soil, drainage, site grades, stormwater management, erosion control, retaining walls, energy efficiency, roadways, and pedestrian walkways. Incompetence in these areas could not only sicken or endanger the public but could cause financial damages and community hardships. The regulation ensures that landscape architects have proven the ability to keep the public safe from natural or built hazards, protect and maximize the use of natural systems and resources, and prevent damage to public or private property from changes in the built environment.

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

Yes; the licensing requirements of RC 4703.33 et seq prevent public harm by ensuring landscape architecture competencies through advanced education, supervised experience, and a rigorous professional examination. The education, experience, and examination required to earn a license ensures that licensed landscape architects can keep the public safe from hazards, protect and maximize the use of natural systems and resources, and prevent damage to public or private property from changes in the built environment.

**Are there any changes the Board would like to see implemented?**

N/A

## Surrounding state comparison (LSC)

Certificate of Qualification to Practice Landscape Architecture						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Type of regulation	Certificate of registration ( <i>R.C. 4703.30 to 4703.49</i> ).	Certificate of registration ( <i>Ind. Code 25-4-2-3</i> ).	License ( <i>Ky. Rev. Stat. 323A.020</i> ).	License ( <i>Mich. Comp. Laws 339.2202</i> ).	License ( <i>63 Pa. Cons. Stat. 903 and 906</i> ).	License ( <i>W. Va. Code 30-22-1</i> ).
Education or training	Professional degree in landscape architecture from a program accredited by the National Landscape Architectural Accreditation Board ( <i>R.C. 4703.34; O.A.C. 4703:1-2-01</i> ).	Graduation from an accredited landscape architecture curriculum or eight years of practical experience prior to 2003 ( <i>Ind. Code 25-4-2-3</i> ).	Graduation from an accredited landscape architecture curriculum ( <i>Ky. Rev. Stat. 323A-040</i> ).	Baccalaureate degree from a program approved by the Landscape Architectural Accreditation Board ( <i>Mich. Comp. Laws 339.2204; Mich. Admin. Code R. 339.19004 and 339.19008</i> ).	Graduation from a college or school of landscape architecture approved by the State Board of Landscape Architects ( <i>63 Pa. Cons. Stat. 906; 49 Pa. Code 15.54</i> ).	One of the following: <ul style="list-style-type: none"> <li>▪ Bachelor's degree in landscape architecture from an accredited college or university; or</li> <li>▪ Graduate degree in landscape architecture from an accredited college or university (<i>W. Va. Code 30-22-9</i>).</li> </ul>
Experience	Must be at least 18 years of age.	Must be at least 18 years of age.	Must be at least 21 years of age.	Not less than seven years of	At least two years of practical	Must be at least 18 years of age



**Certificate of Qualification to Practice Landscape Architecture**

	<b>Ohio</b>	<b>Indiana</b>	<b>Kentucky</b>	<b>Michigan</b>	<b>Pennsylvania</b>	<b>West Virginia</b>
	Three years of practical experience under direct supervision of a registered landscape architect or an internship. <i>(R.C. 4703.34; O.A.C. 4703:1-2-01.)</i>	Three years of experience in landscape architectural work. <i>(Ind. Code 25-4-2-3.)</i>	Two years of experience under the supervision of a licensed landscape architect, engineer, or architect within five years prior to submitting the application for licensure. <i>(Ky. Rev. Stat. 323A-040.)</i>	training, experience, and education total in the actual implementation and practice of landscape architecture. (Satisfactory completion of each year up to five years of an accredited course in landscape architecture accredited by the Landscape Architectural Accreditation Board is considered as equivalent to one year of experience.) <i>(Mich. Comp. Laws 339.2204; Mich. Admin. Code R. 339.19008.)</i>	experience in landscape architectural work under the supervision of a design professional or if the applicant does not have such a supervisor, they must have their professional work product reviewed by a landscape architect every six months for two consecutive years <i>(63 Pa. Cons. Stat. 906; 49 Pa. Code 15.41).</i>  An approved year of study in an approved college or school of landscape architecture may be accepted in lieu of one year of required experience but	and satisfy one of the following: <ul style="list-style-type: none"> <li>▪ For an applicant with a bachelor's degree – at least two years of experience in landscape architecture under the supervision of a landscape architect;</li> <li>▪ For an applicant with a graduate degree – at least one year of experience in landscape architecture under the supervision of a landscape architect; or</li> <li>▪ An applicant that, after</li> </ul>

**Certificate of Qualification to Practice Landscape Architecture**

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
					must also then demonstrate acceptable experience of at least six years of combined education and experience. An applicant with eight years of acceptable experience may be exempt from the degree requirement. (63 Pa. Cons. Stat. 906.)	January 1, 2007, has completed at least ten years of experience in landscape architecture under the supervision of a landscape architect.  (W. Va. Code 30-22-9 and 30-22-10.)
Exam	Landscape Architect Registration Exam administered by the Council of Landscape Architectural Registration Boards (R.C. 4703.33 and 4703.34; O.A.C. 4703:1-2-01).	Landscape Architect Registration Exam administered by the Council of Landscape Architectural Registration Boards (Ind. Code 25-4-2-4; 804 Ind. Admin. Code 1.1-6-2).	Landscape Architect Registration Exam administered by the Council of Landscape Architectural Registration Boards (Ky. Rev. Stat. 323A-040; 201 Ky. Admin. Regs. 10:040).	Landscape Architect Registration Exam administered by the Council of Landscape Architectural Registration Boards (Mich. Comp. Laws 339.2004; Mich.	Landscape Architect Registration Examination prepared by the Council of Landscape Architectural Registration Boards (63 Pa. Cons. Stat. 904).	Landscape Architect Registration Examination prepared by the Council of Landscape Architectural Registration Boards (W. Va. Code R. 9-1-5).

**Certificate of Qualification to Practice Landscape Architecture**

	<b>Ohio</b>	<b>Indiana</b>	<b>Kentucky</b>	<b>Michigan</b>	<b>Pennsylvania</b>	<b>West Virginia</b>
				<i>Admin. Code R. 339.19006).</i>		
Continuing education	24 contact hours every two years, of which at least 16 hours be on health, safety, and welfare subjects ( <i>R.C. 4703.33 and 4703.36; O.A.C. 4703:1-1-06</i> ).	24 hours every two years ( <i>Ind. Code 25-4-2-13; 804 Ind. Admin. Code 1.1-8-3</i> ).	12 hours each year but cannot exceed 15 hours annually ( <i>Ky. Rev. Stat. 323A.100, 323A.210; 201 Ky. Admin. Regs. 10:080</i> ).	Not less than 24 hours every two years ( <i>Mich. Admin. Code R. 339.19012 and 339.19014</i> ).	24 hours every two years ( <i>63 Pa. Cons. Stat. 909.1; 49 Pa. Code 15.72</i> ).	Eight professional development hour units each year, of which at least six hours be in structured education activities that directly address public health, safety, interest, and welfare issues related to the practice of landscape architecture ( <i>W. Va. Code R. 9-2-3</i> ).
Initial licensure fee	\$50 ( <i>R.C. 4703.37; O.A.C. 4703:1-1-05</i> ).	\$150 ( <i>Ind. Code 25-4-2-8; 804 Ind. Admin. Code 1.1-3-1.1</i> ).	\$250 ( <i>Ky. Rev. Stat. 323A-060; 201 Ky. Admin. Regs. 10:050</i> ).	\$200 processing fee ( <i>Mich. Comp. Laws 338.2215</i> ).	\$60 for an applicant who has completed the undergraduate degree and two years of professional experience ( <i>63 Pa. Cons. Stat.</i>	\$100 ( <i>W. Va. Code 30-22-8; W. Va. Code R. 9-3-4</i> ).

**Certificate of Qualification to Practice Landscape Architecture**

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
					905; 49 Pa. Code 15.12).  \$350 for an applicant who did not complete a degree but who has eight years of professional experience (49 Pa. Code 15.12).	
License duration	From date of issuance to December 31 of the even number year succeeding that date; two years thereafter (O.A.C. 4703:1-1-04).	Two years ( <i>Ind. Code 25-4-2-8 and 25-4-2-8.5</i> ).	One year (on July 1) ( <i>Ky. Rev. Stat. 323A.100</i> ).	Two years ( <i>Michigan Landscape Architect Licensing Guide (PDF)</i> ).	Two years ( <i>63 Pa. Cons. Stat. 904; 49 Pa. Code 15.34</i> ).	One or two years ( <i>W. Va. Code 30-22-12</i> ).
Renewal fee	\$125 ( <i>R.C. 4703.37; O.A.C. 4703:1-1-05</i> ).	\$100 ( <i>Ind. Code 25-4-2-8; 804 Ind. Admin. Code 1.1-3-1.1</i> ).	Active license: \$250; inactive license: \$150; retired license: \$62.50 ( <i>Ky. Rev. Stat. 323A-060; 201 Ky. Admin. Regs. 10:050</i> ).	\$60 ( <i>Mich. Comp. Laws 338.2215</i> ).	\$194 ( <i>49 Pa. Code 15.12</i> ).	\$100 ( <i>W. Va. Code R. 9-3-4</i> ).

# BOARD OF BUILDING STANDARDS

## General information (COM)

### Duties

In addition to its occupational licensing responsibilities, the Board formulates and adopts administrative rules governing the construction and alteration of buildings which are then compiled into the Ohio Building, Mechanical, and Plumbing Codes, and the Residential Code of Ohio. The Board certifies county, township and municipal building departments and their personnel to enforce these codes. The Board is also responsible for the formulation of rules governing industrialized units, the installation and operation of boilers and unfired pressure vessels, and the construction of elevators. Finally, the Board also certifies fire protection system designers.

### Membership *(Current members, chairperson and other officers, and selection process.)*

15 Member Board Appointed by the Governor:

Fire Service

General Contractor

IU Representative

Architect (2)

Structural Engineer

Mechanical Engineer

Construction Materials

Attorney

Public Member

Mayor

Renewable Energy

Homebuilder (2)

Energy Conservation

**Budget** *(Current budget, description of budgeting process, sources of funding, and expected increases or decreases in budget or funding in future years.)*

Approximately \$3M Annual Budget (\$2.8 Code/Certification Operations, \$200K IU Program) Between 2018 and 2020, the Board collected approximately \$87,339/per year from certification fees. While these fees do fund, in part, Board operations, the Board's primary revenue is from assessment fees collected by local certified building department pursuant to Revised Code 3781.102 which not only funds Board operations but also to provide services and resources back to the building department and the construction industry, including education.

**Workload** *(Assess current, past, and anticipated workload. Has the workload increased or decreased significantly in the preceding six years?)*

Currently, the Board maintains approximately 4500 certifications which are held by approximately 2000 individuals and approximately 735 certified local building departments. The Board's certification program includes the processing and review of both initial certification applications and renewals, but also reviewing education courses for continuing education credit for certified personnel to renew certification. Board staff regularly provides educational opportunities to building department personnel and the construction industry at no cost. In addition to the Board's certification program, the Board adopts non-residential and residential building codes as well as the boiler and elevator rules enforced by the Division of Industrial Compliance. Board technical staff spends majority of their time responding to technical questions from construction industry (building owners, designers, contractors) and building departments regarding application of the codes. Two of the Board's twelve staff are dedicated to the Board's IU program which reviews for code compliance industrial (modular) units of closed construction manufactured in a factory for placement anywhere in the State. In 2020, the IU program processed 553 applications and issued 1625 insignias which are affixed to approved units. No increase of workload is expected from recent years.

**Staffing** *(How many staff are currently employed by the Board? What are their roles? Are staffing levels proportionate to the Board's current and anticipated workload?)*

The Board employs 12 staff (6 professional/technical, 6 support):

Executive Secretary – Appointed by the Board to manage the day-to-operations of the Board

Construction Codes Administrator – Professional Engineer/Architect, responsible for building code development and research

Assistant Construction Code Administrator (3) – Professional Engineer/Architect, assists in building code development and research

IU Master Plans Examiner – Reviews industrialized unit plans for compliance with building codes

Professional Development Coordinator – Manages Certification and Continuing Education Programs

Office Assistant – General offices duties

IU Customer Service Assistant – Processes IU insignia requests, IU payments and manufacturer registration

Certification Customer Service Assistant – Processes personnel certification applications/renewals

Management Analyst – Processes continuing education course applications, rosters, and building department assessment payments

Building Department Support Administrator/Investigator – Responds to complaints regarding building department personnel actions, assists building departments in implementing improvements, etc.

**Administrative hearings and public complaints** *(Describe the Board's processes for administering discipline and addressing complaints. Assess the efficiency of the processes.)*

OAC 4101:7-3-01(F)(7) lays out the complaint and disciplinary process:

(7) Certification, revocation or suspension. In accordance with division (E) of section [3781.10](#) of the Revised Code, a certification may be revoked or suspended upon receipt by the board of building standards of a written complaint from any person affected by the exercise of the authority granted under such certification, or by the board on its own motion pursuant to this paragraph.

(a) Complaint process. Upon receipt of a complaint against a holder of a certification that is substantiated to the satisfaction of the board or upon the board's own motion:

(i) The board shall decide whether the information submitted warrants causing an investigation to be initiated or sending a notice of opportunity for hearing as outlined in paragraph (F)(7)(a)(iv) of this rule;

**Administrative hearings and public complaints** *(Describe the Board's processes for administering discipline and addressing complaints. Assess the efficiency of the processes.)*

(ii) If a formal investigation is warranted, the subject of the investigation shall be notified that an investigation has been initiated by the board;

(iii) Upon completion of the investigation, findings shall be reported to the board.

(iv) The board may dismiss the complaint, table the matter for future action, or initiate action to suspend or revoke the certification. If the board decides to initiate action to suspend or revoke the certification it shall notify the certificate holder of the charges, pursuant to paragraph (F)(7)(c) of this rule, by certified mail, return receipt requested. The certificate holder shall be informed that a hearing, if desired, must be requested within thirty days from the date of the mailing to request a hearing before the board. The order shall inform the certificate holder that counsel may represent the certificate holder at the hearing. Failure by the certification holder to request a hearing within thirty days from the date of the mailing of the notification may cause the board, after a hearing, to uphold an order revoking or suspending certification.

(v) In the event that the certificate holder timely requests a hearing, the board shall decide to either conduct a hearing or appoint a hearing officer to conduct a hearing.

(a) Board decision to hold a hearing.

(i) The board shall schedule a hearing to be held seven to fifteen days after receipt of the request.

(ii) The board may continue or postpone the hearing upon application by the party or upon its own motion.

(iii) The board shall conduct a hearing during which parties and witnesses can be examined and offer testimony in a manner that prevents unnecessary delay, and that ensures the development of a clear and adequate record. The hearing shall be conducted pursuant to the provisions of sections [3781.10](#), [3781.101](#), and [119.09](#) of the Revised Code.

(b) Board decision to appoint a hearing officer. The hearing officer shall submit, within thirty days after the conclusion of the hearing, a written report of the finding of fact and recommendations to the board for its consideration.

(vi) Following the hearing or following receipt of the hearing officer's report, the board shall take action. The party affected shall be sent a certified copy of the board's action and informed by certified mail, return receipt requested, that the certification holder may appeal the order within fifteen days to the court of common pleas in Franklin county pursuant to sections [3781.10](#), [3781.101](#), and [119.12](#) of the Revised Code.



**Administrative hearings and public complaints** *(Describe the Board's processes for administering discipline and addressing complaints. Assess the efficiency of the processes.)*

(b) Building department personnel certification, hearings and appeals. Hearings shall be held by the board of building standards and appeals shall be permitted on any proceedings for certification as provided in section [119.07](#) of the Revised Code and in paragraph (F)(7)(a) of this rule.

(c) Grounds for revocation or suspension. The board shall revoke or suspend an individuals certification if the board concludes that the individual has committed one or more of the following:

(i) The practice of fraud or deceit in obtaining the certification;

(ii) A felony or crime involving moral turpitude;

(iii) Gross negligence, incompetence, misconduct in performance of duties, or engaging in conduct that is considered a conflict of interest;

(iv) Failure to complete the continuing education requirements prior to expiration date of the certificate;

(v) Violation of the duties described in section 104 of rule [4101:1-1-01](#) of the Administrative Code for non-residential certifications and section 104 of rule [4101:8-1-01](#) of the Administrative Code for residential certifications.

(d) Revocation or suspension. In the event of suspension or revocation of a certification, the individual shall no longer hold out to the public or any jurisdiction that the individual is certified to exercise enforcement authority or holds the board certification which has been suspended or certification revoked. During a suspension, the certificate holder shall comply with the training, reporting, auditing, or other remedial action required by the board. In addition to such other authority the board may have, the board is authorized to revoke the individual's certification for failure to comply with such remedial requirements.

(e) Probationary status. In the event of an investigation in which the board decides not to immediately suspend or revoke an individual's certification, the board may place the individual on probationary status for a period of time and require remedial action as the board deems appropriate. During this time the certificate holder shall comply with the training, reporting, auditing, or other remedial action required by the board. In addition to such other authority the board may have, the board is authorized to revoke or suspend the certificate holder's certification for failure to comply with such remedial requirements.

Primarily the Board's complaint and disciplinary processes is not punitive, but to make corrections where deficiencies or failures or identified.

## Building inspector

### Survey responses (COM)

Description
A building inspector is responsible for confirming that structural/mechanical/fire protection work is consistent with the approved construction documents.

Type (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)
License

If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	Approximately 50
Number renewed annually	Approximately 300

If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	No significant increase/decrease in last 6 years
<b>Education or training requirements</b>	Completion of Board-sponsored code academy during interim certification (free online or in-person training offered twice per year)
<b>Experience requirements</b>	5 years experience in relevant construction trade; less for individuals entering as trainee
<b>Examination requirements</b> ( <i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Board receive any proceeds of those fees? If so, how are the proceeds used?</i> )	International Code Council (ICC) – B2, M2 or National Certification Program for Construction Code Inspectors (NCPCCI) -1B, 3B, 4B Examination costs range from \$160-\$240. The Board’s examination requirements align with requirements for certification issued by International Code Council, therefore the Board only recognizes these exams and does not set fees, etc.
<b>Continuing education requirements</b> ( <i>Including a description of the curriculum and the process of setting it.</i> )	30 hours of Board-approved continuing education
<b>Initial fee</b>	\$50
<b>Duration</b>	2-year interim, then 3-year renewal period
<b>Renewal fee</b> ( <i>If different from initial fee, please explain why.</i> )	\$30

If the regulation is a registration, certification, or license requirement, please complete the following:	
Does the Board recognize uniform licensure requirements or allow for reciprocity?	Yes, the Board's examination requirements align with requirements for certification issued by International Code Council, a certification recognized by many jurisdiction across the country.
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	Yes, see above. The Board's certification requires minimal level of relevant experience in construction in addition to testing to qualify for certification.
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Board?	No
Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?	Yes, the Board recognizes other equivalent experience to qualify for certification.
Other information (Significant attributes or prerequisites to licensure not addressed in this chart.)	

Oversight and disciplinary authority of the Board respecting individuals engaged in the occupation.
See OAC 4101:7-3-01(F)(7) discussed above.

**How much revenue is derived from fees charged by the Board to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

The revenue collected from fees charged for personnel certification/renewal is minimal. The Board collected approximately \$87,339/per year from certification fees. See budget/revenue information discussed above.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

N/A

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

Review and inspection of Ohio's built environment by qualified individuals is fundamental to safety of its occupants and the protection of property. The codes enforced by Board-certified personnel adopted by the Board are based on international consensus-based standards developed and updated by the International Code Council (ICC). Most states use ICC's model codes as the basis for their building codes, but code requirements are only as good and effective as the individual(s) charged with their interpretation, application and enforcement.

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

Yes, the Board’s certification program ensures accountability and uniformity in the interpretation and application of the building codes resulting in savings of both building owner’s time and money. However, the Board recently determined to perform an in-depth study to identify trends across the country in code enforcement that may be responding to the changed nature of modern construction as well as a further review of the necessary skills sets to perform code enforcement today for possible changes to certification requirements. We plan to commission a study which we hope to have completed by next year to inform our review.

**Are there any changes the Board would like to see implemented?**

Not at this time. Awaiting completion of certification study for further discussion.

**Surrounding state comparison (LSC)**

<b>Building Inspector (Building Inspector, Building Inspector Trainee, and Interim Building Inspector)</b>						
	<b>Ohio</b>	<b>Indiana</b>	<b>Kentucky</b>	<b>Michigan</b>	<b>Pennsylvania</b>	<b>West Virginia</b>
License required?	Certification ( <i>R.C. 3781.10; Ohio Administrative Code (O.A.C.) 4101:7-03-01(A)(26), (27), and (28)</i> ).	No clear equivalent. Local regulations apply. ( <i>Ind. Code 36-7-8-6.</i> )	Building inspector certification ( <i>815 Ky. Admin. Regs. 7:070(3)</i> ).	Building inspector registration ( <i>Mich. Admin. Code R. 408.30031</i> ).	Building inspector certification ( <i>34 Pa. Code 401.3</i> ).	Residential building inspector and commercial building inspector certifications

Building Inspector ( <i>Building Inspector, Building Inspector Trainee, and Interim Building Inspector</i> )						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
						( <i>W. Va. Code R. 87-7-3</i> ). <sup>2</sup>
Education or training	N/A	N/A	One of the following: <ul style="list-style-type: none"> <li>▪ High school diploma plus two years of related experience in construction, architecture, or engineering;</li> <li>▪ Associate’s degree in design, building technology, or a construction-related subject; or</li> <li>▪ Bachelor’s degree in architecture,</li> </ul>	Complete training in all of the following: <ul style="list-style-type: none"> <li>▪ At least four hours in administration and enforcement of statutes and regulations;</li> <li>▪ At least one hour in communication skills;</li> <li>▪ At least eight hours in technical code provisions;</li> <li>▪ At least two hours in plan review; and</li> </ul>	N/A	N/A

<sup>2</sup> West Virginia is in the process of recodifying its rules as a result of legislation transferring inspector and plan regulation from the Fire Commission to the State Fire Marshal. Note that some citations may be to the former location of the rules.

**Building Inspector** (*Building Inspector, Building Inspector Trainee, and Interim Building Inspector*)

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
			engineering, fire science, or building technology.  <i>(815 Ky. Admin.                      Regs. 7:070(3).)</i>	<ul style="list-style-type: none"> <li>▪ At least three hours of specialty training based on classification.</li> </ul> <i>(Mich. Admin. Code R. 408.30031.)</i>		
Experience	For a building inspector or interim building inspector, one of the following: <ul style="list-style-type: none"> <li>▪ At least five years of experience in structural carpentry, steel erection, or concrete construction work subject to inspection;</li> <li>▪ At least five years of experience as a full-time</li> </ul>	N/A	See "Education or Training."	At least four years of experience as a residential builder, building contractor, skilled worker in the construction industry, architect, engineer, project manager, or as an out-of-state building inspector from other states.  A degree from an institution of higher learning may satisfy up to two years of the	N/A	N/A



**Building Inspector** (*Building Inspector, Building Inspector Trainee, and Interim Building Inspector*)

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	nonresidential building official, master plans examiner, nonresidential mechanical inspector, residential building official, residential plans examiner, residential building inspector, or residential mechanical inspector in a certified residential building department; or ■ Completion of the building inspector trainee program.			experience requirement.  Registration is “provisional” until the second three-year registration cycle.  <i>(Mich. Admin. Code R. 408.30031 and 408.30037.)</i>		

**Building Inspector** (*Building Inspector, Building Inspector Trainee, and Interim Building Inspector*)

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	<p><i>(O.A.C. 4101:7-3-01(E)(11).)</i></p> <p>For a building inspector trainee, at least one year of experience as a skilled tradesperson for work subject to inspection or completion of an approved vocational or technical education program <i>(O.A.C. 4101:7-3-01(F)(5)(vi) and (vii) and (F)(6)).</i></p>					
Exam	For a building inspector, select exam modules administered by the National Certification Program for Construction Code Inspectors (NCPCCI) or the	N/A	Select exam modules administered by NCPCCI or ICC <i>(815 Ky. Admin. Regs. 7:070).</i>	N/A	Select exam modules administered by NCPCCI or ICC may be waived if evidence of commensurate qualification is provided <i>(34 Pa.</i>	Select exam modules administered by ICC. Exam is waived for licensed architects and engineers. Two-year probationary certification is

**Building Inspector** (*Building Inspector, Building Inspector Trainee, and Interim Building Inspector*)

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	<p>International Code Council (ICC) (O.A.C. 4101:7-3-01(F)(1)(d)).</p> <p>For a building inspector trainee, exam modules must be completed within allotted time of the trainee program.</p> <p>One-time interim building inspector certificate may be issued to applicants who meet education and experience requirements but have not completed the required examination. (O.A.C. 4101:7-3-01(F)(2)(a)(i).)</p>				Code 401.5 and 401.6).	available for individuals who have not yet passed the exam. (W. Va. Code R. 87-7-3 and 6.)

**Building Inspector** (*Building Inspector, Building Inspector Trainee, and Interim Building Inspector*)

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Continuing education	<p>Complete “Ohio Building Code Academy” requirements during initial certification period (<i>O.A.C. 4101:7-3-01(F)(4)(a)(i)</i>).</p> <p>30 hours of continuing education every subsequent three-year certification period, including three hours dedicated to code administration, three hours dedicated to existing buildings, and one hour dedicated to ethics (<i>O.A.C. 4101:7-3-01(F)(4)(a)(ii)</i>).</p>	N/A	12 hours annually ( <i>815 Ky. Admin. Regs. 7:070(4)</i> ).	47 hours every three years ( <i>Mich. Admin. Code R. 408.30055</i> ).	15 hours every three years ( <i>34 Pa. Code 401.9</i> ).	15 hours every three years ( <i>W. Va. Code R. 87-7-4</i> ).

**Building Inspector** (*Building Inspector, Building Inspector Trainee, and Interim Building Inspector*)

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Initial licensure fee	\$50 ( <i>O.A.C. 4101:7-03-01(F)</i> ).	N/A	\$50 ( <i>815 Ky. Admin. Regs. 7:070</i> ).	\$75 ( <i>Michigan Department of Licensing and Regulatory Affairs (LARA), <a href="#">Application for Registration of Building Officials, Inspectors, and Plan Reviewers</a></i> ).	\$50 ( <i>34 Pa. Code 401.2</i> ).	\$75 ( <i>W. Va. Code R. 87-7-3</i> ).
License duration	For a building inspector, three years. For a building inspector trainee, six years. For an interim building inspector, two years. ( <i>O.A.C. 4101:7-3-01(F)(2)(a)(i) and (ii) and (F)(5)(d)</i> .)	N/A	One year ( <i>815 Ky. Admin. Regs. 7:070(5)</i> ).	Three years ( <i>Mich. Admin. Code R. 408.30052</i> ).	Three years ( <i>34 Pa. Code 401.4(e)</i> ).	Three years ( <i>W. Va. Code R. 87-7-5</i> ).
Renewal fee	\$30 ( <i>O.A.C. 4101:7-03-01(F)(2)(c)</i> ).	N/A	\$50 ( <i>815 Ky. Admin. Regs. 7:070(6)</i> ).	\$75 ( <i>LARA, <a href="#">Application for Registration of Building Officials,</a></i>	\$50 ( <i>34 Pa. Code 401.2</i> ).	\$75 ( <i>W. Va. Code R. 87-7-5</i> ).

Building Inspector ( <i>Building Inspector, Building Inspector Trainee, and Interim Building Inspector</i> )						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
				<i>Inspectors, and Plan Reviewers).</i>		

## Building official

### Survey responses (COM)

Description
<p>The building official is responsible for the enforcement of the rules of the board and of Chapters 3781. and 3791. of the Revised Code relating to the construction, arrangement, and the erection of buildings or parts thereof. The building official shall render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Building officials shall be responsible to assure that a system is in place to track and audit all projects, to assure that all building department personnel perform their duties and for the overall administration of the building department.</p>
Type ( <i>License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.</i> )
<p>License</p>

If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>Number issued annually</b>	Approximately 20
<b>Number renewed annually</b>	Approximately 200
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	No significant increase/decrease in last 6 years
<b>Education or training requirements</b>	Completion of Board-sponsored code academy during interim certification (free online or in-person training offered twice per year)
<b>Experience requirements</b>	10 years experience as commercial construction manager/foreman or certified building department experience or 5 years experience as residential building official or as professional design professional (architect/engineer)
<b>Examination requirements</b> ( <i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Board receive any proceeds of those fees? If so, how are the proceeds used?</i> )	International Code Council (ICC) – MM, MG, BC or National Certification Program for Construction Code Inspectors (NCPCCI) - NA Examination costs \$160. The Board’s examination requirements align with requirements for certification issued by International Code Council, therefore the Board only recognizes these exams and does not set fees, etc.
<b>Continuing education requirements</b> ( <i>Including a description of the curriculum and the process of setting it.</i> )	30 hours of Board-approved continuing education
<b>Initial fee</b>	\$50

If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>Duration</b>	2-year interim, then 3-year renewal period
<b>Renewal fee</b> <i>(If different from initial fee, please explain why.)</i>	\$30
<b>Does the Board recognize uniform licensure requirements or allow for reciprocity?</b>	Yes, the Board's examination requirements align with requirements for certification issued by International Code Council, a certification recognized by many jurisdiction across the country.
<b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b>	Yes, see above. The Board's certification requires minimal level of relevant experience in construction in addition to testing to qualify for certification.
<b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Board?</b>	No
<b>Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?</b>	Yes, the Board recognizes other equivalent experience to qualify for certification.
<b>Other information</b> <i>(Significant attributes or prerequisites to licensure not addressed in this chart.)</i>	



**Oversight and disciplinary authority of the Board respecting individuals engaged in the occupation.**

See OAC 4101:7-3-01(F)(7) discussed above.

**How much revenue is derived from fees charged by the Board to individuals engaged in the occupation (such as license and renewal fees)?  
How is that revenue used?**

The revenue collected from fees charged for personnel certification/renewal is minimal. The Board collected approximately \$87,339/per year from certification fees. See budget/revenue information discussed above.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

N/A

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

Review and inspection of Ohio's built environment by qualified individuals is fundamental to safety of its occupants and the protection of property. The codes enforced by Board-certified personnel adopted by the Board are based on international consensus-based standards developed and updated by the International Code Council (ICC). Most states use ICC's model codes as the basis for their building codes, but code requirements are only as good and effective as the individual(s) charged with their interpretation, application and enforcement.

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

Yes, the Board's certification program ensures accountability and uniformity in the interpretation and application of the building codes resulting in savings of both building owner's time and money. However, the Board recently determined to perform an in-depth study to identify trends across the country in code enforcement that may be responding to the changed nature of modern construction as well as a further review of the necessary skills sets to perform code enforcement today for possible changes to certification requirements. We plan to commission a study which we hope to have completed by next year to inform our review.

**Are there any changes the Board would like to see implemented?**

Not at this time. Awaiting completion of certification study for further discussion.

## Surrounding state comparison (LSC)

Building Official ( <i>Building Official and Interim Building Official</i> )						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Certification ( <i>R.C. 3781.10; O.A.C. 4101:7-3-01(A)(1) and (2)</i> ).	No clear equivalent. Local regulations apply. ( <i>Ind. Code 36-7-8-6.</i> )	No clear equivalent.	Building official registration ( <i>Mich. Comp. Laws 339.6009; Mich. Admin. Code R. 408.30031</i> ).	Building code official certification ( <i>34 Pa. Code 401.3</i> ).	Building code official certification ( <i>W. Va. Code R. 87-7-3</i> ).
Education or training	N/A	N/A	N/A	Complete training in all of the following: <ul style="list-style-type: none"> <li>▪ At least four hours in administration and enforcement of statutes and regulations;</li> <li>▪ At least one hour in communication skills;</li> <li>▪ At least eight hours in technical code provisions;</li> </ul>	N/A	N/A

**Building Official** (*Building Official and Interim Building Official*)

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
				<ul style="list-style-type: none"> <li>▪ At least two hours in plan review; and</li> <li>▪ At least three hours of specialty training based on classification.</li> </ul> <p><i>(Mich. Admin. Code R. 408.30031.)</i></p>		
Experience	<p>One of the following:</p> <ul style="list-style-type: none"> <li>▪ At least five years of experience in nonresidential building design and construction while registered in Ohio as an architect or professional engineer;</li> </ul>	N/A	N/A	<p>At least two years of experience as a registered code inspector or plan reviewer.</p> <p>Registration is provisional until second three-year registration cycle.</p> <p><i>(Mich. Admin. Code R. 408.30031 and 408.30034.)</i></p>	N/A	N/A

**Building Official** (*Building Official and Interim Building Official*)

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	<ul style="list-style-type: none"> <li>▪ At least ten years of experience as a general contractor or superintendent of building construction; or</li> <li>▪ At least five years of experience as a residential building official in a certified residential building department.</li> </ul> <p><i>(O.A.C. 4101:7-03-01(E)(2).)</i></p>					
Exam	<p>For a building official, select exam modules administered by NCPCCI or ICC <i>(O.A.C. 4101:7-3-01(F)(1)(d)).</i></p>	N/A	N/A	N/A	<p>Select exam modules administered by NCPCCI or ICC. May be waived if evidence of commensurate qualification is</p>	<p>Select exam modules administered by ICC. Exam is waived for licensed architects and engineers. Two-</p>

Building Official ( <i>Building Official and Interim Building Official</i> )						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	One-time interim building official certificate may be issued to an applicant who meets education and experience requirements but has not yet completed the required exam ( <i>O.A.C. 4101:7-3-01(F)(2)(a)(i)</i> ).				provided. ( <i>34 Pa. Code 401.5 and 401.6.</i> )	year probationary certification is available for individuals who have not yet passed the exam. ( <i>W. Va. Code R. 87-7-3 and 6.</i> )
Continuing education	Complete “Ohio Building Code Academy” requirements during initial certification period ( <i>O.A.C. 4101:7-3-01(F)(4)(a)(i)</i> ).  30 hours every subsequent three-year certification period, including three hours dedicated to code administration,	N/A	N/A	50 hours every three years ( <i>Mich. Admin. Code R. 408.30055</i> ).	15 hours every three years ( <i>34 Pa. Code 401.9</i> ).	15 hours every three years ( <i>W. Va. Code R. 87-7-4</i> ).

**Building Official** (*Building Official and Interim Building Official*)

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	three hours dedicated to existing buildings, and one hour dedicated to ethics ( <i>O.A.C. 4101:7-03-01(F)(4)(a)(ii)</i> ).					
Initial licensure fee	\$50 ( <i>O.A.C. 4101:7-03-01(F)(4)</i> ).	N/A	N/A	\$75 ( <i>Mich. Comp. Laws 339.6023</i> ).	\$50 ( <i>34 Pa. Code 401.2</i> ).	\$75 ( <i>W. Va. Code R. 87-7-3</i> ).
License duration	For a building official, three years.  For an interim building official, two years. ( <i>O.A.C. 4101:7-03-01(F)(2) and (5)</i> .)	N/A	N/A	Three years ( <i>Mich. Comp. Laws 339.6011</i> ).	Three years ( <i>34 Pa. Code 401.4(e)</i> ).	Three years ( <i>W. Va. Code R. 87-7-5</i> ).
Renewal fee	\$30 ( <i>O.A.C. 4101:7-03-01(F)(2)</i> ).	N/A	N/A	\$75 ( <i>LARA, <a href="#">Application for Registration of Building Officials, Inspectors, and Plan Reviewers</a></i> ).	\$50 ( <i>34 Pa. Code 401.2</i> ).	\$75 ( <i>W. Va. Code R. 87-7-5</i> ).

## Building plans examiner

### Survey responses (COM)

Description
A building plans examiner is responsible for the examination of construction documents related to all general building construction and associated structural work.

Type (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)
License

If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	Approximately 5
Number renewed annually	Approximately 25



If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	No significant increase/decrease in last 4 years. Certification created in 2017 to give building departments more options for staffing needs and additional paths for certification.
<b>Education or training requirements</b>	Completion of Board-sponsored code academy during interim certification (free online or in-person training offered twice per year)
<b>Experience requirements</b>	10 years experience relevant construction experience or 5 years experience certified building inspector or registered design profession; less for individuals entering as trainee
<b>Examination requirements</b> ( <i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Board receive any proceeds of those fees? If so, how are the proceeds used?</i> )	International Code Council (ICC) – B3 or National Certification Program for Construction Code Inspectors (NCPCCI) – 1C Examination costs \$240. The Board’s examination requirements align with requirements for certification issued by International Code Council, therefore the Board only recognizes these exams and does not set fees, etc.
<b>Continuing education requirements</b> ( <i>Including a description of the curriculum and the process of setting it.</i> )	30 hours of Board-approved continuing education
<b>Initial fee</b>	\$50
<b>Duration</b>	2-year interim, then 3-year renewal period
<b>Renewal fee</b> ( <i>If different from initial fee, please explain why.</i> )	\$30

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<p><b>Does the Board recognize uniform licensure requirements or allow for reciprocity?</b></p>	<p>Yes, the Board’s examination requirements align with requirements for certification issued by International Code Council, a certification recognized by many jurisdiction across the country.</p>
<p><b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b></p>	<p>Yes, see above. The Board’s certification requires minimal level of relevant experience in construction in addition to testing to qualify for certification.</p>
<p><b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Board?</b></p>	<p>No</p>
<p><b>Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?</b></p>	<p>Yes, the Board recognizes other equivalent experience to qualify for certification.</p>
<p><b>Other information</b> <i>(Significant attributes or prerequisites to licensure not addressed in this chart.)</i></p>	<p>Optional certification; If a building department does not have a building plans examiner, master plans examiner can perform duties</p>

**Oversight and disciplinary authority of the Board respecting individuals engaged in the occupation.**

See OAC 4101:7-3-01(F)(7) discussed above.

**How much revenue is derived from fees charged by the Board to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

The revenue collected from fees charged for personnel certification/renewal is minimal. The Board collected approximately \$87,339/per year from certification fees. See budget/revenue information discussed above.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

N/A

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

Review and inspection of Ohio's built environment by qualified individuals is fundamental to safety of its occupants and the protection of property. The codes enforced by Board-certified personnel adopted by the Board are based on international consensus-based standards developed and updated by the International Code Council (ICC). Most states use ICC's model codes as the basis for their building codes, but code requirements are only as good and effective as the individual(s) charged with their interpretation, application and enforcement.

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

Yes, the Board’s certification program ensures accountability and uniformity in the interpretation and application of the building codes resulting in savings of both building owner’s time and money. However, the Board recently determined to perform an in-depth study to identify trends across the country in code enforcement that may be responding to the changed nature of modern construction as well as a further review of the necessary skills sets to perform code enforcement today for possible changes to certification requirements. We plan to commission a study which we hope to have completed by next year to inform our review.

**Are there any changes the Board would like to see implemented?**

Not at this time. Awaiting completion of certification study for further discussion.

**Surrounding state comparison (LSC)**

<b>Building Plans Examiner (Building Plans Examiner, Building Plans Examiner Trainee, and Interim Building Plans Examiner)</b>						
	<b>Ohio</b>	<b>Indiana</b>	<b>Kentucky</b>	<b>Michigan</b>	<b>Pennsylvania</b>	<b>West Virginia</b>
License required?	Certification ( <i>R.C. 3781.10(E); O.A.C. 4101:7-3-01(A)(11), (12), and (13)</i> ).	Qualified plan reviewer ( <i>675 Ind. Admin. Code 12-7-2</i> ).	No clear equivalent.	Building plan reviewer registration ( <i>Mich. Comp. Laws 339.6009</i> ).	Building plans examiner certification ( <i>34 Pa. Code 401.3 and 401.6</i> ).	Building plans examiner certification ( <i>W. Va. Code R. 87-7-3</i> ).

**Building Plans Examiner** (*Building Plans Examiner, Building Plans Examiner Trainee, and Interim Building Plans Examiner*)

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Education or training	See "Experience."	N/A	N/A	Complete training in all of the following: <ul style="list-style-type: none"> <li>▪ At least four hours in administration and enforcement of statutes and regulations;</li> <li>▪ At least one hour in communication skills;</li> <li>▪ At least eight hours in technical code provisions;</li> <li>▪ At least two hours in plan review; and</li> <li>▪ At least three hours of specialty training based</li> </ul>	N/A	N/A

**Building Plans Examiner** (*Building Plans Examiner, Building Plans Examiner Trainee, and Interim Building Plans Examiner*)

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
				on classification.  <i>(Mich. Admin.                      Code R.                      408.30031.)</i>		
Experience	For a building plans examiner or interim building plans examiner, one of the following: <ul style="list-style-type: none"> <li>▪ Registered architect or engineer;</li> <li>▪ At least five years of experience as a full-time building inspector in a certified nonresidential building department; or</li> <li>▪ At least ten years of experience as</li> </ul>	N/A	N/A	At least four years of experience as a residential builder, structural contractor, structural mason, structural steel erector, structural concrete contractor, project manager, building inspector, plan reviewer, architect, or engineer.  At least two years of experience as a licensed electrical journey worker or licensed as a master electrician.	N/A	N/A

**Building Plans Examiner** (*Building Plans Examiner, Building Plans Examiner Trainee, and Interim Building Plans Examiner*)

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	<p>a full-time skilled tradesperson for structural carpentry, masonry, steel erection, or concrete construction work subject to inspection.</p> <p><i>(O.A.C. 4101:7-3-01(E)(6).)</i></p> <p>A building plans examiner trainee must be a full-time employee of a political subdivision under the direct supervision of a trainee supervisor and one of the following:</p> <ul style="list-style-type: none"> <li>▪ Graduate an accredited university engineering or</li> </ul>			<p>Possess a mechanical license for at least one year.</p> <p>At least two years of experience as a plumbing journeyman.</p> <p>A four-year degree in a construction-related field may be substituted for up to two years of experience. A two-year degree in a construction-related field may be substituted for up to one year of experience.</p> <p>Registration is “provisional” until second three-year registration cycle.</p> <p><i>(Mich. Admin. Code R.</i></p>		

**Building Plans Examiner** (*Building Plans Examiner, Building Plans Examiner Trainee, and Interim Building Plans Examiner*)

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	architecture program; <ul style="list-style-type: none"> <li>▪ One year of experience as a full-time building inspector, fire protection inspector, plumbing inspector, electrical safety inspector, or mechanical inspector in a certified nonresidential building department;</li> <li>▪ One year of experience as a full-time residential building official, residential plans examiner, residential</li> </ul>			408.30049 and 408.30031.)		



**Building Plans Examiner** (*Building Plans Examiner, Building Plans Examiner Trainee, and Interim Building Plans Examiner*)

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	building inspector, or residential mechanical inspector in a certified residential building department; <ul style="list-style-type: none"> <li>▪ One year of experience as a full-time designer working under the direct supervision of a design professional preparing construction documents; or</li> <li>▪ Complete an approved vocational or technical education program.</li> </ul>					

**Building Plans Examiner** (*Building Plans Examiner, Building Plans Examiner Trainee, and Interim Building Plans Examiner*)

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	<i>(O.A.C. 4101:7-3-01 (F)(5)(iv) and (F)(6).)</i>					
Exam	<p>For a building plans examiner, select exam modules administered by NCPCCI or ICC. <i>(O.A.C. 4101:7-3-01(F)(1)(d)).</i></p> <p>For a building plans examiner trainee, exam modules must be completed within allotted time of the trainee program.</p> <p>One-time interim building plans examiner certificate may be issued to applicants who meet education and experience requirements but have not</p>	<p>Score 75% or better on select modules administered by ICC <i>(675 Ind. Admin. Code 12-7-4).</i></p>	N/A	N/A	<p>Select modules administered by NCPCCI or ICC. <i>(34 Pa. Code 401.6).</i></p>	<p>Select exam modules administered by ICC. Exam is waived for licensed architects and engineers. Two-year probationary certification is available to individuals who have not yet passed the exam. <i>(W. Va. Code R. 87-7-3 and 6.)</i></p>

**Building Plans Examiner** (*Building Plans Examiner, Building Plans Examiner Trainee, and Interim Building Plans Examiner*)

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	completed the required examination. (O.A.C. 4101:7-3-01(F)(2)(a)(i).)					
Continuing education	Complete “Ohio Building Code Academy” requirements during initial certification period (O.A.C. 4101:7-3-01(F)(4)(a)(i)).  30 hours every subsequent three-year certification period, including three hours dedicated to code administration, three hours dedicated to existing buildings, and one hour dedicated to ethics (O.A.C. 4101:7-3-01(F)(4)(a)(ii)).	N/A	N/A	47 hours every three years (Mich. Admin. Code R. 408.30055).	15 hours every three years (34 Pa. Code 401.9).	15 hours every three years (W. Va. Code R. 87-7-4).

**Building Plans Examiner** (*Building Plans Examiner, Building Plans Examiner Trainee, and Interim Building Plans Examiner*)

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Initial licensure fee	\$50 ( <i>O.A.C. 4101:7-3-01(F)</i> ).	N/A	N/A	\$75 ( <i>LARA, <a href="#">Application for Registration of Building Officials, Inspectors, and Plan Reviewers</a></i> ).	\$50 ( <i>34 Pa. Code 401.2</i> ).	\$75 ( <i>W. Va. Code R. 87-7-3</i> ).
License duration	Three years for a building plans examiner.  Six years for a building plans examiner trainee.  Two years or an interim building plans examiner. ( <i>O.A.C. 4101:7-3-01(F)(2)(a)(i) and (ii) and (F)(5)(d)</i> .)	N/A	N/A	Three years ( <i>Mich. Admin. Code R. 408.30031</i> ).	Three years ( <i>34 Pa. Code 401.4</i> ).	Three years ( <i>W. Va. Code R. 87-7-5</i> ).
Renewal fee	\$30 ( <i>O.A.C. 4101:7-3-01(F)(2)(c)</i> ).	N/A	N/A	\$75 ( <i>LARA, <a href="#">Application for Registration of Building Officials, Inspectors, and Plan Reviewers</a></i> ).	\$50 ( <i>34 Pa. Code 401.2</i> ).	\$75 ( <i>W. Va. Code R. 87-7-5</i> ).

## Electrical plans examiner

### Survey responses (COM)

Description
An electrical plans examiner is responsible for the examination of construction documents related to electrical systems.

Type <i>(License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)</i>
License

If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	Approximately 25
Number renewed annually	Approximately 25

If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	No significant increase/decrease in last 6 years.
<b>Education or training requirements</b>	Completion of Board-sponsored code academy during interim certification (free online or in-person training offered twice per year)
<b>Experience requirements</b>	10 years experience relevant construction experience or 5 years experience certified electrical safety inspector or registered design profession; less for individuals entering as trainee
<b>Examination requirements</b> ( <i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Board receive any proceeds of those fees? If so, how are the proceeds used?</i> )	International Code Council (ICC) – E3 or National Certification Program for Construction Code Inspectors (NCPCCI) – 2C Examination costs \$240. The Board’s examination requirements align with requirements for certification issued by International Code Council, therefore the Board only recognizes these exams and does not set fees, etc.
<b>Continuing education requirements</b> ( <i>Including a description of the curriculum and the process of setting it.</i> )	30 hours of Board-approved continuing education
<b>Initial fee</b>	\$50
<b>Duration</b>	2-year interim, then 3-year renewal period
<b>Renewal fee</b> ( <i>If different from initial fee, please explain why.</i> )	\$30

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<p><b>Does the Board recognize uniform licensure requirements or allow for reciprocity?</b></p>	<p>Yes, the Board’s examination requirements align with requirements for certification issued by International Code Council, a certification recognized by many jurisdiction across the country.</p>
<p><b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b></p>	<p>Yes, see above. The Board’s certification requires minimal level of relevant experience in construction in addition to testing to qualify for certification.</p>
<p><b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Board?</b></p>	<p>No</p>
<p><b>Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?</b></p>	<p>Yes, the Board recognizes other equivalent experience to qualify for certification.</p>
<p><b>Other information</b> (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>)</p>	<p>Optional certification; If a building department does not have a electrical plans examiner, master plans examiner can perform duties</p>

**Oversight and disciplinary authority of the Board respecting individuals engaged in the occupation.**

See OAC 4101:7-3-01(F)(7) discussed above.

**How much revenue is derived from fees charged by the Board to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

The revenue collected from fees charged for personnel certification/renewal is minimal. The Board collected approximately \$87,339/per year from certification fees. See budget/revenue information discussed above.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

N/A

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

Review and inspection of Ohio's built environment by qualified individuals is fundamental to safety of its occupants and the protection of property. The codes enforced by Board-certified personnel adopted by the Board are based on international consensus-based standards developed and updated by the International Code Council (ICC). Most states use ICC's model codes as the basis for their building codes, but code requirements are only as good and effective as the individual(s) charged with their interpretation, application and enforcement.



**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

Yes, the Board’s certification program ensures accountability and uniformity in the interpretation and application of the building codes resulting in savings of both building owner’s time and money. However, the Board recently determined to perform an in-depth study to identify trends across the country in code enforcement that may be responding to the changed nature of modern construction as well as a further review of the necessary skills sets to perform code enforcement today for possible changes to certification requirements. We plan to commission a study which we hope to have completed by next year to inform our review.

**Are there any changes the Board would like to see implemented?**

Not at this time. Awaiting completion of certification study for further discussion.

**Surrounding state comparison (LSC)**

<b>Electrical Plans Examiner (Electrical Plans Examiner, Electrical Plans Examiner Trainee, and Interim Electrical Plans Examiner)</b>						
	<b>Ohio</b>	<b>Indiana</b>	<b>Kentucky</b>	<b>Michigan</b>	<b>Pennsylvania</b>	<b>West Virginia</b>
License required?	Certification ( <i>R.C. 3781.10(E); O.A.C. 4101:7-3-01(A)(14), (15), and (16)</i> ).	No clear equivalent.	No clear equivalent.	No clear equivalent. Duties appear to be included in building plan reviewer registration.	Electrical plans examiner certification ( <i>34 Pa. Code 401.3 and 401.6</i> ).	Electrical plans examiner certification ( <i>W. Va. Code R. 87-7-3</i> ).

**Electrical Plans Examiner** (*Electrical Plans Examiner, Electrical Plans Examiner Trainee, and Interim Electrical Plans Examiner*)

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Education or training	See "Experience."	N/A	N/A	N/A	N/A	N/A
Experience	<p>For an electrical plans examiner or interim electrical plans examiner, one of the following:</p> <ul style="list-style-type: none"> <li>▪ Registered architect or engineer;</li> <li>▪ At least five years of experience as a full-time electrical safety inspector in a certified building department or the Ohio Department of Commerce; or</li> <li>▪ At least ten years of experience as</li> </ul>	N/A	N/A	N/A	N/A	N/A

**Electrical Plans Examiner** (*Electrical Plans Examiner, Electrical Plans Examiner Trainee, and Interim Electrical Plans Examiner*)

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	<p>a full-time journeyman electrician installing electrical systems subject to inspection.</p> <p><i>(O.A.C. 4101:7-3-01(E)(7).)</i></p> <p>An electrical plans examiner trainee must be a full-time employee of a political subdivision under the direct supervision of a trainee supervisor and one of the following:</p> <ul style="list-style-type: none"> <li>▪ Graduate an accredited university engineering or architecture program;</li> </ul>					

**Electrical Plans Examiner** (*Electrical Plans Examiner, Electrical Plans Examiner Trainee, and Interim Electrical Plans Examiner*)

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	<ul style="list-style-type: none"> <li>▪ One year of experience as a full-time building inspector, fire protection inspector, plumbing inspector, electrical safety inspector, or mechanical inspector in a certified nonresidential building department;</li> <li>▪ One year of experience as a full-time residential building official, residential plans examiner, residential building inspector, or</li> </ul>					

**Electrical Plans Examiner** (*Electrical Plans Examiner, Electrical Plans Examiner Trainee, and Interim Electrical Plans Examiner*)

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	residential mechanical inspector in a certified residential building department; <ul style="list-style-type: none"> <li>▪ One year of experience as a full-time designer working under the direct supervision of a design professional preparing construction documents; or</li> <li>▪ Complete an approved vocational or technical education program.</li> </ul>					

**Electrical Plans Examiner** (*Electrical Plans Examiner, Electrical Plans Examiner Trainee, and Interim Electrical Plans Examiner*)

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	<i>(O.A.C. 4101:7-3-01 (F)(5)(iv) and (F)(6).)</i>					
Exam	<p>For an electrical plans examiner, select exam modules administered by NCPCCI or ICC <i>(O.A.C. 4101:7-3-01(F)(1)(d)).</i></p> <p>For an electrical plans examiner trainee, exam modules must be completed within allotted time of the trainee program.</p> <p>One-time interim electrical plans examiner certificate may be issued to applicants who meet education and experience requirements but have not</p>	N/A	N/A	N/A	Select modules administered by NCPCCI or ICC <i>(34 Pa. Code 401.6).</i>	Select exam modules administered by ICC. Exam is waived for licensed architects and engineers. Two-year probationary certification is available to individuals who have not yet passed the exam. <i>(W. Va. Code R. 87-7-3 and 6.)</i>

**Electrical Plans Examiner** (*Electrical Plans Examiner, Electrical Plans Examiner Trainee, and Interim Electrical Plans Examiner*)

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	completed the required examination. (O.A.C. 4101:7-3-01(F)(2)(a)(i).)					
Continuing education	Complete “Ohio Building Code Academy” requirements during initial certification period (O.A.C. 4101:7-3-01(F)(4)(a)(i)).  30 hours for every subsequent three-year certification period, including three hours dedicated to code administration, three hours dedicated to existing buildings, and one hour dedicated to ethics (O.A.C. 4101:7-3-01(F)(4)(a)(ii)).	N/A	N/A	N/A	15 hours every three years (34 Pa. Code 401.9).	15 hours every three years (W. Va. Code R. 87-7-4).

**Electrical Plans Examiner** (*Electrical Plans Examiner, Electrical Plans Examiner Trainee, and Interim Electrical Plans Examiner*)

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Initial licensure fee	\$50 ( <i>O.A.C. 4101:7-3-01(F)</i> ).	N/A	N/A	N/A	\$50 ( <i>34 Pa. Code 401.2</i> ).	\$75 ( <i>W. Va. Code R. 87-7-3</i> ).
License duration	Three years for an electrical plans examiner.  Six years for an electrical plans examiner trainee.  Two years for an interim electrical plans examiner.  <i>(O.A.C. 4101:7-3-01(F)(2)(a)(i) and (ii) and (F)(5)(d).)</i>	N/A	N/A	N/A	Three years ( <i>34 Pa. Code 401.4</i> ).	Three years ( <i>W. Va. Code R. 87-7-5</i> ).
Renewal fee	\$30 ( <i>O.A.C. 4101:7-3-01(F)(2)(c)</i> ).	N/A	N/A	N/A	\$50 ( <i>34 Pa. Code 401.2</i> ).	\$75 ( <i>W. Va. Code R. 87-7-5</i> ).



## Electrical safety inspector

### Survey responses (COM)

Description
An electrical safety inspector is responsible for determining electrical systems compliance with approved construction documents.

Type (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)
License

If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	Approximately 25
Number renewed annually	Approximately 200

If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	No significant increase/decrease in last 6 years.
<b>Education or training requirements</b>	Completion of Board-sponsored code academy during interim certification (free online or in-person training offered twice per year)
<b>Experience requirements</b>	6 years experience relevant construction experience or registered electrical engineer; less for individuals entering as trainee
<b>Examination requirements</b> ( <i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Board receive any proceeds of those fees? If so, how are the proceeds used?</i> )	International Code Council (ICC) – E1, E2 or National Certification Program for Construction Code Inspectors (NCPCCI) – 2A, 2B Examination costs \$240. The Board’s examination requirements align with requirements for certification issued by International Code Council, therefore the Board only recognizes these exams and does not set fees, etc.
<b>Continuing education requirements</b> ( <i>Including a description of the curriculum and the process of setting it.</i> )	30 hours of Board-approved continuing education
<b>Initial fee</b>	\$50
<b>Duration</b>	2-year interim, then 3-year renewal period
<b>Renewal fee</b> ( <i>If different from initial fee, please explain why.</i> )	\$30

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<p><b>Does the Board recognize uniform licensure requirements or allow for reciprocity?</b></p>	<p>Yes, the Board's examination requirements align with requirements for certification issued by International Code Council, a certification recognized by many jurisdiction across the country.</p>
<p><b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b></p>	<p>Yes, see above. The Board's certification requires minimal level of relevant experience in construction in addition to testing to qualify for certification.</p>
<p><b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Board?</b></p>	<p>No</p>
<p><b>Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?</b></p>	<p>While the Board recognizes other equivalent experience to qualify for all other certification, its discretion is limited for electrical safety inspectors since the requirements are statutory</p>
<p><b>Other information</b> <i>(Significant attributes or prerequisites to licensure not addressed in this chart.)</i></p>	

**Oversight and disciplinary authority of the Board respecting individuals engaged in the occupation.**

See OAC 4101:7-3-01(F)(7) discussed above.

**How much revenue is derived from fees charged by the Board to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

The revenue collected from fees charged for personnel certification/renewal is minimal. The Board collected approximately \$87,339/per year from certification fees. See budget/revenue information discussed above.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

N/A

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

Review and inspection of Ohio's built environment by qualified individuals is fundamental to safety of its occupants and the protection of property. The codes enforced by Board-certified personnel adopted by the Board are based on international consensus-based standards developed and updated by the International Code Council (ICC). Most states use ICC's model codes as the basis for their building codes, but code requirements are only as good and effective as the individual(s) charged with their interpretation, application and enforcement.

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

Yes, the Board’s certification program ensures accountability and uniformity in the interpretation and application of the building codes resulting in savings of both building owner’s time and money. However, the Board recently determined to perform an in-depth study to identify trends across the country in code enforcement that may be responding to the changed nature of modern construction as well as a further review of the necessary skills sets to perform code enforcement today for possible changes to certification requirements. We plan to commission a study which we hope to have completed by next year to inform our review.

**Are there any changes the Board would like to see implemented?**

Not at this time. Awaiting completion of certification study for further discussion.

**Surrounding state comparison (LSC)**

**Electrical Safety Inspector** (*Electrical Safety Inspector and Electrical Safety Inspector Trainee*)

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Certification ( <i>R.C. 3781.10; O.A.C. 4101:7-3-01(A)(40) and (41)</i> ).	No clear equivalent. Local regulations apply. ( <i>Ind. Code 36-7-8-6.</i> ).	Electrical inspector one and two family and electrical inspector general ( <i>815 Ky. Admin. Regs. 35:015</i> ).	Electrical inspector registration ( <i>Mich. Admin. Code R. 408.30031</i> ).	Electrical inspector certification ( <i>34 Pa. Code 401.3</i> ).	Residential electrical inspector or commercial electrical inspector certification ( <i>W. Va. Code 87-7-3</i> ).

**Electrical Safety Inspector** (*Electrical Safety Inspector and Electrical Safety Inspector Trainee*)

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Education or training	See "Experience."	N/A	Must have ability to read and write in English and a general education level deemed adequate to perform duties ( <i>815 Ky. Admin. Regs. 35:015</i> ).	Complete training in all of the following: <ul style="list-style-type: none"> <li>▪ At least four hours in administration and enforcement of statutes and regulations;</li> <li>▪ At least one hour in communication skills;</li> <li>▪ At least eight hours in technical code provisions;</li> <li>▪ At least two hours in plan review; and</li> <li>▪ At least three hours of specialty training based</li> </ul>	N/A	N/A

**Electrical Safety Inspector** (*Electrical Safety Inspector and Electrical Safety Inspector Trainee*)

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
				on classification. <i>(Mich. Admin. Code R. 408.30031.)</i>		
Experience	<p>For an electrical safety inspector, one of the following:</p> <ul style="list-style-type: none"> <li>▪ Four years of experience as a journeyman electrician, two years as an electrical foreman, and two years as an electrical safety inspector trainee;</li> <li>▪ Four years of experience as a journeyman electrician and three years as an electrical</li> </ul>	N/A	<p>For an electrical inspector one or two family, one of the following:</p> <ul style="list-style-type: none"> <li>▪ At least four years of experience in the installation and design of residential wiring systems;</li> <li>▪ At least three years of experience as a registered professional electrical engineer; or</li> <li>▪ Currently licensed as a master electrician.</li> </ul>	<p>At least two years of experience as a licensed journey worker or licensed as a master electrician.</p> <p>Registration is “provisional” until the second three-year registration cycle. <i>(Mich. Admin. Code R. 408.30031 and 408.30040.)</i></p>	N/A	<p>Valid West Virginia master electrician’s license <i>(W. Va. Code R. 87-7-3)</i>.</p>

**Electrical Safety Inspector** (*Electrical Safety Inspector and Electrical Safety Inspector Trainee*)

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	<p>safety inspector trainee;</p> <ul style="list-style-type: none"> <li>▪ Four years of experience as an electrical safety inspector trainee;</li> <li>▪ Six years of experience as a journeyman electrician; or</li> <li>▪ Registered electrical engineer.</li> </ul> <p><i>(O.A.C. 4101:7-3-01(E)(17).)</i></p> <p>For an electrical safety inspector trainee, at least two years of experience in the installation of electrical systems subject to inspection or completion of an</p>		<p>For an electrical inspector general, one of the following:</p> <ul style="list-style-type: none"> <li>▪ At least eight years of experience in the installation and design of residential, commercial, and industrial wiring systems;</li> <li>▪ At least three years of experience as a registered professional electrical engineer; or</li> <li>▪ Currently licensed as a master electrician.</li> </ul> <p><i>(815 Ky. Admin. Regs. 35:015.)</i></p>			



**Electrical Safety Inspector** (*Electrical Safety Inspector and Electrical Safety Inspector Trainee*)

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	approved vocational or technical education program ( <i>O.A.C. 4101:7-3-01(F)(5)(ix) and (vii) and (F)(6)</i> ).					
Exam	Select exam modules administered by the NCPCCI or the ICC ( <i>O.A.C. 4101:7-3-01(F)(1)(d)</i> ).	N/A	For an electrical inspector one or two family, scored 70% or better on an examination focused on electrical installations in one or two family dwellings.  For an electrical inspector general, scored 70% or better on an examination focused on electrical installations in residential, commercial, and industrial	N/A	Select exam modules administered by NCPCCI or ICC. May be waived if evidence of commensurate qualification is provided. ( <i>34 Pa. Code 401.5 and 401.6.</i> )	Select exam modules administered by ICC. Exam is waived for licensed architects and engineers. Two-year probationary certification is available for individuals who have not yet passed the exam. ( <i>W. Va. Code R. 87-7-3 and 6.</i> )

**Electrical Safety Inspector** (*Electrical Safety Inspector and Electrical Safety Inspector Trainee*)

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
			buildings. (815 Ky. Admin. Regs. 35:015.)			
Continuing education	Complete "Ohio Building Code Academy" requirements during initial certification period (O.A.C. 4101:7-3-01(F)(4)(a)(i)).  30 hours every subsequent three-year certification period, including three hours dedicated to code administration, three hours dedicated to existing buildings, and one hour dedicated to ethics (O.A.C. 4101:7-3-01(F)(4)(a)(ii)).	N/A	12 hours annually (815 Ky. Admin. Regs. 35:015).	47 hours every three years (Mich. Admin. Code R. 408.30055).	15 hours every three years (34 Pa. Code 401.9).	15 hours every three years (W. Va. Code R. 87-7-4).

**Electrical Safety Inspector** (*Electrical Safety Inspector and Electrical Safety Inspector Trainee*)

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Initial licensure fee	\$50 ( <i>O.A.C. 4101:7-03-01(F)</i> ).	N/A	\$100 ( <i>815 Ky. Admin. Regs. 35:015</i> ).	\$75 ( <i>LARA, <a href="#">Application for Registration of Building Officials, Inspectors, and Plan Reviewers</a></i> ).	\$50 ( <i>34 Pa. Code 401.2</i> ).	\$75 ( <i>W. Va. Code R. 87-7-3</i> ).
License duration	Three years for an electrical safety inspector.  Six years for an electrical safety inspector trainee.  ( <i>O.A.C. 4101:7-3-01(F)(2)(a)(i) and (ii) and (F)(5)(d)</i> .)	N/A	One year ( <i>815 Ky. Admin. Regs. 35:015</i> ).	Three years ( <i>Mich. Admin. Code R. 408.30052</i> ).	Three years ( <i>34 Pa. Code 401.4(e)</i> ).	Three years ( <i>W. Va. Code R. 87-7-5</i> ).
Renewal fee	\$30 ( <i>O.A.C. 4101:7-03-01(F)(2)(c)</i> ).	N/A	\$50 ( <i>815 Ky. Admin. Regs. 35:015</i> ).	\$75 ( <i>LARA, <a href="#">Application for Registration of Building Officials, Inspectors, and Plan Reviewers</a></i> ).	\$50 ( <i>34 Pa. Code 401.2</i> ).	\$75 ( <i>W. Va. Code R. 87-7-5</i> ).

## Fire alarm system designer

### Survey responses (COM)

Description
Designer of fire alarm systems

Type <i>(License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)</i>
License

If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	Approximately 10
Number renewed annually	Approximately 350

If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	No significant increase/decrease in last 6 years.
<b>Education or training requirements</b>	Certification by National Institute for Certification in Engineering Technologies (NICET) Level III IV certification.
<b>Experience requirements</b>	N/A
<b>Examination requirements</b> ( <i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Board receive any proceeds of those fees? If so, how are the proceeds used?</i> )	N/A
<b>Continuing education requirements</b> ( <i>Including a description of the curriculum and the process of setting it.</i> )	Maintain NICET
<b>Initial fee</b>	\$100
<b>Duration</b>	1 year
<b>Renewal fee</b> ( <i>If different from initial fee, please explain why.</i> )	\$100

If the regulation is a registration, certification, or license requirement, please complete the following:	
Does the Board recognize uniform licensure requirements or allow for reciprocity?	Yes, NICET certification
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	Yes, NICET certification
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Board?	No, unless registered design professional
Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?	No, NICET required
Other information <i>(Significant attributes or prerequisites to licensure not addressed in this chart.)</i>	

**Oversight and disciplinary authority of the Board respecting individuals engaged in the occupation.**

See OAC 4101:7-3-01(F)(7) discussed above.

**How much revenue is derived from fees charged by the Board to individuals engaged in the occupation (such as license and renewal fees)?  
How is that revenue used?**

The revenue collected from fees charged for personnel certification/renewal is minimal. The Board collected approximately \$87,339/per year from certification fees. See budget/revenue information discussed above.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

N/A

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

Design of fire protection systems by competent individuals without being registered design professional.

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

Yes, see below recommendation for changes.

**Are there any changes the Board would like to see implemented?**

As part of this review, the Committee may consider amending Revised Code 3781.105 to eliminate the Ohio certification and require only a current appropriate (Level III or IV) NICET certification to perform fire protection system design in Ohio without being a design professional. But, as there is a small number of individuals that currently perform fire protection system design work under a Board certification issued prior to recognition of the NICET certification, we recommend that such proposed modification to the Revised Code keep these individuals in mind so they can continue to work without holding a NICET certification.

**Surrounding state comparison (LSC)**

Fire Alarm System Designer						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Certification (O.A.C. 4101:7-5-01).	No clear equivalent.	No clear equivalent.	Fire alarm specialty technician (Mich. Comp. Laws 339.5701).	No clear equivalent.	No clear equivalent.



Fire Alarm System Designer						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Education or training	Current Level III or IV certification from the National Institute for Certification in Engineering Technologies (NICET) (O.A.C. 4101:7-5-01(B)(2)).	N/A	N/A	Current Level II certification from NICET as an associate engineering technician or an equivalent certification approved by the Electrical Administrative Board (Mich. Comp. Laws 339.5721).	N/A	N/A
Experience	None prescribed by state law, but NICET certification requires at least five years of experience (NICET, Fire Alarm Systems, <a href="#">Certification Requirements</a> ).	N/A	N/A	Must be at least 20 years of age. NICET certification requires at least two years of experience. (Mich. Comp. Laws 339.5721; NICET, Fire Alarm Systems, <a href="#">Certification Requirements</a> .)	N/A	N/A

Fire Alarm System Designer						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Exam	None prescribed by state law, but NICET certification requires passing an exam ( <i>NICET, Fire Alarm Systems, Certification Requirements</i> ).	N/A	N/A	None prescribed by state law, but NICET certification requires passing an exam ( <i>NICET, Fire Alarm Systems, Certification Requirements</i> ).	N/A	N/A
Continuing education	None prescribed by state law, but renewal of NICET certification requires professional develop hours ( <i>NICET, Fire Alarm Systems, Certification Requirements</i> ).	N/A	N/A	Complete a board-approved course concerning any updates or changes to the state construction code within 12 months of any such update or change ( <i>Mich. Comp. Laws 339.5721</i> ).	N/A	N/A
Initial licensure fee	\$150 ( <i>O.A.C. 4101:7-5-01(B)(2)</i> ).	N/A	N/A	\$50 ( <i>Mich. Comp. Laws 339.5707</i> ).	N/A	N/A
License duration	One year ( <i>O.A.C. 4101:7-5-01(D)</i> ).	N/A	N/A	One year ( <i>Mich. Comp. Laws 339.5707</i> ).	N/A	N/A

Fire Alarm System Designer						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Renewal fee	\$100 ( <i>O.A.C. 4101:7-3-01(F)(2)(c)</i> ).	N/A	N/A	\$50 ( <i>Mich. Comp. Laws 339.5707</i> ).	N/A	N/A

## Fire protection inspector

### Survey responses (COM)

Description
A fire protection inspector is responsible for determining compliance with approved construction documents for fire protection systems (automatic sprinkler systems, alternative automatic fire-extinguishing systems, standpipe systems, fire alarm and detection systems, and fire pump).
Type ( <i>License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.</i> )
License

If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>Number issued annually</b>	Approximately 10
<b>Number renewed annually</b>	Approximately 30
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	No significant increase/decrease in last 6 years.
<b>Education or training requirements</b>	Completion of Board-sponsored code academy during interim certification (free online or in-person training offered twice per year)
<b>Experience requirements</b>	5 years experience as fire safety inspector or fire protection system installer; less for individuals entering as trainee
<b>Examination requirements</b> ( <i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Board receive any proceeds of those fees? If so, how are the proceeds used?</i> )	International Code Council (ICC) – CA, CF or National Certification Program for Construction Code Inspectors (NCPCCI) – 1B, 3B Examination costs \$240. The Board’s examination requirements align with requirements for certification issued by International Code Council, therefore the Board only recognizes these exams and does not set fees, etc.
<b>Continuing education requirements</b> ( <i>Including a description of the curriculum and the process of setting it.</i> )	30 hours of Board-approved continuing education
<b>Initial fee</b>	\$50
<b>Duration</b>	2-year interim, then 3-year renewal period

If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>Renewal fee</b> <i>(If different from initial fee, please explain why.)</i>	\$30
<b>Does the Board recognize uniform licensure requirements or allow for reciprocity?</b>	Yes, the Board's examination requirements align with requirements for certification issued by International Code Council, a certification recognized by many jurisdiction across the country.
<b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b>	Yes, see above. The Board's certification requires minimal level of relevant experience in construction in addition to testing to qualify for certification.
<b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Board?</b>	No
<b>Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?</b>	Yes, the Board recognizes other equivalent experience to qualify for certification.
<b>Other information</b> <i>(Significant attributes or prerequisites to licensure not addressed in this chart.)</i>	

**Oversight and disciplinary authority of the Board respecting individuals engaged in the occupation.**

See OAC 4101:7-3-01(F)(7) discussed above.

**How much revenue is derived from fees charged by the Board to individuals engaged in the occupation (such as license and renewal fees)?  
How is that revenue used?**

The revenue collected from fees charged for personnel certification/renewal is minimal. The Board collected approximately \$87,339/per year from certification fees. See budget/revenue information discussed above.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

N/A

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

Review and inspection of Ohio's built environment by qualified individuals is fundamental to safety of its occupants and the protection of property. The codes enforced by Board-certified personnel adopted by the Board are based on international consensus-based standards developed and updated by the International Code Council (ICC). Most states use ICC's model codes as the basis for their building codes, but code requirements are only as good and effective as the individual(s) charged with their interpretation, application and enforcement.

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

Yes, the Board's certification program ensures accountability and uniformity in the interpretation and application of the building codes resulting in savings of both building owner's time and money. However, the Board recently determined to perform an in-depth study to identify trends across the country in code enforcement that may be responding to the changed nature of modern construction as well as a further review of the necessary skills sets to perform code enforcement today for possible changes to certification requirements. We plan to commission a study which we hope to have completed by next year to inform our review.

**Are there any changes the Board would like to see implemented?**

Not at this time. Awaiting completion of certification study for further discussion.

## Surrounding state comparison (LSC)

Fire Protection Inspector ( <i>Fire Protection Inspector and Interim Fire Protection Inspector</i> )						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Certification ( <i>R.C. 3781.10; O.A.C. 4101:7-3-01(A)(32) and (33)</i> ).	No clear equivalent.	Certification of Sprinkler Systems Inspectors ( <i>Ky. Rev. Stat. 198B.6401</i> ) and Fire Alarm Systems Inspectors ( <i>Ky. Rev. Stat. 227.300; 815 Ky. Admin. Regs. 10:060(7)(2)(e)</i> ).	Registration ( <i>Mich. Comp. Laws 339.6007, 339.6015, and 339.6019</i> ).	No clear equivalent.	No clear equivalent.
Education or training	N/A	N/A	Yes, if using NICET certification in lieu of exam ( <i>Ky. Rev. Stat. 198B.6401; 815 Ky. Admin. Regs. 10:060(7)(2)(e)(1)</i> ).	National Fire Protection Association (NFPA) or ICC Fire Inspector I and II certification ( <i>Mich. Comp. Laws 339.6019(3)</i> ).	N/A	N/A
Experience	At least five years installing fire protection systems subject to inspection under a nonresidential	N/A	Within the five years preceding the application, no less than 1.5 years' experience in installation,	N/A	N/A	N/A



**Fire Protection Inspector (*Fire Protection Inspector and Interim Fire Protection Inspector*)**

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	building code or five years as a certified fire safety inspector or certified fire protection system designer ( <i>O.A.C. 4101:7-3-01(E)(13)</i> ).		repair, or testing of fire alarm systems or sprinkler systems ( <i>815 Ky. Admin. Regs. 10:060(7)(2)(e)(b); Initial Sprinkler Systems Inspector Certification Application, available <a href="#">here</a></i> ).  Must be 18 years of age for sprinkler systems inspector ( <i>Ky. Rev. Stat. 198B.6401 (1)(a)</i> ).			
Exam	For fire protection inspector, select exam modules administered by NCPCCI or ICC CA + CF ( <i>O.A.C. 4101:7-3-013(F)(1)(d)</i> ).  One-time interim fire protection inspector	N/A	Yes, if not using NICET certification; must pass test administered by Department of Housing, Buildings and Construction for sprinkler systems or fire alarm systems ( <i>Ky. Rev. Stat.</i>	Yes, as required for NFPA or ICC certification ( <i>Mich. Comp. Laws 339.6019(3)</i> ).	N/A	N/A

**Fire Protection Inspector (*Fire Protection Inspector and Interim Fire Protection Inspector*)**

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	certificate may be issued to applicants who meet education and experience requirements but have not completed the required examination ( <i>O.A.C. 4101:7-3-01(F)(2)(a)(i)</i> ).		<i>198B.6401; 815 Ky. Admin. Regs. 10:060(7)(2)(e)(1)</i> ).			
Continuing education	Complete “Ohio Building Code Academy” during initial certification cycle ( <i>O.A.C. 4104:7-3-01(F)(4)(a)(i)</i> ).  30 hours every subsequent three-year certification period, including three hours dedicated to code administration, three hours dedicated to existing buildings,	N/A	Six hours within the 12 months before license renewal or current NICET certification for both sprinkler systems inspectors and fire alarm systems inspectors ( <i>Ky. Rev. Stat. 198B.6405; 815 Ky. Admin. Regs. 10:060(7)(2)(e)(2)(d)</i> ).	No prescribed continuing education, but NFPA and ICC certifications must be renewed every three years with continuing education requirements ( <i>NFPA 3-Year Recertification Form, available <a href="#">here</a>; ICC Certification Bulletin, available <a href="#">here</a></i> ).	N/A	N/A

**Fire Protection Inspector (*Fire Protection Inspector and Interim Fire Protection Inspector*)**

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	and one hour dedicated to ethics ( <i>O.A.C. 4101:7-3-01(F)(4)(a)(ii)</i> ).					
Initial licensure fee	\$50 ( <i>O.A.C. 4104:7-3-01(F)</i> ).	N/A	\$50 for fire systems inspector ( <i>815 Ky. Admin. Regs. 10:060(7)(2)(e)(1)(c)</i> ).  \$50 pro-rated fee for sprinkler systems inspector ( <i>Certified Inspector Fee Schedule, available <a href="#">here</a></i> ).	\$75 ( <i>LARA, <a href="#">Application for Registration of Building Officials, Inspectors, and Plan Reviewers</a></i> ).	N/A	N/A
License duration	Three years for a fire protection inspector.  Two years for an interim fire protection inspector.	N/A	No less than seven months and no more than 18 months for sprinkler systems ( <i>Ky. Rev. Stat. 198B.6405</i> ).  One year for fire alarm systems ( <i>815 Ky. Admin.</i>	No prescribed duration, but NFPA and ICC certification must be renewed every three years ( <i>NFPA 3-Year Recertification Form, available <a href="#">here</a>; ICC</i>	N/A	N/A

Fire Protection Inspector ( <i>Fire Protection Inspector and Interim Fire Protection Inspector</i> )						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	(O.A.C. 4104:7-3-01(F)(2)(a)(i) and (b).)		Regs. 10:060 (7)(2)(e)(2)(b)).	Certification Bulletin, available <a href="#">here</a> .		
Renewal fee	\$30 (O.A.C. 4104:7-3-01(F)(2)(c)).	N/A	\$50 (Renewal Application for Sprinkler Systems Certification, available <a href="#">here</a> ; 815 Ky. Admin. Regs. 10:060 (7)(2)(e)(2)(b)).	N/A	N/A	N/A

## Fire protection plans examiner

### Survey responses (COM)

Description
A fire protection plans examiner is responsible for the examination of construction documents related to fire protection systems (automatic sprinkler systems, alternative automatic fire-extinguishing systems, standpipe systems, fire alarm and detection systems, and fire pumps).

**Type** (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)

License

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Number issued annually</b>	Approximately 10
<b>Number renewed annually</b>	Approximately 20
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	No significant increase/decrease in last 4 years. Certification created in 2017 to give building departments more options for staffing needs and additional paths for certification.
<b>Education or training requirements</b>	Completion of Board-sponsored code academy during interim certification (free online or in-person training offered twice per year)
<b>Experience requirements</b>	5 years experience fire protection inspector, building inspector, or fire protection system designer, registered design profession or 10 years experience as fire protection system installer; less for individuals entering as trainee

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<p><b>Examination requirements</b> (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Board receive any proceeds of those fees? If so, how are the proceeds used?</i>)</p>	<p>International Code Council (ICC) – CP or National Certification Program for Construction Code Inspectors (NCPCCI) – 3C Examination costs \$240. The Board’s examination requirements align with requirements for certification issued by International Code Council, therefore the Board only recognizes these exams and does not set fees, etc.</p>
<p><b>Continuing education requirements</b> (<i>Including a description of the curriculum and the process of setting it.</i>)</p>	<p>30 hours of Board-approved continuing education</p>
<p><b>Initial fee</b></p>	<p>\$50</p>
<p><b>Duration</b></p>	<p>2-year interim, then 3-year renewal period</p>
<p><b>Renewal fee</b> (<i>If different from initial fee, please explain why.</i>)</p>	<p>\$30</p>
<p><b>Does the Board recognize uniform licensure requirements or allow for reciprocity?</b></p>	<p>Yes, the Board’s examination requirements align with requirements for certification issued by International Code Council, a certification recognized by many jurisdiction across the country.</p>
<p><b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b></p>	<p>Yes, see above. The Board’s certification requires minimal level of relevant experience in construction in addition to testing to qualify for certification.</p>

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Board?</b>	No
<b>Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?</b>	Yes, the Board recognizes other equivalent experience to qualify for certification.
<b>Other information</b> ( <i>Significant attributes or prerequisites to licensure not addressed in this chart.</i> )	Optional certification; If a building department does not have a fire protection plans examiner, master plans examiner can perform duties

**Oversight and disciplinary authority of the Board respecting individuals engaged in the occupation.**

See OAC 4101:7-3-01(F)(7) discussed above.

**How much revenue is derived from fees charged by the Board to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

The revenue collected from fees charged for personnel certification/renewal is minimal. The Board collected approximately \$87,339/per year from certification fees. See budget/revenue information discussed above.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

N/A

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

Review and inspection of Ohio's built environment by qualified individuals is fundamental to safety of its occupants and the protection of property. The codes enforced by Board-certified personnel adopted by the Board are based on international consensus-based standards developed and updated by the International Code Council (ICC). Most states use ICC's model codes as the basis for their building codes, but code requirements are only as good and effective as the individual(s) charged with their interpretation, application and enforcement.



**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

Yes, the Board’s certification program ensures accountability and uniformity in the interpretation and application of the building codes resulting in savings of both building owner’s time and money. However, the Board recently determined to perform an in-depth study to identify trends across the country in code enforcement that may be responding to the changed nature of modern construction as well as a further review of the necessary skills sets to perform code enforcement today for possible changes to certification requirements. We plan to commission a study which we hope to have completed by next year to inform our review.

**Are there any changes the Board would like to see implemented?**

Not at this time. Awaiting completion of certification study for further discussion.

**Surrounding state comparison (LSC)**

<b>Fire Protection Plans Examiner (Fire Protection Plans Examiner, Fire Protection Plans Examiner Trainee, and Interim Fire Protection Plans Examiner)</b>						
	<b>Ohio</b>	<b>Indiana</b>	<b>Kentucky</b>	<b>Michigan</b>	<b>Pennsylvania</b>	<b>West Virginia</b>
License required?	Certification ( <i>R.C. 3781.10; O.A.C. 4101:7-3-01(A)(23), (24), and (25)</i> ).	No clear equivalent.	No clear equivalent.	Registration ( <i>Mich. Comp. Laws 339.6007, 339.6015, and 339.6019</i> ).	No clear equivalent.	No clear equivalent.
Education or training	See “Experience.”	N/A	N/A	NFPA or ICC Fire Inspector I and Plans Reviewer	N/A	N/A

**Fire Protection Plans Examiner (Fire Protection Plans Examiner, Fire Protection Plans Examiner Trainee, and Interim Fire Protection Plans Examiner)**

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
				certification (Mich. Comp. Laws 339.6019(4)).		
Experience	<p>For a fire protection plans examiner or interim fire protection plans inspector, one of the following:</p> <ul style="list-style-type: none"> <li>▪ At least five years as certified fire safety inspector or fire protection inspector;</li> <li>▪ At least five years as certified fire protection system designer;</li> <li>▪ At least five years as a building inspector;</li> </ul>	N/A	N/A	N/A	N/A	N/A

**Fire Protection Plans Examiner (Fire Protection Plans Examiner, Fire Protection Plans Examiner Trainee, and Interim Fire Protection Plans Examiner)**

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	<ul style="list-style-type: none"> <li>▪ Registration as an architect or professional engineer ; or</li> <li>▪ At least ten years as a skilled tradesperson for installation of code-inspected fire protection systems.</li> </ul> <p><i>(O.A.C. 4101:7-3-01(E)(10).)</i></p> <p>A fire protection plans examiner trainee must be a full-time employee of a political subdivision under the direct supervision of a trainee supervisor</p>					

**Fire Protection Plans Examiner (*Fire Protection Plans Examiner, Fire Protection Plans Examiner Trainee, and Interim Fire Protection Plans Examiner*)**

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	<p>and one of the following:</p> <ul style="list-style-type: none"> <li>▪ Graduate an accredited university engineering or architecture program;</li> <li>▪ At least one year experience as a building inspector, fire protection inspector, plumbing inspector, electrical inspector, or mechanical inspector; or</li> <li>▪ At least one year experience as a building official, residential plans</li> </ul>					

Fire Protection Plans Examiner ( <i>Fire Protection Plans Examiner, Fire Protection Plans Examiner Trainee, and Interim Fire Protection Plans Examiner</i> )						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	<p>examiner, residential building inspector, or residential mechanical inspector.</p> <p><i>(O.A.C. 4101:7-3-01(F)(5).)</i></p>					
Exam	<p>For a fire protection plans examiner, select exam modules administered by NCPCCI or ICC <i>(O.A.C. 4101:7-3-01(F)(1)(d)).</i></p> <p>For a fire protection plans examiner trainee, exam modules must be completed within allotted time of the trainee program.</p> <p>One-time interim fire protection</p>	N/A	N/A	<p>Yes, as required for NFPA or ICC certification <i>(Mich. Comp. Laws 339.6019(4)).</i></p>	N/A	N/A

**Fire Protection Plans Examiner (Fire Protection Plans Examiner, Fire Protection Plans Examiner Trainee, and Interim Fire Protection Plans Examiner)**

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	plans examiner certificate may be issued to applicants who meet education and experience requirements but have not completed the required examination. (O.A.C. 4101:7-3-01(F)(2)(a)(i).)					
Continuing education	Complete “Ohio Building Code Academy” requirements during initial certification period (O.A.C. 4104:7-3-01(F)(4)(a)(i)).  30 hours for every subsequent three-year certification period, including three hours dedicated to code administration,	N/A	N/A	No prescribed continuing education, but NFPA and ICC certifications must be renewed every three years with continuing education requirements (NFPA 3-Year Recertification Form, available <a href="#">here</a> ; ICC Certification	N/A	N/A

Fire Protection Plans Examiner ( <i>Fire Protection Plans Examiner, Fire Protection Plans Examiner Trainee, and Interim Fire Protection Plans Examiner</i> )						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	three hours dedicated to existing buildings, and one hour dedicated to ethics ( <i>O.A.C. 4101:7-3-01(F)(4)(a)(ii)</i> ).			<i>Bulletin, available <a href="#">here</a></i> .		
Initial licensure fee	\$50 ( <i>O.A.C. 4104:7-3-01(F)</i> ).	N/A	N/A	\$75 ( <i>LARA, <a href="#">Application for Registration of Building Officials, Inspectors, and Plan Reviewers</a></i> ).	N/A	N/A
License duration	Three years for a fire protection plans examiner. Six years for a fire protection plans examiner trainee. Two years for an interim fire protection plans examiner. <i>(O.A.C. 4104:7-3-01(F)(2)(a)(i) and (ii) and (5)(d).)</i>	N/A	N/A	No prescribed duration, but NFPA and ICC certification must be renewed every three years ( <i>NFPA 3-Year Recertification Form, available <a href="#">here</a>; ICC Certification Bulletin, available <a href="#">here</a></i> ).	N/A	N/A

Fire Protection Plans Examiner ( <i>Fire Protection Plans Examiner, Fire Protection Plans Examiner Trainee, and Interim Fire Protection Plans Examiner</i> )						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Renewal fee	\$30 ( <i>O.A.C. 4104:7-3-01(F)(2)(c)</i> ).	N/A	N/A	N/A	N/A	N/A

## Industrialized unit inspector

### Survey responses (COM)

Description
An industrialized unit inspector is responsible for determining compliance with approved construction documents of commercial industrialized units in-plant during each phase of the manufacturing process.
Type ( <i>License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.</i> )
License



If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>Number issued annually</b>	Approximately 10
<b>Number renewed annually</b>	Approximately 20
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	No significant increase/decrease in last 6 years.
<b>Education or training requirements</b>	N/A
<b>Experience requirements</b>	5 years experience relevant construction experience or certification as building inspector
<b>Examination requirements</b> ( <i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Board receive any proceeds of those fees? If so, how are the proceeds used?</i> )	International Code Council (ICC) – B2, M2 or National Certification Program for Construction Code Inspectors (NCPCCI) – B, 3B, 4B Examination costs \$240. The Board’s examination requirements align with requirements for certification issued by International Code Council, therefore the Board only recognizes these exams and does not set fees, etc.
<b>Continuing education requirements</b> ( <i>Including a description of the curriculum and the process of setting it.</i> )	30 hours of Board-approved continuing education
<b>Initial fee</b>	\$50
<b>Duration</b>	2-year interim, then 3-year renewal period

If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>Renewal fee</b> <i>(If different from initial fee, please explain why.)</i>	\$30
<b>Does the Board recognize uniform licensure requirements or allow for reciprocity?</b>	Yes, the Board's examination requirements align with requirements for certification issued by International Code Council, a certification recognized by many jurisdiction across the country.
<b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b>	Yes, see above. The Board's certification requires minimal level of relevant experience in construction in addition to testing to qualify for certification.
<b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Board?</b>	No
<b>Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?</b>	Yes, the Board recognizes other equivalent experience to qualify for certification.
<b>Other information</b> <i>(Significant attributes or prerequisites to licensure not addressed in this chart.)</i>	

**Oversight and disciplinary authority of the Board respecting individuals engaged in the occupation.**

See OAC 4101:7-3-01(F)(7) discussed above.

**How much revenue is derived from fees charged by the Board to individuals engaged in the occupation (such as license and renewal fees)?  
How is that revenue used?**

The revenue collected from fees charged for personnel certification/renewal is minimal. The Board collected approximately \$87,339/per year from certification fees. See budget/revenue information discussed above.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

N/A

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

Review and inspection of Ohio's built environment by qualified individuals is fundamental to safety of its occupants and the protection of property. The codes enforced by Board-certified personnel adopted by the Board are based on international consensus-based standards developed and updated by the International Code Council (ICC). Most states use ICC's model codes as the basis for their building codes, but code requirements are only as good and effective as the individual(s) charged with their interpretation, application and enforcement.

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

Yes, the Board's certification program ensures accountability and uniformity in the interpretation and application of the building codes resulting in savings of both building owner's time and money. However, the Board recently determined to perform an in-depth study to identify trends across the country in code enforcement that may be responding to the changed nature of modern construction as well as a further review of the necessary skills sets to perform code enforcement today for possible changes to certification requirements. We plan to commission a study which we hope to have completed by next year to inform our review.

**Are there any changes the Board would like to see implemented?**

Not at this time. Awaiting completion of certification study for further discussion.

## Surrounding state comparison (LSC)

Industrialized Unit Inspector ( <i>Industrial Unit Inspector and Interim Industrialized Unit Inspector</i> )						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Certification ( <i>R.C. 3781.10; O.A.C. 4101:7-3-01(A)(42) and (43)</i> ).	No clear equivalent.	No clear equivalent.	No clear equivalent.	No clear equivalent.	No clear equivalent.
Education or training	N/A	N/A	N/A	N/A	N/A	N/A
Experience	<p>For an industrial unit inspector and interim industrialized unit inspector, one of the following:</p> <ul style="list-style-type: none"> <li>▪ At least five years as a construction contractor or supervisor for nonresidential buildings;</li> <li>▪ At least five years as a skilled tradesperson for work subject to a</li> </ul>	N/A	N/A	N/A	N/A	N/A

**Industrialized Unit Inspector (*Industrial Unit Inspector and Interim Industrialized Unit Inspector*)**

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	building code inspection; or ■ Certification as a building inspector. <i>(O.A.C. 4101:7-3-01(E)(18).)</i>					
Exam	For an industrialized unit inspector, select exam modules administered by NCPCCI or ICC <i>(O.A.C. 4101:7-3-01(F)(1)(d)).</i>  One-time interim industrialized unit inspector certificate may be issued to applicants who meet education and experience requirements but have not completed the required examination	N/A	N/A	N/A	N/A	N/A

**Industrialized Unit Inspector (*Industrial Unit Inspector and Interim Industrialized Unit Inspector*)**

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	<i>(O.A.C. 4101:7-3-01(F)(2)(a)(i)).</i>					
Continuing education	<p>Complete “Ohio Building Code Academy” requirements during initial certification period <i>(O.A.C. 4104:7-3-01(F)(4)(a)(i)).</i></p> <p>30 hours for every subsequent three-year certification period, including three hours dedicated to code administration, three hours dedicated to existing buildings, and one hour dedicated to ethics <i>(O.A.C. 4101:7-3-01(F)(4)(a)(ii)).</i></p>	N/A	N/A	N/A	N/A	N/A
Initial licensure fee	\$50 <i>(O.A.C. 4104:7-3-01(F)).</i>	N/A	N/A	N/A	N/A	N/A

Industrialized Unit Inspector ( <i>Industrial Unit Inspector and Interim Industrialized Unit Inspector</i> )						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License duration	Three years for an industrialized unit inspector.  Two years for an interim industrialized unit inspector. ( <i>O.A.C. 4104:7-3-01(F)(2)(a)(i) and (ii).</i> )	N/A	N/A	N/A	N/A	N/A
Renewal fee	\$30 ( <i>O.A.C. 4104:7-3-01(F)(2)(c).</i> )	N/A	N/A	N/A	N/A	N/A

## Master plans examiner

### Survey responses (COM)

Description
A master plans examiner is responsible for the examination of all types of construction documents. If elective plans examiners are utilized by the building department, the master plans examiner shall assure coordination of plan reviews



**Type** (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)

License

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Number issued annually</b>	Approximately 25
<b>Number renewed annually</b>	Approximately 200
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	No significant increase/decrease in last 6 years.
<b>Education or training requirements</b>	Registered architect or engineer; Completion of Board-sponsored code academy during interim certification (free online or in-person training offered twice per year)
<b>Experience requirements</b>	5 years experience as registered design professional; less for individuals entering as trainee

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<p><b>Examination requirements</b> (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Board receive any proceeds of those fees? If so, how are the proceeds used?</i>)</p>	<p>International Code Council (ICC) – B3, E3, M3, P3 or National Certification Program for Construction Code Inspectors (NCPCCI) – 1C, 2C, 3C, 4C, 5C Examination costs \$240. The Board’s examination requirements align with requirements for certification issued by International Code Council, therefore the Board only recognizes these exams and does not set fees, etc.</p>
<p><b>Continuing education requirements</b> (<i>Including a description of the curriculum and the process of setting it.</i>)</p>	<p>30 hours of Board-approved continuing education</p>
<p><b>Initial fee</b></p>	<p>\$50</p>
<p><b>Duration</b></p>	<p>2-year interim, then 3-year renewal period</p>
<p><b>Renewal fee</b> (<i>If different from initial fee, please explain why.</i>)</p>	<p>\$30</p>
<p><b>Does the Board recognize uniform licensure requirements or allow for reciprocity?</b></p>	<p>Yes, the Board’s examination requirements align with requirements for certification issued by International Code Council, a certification recognized by many jurisdiction across the country.</p>
<p><b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b></p>	<p>Yes, see above. The Board’s certification requires minimal level of relevant experience in construction in addition to testing to qualify for certification.</p>

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Board?</b>	No
<b>Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?</b>	Yes, the Board recognizes other equivalent experience to qualify for certification.
<b>Other information</b> ( <i>Significant attributes or prerequisites to licensure not addressed in this chart.</i> )	

**Oversight and disciplinary authority of the Board respecting individuals engaged in the occupation.**

See OAC 4101:7-3-01(F)(7) discussed above.

**How much revenue is derived from fees charged by the Board to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

The revenue collected from fees charged for personnel certification/renewal is minimal. The Board collected approximately \$87,339/per year from certification fees. See budget/revenue information discussed above.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

N/A

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

Review and inspection of Ohio's built environment by qualified individuals is fundamental to safety of its occupants and the protection of property. The codes enforced by Board-certified personnel adopted by the Board are based on international consensus-based standards developed and updated by the International Code Council (ICC). Most states use ICC's model codes as the basis for their building codes, but code requirements are only as good and effective as the individual(s) charged with their interpretation, application and enforcement.

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

Yes, the Board’s certification program ensures accountability and uniformity in the interpretation and application of the building codes resulting in savings of both building owner’s time and money. However, the Board recently determined to perform an in-depth study to identify trends across the country in code enforcement that may be responding to the changed nature of modern construction as well as a further review of the necessary skills sets to perform code enforcement today for possible changes to certification requirements. We plan to commission a study which we hope to have completed by next year to inform our review.

**Are there any changes the Board would like to see implemented?**

Not at this time. Awaiting completion of certification study for further discussion.

**Surrounding state comparison (LSC)**

<b>Master Plans Examiner (Master Plans Examiner, Master Plans Examiner Trainee, and Interim Master Plans Examiner)</b>						
	<b>Ohio</b>	<b>Indiana</b>	<b>Kentucky</b>	<b>Michigan</b>	<b>Pennsylvania</b>	<b>West Virginia</b>
License required?	Certification ( <i>R.C. 3781.10; O.A.C. 4101:7-3-01(A)(5), (6), and (7)</i> ).	No clear equivalent.	No clear equivalent.	No clear equivalent.	No clear equivalent.	No clear equivalent.
Education or training	For master plans examiner and interim master	N/A	N/A	N/A	N/A	N/A

**Master Plans Examiner (Master Plans Examiner, Master Plans Examiner Trainee, and Interim Master Plans Examiner)**

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	<p>plans examiner, see "Experience."</p> <p>For trainees, must be graduates of an accredited architecture or engineering program (O.A.C. 4101:7-3-01(F)(5)(iii)).</p>					
Experience	<p>For a master plans examiner or interim master plans examiner, must have one of the following:</p> <ul style="list-style-type: none"> <li>▪ At least five years in building design, construction, or plans examination as an architect or professional engineer; or</li> </ul>	N/A	N/A	N/A	N/A	N/A

**Master Plans Examiner (Master Plans Examiner, Master Plans Examiner Trainee, and Interim Master Plans Examiner)**

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	<ul style="list-style-type: none"> <li>▪ Successful completion of the trainee program.</li> </ul> <p><i>(O.A.C. 4101:7-3-01(E)(4).)</i></p> <p>A master plans examiner trainee must be a full-time employee of a political subdivision under the direct supervision of a trainee supervisor <i>(O.A.C. 4101:7-3-01(F)(5)).</i></p>					
Exam	<p>For a master plans examiner, select exam modules administered by NCPCCI or ICC <i>(O.A.C. 4101:7-3-01(F)(1)(d)).</i></p> <p>For a master plans examiner trainee, exam modules must be</p>	N/A	N/A	N/A	N/A	N/A

**Master Plans Examiner (Master Plans Examiner, Master Plans Examiner Trainee, and Interim Master Plans Examiner)**

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	<p>completed within allotted time of the trainee program.</p> <p>One-time interim master plans examiner certificate may be issued to applicants who meet education and experience requirements but have not completed the required examination.</p> <p><i>(O.A.C. 4101:7-3-01(F)(2)(a)(i) and (5)(e)(i)(a).)</i></p>					
Continuing education	For a master plans examiner, complete "Ohio Building Code Academy" during initial certification cycle.	N/A	N/A	N/A	N/A	N/A



**Master Plans Examiner (Master Plans Examiner, Master Plans Examiner Trainee, and Interim Master Plans Examiner)**

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	30 hours every subsequent renewal period, including three hours dedicated to code administration, three hours dedicated to existing buildings, and one hour dedicated to ethics.  <i>(O.A.C. 4104:7-3-01(F)(4).)</i>					
Initial licensure fee	\$50 <i>(O.A.C. 4104:7-3-01(F)).</i>	N/A	N/A	N/A	N/A	N/A
License duration	Three years for a master plans examiner.  Six years for a master plans examiner trainee.  Two years for an interim master plans examiner.	N/A	N/A	N/A	N/A	N/A

Master Plans Examiner ( <i>Master Plans Examiner, Master Plans Examiner Trainee, and Interim Master Plans Examiner</i> )						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	<i>(O.A.C. 4104:7-3-01(F)(2)(a)(i) and (ii) and (F)(5)(d).)</i>					
Renewal fee	\$30 <i>(O.A.C. 4104:7-3-01(F)(2)(c).)</i>	N/A	N/A	N/A	N/A	N/A

## Mechanical inspector

### Survey responses (COM)

Description
A mechanical inspector is responsible for determining compliance with the approved construction documents for heating, ventilating and air conditioning (HVAC) systems, and the associated refrigeration, fuel gas, and heating piping systems.

**Type** (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)

License

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Number issued annually</b>	Approximately 10
<b>Number renewed annually</b>	Approximately 50
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	No significant increase/decrease in last 6 years.
<b>Education or training requirements</b>	Completion of Board-sponsored code academy during interim certification (free online or in-person training offered twice per year)
<b>Experience requirements</b>	5 years relevant construction experience; less for individuals entering as trainee

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<p><b>Examination requirements</b> (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Board receive any proceeds of those fees? If so, how are the proceeds used?</i>)</p>	<p>International Code Council (ICC) – M2 or National Certification Program for Construction Code Inspectors (NCPCCI) – 4B Examination costs \$240. The Board’s examination requirements align with requirements for certification issued by International Code Council, therefore the Board only recognizes these exams and does not set fees, etc.</p>
<p><b>Continuing education requirements</b> (<i>Including a description of the curriculum and the process of setting it.</i>)</p>	<p>30 hours of Board-approved continuing education</p>
<p><b>Initial fee</b></p>	<p>\$50</p>
<p><b>Duration</b></p>	<p>2-year interim, then 3-year renewal period</p>
<p><b>Renewal fee</b> (<i>If different from initial fee, please explain why.</i>)</p>	<p>\$30</p>
<p><b>Does the Board recognize uniform licensure requirements or allow for reciprocity?</b></p>	<p>Yes, the Board’s examination requirements align with requirements for certification issued by International Code Council, a certification recognized by many jurisdiction across the country.</p>
<p><b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b></p>	<p>Yes, see above. The Board’s certification requires minimal level of relevant experience in construction in addition to testing to qualify for certification.</p>

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Board?</b>	No
<b>Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?</b>	Yes, the Board recognizes other equivalent experience to qualify for certification.
<b>Other information</b> ( <i>Significant attributes or prerequisites to licensure not addressed in this chart.</i> )	Optional certification; If a building department does not have a certified mechanical inspector, building inspector can perform duties

**Oversight and disciplinary authority of the Board respecting individuals engaged in the occupation.**

See OAC 4101:7-3-01(F)(7) discussed above.

**How much revenue is derived from fees charged by the Board to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

The revenue collected from fees charged for personnel certification/renewal is minimal. The Board collected approximately \$87,339/per year from certification fees. See budget/revenue information discussed above.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

N/A

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

Review and inspection of Ohio's built environment by qualified individuals is fundamental to safety of its occupants and the protection of property. The codes enforced by Board-certified personnel adopted by the Board are based on international consensus-based standards developed and updated by the International Code Council (ICC). Most states use ICC's model codes as the basis for their building codes, but code requirements are only as good and effective as the individual(s) charged with their interpretation, application and enforcement.

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

Yes, the Board’s certification program ensures accountability and uniformity in the interpretation and application of the building codes resulting in savings of both building owner’s time and money. However, the Board recently determined to perform an in-depth study to identify trends across the country in code enforcement that may be responding to the changed nature of modern construction as well as a further review of the necessary skills sets to perform code enforcement today for possible changes to certification requirements. We plan to commission a study which we hope to have completed by next year to inform our review.

**Are there any changes the Board would like to see implemented?**

Not at this time. Awaiting completion of certification study for further discussion.

**Surrounding state comparison (LSC)**

<b>Mechanical Inspector (Mechanical Inspector, Mechanical Inspector Trainee, and Interim Mechanical Inspector)</b>						
	<b>Ohio</b>	<b>Indiana</b>	<b>Kentucky</b>	<b>Michigan</b>	<b>Pennsylvania</b>	<b>West Virginia</b>
License required?	Certification ( <i>R.C. 3781.10; O.A.C. 4101:7-3-01(E)(14)</i> ).	No clear equivalent.	Certification ( <i>Ky. Rev. Stat. 198B.090 and 198B.095; 815 Ky. Admin. Regs. 7:070</i> ).	Registration ( <i>Mich. Comp. Laws 339.6009; Mich. Admin. Code R. 408.30004 and 408.30043</i> ).	Certification ( <i>34 Pa. Code 401.3(a) and 401.7(8)</i> ).	Certification ( <i>W. Va. Code R. 103-6-3.1.b.6</i> ).

**Mechanical Inspector (Mechanical Inspector, Mechanical Inspector Trainee, and Interim Mechanical Inspector)**

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Education or training	See "Experience."	N/A	<p>One of the following:</p> <ul style="list-style-type: none"> <li>▪ High school diploma or equivalent plus two years related experience in construction, architecture, or engineering;</li> <li>▪ Associate's degree in a design, building technology, or construction-related subject; or</li> <li>▪ Bachelor's degree in architecture, engineering, fire science, or building technology.</li> </ul>	<p>Complete training in all of the following:</p> <ul style="list-style-type: none"> <li>▪ At least four hours in administration;</li> <li>▪ At least one hour in communication skills;</li> <li>▪ At least eight hours in technical code provisions;</li> <li>▪ At least two hours in plan review; and</li> <li>▪ At least three hours in specialty training based on classification.</li> </ul> <p><i>(Mich. Admin. Code R. 408.)</i></p>	N/A	N/A



**Mechanical Inspector (*Mechanical Inspector, Mechanical Inspector Trainee, and Interim Mechanical Inspector*)**

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
			<i>(815 Ky. Admin. Regs. 7:070(3).)</i>			
Experience	<p>For a mechanical inspector or interim mechanical inspector, must have one of the following:</p> <ul style="list-style-type: none"> <li>▪ At least five years as skilled HVAC tradesperson;</li> <li>▪ At least five years as a residential or nonresidential building official, plans examiner, or building inspector;</li> <li>▪ At least five years as a residential mechanical inspector; or</li> </ul>	N/A	See “Education or Training.”	<p>Hold a mechanical contractor license for no less than one year in three of four categories (hydronic heating and process piping, HVAC, refrigeration, and fire suppression).</p> <p>Registration is “provisional” until the second three-year registration cycle.</p> <p><i>(Mich. Comp. Laws 339.5807; Mich. Admin. Code R. 408.30031 and 408.30043.)</i></p>	N/A	N/A

**Mechanical Inspector (Mechanical Inspector, Mechanical Inspector Trainee, and Interim Mechanical Inspector)**

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	<ul style="list-style-type: none"> <li>▪ Completed the trainee program.</li> </ul> <p><i>(O.A.C. 4101:7-3-01(E)(14).)</i></p> <p>A mechanical inspector trainee must be a full-time employee of a political subdivision under the direct supervision of a trainee supervisor and one of the following:</p> <ul style="list-style-type: none"> <li>▪ Have at least one year of experience as a skilled tradesman subject to code inspection; or</li> <li>▪ Completed specified education requirements.</li> </ul>					

**Mechanical Inspector (*Mechanical Inspector, Mechanical Inspector Trainee, and Interim Mechanical Inspector*)**

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	<i>(O.A.C. 4101:7-3-01(F)(5)(vi) and (6).)</i>					
Exam	<p>For a mechanical inspector, select exam modules administered by NCPCCI or ICC <i>(O.A.C. 4101:7-3-01(F)(1)(d)).</i></p> <p>For a mechanical inspector trainee, exam modules must be completed within allotted time of the trainee program.</p> <p>One-time interim mechanical inspector certificate may be issued to applicants who meet education and experience requirements but have not completed the</p>	N/A	Select exam modules administered by NCPCCI or ICC M2 <i>(815 Ky. Admin. Regs. 7:070).</i>	N/A	Select exam modules administered by NCPCCI. May be waived if evidence of commensurate qualification is provided. <i>(34 Pa. Code 401.5 and 401.6.)</i>	Select exam modules administered by ICC. Exam is waived for licensed architects and engineers. Two-year probationary certification is available for individuals who have not yet passed the exam. <i>(W. Va. Code R. 103-6-3.1.b.6 and 103-6-6.)</i>

**Mechanical Inspector (Mechanical Inspector, Mechanical Inspector Trainee, and Interim Mechanical Inspector)**

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	required examination. <i>(O.A.C. 4101:7-3-01(F)(2)(a)(i) and (5)(e)(ii)(a).)</i>					
Continuing education	Complete “Ohio Building Code Academy” requirements during initial certification period <i>(O.A.C. 4104:7-3-01(F)(4)(a)(i)).</i>	N/A	12 hours annually <i>(815 Ky. Admin. Regs. 7:070(4)).</i>	47 hours every three years <i>(Mich. Admin. Code R. 408.30055).</i>	15 hours every three years <i>(34 Pa. Code 401.9).</i>	15 hours every three years <i>(W. Va. Code R. 103-6-4).</i>
Initial licensure fee	\$50 <i>(O.A.C. 4104:7-3-01(F)).</i>	N/A	\$50 <i>(815 Ky. Admin. Regs. 7:070).</i>	\$75 <i>(LARA, <a href="#">Application for Registration of Building Officials, Inspectors, and Plan Reviewers</a>).</i>	\$50 <i>(34 Pa. Code 401.2).</i>	\$75 <i>(W. Va. Code R. 103-6-3).</i>
License duration	Three years for a mechanical inspector.  Six years for a mechanical inspector trainee.	N/A	One year <i>(815 Ky. Admin. Regs. 7:070(7)).</i>	Three years <i>(Mich. Comp. Laws 339.6011).</i>	Three years <i>(34 Pa. Code 401.8).</i>	Three years <i>(W. Va. Code R. 103-6-5.1).</i>  Probationary certification: Two years <i>(W. Va.</i>

Mechanical Inspector ( <i>Mechanical Inspector, Mechanical Inspector Trainee, and Interim Mechanical Inspector</i> )						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	Two years for an interim mechanical inspector.  (O.A.C. 4104:7-3-01(F)(2)(a)(i) and (ii) and (5)(d).)					Code R. 103-6-6.1).
Renewal fee	\$30 (O.A.C. 4104:7-3-01(F)(2)(c)).	N/A	\$50 (815 Ky. Admin. Regs. 7:070(7)).	\$75 (LARA, <a href="#">Application for Registration of Building Officials, Inspectors, and Plan Reviewers</a> ).	\$50 (34 Pa. Code 401.2).	\$75 (W. Va. Code R. 103-6-5.3).

## Mechanical plans examiner

### Survey responses (COM)

Description
A mechanical plans examiner trainee is responsible for the examination of construction documents related to heating, ventilating, and air conditioning (“HVAC”) systems and the associated refrigeration, fuel gas, and heating piping.

**Type** (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)

License

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Number issued annually</b>	Approximately 10
<b>Number renewed annually</b>	Approximately 50
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	No significant increase/decrease in last 6 years.
<b>Education or training requirements</b>	Completion of Board-sponsored code academy during interim certification (free online or in-person training offered twice per year)
<b>Experience requirements</b>	5 years experience mechanical inspector, 10 years experience relevant construction experience, registered design professional; less for individuals entering as trainee

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<p><b>Examination requirements</b> (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Board receive any proceeds of those fees? If so, how are the proceeds used?</i>)</p>	<p>International Code Council (ICC) – M3 or National Certification Program for Construction Code Inspectors (NCPCCI) – 4C Examination costs \$240. The Board’s examination requirements align with requirements for certification issued by International Code Council, therefore the Board only recognizes these exams and does not set fees, etc.</p>
<p><b>Continuing education requirements</b> (<i>Including a description of the curriculum and the process of setting it.</i>)</p>	<p>30 hours of Board-approved continuing education</p>
<p><b>Initial fee</b></p>	<p>\$50</p>
<p><b>Duration</b></p>	<p>2-year interim, then 3-year renewal period</p>
<p><b>Renewal fee</b> (<i>If different from initial fee, please explain why.</i>)</p>	<p>\$30</p>
<p><b>Does the Board recognize uniform licensure requirements or allow for reciprocity?</b></p>	<p>Yes, the Board’s examination requirements align with requirements for certification issued by International Code Council, a certification recognized by many jurisdiction across the country.</p>
<p><b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b></p>	<p>Yes, see above. The Board’s certification requires minimal level of relevant experience in construction in addition to testing to qualify for certification.</p>

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Board?</b>	No
<b>Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?</b>	Yes, the Board recognizes other equivalent experience to qualify for certification.
<b>Other information</b> ( <i>Significant attributes or prerequisites to licensure not addressed in this chart.</i> )	Optional certification; If a building department does not have a certified mechanical plans examiner, master plans examiner can perform duties

**Oversight and disciplinary authority of the Board respecting individuals engaged in the occupation.**

See OAC 4101:7-3-01(F)(7) discussed above.



**How much revenue is derived from fees charged by the Board to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

The revenue collected from fees charged for personnel certification/renewal is minimal. The Board collected approximately \$87,339/per year from certification fees. See budget/revenue information discussed above.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

N/A

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

Review and inspection of Ohio's built environment by qualified individuals is fundamental to safety of its occupants and the protection of property. The codes enforced by Board-certified personnel adopted by the Board are based on international consensus-based standards developed and updated by the International Code Council (ICC). Most states use ICC's model codes as the basis for their building codes, but code requirements are only as good and effective as the individual(s) charged with their interpretation, application and enforcement.

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

Yes, the Board’s certification program ensures accountability and uniformity in the interpretation and application of the building codes resulting in savings of both building owner’s time and money. However, the Board recently determined to perform an in-depth study to identify trends across the country in code enforcement that may be responding to the changed nature of modern construction as well as a further review of the necessary skills sets to perform code enforcement today for possible changes to certification requirements. We plan to commission a study which we hope to have completed by next year to inform our review.

**Are there any changes the Board would like to see implemented?**

Not at this time. Awaiting completion of certification study for further discussion.

**Surrounding state comparison (LSC)**

<b>Mechanical Plans Examiner (Mechanical Plans Examiner, Mechanical Plans Examiner Trainee, and Interim Mechanical Plans Examiner)</b>						
	<b>Ohio</b>	<b>Indiana</b>	<b>Kentucky</b>	<b>Michigan</b>	<b>Pennsylvania</b>	<b>West Virginia</b>
License required?	Certification ( <i>R.C. 3781.10; O.A.C. 4101:7-3-01(A)(20), (21), and (22)</i> ).	No clear equivalent.	Certification ( <i>Ky. Rev. Stat. 198B.090 and 198B.095; 815 Ky. Admin. Regs. 7:070</i> ).	Registration ( <i>Mich. Comp. Laws 339.6009; Mich. Admin. Code R. 408.30004 and 408.30049</i> ).	Certification ( <i>34 Pa. Code 401.3(a) and 401.7(15)</i> ).	Certification ( <i>W. Va. Code R. 103-6-3.1.c.4</i> ).

**Mechanical Plans Examiner (Mechanical Plans Examiner, Mechanical Plans Examiner Trainee, and Interim Mechanical Plans Examiner)**

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Education or training	See "Experience."	N/A	<p>One of the following:</p> <ul style="list-style-type: none"> <li>▪ High school diploma or equivalent plus two years related experience in construction, architecture, or engineering;</li> <li>▪ Associate's degree in a design, building technology, or construction-related subject; or</li> <li>▪ Bachelor's degree in architecture, engineering, fire science, or building technology.</li> </ul>	<p>Complete training in all of the following:</p> <ul style="list-style-type: none"> <li>▪ At least four hours training in administration;</li> <li>▪ At least one hour in communication skills;</li> <li>▪ At least eight hours in technical code provisions;</li> <li>▪ At least two hours in plan review; and</li> <li>▪ At least three hours in specialty topics.</li> </ul> <p><i>(Mich. Admin. Code R. 408.30031.)</i></p>	N/A	N/A

**Mechanical Plans Examiner (Mechanical Plans Examiner, Mechanical Plans Examiner Trainee, and Interim Mechanical Plans Examiner)**

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
			<i>(815 Ky. Admin. Regs. 7:070(3).)</i>			
Experience	<p>For a mechanical plans examiner or interim mechanical plans examiner, one of the following:</p> <ul style="list-style-type: none"> <li>▪ At least five years as a building or mechanical inspector;</li> <li>▪ At least five years as a residential building official, plans examiner, building inspector, or mechanical inspector;</li> <li>▪ Registration as an architect or professional engineer; or</li> </ul>	N/A	See "Education or Training."	<p>Hold a mechanical contractor license for no less than one year in three of four categories (hydronic heating and process piping, HVAC, refrigeration, and fire suppression). Registration is "provisional" until the second three-year registration cycle. <i>(Mich. Comp. Laws 339.5807; Mich. Admin. Code R. 408.30049(6).)</i></p>	N/A	N/A

**Mechanical Plans Examiner (Mechanical Plans Examiner, Mechanical Plans Examiner Trainee, and Interim Mechanical Plans Examiner)**

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	<ul style="list-style-type: none"> <li>▪ At least ten years as an HVAC tradesperson.</li> </ul> <p><i>(O.A.C. 4101:7-3-01(E)(9).)</i></p> <p>A mechanical plans examiner trainee must be a full-time employee of a political subdivision under the direct supervision of a trainee supervisor and one of the following:</p> <ul style="list-style-type: none"> <li>▪ Graduate an accredited university engineering or architecture program;</li> <li>▪ At least one year experience as a building</li> </ul>					

**Mechanical Plans Examiner (Mechanical Plans Examiner, Mechanical Plans Examiner Trainee, and Interim Mechanical Plans Examiner)**

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	inspector, fire protection inspector, plumbing inspector, electrical inspector, or mechanical inspector; <ul style="list-style-type: none"> <li>▪ At least one year of experience as a building official, residential plans examiner, residential building inspector, or residential mechanical inspector; or</li> <li>▪ At least one year of experience as a designer working under the</li> </ul>					

**Mechanical Plans Examiner (Mechanical Plans Examiner, Mechanical Plans Examiner Trainee, and Interim Mechanical Plans Examiner)**

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	<p>direct supervision of a professional preparing documents relating to building construction.</p> <p><i>(O.A.C. 4101:7-3-01(F)(5).)</i></p>					
Exam	<p>For a mechanical plans examiner, select exam modules administered by NCPCCI or ICC <i>(O.A.C. 4101:7-3-01(F)(1)(d)).</i></p> <p>For a mechanical plans examiner trainee, exam modules must be completed within allotted time of the trainee program.</p> <p>One-time interim mechanical plans</p>	N/A	<p>Select exam modules administered by NCPCCI or ICC <i>(815 Ky. Admin. Regs. 7:070).</i></p>	N/A	<p>Select modules administered by NCPCCI. May be waived if evidence of commensurate qualification is provided. <i>(34 Pa. Code 401.5 and 401.6.)</i></p>	<p>Select exam modules administered by ICC. Exam is waived for licensed architects and engineers. Two-year probationary certification is available for individuals who have not yet passed the exam. <i>(W. Va. Code R. 103-6-3.1.c.4 and 103-6-6.1.)</i></p>

Mechanical Plans Examiner (*Mechanical Plans Examiner, Mechanical Plans Examiner Trainee, and Interim Mechanical Plans Examiner*)

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	<p>examiner certificate may be issued to applicants who meet education and experience requirements but have not completed the required examination. (O.A.C. 4101:7-3-01(F)(2)(a)(i).)</p>					
Continuing education	<p>Complete “Ohio Building Code Academy” requirements during initial certification period (O.A.C. 4104:7-3-01(F)(4)).</p> <p>30 hours every subsequent three-year certification period, including three hours dedicated to code administration,</p>	N/A	12 hours annually (815 Ky. Admin. Regs. 7:070(4)).	47 hours every three years (Mich. Admin. Code R. 408.30055).	15 hours every three years (34 Pa. Code 401.9).	15 hours every three years (W. Va. Code R. 103-6-4).



**Mechanical Plans Examiner (Mechanical Plans Examiner, Mechanical Plans Examiner Trainee, and Interim Mechanical Plans Examiner)**

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	three hours dedicated to existing buildings, and one hour dedicated to ethics (O.A.C. 4101:7-3-01(F)(4)(a)(ii)).					
Initial licensure fee	\$50 (O.A.C. 4104:7-3-01(F)).	N/A	\$50 (815 Ky. Admin. Regs. 7:070).	\$75(LARA, <a href="#">Application for Registration of Building Officials, Inspectors, and Plan Reviewers</a> ).	\$50 (34 Pa. Code 401.2).	\$75 (W. Va. Code R. 103-6-3).
License duration	Three years for a mechanical plans examiner.  Six years for a mechanical plans examiner trainee.  Two years for an interim mechanical plans examiner.  (O.A.C. 4104:7-3-01(F)(2)(a)(i) and (ii) and (5)(d).)	N/A	One year (815 Ky. Admin. Regs. 7:070(7)).	Three years (Mich. Comp. Laws 339.6011).	Three years (34 Pa. Code 401.8).	Three years (W. Va. Code R. 103-6-5.1).  Probationary certification: two years (W. Va. Code R. 103-6-6.1).

<b>Mechanical Plans Examiner (Mechanical Plans Examiner, Mechanical Plans Examiner Trainee, and Interim Mechanical Plans Examiner)</b>						
	<b>Ohio</b>	<b>Indiana</b>	<b>Kentucky</b>	<b>Michigan</b>	<b>Pennsylvania</b>	<b>West Virginia</b>
Renewal fee	\$30 ( <i>O.A.C. 4104:7-3-01(F)(2)(c)</i> ).	N/A	\$50 ( <i>815 Ky. Admin. Regs. 7:070(7)</i> ).	\$75 ( <i>LARA, <a href="#">Application for Registration of Building Officials, Inspectors, and Plan Reviewers</a></i> ).	\$50 ( <i>34 Pa. Code 401.2(a)(2)</i> ).	\$75 ( <i>W. Va. Code R. 103-6-5.3</i> ).

## **Medical gas piping inspector**

### **Survey responses (COM)**

<b>Description</b>
A medical gas piping inspector is responsible for determining compliance with approved construction documents for non-flammable medical gas, medical oxygen, and medical vacuum systems.

**Type** (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)

License

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Number issued annually</b>	Approximately 1
<b>Number renewed annually</b>	Approximately 10
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	While no significant increase/decrease in last 6 years, there are a small number of individuals who hold the certification
<b>Education or training requirements</b>	Certification by an American Society of Sanitary Engineering (ASSE) recognized third party certifier in accordance with ASSE standard 6020.
<b>Experience requirements</b>	N/A

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<p><b>Examination requirements</b> (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Board receive any proceeds of those fees? If so, how are the proceeds used?</i>)</p>	<p>N/A</p>
<p><b>Continuing education requirements</b> (<i>Including a description of the curriculum and the process of setting it.</i>)</p>	<p>Maintain ASSE certification</p>
<p><b>Initial fee</b></p>	<p>\$50</p>
<p><b>Duration</b></p>	<p>Every 3 years</p>
<p><b>Renewal fee</b> (<i>If different from initial fee, please explain why.</i>)</p>	<p>\$30</p>
<p><b>Does the Board recognize uniform licensure requirements or allow for reciprocity?</b></p>	<p>Yes, ASSE certification</p>
<p><b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b></p>	<p>Yes, ASSE certification</p>

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Board?</b>	No
<b>Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?</b>	No, ASSE certification required
<b>Other information</b> ( <i>Significant attributes or prerequisites to licensure not addressed in this chart.</i> )	

**Oversight and disciplinary authority of the Board respecting individuals engaged in the occupation.**

See OAC 4101:7-3-01(F)(7) discussed above.

**How much revenue is derived from fees charged by the Board to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

The revenue collected from fees charged for personnel certification/renewal is minimal. The Board collected approximately \$87,339/per year from certification fees. See budget/revenue information discussed above.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

N/A

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

Review and inspection of Ohio's built environment by qualified individuals is fundamental to safety of its occupants and the protection of property. The codes enforced by Board-certified personnel adopted by the Board are based on international consensus-based standards developed and updated by the International Code Council (ICC). Most states use ICC's model codes as the basis for their building codes, but code requirements are only as good and effective as the individual(s) charged with their interpretation, application and enforcement.

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

Yes, the Board’s certification program ensures accountability and uniformity in the interpretation and application of the building codes resulting in savings of both building owner’s time and money. However, the Board recently determined to perform an in-depth study to identify trends across the country in code enforcement that may be responding to the changed nature of modern construction as well as a further review of the necessary skills sets to perform code enforcement today for possible changes to certification requirements. We plan to commission a study which we hope to have completed by next year to inform our review.

**Are there any changes the Board would like to see implemented?**

Not at this time. Awaiting completion of certification study for further discussion.

**Surrounding state comparison (LSC)**

Medical Gas Piping Inspector						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Certification ( <i>R.C. 3781.10; O.A.C. 4101:7-3-01(A)(49)</i> ).	No clear equivalent.	No clear equivalent.	No clear equivalent.	No clear equivalent.	No clear equivalent.
Education or training	Certification by the American Society of Sanitary Engineering	N/A	N/A	N/A	N/A	N/A

**Medical Gas Piping Inspector**

	<b>Ohio</b>	<b>Indiana</b>	<b>Kentucky</b>	<b>Michigan</b>	<b>Pennsylvania</b>	<b>West Virginia</b>
	(ASSE) (O.A.C. 4101:7-3-01(E)(20)).					
Experience	N/A	N/A	N/A	N/A	N/A	N/A
Exam	N/A	N/A	N/A	N/A	N/A	N/A
Continuing education	Maintenance of ASSE certification (O.A.C. 4101:7-3-01(F)(4)).	N/A	N/A	N/A	N/A	N/A
Initial licensure fee	\$50 (O.A.C. 4104:7-3-01(F)).	N/A	N/A	N/A	N/A	N/A
License duration	Three years (O.A.C. 4104:7-3-01(F)(2)(b)).	N/A	N/A-	N/A	N/A	N/A
Renewal fee	\$30 (O.A.C. 4104:7-3-01(F)(2)(c)).	N/A	N/A	N/A	N/A	N/A



## Plumbing inspector

### Survey responses (COM)

Description
A plumbing inspector is responsible for determining plumbing system compliance with approved construction documents.

Type (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)
License

If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	Approximately 10
Number renewed annually	Approximately 100

If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	Yes, increase by 30% in 2021 due to HB 110 elimination of Division of Industrial Compliance plumbing inspector certification and consolidation with Board's certification.
<b>Education or training requirements</b>	Completion of Board-sponsored code academy during interim certification (free online or in-person training offered twice per year)
<b>Experience requirements</b>	7 years experience relevant construction experience; less for individuals entering as trainee
<b>Examination requirements</b> ( <i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Board receive any proceeds of those fees? If so, how are the proceeds used?</i> )	International Code Council (ICC) – 5A, 5B or National Certification Program for Construction Code Inspectors (NCPCCI) – P1, P2 Examination costs \$240. The Board's examination requirements align with requirements for certification issued by International Code Council, therefore the Board only recognizes these exams and does not set fees, etc.
<b>Continuing education requirements</b> ( <i>Including a description of the curriculum and the process of setting it.</i> )	30 hours of Board-approved continuing education
<b>Initial fee</b>	\$50
<b>Duration</b>	2-year interim, then 3-year renewal period
<b>Renewal fee</b> ( <i>If different from initial fee, please explain why.</i> )	\$30

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<p><b>Does the Board recognize uniform licensure requirements or allow for reciprocity?</b></p>	<p>Yes, the Board's examination requirements align with requirements for certification issued by International Code Council, a certification recognized by many jurisdiction across the country.</p>
<p><b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b></p>	<p>Yes, see above. The Board's certification requires minimal level of relevant experience in construction in addition to testing to qualify for certification.</p>
<p><b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Board?</b></p>	<p>No</p>
<p><b>Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?</b></p>	<p>Yes, the Board recognizes other equivalent experience to qualify for certification.</p>
<p><b>Other information</b> <i>(Significant attributes or prerequisites to licensure not addressed in this chart.)</i></p>	

**Oversight and disciplinary authority of the Board respecting individuals engaged in the occupation.**

See OAC 4101:7-3-01(F)(7) discussed above.

**How much revenue is derived from fees charged by the Board to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

The revenue collected from fees charged for personnel certification/renewal is minimal. The Board collected approximately \$87,339/per year from certification fees. See budget/revenue information discussed above.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

N/A

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

Review and inspection of Ohio's built environment by qualified individuals is fundamental to safety of its occupants and the protection of property. The codes enforced by Board-certified personnel adopted by the Board are based on international consensus-based standards developed and updated by the International Code Council (ICC). Most states use ICC's model codes as the basis for their building codes, but code requirements are only as good and effective as the individual(s) charged with their interpretation, application and enforcement.

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

Yes, the Board’s certification program ensures accountability and uniformity in the interpretation and application of the building codes resulting in savings of both building owner’s time and money. However, the Board recently determined to perform an in-depth study to identify trends across the country in code enforcement that may be responding to the changed nature of modern construction as well as a further review of the necessary skills sets to perform code enforcement today for possible changes to certification requirements. We plan to commission a study which we hope to have completed by next year to inform our review.

**Are there any changes the Board would like to see implemented?**

Not at this time. Awaiting completion of certification study for further discussion.

**Surrounding state comparison (LSC)**

<b>Plumbing Inspector (Plumbing Inspector, Plumbing Inspector Trainee, and Interim Plumbing Inspector)</b>						
	<b>Ohio</b>	<b>Indiana</b>	<b>Kentucky</b>	<b>Michigan</b>	<b>Pennsylvania</b>	<b>West Virginia</b>
License required?	Certification ( <i>R.C. 3781.10(E); O.A.C. 4101:7-3-01(A)(46), (47), and (48)</i> ).	No clear equivalent. Local regulations apply. ( <i>Ind. Code 36-7-8-6.</i> )	Certification ( <i>Ky. Rev. Stat. 198B.090(1)(c), 318.090, and 318.140.</i> )	Registration ( <i>Mich. Admin. Code R. 408.30031.</i> )	Certification ( <i>34 Pa. Code 401.3 and 401.7.</i> )	Certification ( <i>W. Va. Code R. 87-7-3.</i> )

**Plumbing Inspector** (*Plumbing Inspector, Plumbing Inspector Trainee, and Interim Plumbing Inspector*)

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Education or training	<p>For a plumbing inspector or interim plumbing inspector, one of the following:</p> <ul style="list-style-type: none"> <li>▪ At least seven years of experience in the installation of plumbing subject to inspection;</li> <li>▪ A degree in engineering or architecture plus three years of experience in plumbing system design; or</li> <li>▪ Completion of the plumbing inspector trainee program.</li> </ul>	N/A	<p>None, but education and training is required for master or journeyman plumber’s license which is a prerequisite to being a plumbing inspector (<i>Ky. Rev. Stat. 198B.090(1)(c), 318.090, and 318.140</i>).</p>	<p>Complete training in all of the following:</p> <ul style="list-style-type: none"> <li>▪ At least four hours in administration and enforcement of statutes and regulations;</li> <li>▪ At least one hour in communication skills;</li> <li>▪ At least eight hours in technical code provisions;</li> <li>▪ At least two hours in plan review; and</li> <li>▪ At least three hours of specialty training based</li> </ul>	<p>None specified by state law, but education or training may be required to sit for master plumber examination</p>	N/A

**Plumbing Inspector** (*Plumbing Inspector, Plumbing Inspector Trainee, and Interim Plumbing Inspector*)

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	<p>(O.A.C. 4101:7-3-01 (E)(16).)</p> <p>A plumbing inspector trainee must be a full-time employee of a political subdivision under the direct supervision of a trainee supervisor and have three years of experience in installing plumbing systems subject to inspection. Up to one year of the experience requirement may be met through the completion of an approved vocational or technical program. (O.A.C. 4101:7-3-01(F)(5)(viii) and (F)(6).)</p>			<p>on classification.</p> <p>(Mich. Admin. Code R. 408.30031).</p>		

Plumbing Inspector ( <i>Plumbing Inspector, Plumbing Inspector Trainee, and Interim Plumbing Inspector</i> )						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Experience	See "Education or training."	N/A	Eight years of experience as a master or journeyman plumber ( <i>Ky. Rev. Stat. 318.090 and 318.140(2)</i> ).	Two years of experience as a licensed journeyman plumber or currently licensed as a master plumber.  Registration is "provisional" until second three-year registration cycle.  ( <i>Mich. Admin. Code R. 408.30046 and 408.30031.</i> )	Person appointed as city plumbing inspector must have ten years of relevant experience ( <i>53 Pa. Cons. Stat. 4599</i> ).  No experience requirement for general plumbing inspector certification.	N/A
Exam	For a plumbing inspector, select exam modules administered by NCPCCI or ICC ( <i>O.A.C. 4101:7-3-01(F)(1)(d)</i> ).  For a plumbing inspector trainee, exam modules must be completed within	N/A	None, but NCPCCI or ICC exam is required for master or journeyman plumber's license which is a prerequisite to being a plumbing inspector ( <i>Ky. Rev. Stat. 198B.090(1)(c)</i> ,	N/A	Pass the license examination for master plumbers and the general plumbing exam administered by NCPCCI or ICC ( <i>53 Pa. Cons. Stat. 15330; 34 Pa. Code 401.6</i> ).	Select exam modules administered by ICC. Exam is waived for licensed architects and engineers. Two-year probationary certification is available to individuals who



Plumbing Inspector ( <i>Plumbing Inspector, Plumbing Inspector Trainee, and Interim Plumbing Inspector</i> )						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	<p>allotted time of the trainee program.</p> <p>One-time interim plumbing inspector certificate may be issued to applicants who meet education and experience requirements but have not completed the required examination.</p> <p><i>(O.A.C. 4101:7-3-01(F)(2)(a)(i).)</i></p>		<p><i>318.090, and 318.140).</i></p>			<p>have not yet passed the exam. <i>(W. Va. Code R. 87-7-3 and 6.)</i></p>
Continuing education	<p>Complete “Ohio Building Code Academy” requirements during initial certification period <i>(O.A.C. 4101:7-3-01(F)(4)(a)(i)).</i></p>	N/A	<p>None, but six hours per year are required for master and journeyman plumber’s licenses. <i>(815 Ky. Admin. Regs. 2:010).</i></p>	<p>47 hours every three years <i>(Mich. Admin. Code R. 408.30055).</i></p>	<p>15 hours every three years <i>(34 Pa. Code 401.9).</i></p>	<p>15 hours every three years <i>(W. Va. Code R. 87-7-4).</i></p>

**Plumbing Inspector** (*Plumbing Inspector, Plumbing Inspector Trainee, and Interim Plumbing Inspector*)

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	30 hours every subsequent three-year certification period, including three hours dedicated to code administration, three hours dedicated to existing buildings, and one hour dedicated to ethics. ( <i>O.A.C. 4101:7-3-01(F)(4)(a)(ii).</i> )					
Initial licensure fee	\$50 ( <i>O.A.C. 4101:7-3-01(F).</i> )	N/A	N/A	\$75 ( <i>LARA, <a href="#">Application for Registration of Building Officials, Inspectors, and Plan Reviewers</a></i> ).	\$50 ( <i>34 Pa. Code 401.2</i> ).	\$75 ( <i>W. Va. Code R. 87-7-3</i> ).
License duration	Three years for a plumbing inspector.  Six years for a plumbing inspector trainee.	N/A	N/A	Three years ( <i>Mich. Admin. Code R. 408.30031</i> ).	Three years ( <i>34 Pa. Code 401.4</i> ).	Three years ( <i>W. Va. Code R. 87-7-5</i> ).

Plumbing Inspector ( <i>Plumbing Inspector, Plumbing Inspector Trainee, and Interim Plumbing Inspector</i> )						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	Two years for an interim plumbing inspector. <i>(O.A.C. 4101:7-3-01(F)(2)(a)(i) and (ii) and (F)(5)(d).)</i>					
Renewal fee	\$30 ( <i>O.A.C. 4101:7-3-01(F)(2)(c).</i> )	N/A	N/A	\$75 ( <i>LARA, <a href="#">Application for Registration of Building Officials, Inspectors, and Plan Reviewers</a>.</i> )	\$50 ( <i>34 Pa. Code 401.2.</i> )	\$75 ( <i>W. Va. Code R. 87-7-5.</i> )

## Plumbing plans examiner

### Survey responses (COM)

Description
A plumbing plans examiner is responsible for the examination of construction documents related to plumbing systems.

**Type** (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)

License

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Number issued annually</b>	Approximately 5
<b>Number renewed annually</b>	Approximately 30
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	Yes, increase by 30% in 2021 due to HB 110 elimination of Division of Industrial Compliance plumbing inspector certification and consolidation with Board's certification.
<b>Education or training requirements</b>	Completion of Board-sponsored code academy during interim certification (free online or in-person training offered twice per year)
<b>Experience requirements</b>	5 years experience plumbing inspector, 10 years experience relevant construction experience, registered design professional; less for individuals entering as trainee
<b>Examination requirements</b> (Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Board receive any	International Code Council (ICC) – 5C or National Certification Program for Construction Code Inspectors (NCPCCI) – P3

If the regulation is a registration, certification, or license requirement, please complete the following:	
<i>proceeds of those fees? If so, how are the proceeds used?)</i>	Examination costs \$240. The Board's examination requirements align with requirements for certification issued by International Code Council, therefore the Board only recognizes these exams and does not set fees, etc.
<b>Continuing education requirements</b> <i>(Including a description of the curriculum and the process of setting it.)</i>	30 hours of Board-approved continuing education
<b>Initial fee</b>	\$50
<b>Duration</b>	2-year interim, then 3-year renewal period
<b>Renewal fee</b> <i>(If different from initial fee, please explain why.)</i>	\$30
<b>Does the Board recognize uniform licensure requirements or allow for reciprocity?</b>	Yes, the Board's examination requirements align with requirements for certification issued by International Code Council, a certification recognized by many jurisdiction across the country.
<b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b>	Yes, see above. The Board's certification requires minimal level of relevant experience in construction in addition to testing to qualify for certification.
<b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Board?</b>	No

**If the regulation is a registration, certification, or license requirement, please complete the following:**

**Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?**

Yes, the Board recognizes other equivalent experience to qualify for certification.

**Other information** (*Significant attributes or prerequisites to licensure not addressed in this chart.*)

Optional certification; If a building department does not have a certified plumbing plans examiner, master plans examiner can perform duties

**Oversight and disciplinary authority of the Board respecting individuals engaged in the occupation.**

See OAC 4101:7-3-01(F)(7) discussed above.

**How much revenue is derived from fees charged by the Board to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

The revenue collected from fees charged for personnel certification/renewal is minimal. The Board collected approximately \$87,339/per year from certification fees. See budget/revenue information discussed above.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

N/A

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

Review and inspection of Ohio's built environment by qualified individuals is fundamental to safety of its occupants and the protection of property. The codes enforced by Board-certified personnel adopted by the Board are based on international consensus-based standards developed and updated by the International Code Council (ICC). Most states use ICC's model codes as the basis for their building codes, but code requirements are only as good and effective as the individual(s) charged with their interpretation, application and enforcement.

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

Yes, the Board's certification program ensures accountability and uniformity in the interpretation and application of the building codes resulting in savings of both building owner's time and money. However, the Board recently determined to perform an in-depth study to identify trends across the country in code enforcement that may be responding to the changed nature of modern construction as well as a further review of the necessary skills sets to perform code enforcement today for possible changes to certification requirements. We plan to commission a study which we hope to have completed by next year to inform our review.

**Are there any changes the Board would like to see implemented?**

Not at this time. Awaiting completion of certification study for further discussion.

**Surrounding state comparison (LSC)**

**Plumbing Plans Examiner (Plumbing Plans Examiner, Plumbing Plans Examiner Trainee, Interim Plumbing Plans Examiner)**

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Certification ( <i>R.C. 3781.10(E); O.A.C. 4101:7-3-01(A)(17), (18), and (19)</i> ).	No clear equivalent. Local regulations apply. ( <i>Ind. Code 36-7-8-6.</i> )	No clear equivalent. Duties might fall under general plans and specifications inspector designation. ( <i>Ky. Rev. Stat. 198B.090.</i> )	No clear equivalent. Duties might be covered by plan reviewer registration. ( <i>Mich. Admin. Code R. 408.30049.</i> )	Certification ( <i>34 Pa. Code 401.3 and 401.7</i> ).	Certification ( <i>W. Va. Code R. 87-7-3</i> ).
Education or training	For a plumbing plans examiner or interim plumbing plans examiner, one of the following: <ul style="list-style-type: none"> <li>At least five years of</li> </ul>	N/A	N/A	N/A	N/A	N/A



**Plumbing Plans Examiner** (*Plumbing Plans Examiner, Plumbing Plans Examiner Trainee, Interim Plumbing Plans Examiner*)

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	<p>experience as a full-time plumbing inspector in a certified building department, the Division of Industrial Compliance, elsewhere in the Ohio Department of Commerce, or a county board of health;</p> <ul style="list-style-type: none"> <li>▪ Registered in Ohio as an architect or professional engineer; or</li> <li>▪ At least ten years of experience as a full-time skilled tradesman for heating, ventilation,</li> </ul>					

**Plumbing Plans Examiner** (*Plumbing Plans Examiner, Plumbing Plans Examiner Trainee, Interim Plumbing Plans Examiner*)

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	<p>and air conditioning (HVAC) systems and associated refrigeration, fuel gas, and heating piping work, subject to inspection.</p> <p><i>(O.A.C. 4101:7-3-01(E)(8).)</i></p> <p>A plumbing plans examiner trainee must be a full-time employee of a political subdivision under the direct supervision of a trainee supervisor and meet one of the following criteria:</p> <ul style="list-style-type: none"> <li>▪ Graduate of an accredited architecture or engineering</li> </ul>					

**Plumbing Plans Examiner** (*Plumbing Plans Examiner, Plumbing Plans Examiner Trainee, Interim Plumbing Plans Examiner*)

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	<p>university program; or</p> <ul style="list-style-type: none"> <li>▪ At least one year of experience as a full-time plumbing inspector in a certified building department, the Division of Industrial Compliance, elsewhere in the Ohio Department of Commerce, or a county board of health.</li> </ul> <p>Up to one year of the experience requirement for a plumbing plans examiner trainee may be met through the completion of an approved</p>					

**Plumbing Plans Examiner** (*Plumbing Plans Examiner, Plumbing Plans Examiner Trainee, Interim Plumbing Plans Examiner*)

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	vocational or technical program. <i>(O.A.C. 4101:7-3-01 (F)(5)(iv) and (F)(6).)</i>					
Experience	See "Education or training."	N/A	N/A	N/A	N/A	N/A
Exam	For a plumbing plans examiner, select exam modules administered by NCPCCI or ICC. <i>(O.A.C. 4101:7-3-01(F)(1)(d)).</i>  For a plumbing plans examiner trainee, exam modules must be completed within allotted time of the trainee program.  One-time interim plumbing plans examiner	N/A	N/A	N/A	Select modules administered by NCPCCI or ICC <i>(34 Pa. Code 401.6).</i>	Select exam modules administered by ICC. Exam is waived for licensed architects and engineers. Two-year probationary certification is available to individuals who have not yet passed the exam. <i>(W. Va. Code R. 87-7-3 and 6.)</i>

**Plumbing Plans Examiner** (*Plumbing Plans Examiner, Plumbing Plans Examiner Trainee, Interim Plumbing Plans Examiner*)

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	<p>certificate may be issued to applicants who meet education and experience requirements but have not completed the required examination.</p> <p><i>(O.A.C. 4101:7-3-01(F)(2)(a)(i).)</i></p>					
Continuing education	<p>Complete "Ohio Building Code Academy" requirements during initial certification period <i>(O.A.C. 4101:7-3-01(F)(4)(a)(i)).</i></p> <p>30 hours every subsequent three-year certification period, including three hours dedicated to code administration, three hours</p>	N/A	N/A	N/A	15 hours every three years <i>(34 Pa. Code 401.9).</i>	15 hours every three years <i>(W. Va. Code R. 87-7-4).</i>

**Plumbing Plans Examiner** (*Plumbing Plans Examiner, Plumbing Plans Examiner Trainee, Interim Plumbing Plans Examiner*)

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	dedicated to existing buildings, and one hour dedicated to ethics ( <i>O.A.C. 4101:7-3-01(F)(4)(a)(ii)</i> ).					
Initial licensure fee	\$50 ( <i>O.A.C. 4101:7-3-01(F)</i> ).	N/A	N/A	N/A	\$50 ( <i>34 Pa. Code 401.2</i> ).	\$75 ( <i>W. Va. Code R. 87-7-3</i> ).
License duration	Three years for a plumbing plans examiner.  Six years for a plumbing plans examiner trainee.  Two years for an interim plumbing plans examiner.  ( <i>O.A.C. 4101:7-3-01(F)(2)(a)(i) and (ii) and (F)(5)(d)</i> .)	N/A	N/A	N/A	Three years ( <i>34 Pa. Code 401.4</i> ).	Three years ( <i>W. Va. Code R. 87-7-5</i> ).
Renewal fee	\$30 ( <i>O.A.C. 4101:7-3-01(F)(2)(c)</i> ).	N/A	N/A	N/A	\$50 ( <i>34 Pa. Code 401.2</i> ).	\$75 ( <i>W. Va. Code R. 87-7-5</i> ).

## Residential building inspector

### Survey responses (COM)

Description
A residential building inspector is responsible for determining compliance with the approved residential construction.

Type (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)
License

If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	Approximately 40
Number renewed annually	Approximately 150
Have there been significant increases or decreases in active registrations,	No significant increase/decrease in last 6 years.

If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>certifications or licenses in the preceding six years?</b>	
<b>Education or training requirements</b>	Completion of Board-sponsored code academy during interim certification (free online or in-person training offered twice per year)
<b>Experience requirements</b>	3 years experience relevant construction experience or approved commercial certification
<b>Examination requirements</b> ( <i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Board receive any proceeds of those fees? If so, how are the proceeds used?</i> )	International Code Council (ICC) – B1 or National Certification Program for Construction Code Inspectors (NCPCCI) – 1A Examination costs \$240. The Board’s examination requirements align with requirements for certification issued by International Code Council, therefore the Board only recognizes these exams and does not set fees, etc.  **Examinations are waived if already hold related commercial certification
<b>Continuing education requirements</b> ( <i>Including a description of the curriculum and the process of setting it.</i> )	30 hours of Board-approved continuing education
<b>Initial fee</b>	\$50
<b>Duration</b>	2-year interim, then 3-year renewal period
<b>Renewal fee</b> ( <i>If different from initial fee, please explain why.</i> )	\$30
<b>Does the Board recognize uniform licensure requirements or allow for reciprocity?</b>	Yes, the Board’s examination requirements align with requirements for certification issued by International Code Council, a certification recognized by many jurisdiction across the country.



**If the regulation is a registration, certification, or license requirement, please complete the following:**

<p><b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b></p>	<p>Yes, see above. The Board’s certification requires minimal level of relevant experience in construction in addition to testing to qualify for certification.</p>
<p><b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Board?</b></p>	<p>No</p>
<p><b>Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?</b></p>	<p>Yes, the Board recognizes other equivalent experience to qualify for certification.</p>
<p><b>Other information</b> (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>)</p>	

**Oversight and disciplinary authority of the Board respecting individuals engaged in the occupation.**

See OAC 4101:7-3-01(F)(7) discussed above.

**How much revenue is derived from fees charged by the Board to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

The revenue collected from fees charged for personnel certification/renewal is minimal. The Board collected approximately \$87,339/per year from certification fees. See budget/revenue information discussed above.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

N/A

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

Review and inspection of Ohio's built environment by qualified individuals is fundamental to safety of its occupants and the protection of property. The codes enforced by Board-certified personnel adopted by the Board are based on international consensus-based standards developed and updated by the International Code Council (ICC). Most states use ICC's model codes as the basis for their building codes, but code requirements are only as good and effective as the individual(s) charged with their interpretation, application and enforcement.

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

Yes, the Board’s certification program ensures accountability and uniformity in the interpretation and application of the building codes resulting in savings of both building owner’s time and money. However, the Board recently determined to perform an in-depth study to identify trends across the country in code enforcement that may be responding to the changed nature of modern construction as well as a further review of the necessary skills sets to perform code enforcement today for possible changes to certification requirements. We plan to commission a study which we hope to have completed by next year to inform our review.

**Are there any changes the Board would like to see implemented?**

Not at this time. Awaiting completion of certification study for further discussion.

**Surrounding state comparison (LSC)**

<b>Residential Building Inspector</b> ( <i>Residential Building Inspector, Residential Building Inspector Trainee, Interim Residential Building Inspector</i> )						
	<b>Ohio</b>	<b>Indiana</b>	<b>Kentucky</b>	<b>Michigan</b>	<b>Pennsylvania</b>	<b>West Virginia</b>
License required?	Certification ( <i>R.C. 3781.10(E); O.A.C. 4101:7-3-01(A)(29), (30), and (31)</i> ).	No clear equivalent. Local regulations apply. ( <i>Ind. Code 36-7-8-6.</i> )	Certification ( <i>Ky. Rev. Stat. 198B.090</i> ).	Registration ( <i>Mich. Admin. Code R. 408.30031</i> ).	Certification ( <i>34 Pa. Code 401.3 and 401.7</i> ).	Certification ( <i>W. Va. Code R. 87-7-3</i> ).

**Residential Building Inspector** (*Residential Building Inspector, Residential Building Inspector Trainee, Interim Residential Building Inspector*)

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Education or training	<p>For a residential building inspector or interim residential building inspector, one of the following:</p> <ul style="list-style-type: none"> <li>▪ At least three years of experience as a contractor or supervisor for residential or nonresidential buildings or structures regulated by the board;</li> <li>▪ At least three years of experience as a skilled tradesperson for work subject to inspection; or</li> <li>▪ Completion of the residential</li> </ul>	N/A	<p>Complete orientation training provided or approved by the Department of Housing, Buildings, and Construction, and one of the following:</p> <ul style="list-style-type: none"> <li>▪ Graduate high school and complete two years of architectural, engineering, or construction experience;</li> <li>▪ Associate’s degree in design, building technology, or a construction-related subject; or</li> </ul>	<p>Complete training in all of the following:</p> <ul style="list-style-type: none"> <li>▪ At least four hours in administration and enforcement of statutes and regulations;</li> <li>▪ At least one hour in communication skills;</li> <li>▪ At least eight hours in technical code provisions;</li> <li>▪ At least two hours in plan review; and</li> <li>▪ At least three hours of specialty training based</li> </ul>	N/A	N/A

**Residential Building Inspector** (*Residential Building Inspector, Residential Building Inspector Trainee, Interim Residential Building Inspector*)

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	<p>building inspector trainee program.</p> <p><i>(O.A.C. 4101:7-3-01(E)(12).)</i></p> <p>A residential building inspector trainee must be a full-time employee of a political subdivision under the direct supervision of a trainee supervisor and have at least one year of experience as a skilled tradesperson for work subject to inspection. Up to one year of the experience requirement may be met through the completion of an approved</p>		<ul style="list-style-type: none"> <li>▪ Bachelor's degree in architecture, engineering, fire science, or building technology.</li> </ul> <p><i>(815 Ky. Admin. Regs. 7:070.)</i></p>	<p>on classification.</p> <p><i>(Mich. Admin. Code R. 408.30031.)</i></p>		

**Residential Building Inspector** (*Residential Building Inspector, Residential Building Inspector Trainee, Interim Residential Building Inspector*)

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	vocational or technical program. (O.A.C. 4101:7-3-01 (F)(5)(vii) and (F)(6).)					
Experience	See "Education or training."	N/A	See "Education or training."	At least four years of experience as a residential builder, building contractor, architect, engineer, project manager, or out-of-state building inspector. A four-year degree in a construction-related field may be substituted for up to two years of experience. A two-year degree in a construction-related field may be substituted for up to one year of experience.	N/A	N/A

Residential Building Inspector ( <i>Residential Building Inspector, Residential Building Inspector Trainee, Interim Residential Building Inspector</i> )						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
				Registration is “provisional” until second three-year registration cycle.  <i>(Mich. Admin. Code R. 408.30037 and 408.30031.)</i>		
Exam	For a residential building inspector, select exam modules administered by NCPCCI or ICC ( <i>O.A.C. 4101:7-3-01(F)(1)(d)</i> ).  For a residential building inspector trainee, exam modules must be completed within allotted time of the trainee program.  One-time interim residential building inspector certificate may be	N/A	For a building inspector, select exam modules administered by the NCPCCI or ICC.  Building inspector trainee certification available for individuals who have not yet completed the required exam.  <i>(815 Ky. Admin. Regs. 7:070.)</i>	N/A	Select modules administered by NCPCCI or ICC ( <i>34 Pa. Code 401.6</i> ).	Select exam modules administered by ICC. Exam is waived for licensed architects and engineers. Two-year probationary certification is available to individuals who have not yet passed the exam.  <i>(W. Va. Code R. 87-7-3 and 6.)</i>

**Residential Building Inspector** (*Residential Building Inspector, Residential Building Inspector Trainee, Interim Residential Building Inspector*)

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	<p>issued to applicants who meet education and experience requirements but have not completed the required examination.</p> <p><i>(O.A.C. 4101:7-3-01(F)(2)(a)(i).)</i></p>					
Continuing education	<p>Complete “Ohio Building Code Academy” requirements during initial certification period <i>(O.A.C. 4101:7-3-01(F)(4)(a)(i)).</i></p> <p>30 hours every subsequent three-year certification period, including three hours dedicated to code administration, three hours dedicated to</p>	N/A	<p>12 hours annually <i>(815 Ky. Admin. Regs. 7:070).</i></p>	<p>47 hours every three years <i>(Mich. Admin. Code R. 408.30055).</i></p>	<p>15 hours every three years <i>(34 Pa. Code 401.9).</i></p>	<p>15 hours every three years <i>(W. Va. Code R. 87-7-4).</i></p>



Residential Building Inspector ( <i>Residential Building Inspector, Residential Building Inspector Trainee, Interim Residential Building Inspector</i> )						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	existing buildings, and one hour dedicated to ethics ( <i>O.A.C. 4101:7-3-01(F)(4)(a)(ii)</i> ).					
Initial licensure fee	\$50 ( <i>O.A.C. 4101:7-3-01(F)</i> ).	N/A	\$50 ( <i>815 Ky. Admin. Regs. 7:070</i> ).	\$75 ( <i>LARA, <a href="#">Application for Registration of Building Officials, Inspectors, and Plan Reviewers</a></i> ).	\$50 ( <i>34 Pa. Code 401.2</i> ).	\$75 ( <i>W. Va. Code R. 87-7-3</i> ).
License duration	Three years for a residential building inspector.  Six years for a residential building inspector trainee.  Two years for an interim residential building inspector.  ( <i>O.A.C. 4101:7-3-01(F)(2)(a)(i) and (ii) and (F)(5)(d)</i> .)	N/A	One year ( <i>815 Ky. Admin. Regs. 7:070</i> ).	Three years ( <i>Mich. Admin. Code R. 408.30031</i> ).	Three years ( <i>34 Pa. Code 401.4</i> ).	Three years ( <i>W. Va. Code R. 87-7-5</i> ).

Residential Building Inspector ( <i>Residential Building Inspector, Residential Building Inspector Trainee, Interim Residential Building Inspector</i> )						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Renewal fee	\$30 ( <i>O.A.C. 4101:7-3-01(F)(2)(c)</i> ).	N/A	\$50 ( <i>815 Ky. Admin. Regs. 7:070</i> ).	\$75 ( <i>LARA, <a href="#">Application for Registration of Building Officials, Inspectors, and Plan Reviewers</a></i> ).	\$50 ( <i>34 Pa. Code 401.2</i> ).	\$75 ( <i>W. Va. Code R. 87-7-5</i> ).

## Residential building official

### Survey responses (COM)

Description
<p>The residential building official is responsible for the enforcement of the rules of the board and of Chapters 3781. and 3791. of the Revised Code relating to the construction, arrangement, and the erection of buildings or parts thereof. The residential building official shall render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Residential building officials shall be responsible to assure that a system is in place to track and audit all projects, to assure that all building department personnel perform their duties and for the overall administration of the residential building department. Residential building officials are also authorized to perform residential plans examination and inspections.</p>

**Type** (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)

License

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Number issued annually</b>	Approximately 25
<b>Number renewed annually</b>	Approximately 250
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	No significant increase/decrease in last 6 years.
<b>Education or training requirements</b>	Completion of Board-sponsored code academy during interim certification (free online or in-person training offered twice per year)
<b>Experience requirements</b>	5 years experience relevant construction experience, approved commercial certification, or registered design professional.

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<p><b>Examination requirements</b> (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Board receive any proceeds of those fees? If so, how are the proceeds used?</i>)</p>	<p>International Code Council (ICC) – B1, M1 and: E1 or P1 or National Certification Program for Construction Code Inspectors (NCPCCI) – 1A, 4A and: 2A or 5A Examination costs \$240. The Board’s examination requirements align with requirements for certification issued by International Code Council, therefore the Board only recognizes these exams and does not set fees, etc.  **Examinations are waived if already hold related commercial certification</p>
<p><b>Continuing education requirements</b> (<i>Including a description of the curriculum and the process of setting it.</i>)</p>	<p>30 hours of Board-approved continuing education</p>
<p><b>Initial fee</b></p>	<p>\$50</p>
<p><b>Duration</b></p>	<p>2-year interim, then 3-year renewal period</p>
<p><b>Renewal fee</b> (<i>If different from initial fee, please explain why.</i>)</p>	<p>\$30</p>
<p><b>Does the Board recognize uniform licensure requirements or allow for reciprocity?</b></p>	<p>Yes, the Board’s examination requirements align with requirements for certification issued by International Code Council, a certification recognized by many jurisdiction across the country.</p>
<p><b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b></p>	<p>Yes, see above. The Board’s certification requires minimal level of relevant experience in construction in addition to testing to qualify for certification.</p>

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Board?</b>	No
<b>Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?</b>	Yes, the Board recognizes other equivalent experience to qualify for certification.
<b>Other information</b> ( <i>Significant attributes or prerequisites to licensure not addressed in this chart.</i> )	

**Oversight and disciplinary authority of the Board respecting individuals engaged in the occupation.**

See OAC 4101:7-3-01(F)(7) discussed above.

**How much revenue is derived from fees charged by the Board to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

The revenue collected from fees charged for personnel certification/renewal is minimal. The Board collected approximately \$87,339/per year from certification fees. See budget/revenue information discussed above.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

N/A

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

Review and inspection of Ohio's built environment by qualified individuals is fundamental to safety of its occupants and the protection of property. The codes enforced by Board-certified personnel adopted by the Board are based on international consensus-based standards developed and updated by the International Code Council (ICC). Most states use ICC's model codes as the basis for their building codes, but code requirements are only as good and effective as the individual(s) charged with their interpretation, application and enforcement.

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

Yes, the Board’s certification program ensures accountability and uniformity in the interpretation and application of the building codes resulting in savings of both building owner’s time and money. However, the Board recently determined to perform an in-depth study to identify trends across the country in code enforcement that may be responding to the changed nature of modern construction as well as a further review of the necessary skills sets to perform code enforcement today for possible changes to certification requirements. We plan to commission a study which we hope to have completed by next year to inform our review.

**Are there any changes the Board would like to see implemented?**

Not at this time. Awaiting completion of certification study for further discussion.

**Surrounding state comparison (LSC)**

Residential Building Official ( <i>Residential Building Official and Interim Residential Building Official</i> )						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Certification ( <i>R.C. 3781.10(E); O.A.C. 4101:7-3-01(A)(3) and (4).</i> )	No clear equivalent. Local regulations apply. ( <i>Ind. Code 36-7-8-6.</i> )	No clear equivalent.	Registration ( <i>Mich. Admin. Code R. 408.30031.</i> )	Building code official certification ( <i>34 Pa. Code 401.3 and 401.7.</i> )	Certification ( <i>W. Va. Code R. 87-7-3.</i> )

Residential Building Official ( <i>Residential Building Official and Interim Residential Building Official</i> )						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Education or training	<p>For a residential building official or interim residential building official, one of the following:</p> <ul style="list-style-type: none"> <li>▪ At least five years of experience as a contractor or superintendent with responsibility for obtaining approvals and inspections;</li> <li>or</li> <li>▪ Ohio registration as an architect or professional engineer.</li> </ul> <p><i>(O.A.C. 4101:7-3-01(E)(3).)</i></p>	N/A	N/A	<p>Complete training in all of the following:</p> <ul style="list-style-type: none"> <li>▪ At least four hours in administration and enforcement of statutes and regulations;</li> <li>▪ At least one hour in communication skills;</li> <li>▪ At least eight hours in technical code provisions;</li> <li>▪ At least two hours in plan review; and</li> <li>▪ At least three hours of specialty training based</li> </ul>	N/A	<p>Complete training necessary to be certified as an ICC building code official, residential building code inspector, commercial building inspector, or building plans examiner (<i>W. Va. Code R. 87-7-3</i>).</p>



Residential Building Official ( <i>Residential Building Official and Interim Residential Building Official</i> )						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
				on classification. <i>(Mich. Admin. Code R. 408.30031.)</i>		
Experience	See “Education or training.”	N/A	N/A	At least two years of experience as a registered code inspector or plan reviewer.  Registration is “provisional” until second three-year registration cycle.  <i>(Mich. Admin. Code R. 408.30034 and 408.30031.)</i>	N/A	N/A
Exam	For a residential building official, select exam modules administered by NCPCCI or ICC ( <i>O.A.C. 4101:7-3-01(F)(1)(d)</i> ).	N/A	N/A	N/A	Select modules administered by NCPCCI or ICC ( <i>34 Pa. Code 401.6</i> ).	Select exam modules administered by ICC. Exam is waived for licensed architects and engineers. Two-year probationary

Residential Building Official ( <i>Residential Building Official and Interim Residential Building Official</i> )						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	One-time interim residential building official certificate may be issued to applicants who meet education and experience requirements but have not completed the required examination ( <i>O.A.C. 4101:7-3-01(F)(2)(a)(i)</i> ).					certification is available to individuals who have not yet passed the exam. ( <i>W. Va. Code R. 87-7-3 and 6.</i> )
Continuing education	Complete "Ohio Building Code Academy" requirements during initial certification period ( <i>O.A.C. 4101:7-3-01(F)(4)(a)(i)</i> ).  30 hours every subsequent three-year certification period, including three hours	N/A	N/A	50 hours every three years ( <i>Mich. Admin. Code R. 408.30055</i> ).	15 hours every three years ( <i>34 Pa. Code 401.9</i> ).	15 hours every three years ( <i>W. Va. Code R. 87-7-4</i> ).

Residential Building Official ( <i>Residential Building Official and Interim Residential Building Official</i> )						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	dedicated to code administration, three hours dedicated to existing buildings, and one hour dedicated to ethics ( <i>O.A.C. 4101:7-3-01(F)(4)(a)(ii)</i> ).					
Initial licensure fee	\$50 ( <i>O.A.C. 4101:7-3-01(F)</i> ).	N/A	N/A	\$75 ( <i>LARA, <a href="#">Application for Registration of Building Officials, Inspectors, and Plan Reviewers</a></i> ).	\$50 ( <i>34 Pa. Code 401.2</i> ).	\$75 ( <i>W. Va. Code R. 87-7-3</i> ).
License duration	Three years for a residential building official. Two years for an interim residential building official. ( <i>O.A.C. 4101:7-3-01(F)(2)(a)(i) and (ii) and (F)(5)(d)</i> .)	N/A	N/A	Three years ( <i>Mich. Admin. Code R. 408.30031</i> ).	Three years ( <i>34 Pa. Code 401.4</i> ).	Three years ( <i>W. Va. Code R. 87-7-5</i> ).

Residential Building Official ( <i>Residential Building Official and Interim Residential Building Official</i> )						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Renewal fee	\$30 ( <i>O.A.C. 4101:7-3-01(F)(2)(c)</i> ).	N/A	N/A	\$75 ( <i>LARA, <a href="#">Application for Registration of Building Officials, Inspectors, and Plan Reviewers</a></i> ).	\$50 ( <i>34 Pa. Code 401.2</i> ).	\$75 ( <i>W. Va. Code R. 87-7-5</i> ).

## Residential industrialized unit inspector

### Survey responses (COM)

Description
A residential industrialized unit inspector is responsible for determining compliance with approved construction documents of residential industrialized units in-plant during each phase of the manufacturing process.

**Type** (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)

License

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Number issued annually</b>	Approximately 10
<b>Number renewed annually</b>	Approximately 15
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	No significant increase/decrease in last 6 years.
<b>Education or training requirements</b>	N/A
<b>Experience requirements</b>	3 years relevant construction experience, approved related commercial or residential certification

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<p><b>Examination requirements</b> (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Board receive any proceeds of those fees? If so, how are the proceeds used?</i>)</p>	<p>International Code Council (ICC) – B1, E1, M1, P1 or National Certification Program for Construction Code Inspectors (NCPCCI) – 1A, 2A, 4A, 5A Examination costs \$240. The Board’s examination requirements align with requirements for certification issued by International Code Council, therefore the Board only recognizes these exams and does not set fees, etc.</p>
<p><b>Continuing education requirements</b> (<i>Including a description of the curriculum and the process of setting it.</i>)</p>	<p>30 hours of Board-approved continuing education</p>
<p><b>Initial fee</b></p>	<p>\$50</p>
<p><b>Duration</b></p>	<p>2-year interim, then 3-year renewal period</p>
<p><b>Renewal fee</b> (<i>If different from initial fee, please explain why.</i>)</p>	<p>\$30</p>
<p><b>Does the Board recognize uniform licensure requirements or allow for reciprocity?</b></p>	<p>Yes, the Board’s examination requirements align with requirements for certification issued by International Code Council, a certification recognized by many jurisdiction across the country.</p>
<p><b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b></p>	<p>Yes, see above. The Board’s certification requires minimal level of relevant experience in construction in addition to testing to qualify for certification.</p>

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Board?</b>	No
<b>Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?</b>	Yes, the Board recognizes other equivalent experience to qualify for certification.
<b>Other information</b> ( <i>Significant attributes or prerequisites to licensure not addressed in this chart.</i> )	

**Oversight and disciplinary authority of the Board respecting individuals engaged in the occupation.**

See OAC 4101:7-3-01(F)(7) discussed above.

**How much revenue is derived from fees charged by the Board to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

The revenue collected from fees charged for personnel certification/renewal is minimal. The Board collected approximately \$87,339/per year from certification fees. See budget/revenue information discussed above.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

N/A

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**



**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

Yes, the Board’s certification program ensures accountability and uniformity in the interpretation and application of the building codes resulting in savings of both building owner’s time and money. However, the Board recently determined to perform an in-depth study to identify trends across the country in code enforcement that may be responding to the changed nature of modern construction as well as a further review of the necessary skills sets to perform code enforcement today for possible changes to certification requirements. We plan to commission a study which we hope to have completed by next year to inform our review.

**Are there any changes the Board would like to see implemented?**

Not at this time. Awaiting completion of certification study for further discussion.

**Surrounding state comparison (LSC)**

**Residential Industrialized Unit Inspector** (*Residential Industrialized Unit Inspector and Interim Residential Industrialized Unit Inspector*)

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Certification ( <i>R.C. 3781.10(E); O.A.C. 4101:7-3-01(A)(44) and (45)</i> ).	No. The Fire Prevention and Building Safety Commission may authorize any “qualified person” to conduct	No clear equivalent.	No clear equivalent.	No clear equivalent.	No clear equivalent.

Residential Industrialized Unit Inspector <i>(Residential Industrialized Unit Inspector and Interim Residential Industrialized Unit Inspector)</i>						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
		inspections. <i>(Ind. Code 22-15-4-3.)</i>				
Education or training	<p>For a residential industrialized unit inspector or interim residential industrialized unit inspector, one of the following:</p> <ul style="list-style-type: none"> <li>▪ At least three years of experience as a construction contractor or supervisor for buildings or structures regulated by the board;</li> <li>▪ Certification as a building inspector, residential building inspector, or industrialized unit inspector; or</li> </ul>	N/A	N/A	N/A	N/A	N/A

**Residential Industrialized Unit Inspector** (*Residential Industrialized Unit Inspector and Interim Residential Industrialized Unit Inspector*)

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	<ul style="list-style-type: none"> <li>At least three years of experience as a skilled tradesperson for work subject to inspection.</li> </ul> <p>(O.A.C. 4101:7-3-01 (E)(19).)</p>					
Experience	See "Education or training."	N/A	N/A	N/A	N/A	N/A
Exam	<p>For a residential industrialized unit inspector, select exam modules administered by NCPCCI or ICC (O.A.C. 4101:7-3-01(F)(1)(d)).</p> <p>One-time interim residential industrialized unit inspector certificate may be issued to applicants who meet education</p>	N/A	N/A	N/A	N/A	N/A

**Residential Industrialized Unit Inspector** (*Residential Industrialized Unit Inspector and Interim Residential Industrialized Unit Inspector*)

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	and experience requirements but have not completed the required examination ( <i>O.A.C. 4101:7-3-01(F)(2)(a)(i)</i> ).					
Continuing education	Complete “Ohio Building Code Academy” requirements during initial certification period ( <i>O.A.C. 4101:7-3-01(F)(4)(a)(i)</i> ).  30 hours every subsequent three-year certification period, including three hours dedicated to code administration, three hours dedicated to existing buildings, and one hour dedicated to	N/A	N/A	N/A	N/A	N/A

<b>Residential Industrialized Unit Inspector</b> ( <i>Residential Industrialized Unit Inspector and Interim Residential Industrialized Unit Inspector</i> )						
	<b>Ohio</b>	<b>Indiana</b>	<b>Kentucky</b>	<b>Michigan</b>	<b>Pennsylvania</b>	<b>West Virginia</b>
	ethics ( <i>O.A.C. 4101:7-3-01(F)(4)(a)(ii)</i> ).					
Initial licensure fee	\$50 ( <i>O.A.C. 4101:7-3-01(F)</i> ).	N/A	N/A	N/A	N/A	N/A
License duration	Three years for a residential industrialized unit inspector.  Two years for an interim residential industrialized unit inspector.  ( <i>O.A.C. 4101:7-3-01(F)(2)(a)(i) and (ii) and (F)(5)(d)</i> .)	N/A	N/A	N/A	N/A	N/A
Renewal fee	\$30 ( <i>O.A.C. 4101:7-3-01(F)(2)(c)</i> ).	N/A	N/A	N/A	N/A	N/A

## Residential mechanical inspector

### Survey responses (COM)

Description
A residential mechanical inspector is responsible for determining compliance with the approved residential construction documents for heating, ventilating and air conditioning (HVAC) systems, and the associated refrigeration, fuel gas, and heating piping systems.

Type (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)
License

If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	Approximately 10
Number renewed annually	Approximately 20

If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	No significant increase/decrease in last 6 years.
<b>Education or training requirements</b>	Completion of Board-sponsored code academy during interim certification (free online or in-person training offered twice per year)
<b>Experience requirements</b>	3 years experience relevant construction experience or approved related commercial certification
<b>Examination requirements</b> ( <i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Board receive any proceeds of those fees? If so, how are the proceeds used?</i> )	International Code Council (ICC) – M1 National Certification Program for Construction Code Inspectors (NCPCCI) – 4A Examination costs \$240. The Board’s examination requirements align with requirements for certification issued by International Code Council, therefore the Board only recognizes these exams and does not set fees, etc.  **Examinations are waived if already hold related commercial certification
<b>Continuing education requirements</b> ( <i>Including a description of the curriculum and the process of setting it.</i> )	30 hours of Board-approved continuing education
<b>Initial fee</b>	\$50
<b>Duration</b>	2-year interim, then 3-year renewal period
<b>Renewal fee</b> ( <i>If different from initial fee, please explain why.</i> )	\$30

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<p><b>Does the Board recognize uniform licensure requirements or allow for reciprocity?</b></p>	<p>Yes, the Board’s examination requirements align with requirements for certification issued by International Code Council, a certification recognized by many jurisdiction across the country.</p>
<p><b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b></p>	<p>Yes, see above. The Board’s certification requires minimal level of relevant experience in construction in addition to testing to qualify for certification.</p>
<p><b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Board?</b></p>	<p>No</p>
<p><b>Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?</b></p>	<p>Yes, the Board recognizes other equivalent experience to qualify for certification.</p>
<p><b>Other information</b> (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>)</p>	<p>Optional certification; If a building department does not have a residential mechanical inspector, residential building inspector, plans examiner or building official can perform duties</p>

**Oversight and disciplinary authority of the Board respecting individuals engaged in the occupation.**

See OAC 4101:7-3-01(F)(7) discussed above.



**How much revenue is derived from fees charged by the Board to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

The revenue collected from fees charged for personnel certification/renewal is minimal. The Board collected approximately \$87,339/per year from certification fees. See budget/revenue information discussed above.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

N/A

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

Yes, the Board’s certification program ensures accountability and uniformity in the interpretation and application of the building codes resulting in savings of both building owner’s time and money. However, the Board recently determined to perform an in-depth study to identify trends across the country in code enforcement that may be responding to the changed nature of modern construction as well as a further review of the necessary skills sets to perform code enforcement today for possible changes to certification requirements. We plan to commission a study which we hope to have completed by next year to inform our review.

**Are there any changes the Board would like to see implemented?**

Not at this time. Awaiting completion of certification study for further discussion.

**Surrounding state comparison (LSC)**

**Residential Mechanical Inspector** *(Residential Mechanical Inspector, Residential Mechanical Inspector Trainee, and Interim Residential Mechanical Inspector)*

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Certification ( <i>R.C. 3781.10(E); O.A.C. 4101:7-3-01(A)(37), (38), and (39)</i> ).	No clear equivalent. Local regulations apply. ( <i>Ind. Code 36-7-8-6.</i> )	No clear equivalent. Duties might be covered by general building inspector certification.	Registration ( <i>Mich. Admin. Code R. 408.30031</i> ).	Building code official certification ( <i>34 Pa. Code 401.3 and 401.7</i> ).	Certification ( <i>W. Va. Code R. 87-7-3</i> ).

**Residential Mechanical Inspector** (*Residential Mechanical Inspector, Residential Mechanical Inspector Trainee, and Interim Residential Mechanical Inspector*)

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Education or training	<p>For a residential mechanical inspector or interim residential mechanical inspector, one of the following:</p> <ul style="list-style-type: none"> <li>▪ At least three years of experience as an HVAC system contractor or supervisor for buildings regulated by the board;</li> <li>▪ At least three years of experience as a skilled tradesperson for HVAC systems and the associated refrigeration, fuel gas, and heating piping for buildings</li> </ul>	N/A	N/A	<p>Complete training in all of the following:</p> <ul style="list-style-type: none"> <li>▪ At least four hours in administration and enforcement of statutes and regulations;</li> <li>▪ At least one hour in communication skills;</li> <li>▪ At least eight hours in technical code provisions;</li> <li>▪ At least two hours in plan review; and</li> <li>▪ At least three hours of specialty training based</li> </ul>	N/A	N/A

**Residential Mechanical Inspector** (*Residential Mechanical Inspector, Residential Mechanical Inspector Trainee, and Interim Residential Mechanical Inspector*)

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	<p>regulated by the board; or</p> <ul style="list-style-type: none"> <li>Completion of the residential mechanical inspector trainee program.</li> </ul> <p>(O.A.C. 4101:7-3-01(E)(15).)</p> <p>A residential mechanical inspector trainee must be a full-time employee of a political subdivision under the direct supervision of a trainee supervisor and have at least one year of experience as a skilled tradesperson for work subject to inspection. Up to one year of the experience</p>			<p>on classification.</p> <p>(Mich. Admin. Code R. 408.30031.)</p>		

**Residential Mechanical Inspector** (*Residential Mechanical Inspector, Residential Mechanical Inspector Trainee, and Interim Residential Mechanical Inspector*)

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	requirement may be met through the completion of an approved vocational or technical program. ( <i>O.A.C. 4101:7-3-01(F)(5)(viii) and (F)(6).</i> )					
Experience	See "Education or training."	N/A	N/A	Held a mechanical license for at least one year.  Registration is "provisional" until second three-year registration cycle.  ( <i>Mich. Admin. Code R. 408.30043 and 408.30031.</i> )	N/A	N/A
Exam	For a residential mechanical inspector, select exam modules administered by NCPCCI or ICC.	N/A	N/A	N/A	Select modules administered by NCPCCI or ICC ( <i>34 Pa. Code 401.6</i> ).	Select exam modules administered by ICC. Exam is waived for licensed architects and

**Residential Mechanical Inspector** (*Residential Mechanical Inspector, Residential Mechanical Inspector Trainee, and Interim Residential Mechanical Inspector*)

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	<p>(O.A.C. 4101:7-3-01(F)(1)(d)).</p> <p>For a residential mechanical inspector trainee, exam modules must be completed within allotted time of the trainee program.</p> <p>One-time interim residential mechanical inspector certificate may be issued to applicants who meet education and experience requirements but have not completed the required examination.</p> <p>(O.A.C. 4101:7-3-01(F)(2)(a)(i).)</p>					<p>engineers. Two-year probationary certification is available to individuals who have not yet passed the exam. (W. Va. Code R. 87-7-3 and 6.)</p>

**Residential Mechanical Inspector** (*Residential Mechanical Inspector, Residential Mechanical Inspector Trainee, and Interim Residential Mechanical Inspector*)

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Continuing education	Complete "Ohio Building Code Academy" requirements during initial certification period ( <i>O.A.C. 4101:7-3-01(F)(4)(a)(i)</i> ).  30 hours every subsequent three-year certification period, including three hours dedicated to code administration, three hours dedicated to existing buildings, and one hour dedicated to ethics ( <i>O.A.C. 4101:7-3-01(F)(4)(a)(ii)</i> ).	N/A	N/A	47 hours every three years ( <i>Mich. Admin. Code R. 408.30055</i> ).	15 hours every three years ( <i>34 Pa. Code 401.9</i> ).	15 hours every three years ( <i>W. Va. Code R. 87-7-4</i> ).
Initial licensure fee	\$50 ( <i>O.A.C. 4101:7-3-01(F)</i> ).	N/A	N/A	\$75 ( <i>LARA, <a href="#">Application for Registration of Building Officials</a></i> ).	\$50 ( <i>34 Pa. Code 401.2</i> ).	\$75 ( <i>W. Va. Code R. 87-7-3</i> ).

<b>Residential Mechanical Inspector</b> ( <i>Residential Mechanical Inspector, Residential Mechanical Inspector Trainee, and Interim Residential Mechanical Inspector</i> )						
	<b>Ohio</b>	<b>Indiana</b>	<b>Kentucky</b>	<b>Michigan</b>	<b>Pennsylvania</b>	<b>West Virginia</b>
				<i><u>Inspectors, and Plan Reviewers</u></i> .		
License duration	<p>Three years for a residential mechanical inspector.</p> <p>Six years for a residential mechanical inspector trainee.</p> <p>Two years for an interim residential mechanical inspector.</p> <p><i>(O.A.C. 4101:7-3-01(F)(2)(a)(i) and (ii) and (F)(5)(d).)</i></p>	N/A	N/A	Three years ( <i>Mich. Admin. Code R. 408.30031</i> ).	Three years ( <i>34 Pa. Code 401.4</i> ).	Three years ( <i>W. Va. Code R. 87-7-5</i> ).
Renewal fee	\$30 ( <i>O.A.C. 4101:7-3-01(F)(2)(c)</i> ).	N/A	N/A	\$75 ( <i>LARA, <u>Application for Registration of Building Officials, Inspectors, and Plan Reviewers</u></i> ).	\$50 ( <i>34 Pa. Code 401.2</i> ).	\$75 ( <i>W. Va. Code R. 87-7-5</i> ).



## Residential plans examiner

### Survey responses (COM)

#### Description

A residential plans examiner is responsible for the examination of all types of residential construction documents. Residential plans examination is also authorized to perform residential building inspections.

**Type** (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)

License

If the regulation is a registration, certification, or license requirement, please complete the following:

**Number issued annually**

Approximately 15

**Number renewed annually**

Approximately 30

If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	No significant increase/decrease in last 6 years.
<b>Education or training requirements</b>	Completion of Board-sponsored code academy during interim certification (free online or in-person training offered twice per year)
<b>Experience requirements</b>	5 years experience relevant construction experience, approved commercial certification, or registered design professional.
<b>Examination requirements</b> ( <i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Board receive any proceeds of those fees? If so, how are the proceeds used?</i> )	International Code Council (ICC) – B1, M1 and: E1 or P1 or National Certification Program for Construction Code Inspectors (NCPCCI) – 1A, 4A and: 2A or 5A Examination costs \$240. The Board’s examination requirements align with requirements for certification issued by International Code Council, therefore the Board only recognizes these exams and does not set fees, etc.  **Examinations are waived if already hold related commercial certification
<b>Continuing education requirements</b> ( <i>Including a description of the curriculum and the process of setting it.</i> )	30 hours of Board-approved continuing education
<b>Initial fee</b>	\$50
<b>Duration</b>	2-year interim, then 3-year renewal period
<b>Renewal fee</b> ( <i>If different from initial fee, please explain why.</i> )	\$30

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<p><b>Does the Board recognize uniform licensure requirements or allow for reciprocity?</b></p>	<p>Yes, the Board's examination requirements align with requirements for certification issued by International Code Council, a certification recognized by many jurisdiction across the country.</p>
<p><b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b></p>	<p>Yes, see above. The Board's certification requires minimal level of relevant experience in construction in addition to testing to qualify for certification.</p>
<p><b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Board?</b></p>	<p>No</p>
<p><b>Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?</b></p>	<p>Yes, the Board recognizes other equivalent experience to qualify for certification.</p>
<p><b>Other information</b> <i>(Significant attributes or prerequisites to licensure not addressed in this chart.)</i></p>	

**Oversight and disciplinary authority of the Board respecting individuals engaged in the occupation.**

See OAC 4101:7-3-01(F)(7) discussed above.

**How much revenue is derived from fees charged by the Board to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

The revenue collected from fees charged for personnel certification/renewal is minimal. The Board collected approximately \$87,339/per year from certification fees. See budget/revenue information discussed above.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

N/A

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

Yes, the Board’s certification program ensures accountability and uniformity in the interpretation and application of the building codes resulting in savings of both building owner’s time and money. However, the Board recently determined to perform an in-depth study to identify trends across the country in code enforcement that may be responding to the changed nature of modern construction as well as a further review of the necessary skills sets to perform code enforcement today for possible changes to certification requirements. We plan to commission a study which we hope to have completed by next year to inform our review.

**Are there any changes the Board would like to see implemented?**

Not at this time. Awaiting completion of certification study for further discussion.

**Surrounding state comparison (LSC)**

<b>Residential Plans Examiner (Residential Plans Examiner, Residential Plans Examiner Trainee, Interim Residential Plans Examiner)</b>						
	<b>Ohio</b>	<b>Indiana</b>	<b>Kentucky</b>	<b>Michigan</b>	<b>Pennsylvania</b>	<b>West Virginia</b>
License required?	Certification ( <i>R.C. 3781.10(E); O.A.C. 4101:7-3-01(A)(8), (9), and (10)</i> ).	No clear equivalent. Local regulations apply. ( <i>Ind. Code 36-7-8-6.</i> )	No clear equivalent. Duties might be covered by general plans and specifications inspector designation. ( <i>Ky.</i>	Registration ( <i>Mich. Admin. Code R. 408.30031.</i> )	Building plans examiner certification ( <i>34 Pa. Code 401.3 and 401.7.</i> )	Certification ( <i>W. Va. Code R. 87-7-3.</i> )

**Residential Plans Examiner (Residential Plans Examiner, Residential Plans Examiner Trainee, Interim Residential Plans Examiner)**

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
			<i>Rev. Stat. 198B.090.)</i>			
Education or training	<p>For a residential plans examiner or interim residential plans examiner, one of the following:</p> <ul style="list-style-type: none"> <li>▪ Ohio registration as an architect or professional engineer;</li> <li>▪ At least five years of experience in building design and construction for buildings regulated by the board; or</li> <li>▪ Successful completion of the residential plans examiner</li> </ul>	N/A	N/A	<p>Complete training in all of the following:</p> <ul style="list-style-type: none"> <li>▪ At least four hours in administration and enforcement of statutes and regulations;</li> <li>▪ At least one hour in communication skills;</li> <li>▪ At least eight hours in technical code provisions;</li> <li>▪ At least two hours in plan review; and</li> <li>▪ At least three hours of specialty</li> </ul>	N/A	N/A

Residential Plans Examiner (*Residential Plans Examiner, Residential Plans Examiner Trainee, Interim Residential Plans Examiner*)

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	<p>trainee program.</p> <p><i>(O.A.C. 4101:7-3-01(E)(5).)</i></p> <p>A plumbing inspector trainee must be a full-time employee of a political subdivision under the direct supervision of a trainee supervisor and one of the following:</p> <ul style="list-style-type: none"> <li>At least one year of experience preparing construction documents as a full-time designer working under the direct supervision of a design professional;</li> </ul>			<p>training based on classification.</p> <p><i>(Mich. Admin. Code R. 408.30031.)</i></p>		

**Residential Plans Examiner** (*Residential Plans Examiner, Residential Plans Examiner Trainee, Interim Residential Plans Examiner*)

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	<ul style="list-style-type: none"> <li>▪ At least one year of experience as a skilled tradesperson for work subject to inspection by the board; or</li> <li>▪ Completion of an approved vocational technical program.</li> </ul> <p><i>(O.A.C. 4101:7-3-01(F)(5)(viii) and (F)(6).)</i></p>					
Experience	See “Education or training.”	N/A	N/A	At least four years of experience as a residential builder, structural carpenter, structural mason, structural steel erector, structural concrete installer, architect, engineer, project manager, or out-	N/A	N/A



Residential Plans Examiner (*Residential Plans Examiner, Residential Plans Examiner Trainee, Interim Residential Plans Examiner*)

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
				<p>of-state building inspector. A four-year degree in a construction-related field may be substituted for up to two years of experience. A two-year degree in a construction-related field may be substituted for up to one year of experience.</p> <p>Registration is “provisional” until second three-year registration cycle.</p> <p><i>(Mich. Admin. Code R. 408.30049 and 408.30031.)</i></p>		
Exam	For a residential plans examiner, select exam modules administered by NCPCCI or ICC	N/A	N/A	N/A	Select modules administered by NCPCCI or ICC ( <i>34 Pa. Code 401.6</i> )	Select exam modules administered by ICC. Exam is waived for licensed architects and

**Residential Plans Examiner (Residential Plans Examiner, Residential Plans Examiner Trainee, Interim Residential Plans Examiner)**

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	<p><i>(O.A.C. 4101:7-3-01(F)(1)(d)).</i></p> <p>For a residential plans examiner trainee, exam modules must be completed within allotted time of the trainee program.</p> <p>One-time interim residential plans examiner certificate may be issued to applicants who meet education and experience requirements but have not completed the required examination. <i>(O.A.C. 4101:7-3-01(F)(2)(a)(i).)</i></p>					<p>engineers. Two-year probationary certification is available to individuals who have not yet passed the exam. <i>(W. Va. Code R. 87-7-3 and 6.)</i></p>
Continuing education	Complete "Ohio Building Code Academy" requirements	N/A	N/A	47 hours every three years <i>(Mich.</i>	15 hours every three years <i>(34 Pa. Code 401.9).</i>	15 hours every three years <i>(W.</i>

**Residential Plans Examiner (Residential Plans Examiner, Residential Plans Examiner Trainee, Interim Residential Plans Examiner)**

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	<p>during initial certification period (O.A.C. 4101:7-3-01(F)(4)(a)(i)).</p> <p>30 hours every subsequent three-year certification period, including three hours dedicated to code administration, three hours dedicated to existing buildings, and one hour dedicated to ethics (O.A.C. 4101:7-3-01(F)(4)(a)(ii)).</p>			Admin. Code R. 408.30055).		Va. Code R. 87-7-4).
Initial licensure fee	\$50 (O.A.C. 4101:7-3-01(F)).	N/A	N/A	\$75 (LARA, <a href="#">Application for Registration of Building Officials, Inspectors, and Plan Reviewers</a> ).	\$50 (34 Pa. Code 401.2).	\$75 (W. Va. Code R. 87-7-3).

**Residential Plans Examiner (Residential Plans Examiner, Residential Plans Examiner Trainee, Interim Residential Plans Examiner)**

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License duration	<p>Three years for a residential plans examiner.</p> <p>Six years for a residential plans examiner trainee.</p> <p>Two years for an interim residential plans examiner.</p> <p><i>(O.A.C. 4101:7-3-01(F)(2)(a)(i) and (ii) and (F)(5)(d).)</i></p>	N/A	N/A	<p>Three years</p> <p><i>(Mich. Admin. Code R. 408.30031).</i></p>	<p>Three years (34 Pa. Code 401.4).</p>	<p>Three years (W. Va. Code R. 87-7-5).</p>
Renewal fee	<p>\$30 (O.A.C. 4101:7-3-01(F)(2)(c)).</p>	N/A	N/A	<p>\$75 (LARA, <a href="#"><u>Application for Registration of Building Officials, Inspectors, and Plan Reviewers</u></a>).</p>	<p>\$50 (34 Pa. Code 401.2).</p>	<p>\$75 (W. Va. Code R. 87-7-5).</p>

## Special hazards suppression system designer

### Survey responses (COM)

Description
Designer of special hazards fire protection systems.

Type <i>(License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)</i>
License

If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	Approximately 3
Number renewed annually	Approximately 60

If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	No significant increase/decrease in last 6 years.
<b>Education or training requirements</b>	Certification by National Institute for Certification in Engineering Technologies (NICET) Level III IV certification.
<b>Experience requirements</b>	N/A
<b>Examination requirements</b> ( <i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Board receive any proceeds of those fees? If so, how are the proceeds used?</i> )	N/A
<b>Continuing education requirements</b> ( <i>Including a description of the curriculum and the process of setting it.</i> )	Maintain NICET
<b>Initial fee</b>	\$100
<b>Duration</b>	1 year
<b>Renewal fee</b> ( <i>If different from initial fee, please explain why.</i> )	\$100

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<p><b>Does the Board recognize uniform licensure requirements or allow for reciprocity?</b></p>	<p>Yes, NICET certification</p>
<p><b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b></p>	<p>Yes, NICET certification</p>
<p><b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Board?</b></p>	<p>No, unless registered design professional</p>
<p><b>Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?</b></p>	<p>No, NICET required</p>
<p><b>Other information</b> <i>(Significant attributes or prerequisites to licensure not addressed in this chart.)</i></p>	

**Oversight and disciplinary authority of the Board respecting individuals engaged in the occupation.**

See OAC 4101:7-3-01(F)(7) discussed above.

**How much revenue is derived from fees charged by the Board to individuals engaged in the occupation (such as license and renewal fees)?  
How is that revenue used?**

The revenue collected from fees charged for personnel certification/renewal is minimal. The Board collected approximately \$87,339/per year from certification fees. See budget/revenue information discussed above.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

N/A

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

Design of fire protection systems by competent individuals without being registered design professional.



**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

Yes, see below recommendation for changes.

**Are there any changes the Board would like to see implemented?**

As part of this review, the Committee may consider amending Revised Code 3781.105 to eliminate the Ohio certification and require only a current appropriate (Level III or IV) NICET certification to perform fire protection system design in Ohio without being a design professional. But, as there is a small number of individuals that currently perform fire protection system design work under a Board certification issued prior to recognition of the NICET certification, we recommend that such proposed modification to the Revised Code keep these individuals in mind so they can continue to work without holding a NICET certification.

**Surrounding state comparison (LSC)**

Special Hazards Suppression System Designer						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Certification ( <i>R.C. 3781.105; O.A.C. 4101:7-5-01</i> ).	No clear equivalent. Local regulations apply. ( <i>Ind. Code 36-7-8-6.</i> )	Fire protection sprinkler contractor. A certificate of competency available for chemical systems. ( <i>Ky. Rev. Stat. 198B.550(6) and</i>	Certification of the firm that designs the system. At least one individual employed by firm must meet education and training	No clear equivalent.	Fire protection layout technician, engineered suppression systems installer, or pre-engineered suppression systems installer ( <i>W. Va. Code 29-</i>

Special Hazards Suppression System Designer						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
			<i>198B.560; 815 Ky. Admin. Regs. 7:080.)</i>	requirements. ( <i>Mich. Comp. Laws 29.3c; Mich. Admin. Code R. 29.2802 and 29.2808.</i> )		<i>3D-2 and 3; W. Va. Code R. 103-3-3 and 5).</i>
Education or training	Current Level III or IV certification from NICET ( <i>O.A.C. 4101:7-5-01(B)(2)</i> ).	N/A	Licensed professional engineer or current Level III or IV certification from NICET ( <i>Ky. Rev. Stat. 198B.565</i> ).	Meets one of the following: <ul style="list-style-type: none"> <li>▪ Licensed architect or engineer and one year of relevant experience;</li> <li>▪ Baccalaureate degree in engineering and one year of relevant experience;</li> <li>▪ Complete four-year apprentice training program and one year of relevant experience;</li> </ul>	N/A	For a fire protection layout technician, current Level III NICET certification.  For an engineered fire suppression system installer, 2,000 hours of work experience and certifications from manufacturers of all systems installed, altered, extended, maintained, or repaired by the licensee.  For a pre-engineered fire suppression

**Special Hazards Suppression System Designer**

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
				<ul style="list-style-type: none"> <li>▪ Complete an equipment manufacturer training program and one year of relevant experience;</li> <li>▪ Hold a class I or class II electrician’s license and one year of relevant experience;</li> <li>▪ Five years of relevant experience; or</li> <li>▪ Certified at Level III or above by NICET.</li> </ul> <p><i>(Mich. Admin. Code R. 29.2805.)</i></p>		<p>system installer, certifications from manufacturers of all systems installed, altered, extended, maintained, or repaired by the licensee.</p> <p><i>(West Virginia State Fire Marshal, <a href="#">Licensure for Fire Protection Workers.</a>)</i></p>
Experience	None prescribed by state law, but NICET certification requires at least	N/A	None prescribed by state law, but NICET certification requires at least	See “Education or training.”	N/A	See “Education or training.”

Special Hazards Suppression System Designer						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	five years of experience ( <i>NICET, Special Hazards Systems, <a href="#">Certification Requirements</a></i> ).		five years of experience ( <i>NICET, Special Hazards Systems, <a href="#">Certification Requirements</a></i> ).			
Exam	None prescribed by state law, but NICET certification requires passing an exam ( <i>NICET, Special Hazards Systems, <a href="#">Certification Requirements</a></i> ).	N/A	Must pass NICET Fire Protection Engineering Technology Automatic Sprinkler System Design Level III exam or equivalent ( <i>Ky. Rev. Stat. 198B.570</i> ).	Exam required for some of the education and training pathways to certification.	N/A	Score 70% or better on examination administered or approved by the State Fire Marshal ( <i>W. Va. Code R. 103-3-6</i> ).
Continuing education	None prescribed by state law, but renewal of NICET certification requires professional development hours ( <i>NICET, Special Hazards Systems,</i>	N/A	None prescribed by state law, but renewal of NICET certification requires professional development hours ( <i>NICET, Special Hazards Systems,</i>	N/A	N/A	N/A

Special Hazards Suppression System Designer						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	<a href="#"><u>Certification Requirements</u></a> .		<a href="#"><u>Certification Requirements</u></a> .			
Initial licensure fee	\$150 (O.A.C. 4101:7-5-01(B)(2))	N/A	\$250 for fire protection sprinkler contractor license.  Additional \$125 for chemical systems certificate of competency.  (815 Ky. Admin. Regs. 7:080.)	\$150 (LARA, Bureau of Fire Services (BFS) <a href="#"><u>Certification for Firms/Qualified Persons</u></a> ).	N/A	For a fire protection layout technician, \$150 for one year or \$225 for three years (includes \$50 nonrefundable application fee).  For an engineered or pre-engineered fire suppression system installer, \$100 for one year or \$150 for three years (includes \$50 nonrefundable application fee).  (West Virginia Office of the State Fire Marshal, <a href="#"><u>Licensure for Fire Protection Workers</u></a> .)

Special Hazards Suppression System Designer						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License duration	One year ( <i>O.A.C. 4101:7-5-01(D)</i> ).	N/A	One year ( <i>Ky. Rev. Stat. 198B.605</i> ).	Three years ( <i>LARA, <a href="#">BFS Certification for Firms/Qualified Persons</a></i> ).	N/A	No more than three years ( <i>W. Va. Code R. 103-3-6</i> ).
Renewal fee	\$100 ( <i>O.A.C. 4101:7-3-01(F)(2)(c)</i> ).	N/A	\$250 for fire protection sprinkler contractor license.  Additional \$125 for chemical systems certificate of competency.  ( <i>815 Ky. Admin. Regs. 7:080.</i> )	\$150 ( <i>LARA, <a href="#">BFS Certification for Firms/Qualified Persons</a></i> ).	N/A	For a fire protection layout technician, \$150 for one year or \$225 for three years (includes \$50 nonrefundable application fee).  For an engineered or pre-engineered fire suppression system installer, \$100 for one year or \$150 for three years (includes \$50 nonrefundable application fee).  ( <i>West Virginia Office of the State Fire Marshal, <a href="#">Licensure for Fire Protection Workers</a></i> .)

## Water-based fire protection system designer

### Survey responses (COM)

Description
Designer of water-based fire protection systems

Type <i>(License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)</i>
License

If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	Approximately 5
Number renewed annually	Approximately 350

If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	No significant increase/decrease in last 6 years.
<b>Education or training requirements</b>	Certification by National Institute for Certification in Engineering Technologies (NICET) Level III IV certification.
<b>Experience requirements</b>	NA
<b>Examination requirements</b> ( <i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Board receive any proceeds of those fees? If so, how are the proceeds used?</i> )	NA
<b>Continuing education requirements</b> ( <i>Including a description of the curriculum and the process of setting it.</i> )	Maintain NICET
<b>Initial fee</b>	\$100
<b>Duration</b>	1 year
<b>Renewal fee</b> ( <i>If different from initial fee, please explain why.</i> )	\$100



**If the regulation is a registration, certification, or license requirement, please complete the following:**

<p><b>Does the Board recognize uniform licensure requirements or allow for reciprocity?</b></p>	<p>Yes, NICET certification</p>
<p><b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b></p>	<p>Yes, NICET certification</p>
<p><b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Board?</b></p>	<p>No, unless registered design professional</p>
<p><b>Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?</b></p>	<p>No, NICET required</p>
<p><b>Other information</b> <i>(Significant attributes or prerequisites to licensure not addressed in this chart.)</i></p>	

**Oversight and disciplinary authority of the Board respecting individuals engaged in the occupation.**

See OAC 4101:7-3-01(F)(7) discussed above.

**How much revenue is derived from fees charged by the Board to individuals engaged in the occupation (such as license and renewal fees)?  
How is that revenue used?**

The revenue collected from fees charged for personnel certification/renewal is minimal. The Board collected approximately \$87,339/per year from certification fees. See budget/revenue information discussed above.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

N/A

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

Design of fire protection systems by competent individuals without being registered design professional.

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

Yes, see below recommendation for changes.

**Are there any changes the Board would like to see implemented?**

As part of this review, the Committee may consider amending Revised Code 3781.105 to eliminate the Ohio certification and require only a current appropriate (Level III or IV) NICET certification to perform fire protection system design in Ohio without being a design professional. But, as there is a small number of individuals that currently perform fire protection system design work under a Board certification issued prior to recognition of the NICET certification, we recommend that such proposed modification to the Revised Code keep these individuals in mind so they can continue to work without holding a NICET certification.

**Surrounding state comparison (LSC)**

Water-based Fire Protection System Designer						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Certification ( <i>R.C. 3781.105; O.A.C. 4101:7-5-01</i> ).	No clear equivalent. Local regulations apply. ( <i>Ind. Code 36-7-8-6.</i> )	Fire protection sprinkler contractor ( <i>Ky. Rev. Stat. 198B.550(6) and 198B.560; 815 Ky. Admin. Regs. 7:080</i> ).	Certification of the firm that designs the system. At least one individual employed by firm must meet education and training	No clear equivalent.	Fire protection layout technician, engineered suppression systems installer, or pre-engineered suppression systems installer ( <i>W. Va. Code 29-</i>

Water-based Fire Protection System Designer						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
				requirements. ( <i>Mich. Comp. Laws 29.3c; Mich. Admin. Code R. 29.2802 and 29.2808.</i> )		<i>3D-2 and 3; W. Va. Code R. 103-3-3 and 5).</i>
Education or training	Current Level III or IV certification from NICET ( <i>O.A.C. 4101:7-5-01(B)(2)</i> ).	N/A	Licensed professional engineer or current Level III or IV certification from NICET ( <i>Ky. Rev. Stat. 198B.565</i> ).	Meets one of the following: <ul style="list-style-type: none"> <li>▪ Licensed architect or engineer and one year of relevant experience;</li> <li>▪ Baccalaureate degree in engineering and one year of relevant experience;</li> <li>▪ Complete four-year apprentice training program and one year of relevant experience;</li> </ul>	N/A	For a fire protection layout technician, current Level III NICET certification.  For an engineered fire suppression system installer, 2,000 hours of work experience and certifications from manufacturers of all systems installed, altered, extended, maintained, or repaired by the licensee.  For a pre-engineered fire suppression

**Water-based Fire Protection System Designer**

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
				<ul style="list-style-type: none"> <li>▪ Complete an equipment manufacturer training program and one year of relevant experience;</li> <li>▪ Hold a class I or class II electrician’s license and one year of relevant experience;</li> <li>▪ Five years of relevant experience; or</li> <li>▪ Certified at Level III or above by NICET.</li> </ul> <p><i>(Mich. Admin. Code R. 29.2805.)</i></p>		<p>system installer, certifications from manufacturers of all systems installed, altered, extended, maintained, or repaired by the licensee.</p> <p><i>(West Virginia State Fire Marshal, <a href="#">Licensure for Fire Protection Workers.</a>)</i></p>
Experience	None prescribed by state law, but NICET certification requires at least	N/A	None prescribed by state law, but NICET certification requires at least	See “Education or training.”	N/A	See “Education or training.”

Water-based Fire Protection System Designer						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	five years of experience ( <i>NICET, Water-Based Systems Layout, <a href="#">Certification Requirements</a></i> ).		five years of experience ( <i>NICET, Water-Based Systems Layout, <a href="#">Certification Requirements</a></i> ).			
Exam	None prescribed by state law, but NICET certification requires passing an exam ( <i>NICET, Water-Based Systems Layout, <a href="#">Certification Requirements</a></i> ).	N/A	Must pass NICET Fire Protection Engineering Technology Automatic Sprinkler System Design Level III exam or equivalent. ( <i>Ky. Rev. Stat. 198B.570</i> ).	Exam required for some of the education and training pathways to certification.	N/A	Score 70% or better on examination administered or approved by the State Fire Marshal ( <i>W. Va. Code R. 103-3-6</i> ).
Continuing education	None prescribed by state law, but renewal of NICET certification requires professional development hours ( <i>NICET, Water-Based Systems Layout,</i>	N/A	None prescribed by state law, but renewal of NICET certification requires professional development hours ( <i>NICET, Water-Based Systems Layout,</i>	N/A	N/A	N/A

Water-based Fire Protection System Designer						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	<a href="#"><u>Certification Requirements</u></a> .		<a href="#"><u>Certification Requirements</u></a> .			
Initial licensure fee	\$150 (O.A.C. 4101:7-5-01(B)(2)).	N/A	\$250 (815 Ky. Admin. Regs. 7:080).	\$150 (LARA, <a href="#"><u>BFS Certification for Firms/Qualified Persons</u></a> ).	N/A	For a fire protection layout technician, \$150 for one year or \$225 for three years (includes \$50 nonrefundable application fee).  For an engineered or pre-engineered fire suppression system installer, \$100 for one year or \$150 for three years (includes \$50 nonrefundable application fee).  (West Virginia Office of the State Fire Marshal, <a href="#"><u>Licensure for Fire Protection Workers</u></a> .)
License duration	One year (O.A.C. 4101:7-5-01(D)).	N/A	One year (Ky. Rev. Stat. 198B.605)	Three years (LARA, <a href="#"><u>BFS Certification for</u></a>	N/A	No more than three years (W.

Water-based Fire Protection System Designer						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
				<u>Firms/Qualified Persons</u> .		<i>Va. Code R. 103-3-6</i> ).
Renewal fee	\$100 ( <i>O.A.C. 4101:7-3-01(F)(2)(c)</i> ).	N/A	\$250 ( <i>815 Ky. Admin. Regs. 7:080</i> ).	\$150 ( <i>LARA, BFS Certification for Firms/Qualified Persons</i> ).	N/A	For a fire protection layout technician, \$150 for one year or \$225 for three years (includes \$50 nonrefundable application fee).  For an engineered or pre-engineered fire suppression system installer, \$100 for one year or \$150 for three years (includes \$50 nonrefundable application fee).  <i>(West Virginia Office of the State Fire Marshal, <u>Licensure for Fire Protection Workers</u>.)</i>



# OHIO BUREAU OF MOTOR VEHICLES

## General information (BMV)

### Duties

The **Motor Vehicle Dealers Board (MVDB)** is subject to sections [119.01](#) to [119.12](#) of the Revised Code, the motor vehicle dealers board may make such reasonable rules as are necessary to carry out and effect its duties under this chapter, including such rules as are necessary relating to the time, place, and manner of conducting hearings on the issuance, suspension, or revocation of licenses, and on protests filed under sections [4517.50](#), [4517.52](#), [4517.53](#), [4517.54](#), and [4517.56](#) of the Revised Code. (R.C. 4517.32)

The **Motor Vehicle Salvage Dealer's Licensing Board (MVSDLB)** shall adopt rules prescribing the physical characteristics of facilities used by motor vehicle salvage dealers, salvage motor vehicle auctions, and salvage motor vehicle pools, which shall include requirements for fencing or otherwise screening the view of the facilities to at least the extent required for junkyards by sections [4737.07](#) and [4737.09](#) of the Revised Code. Such rules shall be consistent with the standards adopted by the director of transportation pursuant to the "Highway Beautification Act of 1965," 79 Stat. 1030, 23 U.S.C.A. 361, as amended. The board may make such other reasonable rules as are necessary to carry out and effect sections [4738.01](#) to [4738.12](#) of the Revised Code, and further rules as are necessary relating to the time, place, and manner of conducting hearings on the issuance, suspension, or revocation of licenses. (R.C. 4738.11)

### Membership *(Current members, chairperson and other officers, and selection process.)*

**MVDB:** Christopher Haydocy, Recreational Vehicle Dealer; Robert Huser, New Motor Vehicle Dealer; Rashad Spears, New Motor Vehicle Dealer; Joshua Fox, Used Motor Vehicle Dealer; Michelle Primm (President), New Motor Vehicle Dealer; Thomas Needles, Public Member; Robb Mitchell, Public Member; Neal Barkan, Public Member; Jason Hunt, Motor Vehicle Leasing Dealer; Roberto Vazquez (Vice President), Motor Vehicle Leasing Dealer; Registrar/Designee (Secretary).

The registrar of motor vehicles or the registrar's designee shall be a member of the board, and the other ten members shall be appointed by the governor with the advice and consent of the senate. (R.C. 4517.30)

**MVSDLB:** Timothy Staup, Salvage Industry; Gary Siciliano (Previous President), Public; Vacant, Public; Vacant, Salvage Industry; Registrar/Designee (Secretary).

The registrar of motor vehicles or his designee shall be a member of the board, and the other four members shall be appointed by the governor with the advice and consent of the senate. (R.C. 4738.09)

**Budget** (Current budget, description of budgeting process, sources of funding, and expected increases or decreases in budget or funding in future years.)

**MVDB:** Current budget: \$140,000

Description of budgeting process: Appropriation is requested during the biennial budget request process based on past spending and any planned increases in expenses as well as taking into account available cash in the fund.

Expected increases or decreases in budget or funding in future year: No expected changes to the current budget

Four cents shall be paid into the state treasury to the credit of the motor vehicle dealers board fund, which is hereby created. All investment earnings of the fund shall be credited to the fund. The moneys in the motor vehicle dealers board fund shall be used by the motor vehicle dealers board created under section [4517.30](#) of the Revised Code, together with other moneys appropriated to it, in the exercise of its powers and the performance of its duties under Chapter 4517. of the Revised Code, except that the director of budget and management may transfer excess money from the motor vehicle dealers board fund to the public safety - highway purposes fund if the registrar determines that the amount of money in the motor vehicle dealers board fund, together with other moneys appropriated to the board, exceeds the amount required for the exercise of its powers and the performance of its duties under Chapter 4517. of the Revised Code and requests the director to make the transfer. (R.C. 4505.09)

**MVSDLB:** There is no current fund for the MVSDLB. All expenses are paid out of the Bureau of Motor Vehicles (BMV) operating fund. There are no expected changes to the current budget.

**Workload** (Assess current, past, and anticipated workload. Has the workload increased or decreased significantly in the preceding six years?)

*2016: MVDB – 8 cases MVSDLB – 0 cases	2017: MVDB – 61 cases MVSDLB – 3 cases	2018: MVDB – 33 cases MVSDLB – 3 cases
2019: MVDB – 99 cases MVSDLB – 0 cases	**2020: MVDB – 34 cases MVSDLB – 1 case	2021: MVDB – 53 cases MVSDLB – 1 case

Not all cases were heard, some cases came into compliance prior to Notice of Opportunity for a Hearing, some dealers/salesperson choose to cancel their license or application, or dealer had abandoned location and we were not able to get service. Each case is allowed the opportunity for a Continuance therefore some cases may have carried over to the next year, but not counted as a new case for that year. Cases for the MVDB have maintained consistent in numbers while the MVSDLB has not held a hearing since August 29, 2019 due to the lack of cases and two vacancies on the board.

**Workload** (*Assess current, past, and anticipated workload. Has the workload increased or decreased significantly in the preceding six years?*)

*\*October 2015 board cases became a part of the new Dealer Licensing System. That is the reason for the low number in cases.*

*\*\* March 2020 COVID – there was a reduction in cases due to temporary closings of businesses.*

**Staffing** (*How many staff are currently employed by the Bureau? What are their roles? Are staffing levels proportionate to the Bureau's current and anticipated workload?*)

The MVDB/MVSDLB currently has three (3) Administrative Professionals 3 (AP3) who compile all documents for the rules of evidence and produce all due process documents. Staffing levels are proportionate for the current and anticipated workload.

BMV Investigations currently has six (6) Investigator Associates (IA) who are responsible for administering physical inspections for dealerships throughout the state of Ohio. Currently there are ten thousand, five hundred and thirty-seven (10,537) licensed locations (dealers, salvage, in-transit & special plates) that require inspections periodically to ensure they are maintaining compliance with the laws/rules. In addition to current licensed locations the IAs are required to conduct inspections for all new proposed locations that have been applied for.

Dealer Licensing currently has twelve (12) Customer Service Assistants 2 (CSA 2) and one Customer Service Assistant 3 (CSA 3). They are responsible for the day-to-day communication with licensed dealers or new applicants and processing all applications that are received by the department. If an application is denied or the applicant is noncompliant with the laws, they are submitted to the MVDB/MVSDLB by the CSA's.

Dealer Licensing currently has a management team of three (3) and an Administrative Professional 2 (AP2) that oversees the day-to-day operations, the administration of the MVDB/MVSDLB, and the regulation of all new motor vehicle dealer shows.

**MVDB:** Pursuant to R.C. 4517.31 (B) All clerical, inspection, and other agencies for the execution of the powers and duties vested in the board shall be in the bureau of motor vehicles, which shall provide the necessary employees as authorized by section [4501.02](#) of the Revised Code.

R.C. 4517.33 The board may make rules governing its actions relative to the suspension and revocation of dealers', motor vehicle leasing dealers', distributors', auction owners', salespersons', and construction equipment auction licenses, and may, upon its own motion, and shall, upon the verified complaint in writing of any person, investigate the conduct of any licensee under sections [4517.01](#) to [4517.65](#) of the Revised Code.

**Staffing** (*How many staff are currently employed by the Bureau? What are their roles? Are staffing levels proportionate to the Bureau's current and anticipated workload?*)

**MVSDLB:** Pursuant to R.C. 4738.10 (B) All clerical, inspection, and other agencies for the execution of the powers and duties vested in said board shall be in the bureau of motor vehicles, which shall provide the necessary employees as authorized by section [4501.02](#) of the Revised Code.

R.C. 4738.11 The board may require any proof it deems advisable and may require the attendance of witnesses and the production of books, records, and papers as it desires at any hearing before it or relating to any matter which it has authority to investigate.

**Administrative hearings and public complaints** (*Describe the Bureau's processes for administering discipline and addressing complaints. Assess the efficiency of the processes.*)

**MVDB:** Once a dealer's license is issued the BMV has no authority to discipline a licensee, only the board has the authority to suspend or revoke a license. The BMV and BMV Investigations attempt to work with dealers to come into compliance prior to administering an administrative hearing.

*Physical inspection complaints;* BMV Investigations will make an initial visit to the dealer location and advise the owner of any noncompliance issues. Upon arrival, if the location is closed BMV Investigations will attempt to contact the owner. A violation notice outlining the noncompliance issues is emailed to the dealership or mailed to the dealer by the BMV if the dealer has no email address on file. BMV Investigations will advise the owner and/or document on the violation notice a follow-up date (approximately 15 days from initial visit) when BMV Investigations will revisit the dealership location. If a dealer refuses to comply with the laws/rules they are submitted to the BMV to set them for an administrative hearing. The BMV will review the noncompliance issues and may issue a consent agreement in lieu of an administrative hearing.

The processes for the physical inspections are efficient for those licensees who comply with the law/rules. For those licensee's that refuse to comply or work with BMV Investigations to come in compliance in order to avoid an administrative hearing becomes costly and time consuming. The IAs are making multiple visits to the locations (costs of travel) to work with the licensee, taking time that could be used to inspect new proposed locations.

Licensee's that abandon their locations becomes very time consuming for the BMV, BMV Investigations, and Attorney General's Office (AGO). Consumer complaints begin to be filed and all agencies are attempting to locate the dealership/owner to the resolve complaints. Due to the lack of disciplinary authority the BMV may not take action against the licensee to stop them from selling motor vehicles and potentially continue to harm consumers. The efficiency of this process denies the BMV the opportunity to protect consumers from financial harm.

**Administrative hearings and public complaints** *(Describe the Bureau's processes for administering discipline and addressing complaints. Assess the efficiency of the processes.)*

*Records and/or motor vehicle sale complaints;* BMV Investigations will investigate the details of the complaint, work with the BMV if applicable, and either attempt to get the dealer to be complaint or begin to compile evidence to file charges in a court of law.

*Not receiving title and unfair and deceptive acts of practice complaints;* The AGO will attempt to work with the consumer and dealer to resolve the complaint. After mitigation and no response from the dealer, for a title complaint the consumer may be made whole by either relinquishing the motor vehicle or taking payment from the Title Defect Recission Fund (TDR). For deceptive acts of practice, cases are filed against the licensee in a court of law.

## **New motor vehicle dealer**

### **Survey responses (BMV)**

#### **Description**

Any person engaged in the business of selling at retail, displaying, offering for sale, or dealing in new motor vehicles pursuant to a contract or agreement entered into with the manufacturer, remanufacturer, or distributor of the motor vehicles.

**Type** (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)

License, registration, inspection, occupational regulation.

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Number issued annually</b>	2021: <b>83</b> New Dealer/APV/Motorcycle licenses issued
<b>Number renewed annually</b>	<i>Dealers Licenses are renewed <b>biennially</b>.</i> 2020: <b>738</b> New Dealers renewed 2021: <b>770</b> New Dealers renewed
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	In 2021 and to date (9/13/22) there has been an increase in newly issued licenses due to franchise takeovers. <i>(This is not an increase in new dealer locations in Ohio just the changing of ownership.)</i> 2016: <b>69</b> New Dealer/APV/Motorcycle licenses issued 2017: <b>60</b> New Dealer/APV/Motorcycle licenses issued 2018: <b>68</b> New Dealer/APV/Motorcycle licenses issued 2019: <b>52</b> New Dealer/APV/Motorcycle licenses issued 2020: <b>57</b> New Dealer/APV/Motorcycle licenses issued
<b>Education or training requirements</b>	No.

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Experience requirements</b>	No.
<b>Examination requirements</b> ( <i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Bureau receive any proceeds of those fees? If so, how are the proceeds used?</i> )	No.
<b>Continuing education requirements</b> ( <i>Including a description of the curriculum and the process of setting it.</i> )	No.
<b>Initial fee</b>	\$254.75 plus any additional plates (optional) at \$10.25 each.
<b>Duration</b>	2 years
<b>Renewal fee</b> ( <i>If different from initial fee, please explain why.</i> )	\$100 plus \$10.00 for each additional plate.
<b>Does the Bureau recognize uniform licensure requirements or allow for reciprocity?</b>	No. Each state varies in their requirements for such license.
<b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b>	No.

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Bureau?</b>	No, not with the sale of new motor vehicles. A franchise agreement is required to sell new motor vehicles.
<b>Is the Bureau permitted to exercise discretion in determining whether to register, certify, or license an individual?</b>	Yes.
<b>Other information</b> ( <i>Significant attributes or prerequisites to licensure not addressed in this chart.</i> )	A franchise agreement is required to sell new motor vehicles. A brick-and-mortar location is required to be maintained for a dealer's license, as is required in all states.

**Oversight and disciplinary authority of the Bureau respecting individuals engaged in the occupation.**

Section 4517.12 of the Revised Code lists the reasons for the denial of a dealer's application by the Registrar.

Section 4517.33 of the Revised Code gives authority to the Motor Vehicle Dealer's Board (Board) to hear appeals from an order of the Registrar refusing to issue a license. The Board may suspend or revoke any license if the licensee has in any manner violated the rules issued pursuant to sections [4517.01](#) to [4517.65](#) of the Revised Code, or has violated section [4501.02](#) of the Revised Code, or has been convicted of committing a felony or violating any law that in any way relates to the selling, taxing, licensing, or regulation of sales of motor vehicles.

**How much revenue is derived from fees charged by the Bureau to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

All license fees are required to be paid to the registrar of motor vehicles, who shall pay the same into the state treasury to the credit of the public safety - highway purposes fund established by section [4501.06](#) of the Revised Code.

For an initial application \$150 is deposited into the state treasury to the credit of the title defect recission fund created in section [1345.52](#) of the Revised Code.



**How much revenue is derived from fees charged by the Bureau to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

Each applicant whose residence is out-of-state is assessed an additional fee of \$22 to pay the costs of obtaining a record of any arrests and convictions of the applicant from the Ohio bureau of identification and investigation (*Fingerprint Card*).

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

Odometer Disclosure Requirements: **49 CFR 580**

Odometer Tampering/Violations: **49 USC 327**

Buyers Guides: **16 CFR 455.2**

Gramm Leach Biley Privacy Protection Act (GLBPA): **15 USC 6801 - 6809**

Standards of Safeguarding Customer Information: **16 CFR 314**

Federal Trade Commission (FTC)/Used Motor Vehicle Trade Regulation Rule: **16 CFR 455**

- *FTC regulates the federal laws for the Unfair or Deceptive Acts or Practices by Motor Vehicle Dealers.*

Office of Foreign Asset Control (OFAC): **31 CFR 501**

IRS 8300/Returns related to Cash Received in Trade or Business: **26 USC 60501**

Red Flags Rule/Identity Theft: **16 CFR 681**

Duties of Creditors Regarding Risk Based Pricing Rule: **16 CFR 640**

Truth in Lending Act (TILA): **12 CFR 1026**

USA Patriot Act: **Pub. L. No. 107-56**

Equal Credit Opportunity Act (ECOA): **15 USC 41**

The Magnuson-Moss Warranty Act (Lemon Law): **15 USC 50**

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

The regulations are intended to protect consumers against fraud, deceptive trade practices acts and inspections of dealer premises to ensure they are a safe and secure environment for consumers.

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

Yes.

**Are there any changes the Bureau would like to see implemented?**

No.

## Surrounding state comparison (LSC)

New Motor Vehicle Dealer's License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Type of regulation	License ( <i>R.C. 4517.02 and 4517.04</i> ).	New motor vehicle dealer license ( <i>Ind. Code 9-32-11-1</i> ).	Registration (new motor vehicle dealer license) ( <i>Ky. Rev. Stat. 190.030</i> ).	Dealer license with new vehicle dealer classification ( <i>Mich. Comp. Laws 257.248</i> ).	New vehicle dealer license ( <i>63 Pa. Stat. 818.303 and 818.321</i> ).	Registration (new motor vehicle dealer license certificate) ( <i>W. Va. Code 17A-6-3</i> ).
Education or training	N/A	N/A	N/A	N/A	N/A	N/A
Experience	N/A	N/A	N/A	N/A	N/A	N/A
Exam	N/A	N/A	N/A	N/A	N/A	N/A
Continuing education	N/A	N/A	N/A	N/A	N/A	N/A
Initial licensure fee	\$50 ( <i>R.C. 4517.10</i> ).	\$30 ( <i>Ind. Code 9-32-11-2</i> ).	\$200 per office or branch plus \$200 for supplemental license for each nonadjacent used car lot ( <i>Ky. Rev. Stat. 190.030; 605 Ky. Admin. Regs. 1:215</i> ).	\$75 ( <i>Mich. Comp. Laws 257.807</i> ).	\$65 ( <i>63 Pa. Stat. 818.330; 49 Pa. Code 19.4</i> ).	\$250 ( <i>W. Va. Code 17A-6-10</i> ).

New Motor Vehicle Dealer's License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License duration	Two years ( <i>R.C. 4517.10</i> ).	One year ( <i>Ind. Code 9-32-11-12.5</i> ).	One year ( <i>Ky. Rev. Stat. 190.030; 605 Ky. Admin. Regs. 1:215</i> ).	One year ( <i>Mich. Comp. Laws 257.248</i> ).	Two years ( <i>63 Pa. Stat. 818.304</i> ).	One year ( <i>W. Va. Code 17A-6-10</i> ).
Renewal fee	\$50 ( <i>R.C. 4517.10</i> ).	\$30 ( <i>Ind. Code 9-32-11-12.5</i> ).	\$200 per office or branch plus \$200 for supplemental license for each nonadjacent used car lot ( <i>Ky. Rev. Stat. 190.030; 605 Ky. Admin. Regs. 1:215</i> ).	\$75 ( <i>Mich. Comp. Laws 257.807</i> ).	\$175 ( <i>63 Pa. Stat. 818.330; 49 Pa. Code 19.4</i> ).	\$100 ( <i>W. Va. Code 17A-6-10</i> ).

## Used motor vehicle dealer

### Survey responses (BMV)

Description
Any person engaged in the business of selling, displaying, offering for sale, or dealing in used motor vehicles, at retail or wholesale, but does not mean any new motor vehicle dealer selling, displaying, offering for sale, or dealing in used motor vehicles incidentally to engaging in the business of selling, displaying, offering for sale, or dealing in new motor vehicles, any person engaged in the business of dismantling, salvaging, or rebuilding motor vehicles by means of using used parts, or any public officer performing official duties.

**Type** (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)

License, registration, inspection, bonding and occupational regulation.

If the regulation is a registration, certification, or license requirement, please complete the following:

<b>Number issued annually</b>	2021: <b>400</b> Used Dealer/APV/Motorcycle licenses issued
<b>Number renewed annually</b>	<i>Dealers Licenses are renewed <b>biennially</b>.</i> 2020: <b>2,466</b> Used Dealers renewed 2021: <b>2,579</b> Used Dealers renewed
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	With the introduction of large online car companies (Carvana, Vroom, etc.) we have seen a slight decrease in used dealer applications. 2016: <b>484</b> Used Dealer/APV/Motorcycle licenses issued 2017: <b>510</b> Used Dealer/APV/Motorcycle licenses issued 2018: <b>420</b> Used Dealer/APV/Motorcycle licenses issued 2019: <b>425</b> Used Dealer/APV/Motorcycle licenses issued 2020: <b>361</b> Used Dealer/APV/Motorcycle licenses issued
<b>Education or training requirements</b>	Yes.

If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>Experience requirements</b>	No.
<b>Examination requirements</b> ( <i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Bureau receive any proceeds of those fees? If so, how are the proceeds used?</i> )	No.
<b>Continuing education requirements</b> ( <i>Including a description of the curriculum and the process of setting it.</i> )	No.
<b>Initial fee</b>	\$254.75 plus any additional plates (optional) at \$10.25 each.
<b>Duration</b>	2 years
<b>Renewal fee</b> ( <i>If different from initial fee, please explain why.</i> )	\$100 plus \$10.00 for each additional plate.
<b>Does the Bureau recognize uniform licensure requirements or allow for reciprocity?</b>	No. Each state varies in their requirements for such license.
<b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b>	No.

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Bureau?</b>	Yes. A person may perform up to 5 casual sales of motor vehicles within a calendar year without having to obtain a motor vehicle dealers license; casual sale meaning from person to a person who purchases the motor vehicle for use as a consumer.
<b>Is the Bureau permitted to exercise discretion in determining whether to register, certify, or license an individual?</b>	Yes.
<b>Other information</b> ( <i>Significant attributes or prerequisites to licensure not addressed in this chart.</i> )	A brick-and-mortar location is required to be maintained for a dealer's license, as is required in all states.

**Oversight and disciplinary authority of the Bureau respecting individuals engaged in the occupation.**

Section 4517.12 of the Revised Code lists the reasons for the denial of a dealer's application by the Registrar.

Section 4517.33 of the Revised Code gives authority to the Motor Vehicle Dealer's Board (Board) to hear appeals from an order of the Registrar refusing to issue a license. The Board may suspend or revoke any license if the licensee has in any manner violated the rules issued pursuant to sections [4517.01](#) to [4517.65](#) of the Revised Code, or has violated section [4501.02](#) of the Revised Code, or has been convicted of committing a felony or violating any law that in any way relates to the selling, taxing, licensing, or regulation of sales of motor vehicles.

**How much revenue is derived from fees charged by the Bureau to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

All license fees are required to be paid to the registrar of motor vehicles, who shall pay the same into the state treasury to the credit of the public safety - highway purposes fund established by section [4501.06](#) of the Revised Code.

For an initial application \$150 is deposited into the state treasury to the credit of the title defect recission fund created in section [1345.52](#) of the Revised Code.

Each applicant whose residence is out-of-state is assessed an additional fee of \$22 to pay the costs of obtaining a record of any arrests and convictions of the applicant from the Ohio bureau of identification and investigation (*Fingerprint Card*).

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

Odometer Disclosure Requirements: **49 CFR 580**

Odometer Tampering/Violations: **49 USC 327**

Buyers Guides: **16 CFR 455.2**

Gramm Leach Biley Privacy Protection Act (GLBPA): **15 USC 6801 - 6809**

Standards of Safeguarding Customer Information: **16 CFR 314**

Federal Trade Commission (FTC)/Used Motor Vehicle Trade Regulation Rule: **16 CFR 455**

- *FTC regulates the federal laws for the Unfair or Deceptive Acts or Practices by Motor Vehicle Dealers.*

Office of Foreign Asset Control (OFAC): **31 CFR 501**

IRS 8300/Returns related to Cash Received in Trade or Business: **26 USC 60501**

Red Flags Rule/Identity Theft: **16 CFR 681**

Duties of Creditors Regarding Risk Based Pricing Rule: **16 CFR 640**

Truth in Lending Act (TILA): **12 CFR 1026**

USA Patriot Act: **Pub. L. No. 107-56**

Equal Credit Opportunity Act (ECOA): **15 USC 41**

The Magnuson-Moss Warranty Act (Lemon Law): **15 USC 50**



**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

The regulations are intended to protect consumers against fraud, deceptive trade practices acts and inspections of dealer premises to ensure they are a safe and secure environment for consumers.

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

No, not for used motor vehicle dealers. Less restrictive will only continue to increase the fraud and deceptive trade practices acts that are present today.

**Are there any changes the Bureau would like to see implemented?**

In order to attempt to decrease fraud and deceptive trade practices by used motor vehicle dealers the following implementations would be effective:

- Amend section 4505.181 of the Revised Code to require certificate of titles be in the dealership name prior to advertising a motor vehicle for sale online. This amendment would be specific to used dealerships.
- In conjunction with the above bullet, propose legislation for the regulation of online sales (dealers such as Carvana and Vroom) and create licensing requirements for the physical locations where vehicles are being stored throughout Ohio.
- Require a provisional used license that would give the dealer one-hundred and eighty (180) days to operate and prior to the 180 days the location and records will be re-inspected to ensure they are complying with dealer law. This process of a provisional license exists for a salvage dealer license and has proven to be beneficial to the industry.

## Surrounding state comparison (LSC)

Used Motor Vehicle Dealer's License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Type of regulation	License ( <i>R.C. 4517.02 and 4517.05</i> ).	Used motor vehicle dealer license ( <i>Ind. Code 9-32-11-1</i> ).	Registration (used motor vehicle dealer license) ( <i>Ky. Rev. Stat. 190.030</i> ).	Dealer license with used or secondhand vehicle dealer classification ( <i>Mich. Comp. Laws 257.248</i> ).	Used vehicle dealer license ( <i>63 Pa. Stat. 818.303 and 818.321</i> ).	Registration (used motor vehicle dealer license certificate) ( <i>W. Va. Code 17A-6-3</i> ).
Education or training	Six-hour training on applicable federal and state law, including laws governing the sale and distribution of motor vehicles ( <i>R.C. 4517.05; O.A.C. 4501:1-3-01 and 4501:1-3-02</i> ).	N/A	N/A	Training on consumer protection and sales and use tax collection ( <i>Mich. Comp. Laws 257.248</i> ).	N/A	N/A
Experience	N/A	N/A	N/A	N/A	N/A	N/A
Exam	N/A	N/A	N/A	N/A	N/A	N/A
Continuing education	N/A	N/A	N/A	At least two hours every two years ( <i>Mich. Comp. Laws 257.248</i> ).	N/A	N/A

Used Motor Vehicle Dealer's License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Initial licensure fee	\$50 ( <i>R.C. 4517.10</i> ).	\$30 ( <i>Ind. Code 9-32-11-2</i> ).	\$200 per office or branch ( <i>Ky. Rev. Stat. 190.030; 605 Ky. Admin. Regs. 1:215</i> ).	\$75 ( <i>Mich. Comp. Laws 257.807</i> ).	\$65 ( <i>63 Pa. Stat. 818.330; 49 Pa. Code 19.4</i> ).	\$250 ( <i>W. Va. Code 17A-6-10</i> ).
License duration	Two years ( <i>R.C. 4517.10</i> ).	One year ( <i>Ind. Code 9-32-11-12.5</i> ).	One year ( <i>Ky. Rev. Stat. 190.030; 605 Ky. Admin. Regs. 1:215</i> ).	One year ( <i>Mich. Comp. Laws 257.248</i> ).	Two years ( <i>63 Pa. Stat. 818.304</i> ).	One year ( <i>W. Va. Code 17A-6-10</i> ).
Renewal fee	\$50 ( <i>R.C. 4517.10</i> ).	\$30 ( <i>Ind. Code 9-32-11-12.5</i> ).	\$200 per office or branch ( <i>Ky. Rev. Stat. 190.030; 605 Ky. Admin. Regs. 1:215</i> ).	\$75 ( <i>Mich. Comp. Laws 257.807</i> ).	\$175 ( <i>63 Pa. Stat. 818.330; 49 Pa. Code 19.4</i> ).	\$100 ( <i>W. Va. Code 17A-6-10</i> ).

## Motor vehicle leasing dealer

### Survey responses (BMV)

Description
Any person engaged in the business of regularly making available, offering to make available, or arranging for another person to use a motor vehicle pursuant to a bailment, lease, sublease, or other contractual arrangement under which a charge is made for its use at a periodic rate for a term of thirty days or more, and title to the motor vehicle is in and remains in the motor vehicle leasing dealer who originally leases it.

**Type** (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)

License, registration, inspection, bonding and occupational regulation.

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Number issued annually</b>	2021: <b>35</b> Leasing Dealer licenses issued
<b>Number renewed annually</b>	<i>Dealers Licenses are renewed <b>biennially</b>.</i> 2020: <b>496</b> Leasing Dealers renewed 2021: <b>455</b> Leasing Dealers renewed
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	Yes. With the franchise finance companies and the banks maintaining the leases instead of the dealers the need for a leasing license has decreased. 2016: <b>29</b> Leasing Dealer licenses issued 2017: <b>26</b> Leasing Dealer licenses issued 2018: <b>45</b> Leasing Dealer licenses issued 2019: <b>27</b> Leasing Dealer licenses issued 2020: <b>17</b> Leasing Dealer licenses issued
<b>Education or training requirements</b>	No.

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Experience requirements</b>	No.
<b>Examination requirements</b> ( <i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Bureau receive any proceeds of those fees? If so, how are the proceeds used?</i> )	No.
<b>Continuing education requirements</b> ( <i>Including a description of the curriculum and the process of setting it.</i> )	No.
<b>Initial fee</b>	<p><b><u>In-State Leasing Dealers</u></b></p> <p>\$204.50 without Master Plate (optional)                  \$254.75 with Master Plate plus any additional plates (optional) at \$10.25 each.</p> <p><b><u>Out-of-State Leasing Dealers (Financial Institutions)</u></b></p> <p>\$200 – no plates allowed</p>
<b>Duration</b>	2 Years
<b>Renewal fee</b> ( <i>If different from initial fee, please explain why.</i> )	<p><b><u>In-State Leasing Dealers</u></b></p> <p>\$50 without Master Plate (optional)                  \$100 with Master Plate plus \$10.00 for each additional plate.</p> <p><b><u>Out-of-State Leasing Dealers (Financial Institutions)</u></b></p> <p>\$50 for leasing license only</p>

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<p><b>Does the Bureau recognize uniform licensure requirements or allow for reciprocity?</b></p>	<p>No. Each state varies in their requirements for such license.</p>
<p><b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b></p>	<p>No.</p>
<p><b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Bureau?</b></p>	<p>Yes. If a commercial company or manufacturer leases their own vehicles to their employees, a leasing license is not required.</p>
<p><b>Is the Bureau permitted to exercise discretion in determining whether to register, certify, or license an individual?</b></p>	<p>Yes.</p>
<p><b>Other information</b> (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>)</p>	<p>A brick-and-mortar location is required to be maintained for a dealer’s license, as is required in all states.</p>

**Oversight and disciplinary authority of the Bureau respecting individuals engaged in the occupation.**

Section 4517.12 of the Revised Code lists the reasons for the denial of a leasing dealer application by the Registrar.

Section 4517.33 of the Revised Code gives authority to the Motor Vehicle Dealer’s Board (Board) to hear appeals from an order of the Registrar refusing to issue a license. The Board may suspend or revoke any license if the licensee has in any manner violated the rules issued pursuant to sections [4517.01](#) to [4517.65](#) of the Revised Code, or has violated section [4501.02](#) of the Revised Code, or has been convicted of committing a felony or violating any law that in any way relates to the selling, taxing, licensing, or regulation of sales of motor vehicles.

**How much revenue is derived from fees charged by the Bureau to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

All license fees are required to be paid to the registrar of motor vehicles, who shall pay the same into the state treasury to the credit of the public safety - highway purposes fund established by section [4501.06](#) of the Revised Code.

For an initial application \$150 is deposited into the state treasury to the credit of the title defect recission fund created in section [1345.52](#) of the Revised Code.

Each applicant whose residence is out-of-state is assessed an additional fee of \$22 to pay the costs of obtaining a record of any arrests and convictions of the applicant from the Ohio bureau of identification and investigation (*Fingerprint Card*).

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

Odometer Disclosure Requirements: **49 CFR 580**

Odometer Tampering/Violations: **49 USC 327**

Buyers Guides: **16 CFR 455.2**

Gramm Leach Biley Privacy Protection Act (GLBPA): **15 USC 6801 - 6809**

Standards of Safeguarding Customer Information: **16 CFR 314**

Federal Trade Commission (FTC)/Used Motor Vehicle Trade Regulation Rule: **16 CFR 455**

- *FTC regulates the federal laws for the Unfair or Deceptive Acts or Practices by Motor Vehicle Dealers.*

Office of Foreign Asset Control (OFAC): **31 CFR 501**

IRS 8300/Returns related to Cash Received in Trade or Business: **26 USC 60501**

Red Flags Rule/Identity Theft: **16 CFR 681**

Duties of Creditors Regarding Risk Based Pricing Rule: **16 CFR 640**

Truth in Lending Act (TILA): **12 CFR 1026**

USA Patriot Act: **Pub. L. No. 107-56**

Equal Credit Opportunity Act (ECOA): **15 USC 41**

The Magnuson-Moss Warranty Act (Lemon Law): **15 USC 50**

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

The regulations are intended to protect consumers against fraud, deceptive trade practices acts and inspections of dealer premises to ensure they are a safe and secure environment for consumers.

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

Yes.

**Are there any changes the Bureau would like to see implemented?**

No.



## Surrounding state comparison (LSC)

Motor Vehicle Leasing Dealer's License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Type of regulation	License ( <i>R.C. 4517.02 and 4517.06</i> ).	No clear equivalent.	Registration (motor vehicle leasing dealer license) ( <i>Ky. Rev. Stat. 190.030</i> ).	No clear equivalent. Duties appear to fall under dealer license. ( <i>Mich. Comp. Laws 257.248</i> .)	No clear equivalent.	Registration (daily passenger rental car business license certificate) ( <i>W. Va. Code 17A-6D-1</i> ).
Education or training	N/A	N/A	N/A	N/A	N/A	N/A
Experience	N/A	N/A	N/A	N/A	N/A	N/A
Exam	N/A	N/A	N/A	N/A	N/A	N/A
Continuing education	N/A	N/A	N/A	N/A	N/A	N/A
Initial licensure fee	\$50 <sup>3</sup> ( <i>R.C. 4517.10</i> ).	N/A	\$200 per office or branch ( <i>Ky. Rev. Stat. 190.030; 605 Ky. Admin. Regs. 1:215</i> ).	N/A	N/A	\$250 ( <i>W. Va. Code 17A-6D-6</i> ).

<sup>3</sup> In addition to the initial licensure fee and renewal fee, an applicant for an initial or renewed motor vehicle leasing dealer's license or a new or used motor vehicle dealer's license may be required to pay a separate fee up to \$150 if needed to fund the Title Defect Recision Fund (*R.C. 4505.181(J) and 4517.10*).

Motor Vehicle Leasing Dealer's License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License duration	Two years ( <i>R.C. 4517.10</i> ).	N/A	One year ( <i>Ky. Rev. Stat. 190.030; 605 Ky. Admin. Regs. 1:215</i> ).	N/A	N/A	One year ( <i>W. Va. Code 17A-6D-9</i> ).
Renewal fee	\$50 ( <i>R.C. 4517.10</i> ).	N/A	\$200 per office or branch ( <i>Ky. Rev. Stat. 190.030; 605 Ky. Admin. Regs. 1:215</i> ).	N/A	N/A	\$100 ( <i>W. Va. Code 17A-6D-6</i> ).

## Motor vehicle auction owner

### Survey responses (BMV)

Description
Auction owner is any person who is engaged wholly or in part in the business of auctioning motor vehicles, but does not mean a construction equipment auctioneer or a construction equipment auction licensee.

**Type** (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)

License, registration, inspection, bonding and occupational regulation.

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Number issued annually</b>	2021: <b>2</b> Auction Owner licenses issued
<b>Number renewed annually</b>	<i>Dealers Licenses are renewed <b>biennially</b>.</i> 2020: <b>13</b> Auction Owners renewed 2021: <b>17</b> Auction Owners renewed
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	2016: <b>3</b> Auction Owner licenses issued 2017: <b>2</b> Auction Owner licenses issued 2018: <b>0</b> Auction Owner licenses issued 2019: <b>1</b> Auction Owner licenses issued 2020: <b>1</b> Auction Owner licenses issued
<b>Education or training requirements</b>	No.
<b>Experience requirements</b>	No.

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<p><b>Examination requirements</b> (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Bureau receive any proceeds of those fees? If so, how are the proceeds used?</i>)</p>	<p>No.</p>
<p><b>Continuing education requirements</b> (<i>Including a description of the curriculum and the process of setting it.</i>)</p>	<p>No.</p>
<p><b>Initial fee</b></p>	<p><b><u>In-State Leasing Dealers</u></b>                  \$100.00 without Master Plate (optional).                  \$204.75 with Master Plate plus any additional plates (optional) at \$6.25 each.</p>
<p><b>Duration</b></p>	<p>2 Years.</p>
<p><b>Renewal fee</b> (<i>If different from initial fee, please explain why.</i>)</p>	<p><b><u>Auction Owner</u></b>                  \$100 without Master Plate (optional)                  \$200 with Master Plate plus \$6.00 for each additional plate.</p>
<p><b>Does the Bureau recognize uniform licensure requirements or allow for reciprocity?</b></p>	<p>No. Each state varies in their requirements for such license.</p>
<p><b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b></p>	<p>No.</p>

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<p><b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Bureau?</b></p>	<p>Yes. A license is not required for an Estate Auction that includes motor vehicles that is performed by a licensed auctioneer issued by the Department of Agriculture.</p>
<p><b>Is the Bureau permitted to exercise discretion in determining whether to register, certify, or license an individual?</b></p>	<p>Yes.</p>
<p><b>Other information</b> (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>)</p>	<p>A brick-and-mortar location is required to be maintained for an auction license, as is required in all states.</p>

**Oversight and disciplinary authority of the Bureau respecting individuals engaged in the occupation.**

Section 4517.12 of the Revised Code lists the reasons for the denial of an auction owner application by the Registrar.

Section 4517.33 of the Revised Code gives authority to the Motor Vehicle Dealer’s Board (Board) to hear appeals from an order of the Registrar refusing to issue a license. The Board may suspend or revoke any license if the licensee has in any manner violated the rules issued pursuant to sections [4517.01](#) to [4517.65](#) of the Revised Code, or has violated section [4501.02](#) of the Revised Code, or has been convicted of committing a felony or violating any law that in any way relates to the selling, taxing, licensing, or regulation of sales of motor vehicles.

**How much revenue is derived from fees charged by the Bureau to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

All license fees are required to be paid to the registrar of motor vehicles, who shall pay the same into the state treasury to the credit of the public safety - highway purposes fund established by section [4501.06](#) of the Revised Code.

Each applicant whose residence is out-of-state is assessed an additional fee of \$22 to pay the costs of obtaining a record of any arrests and convictions of the applicant from the Ohio bureau of identification and investigation (*Fingerprint Card*).

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

Odometer Disclosure Requirements: **49 CFR 580**

Odometer Tampering/Violations: **49 USC 327**

Buyers Guides: **16 CFR 455.2**

Gramm Leach Biley Privacy Protection Act (GLBPA): **15 USC 6801 - 6809**

Standards of Safeguarding Customer Information: **16 CFR 314**

Federal Trade Commission (FTC)/Used Motor Vehicle Trade Regulation Rule: **16 CFR 455**

- *FTC regulates the federal laws for the Unfair or Deceptive Acts or Practices by Motor Vehicle Dealers.*

Office of Foreign Asset Control (OFAC): **31 CFR 501**

IRS 8300/Returns related to Cash Received in Trade or Business: **26 USC 60501**

Red Flags Rule/Identity Theft: **16 CFR 681**

Duties of Creditors Regarding Risk Based Pricing Rule: **16 CFR 640**

Truth in Lending Act (TILA): **12 CFR 1026**

USA Patriot Act: **Pub. L. No. 107-56**

Equal Credit Opportunity Act (ECOA): **15 USC 41**

The Magnuson-Moss Warranty Act (Lemon Law): **15 USC 50**

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

The regulations are intended to protect consumers against fraud, deceptive trade practices acts and inspections of dealer premises to ensure they are a safe and secure environment for consumers.

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

Yes.

**Are there any changes the Bureau would like to see implemented?**

No.

## Surrounding state comparison (LSC)

Motor Vehicle Auction Owner's License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Type of regulation	License ( <i>R.C. 4517.02 and 4517.07</i> ).	Automobile auction company license ( <i>Ind. Code 9-32-2-4 and 9-32-11-1</i> ).	Registration (motor vehicle auction dealer license) ( <i>Ky. Rev. Stat. 190.030</i> ).	Dealer license with broker classification ( <i>Mich. Comp. Laws 257.248</i> ).	Public or retail vehicle auction license ( <i>63 Pa. Stat. 818.303 and 818.321</i> ).	Registration (automobile auction license certificate) ( <i>W. Va. Code 17A-6C-1</i> ).
Education or training	N/A	N/A	N/A	N/A	N/A	N/A
Experience	N/A	N/A	N/A	N/A	N/A	N/A
Exam	N/A	N/A	N/A	N/A	N/A	N/A
Continuing education	N/A	N/A	N/A	N/A	N/A	N/A
Initial licensure fee	\$100 per location ( <i>R.C. 4517.10</i> ).	\$30 ( <i>Ind. Code 9-32-11-2</i> ).	\$200 ( <i>Ky. Rev. Stat. 190.030; 605 Ky. Admin. Regs. 1:215</i> ).	\$75 ( <i>Mich. Comp. Laws 257.807</i> ).	\$65 ( <i>63 Pa. Stat. 818.330; 49 Pa. Code 19.4</i> ).	\$250 ( <i>W. Va. Code 17A-6C-4</i> ).
License duration	Two years ( <i>R.C. 4517.10</i> ).	One year ( <i>Ind. Code 9-32-11-12.5</i> ).	One year ( <i>Ky. Rev. Stat. 190.030; 605 Ky. Admin. Regs. 1:215</i> ).	One year ( <i>Mich. Comp. Laws 257.248</i> ).	Two years ( <i>63 Pa. Stat. 818.304</i> ).	One year ( <i>W. Va. Code 17A-6C-7</i> ).



Motor Vehicle Auction Owner's License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Renewal fee	\$100 per location (R.C. 4517.10).	\$30 (Ind. Code 9-32-11-12.5).	\$200 (Ky. Rev. Stat. 190.030; 605 Ky. Admin. Regs. 1:215).	\$75 (Mich. Comp. Laws 257.807).	\$175 (63 Pa. Stat. 818.330 and 49 Pa. Code 19.4).	\$100 (W. Va. Code 17A-6C-4).

## Motor vehicle distributor

### Survey responses (BMV)

Description
Distributor is any person authorized by a motor vehicle manufacturer to distribute new motor vehicles to licensed new motor vehicle dealers, but does not mean a person who only assembles or installs a body, special equipment unit, finishing trim, or accessories on a motor vehicle chassis supplied by a manufacturer or distributor.
<b>Type</b> (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)
License, registration, inspection, bonding and occupational regulation.

If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>Number issued annually</b>	2021: <b>3</b> Distributor /Motorcycle Distributor licenses issued
<b>Number renewed annually</b>	<i>Distributor Licenses are renewed <b>biennially</b>.</i> 2020: <b>24</b> Distributor /Motorcycle Distributor renewed 2021: <b>24</b> Distributor /Motorcycle Distributor renewed
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	2016: <b>4</b> Distributor /Motorcycle Distributor licenses issued 2017: <b>3</b> Distributor /Motorcycle Distributor licenses issued 2018: <b>5</b> Distributor /Motorcycle Distributor licenses issued 2019: <b>3</b> Distributor /Motorcycle Distributor licenses issued 2020: <b>9</b> Distributor /Motorcycle Distributor licenses issued
<b>Education or training requirements</b>	No.
<b>Experience requirements</b>	No.
<b>Examination requirements</b> ( <i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Bureau receive any proceeds of those fees? If so, how are the proceeds used?</i> )	No.
<b>Continuing education requirements</b> ( <i>Including a description of the curriculum and the process of setting it.</i> )	No.

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<p><b>Initial fee</b></p>	<p><b><u>In-State Distributors</u></b>                  \$154.75 with Master Plate plus any additional plates (optional) at \$10.25 each.</p> <p><b><u>Out-of-State Distributors</u></b>                  \$100 – no plates allowed.</p>
<p><b>Duration</b></p>	<p>2 Years</p>
<p><b>Renewal fee</b> <i>(If different from initial fee, please explain why.)</i></p>	<p><b><u>In-State Distributors</u></b>                  \$150 with Master Plate plus \$10.00 for each additional plate.</p> <p><b><u>Out-of-State Distributors</u></b>                  \$100 for distributor license only.</p>
<p><b>Does the Bureau recognize uniform licensure requirements or allow for reciprocity?</b></p>	<p>No. Each state varies in their requirements for such license.</p>
<p><b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b></p>	<p>No.</p>
<p><b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Bureau?</b></p>	<p>No.</p>

**If the regulation is a registration, certification, or license requirement, please complete the following:**

**Is the Bureau permitted to exercise discretion in determining whether to register, certify, or license an individual?**

Yes.

**Other information** (*Significant attributes or prerequisites to licensure not addressed in this chart.*)

A brick-and-mortar location is required to be maintained for a distributor's license, as is required in all states.

**Oversight and disciplinary authority of the Bureau respecting individuals engaged in the occupation.**

Section 4517.13 of the Revised Code lists the reasons for the denial of a distributor's application by the Registrar.

Section 4517.33 of the Revised Code gives authority to the Motor Vehicle Dealer's Board (Board) to hear appeals from an order of the Registrar refusing to issue a license. The Board may suspend or revoke any license if the licensee has in any manner violated the rules issued pursuant to sections [4517.01](#) to [4517.65](#) of the Revised Code, or has violated section [4501.02](#) of the Revised Code, or has been convicted of committing a felony or violating any law that in any way relates to the selling, taxing, licensing, or regulation of sales of motor vehicles.

**How much revenue is derived from fees charged by the Bureau to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

All license fees are required to be paid to the registrar of motor vehicles, who shall pay the same into the state treasury to the credit of the public safety - highway purposes fund established by section [4501.06](#) of the Revised Code.

Each applicant whose residence is out-of-state is assessed an additional fee of \$22 to pay the costs of obtaining a record of any arrests and convictions of the applicant from the Ohio bureau of identification and investigation (*Fingerprint Card*).

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

Odometer Disclosure Requirements: **49 CFR 580**

Odometer Tampering/Violations: **49 USC 327**

Buyers Guides: **16 CFR 455.2**

Gramm Leach Biley Privacy Protection Act (GLBPA): **15 USC 6801 - 6809**

Standards of Safeguarding Customer Information: **16 CFR 314**

Federal Trade Commission (FTC)/Used Motor Vehicle Trade Regulation Rule: **16 CFR 455**

- *FTC regulates the federal laws for the Unfair or Deceptive Acts or Practices by Motor Vehicle Dealers.*

Office of Foreign Asset Control (OFAC): **31 CFR 501**

IRS 8300/Returns related to Cash Received in Trade or Business: **26 USC 60501**

Red Flags Rule/Identity Theft: **16 CFR 681**

Duties of Creditors Regarding Risk Based Pricing Rule: **16 CFR 640**

Truth in Lending Act (TILA): **12 CFR 1026**

USA Patriot Act: **Pub. L. No. 107-56**

Equal Credit Opportunity Act (ECOA): **15 USC 41**

The Magnuson-Moss Warranty Act (Lemon Law): **15 USC 50**

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

The regulations are intended to protect consumers against fraud, deceptive trade practices acts and inspections of dealer premises to ensure they are a safe and secure environment for consumers.

Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?

Yes.

Are there any changes the Bureau would like to see implemented?

No.

### Surrounding state comparison (LSC)

Motor Vehicle Distributor's License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Type of regulation	License ( <i>R.C. 4517.02 and 4517.08</i> ).	Distributor license ( <i>Ind. Code 9-32-11-1</i> ).	Registration (distributor license) ( <i>Ky. Rev. Stat. 190.030</i> ).	Dealer license with broker classification ( <i>Mich. Comp. Laws 257.248; Mich. Admin. Code R. 257.181</i> ).	Distributor license ( <i>63 Pa. Stat. 818.303 and 818.321</i> ).	Registration (transporter license certificate) ( <i>W. Va. Code 17A-6-10a</i> ).

Motor Vehicle Distributor's License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Education or training	N/A	N/A	N/A	N/A	N/A	N/A
Experience	N/A	N/A	N/A	N/A	N/A	N/A
Exam	N/A	N/A	N/A	N/A	N/A	N/A
Continuing education	N/A	N/A	N/A	N/A	N/A	N/A
Initial licensure fee	\$100 per distributorship (R.C. 4517.10).	\$35 (Ind. Code 9-32-11-2).	\$200 (Ky. Rev. Stat. 190.030; 605 Ky. Admin. Regs. 1:215).	\$75 (Mich. Comp. Laws 257.807).	\$30 (63 Pa. Stat. 818.330; 49 Pa. Code 19.4).	\$250 (W. Va. Code 17A-6-10a).
License duration	Two years (R.C. 4517.10).	One year (Ind. Code 9-32-11-12.5).	One year (Ky. Rev. Stat. 190.030; 605 Ky. Admin. Regs. 1:215).	One year (Mich. Comp. Laws 257.248).	Two years (63 Pa. Stat. 818.304).	One year (W. Va. Code 17A-6-10a).
Renewal fee	\$100 per distributorship (R.C. 4517.10).	\$35 (Ind. Code 9-32-11-12.5).	\$200 (Ky. Rev. Stat. 190.030; 605 Ky. Admin. Regs. 1:215).	\$75 (Mich. Comp. Laws 257.807).	\$175 (63 Pa. Stat. 818.330; 49 Pa. Code 19.4).	\$100 (W. Va. Code 17A-6-10a).

## Motor vehicle salesperson

### Survey responses (BMV)

Description
Any person employed by a dealer to sell, display, and offer for sale, or deal in motor vehicles for a commission, compensation, or other valuable consideration, but does not mean any public officer performing official duties.

Type (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)
License, registration, inspection, bonding and occupational regulation.

If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	2021: <b>2,840</b> Salesperson licenses issued
Number renewed annually	<i>Dealers Licenses are renewed <b>biennially</b>.</i> 2020: <b>6,818</b> Salesperson licenses renewed 2021: <b>7,078</b> Salesperson licenses renewed



If the regulation is a registration, certification, or license requirement, please complete the following:	
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	2016: <b>1,059</b> Salesperson licenses issued 2017: <b>1,613</b> Salesperson licenses issued 2018: <b>1,604</b> Salesperson licenses issued 2019: <b>4,000</b> Salesperson licenses issued 2020: <b>2,809</b> Salesperson licenses issued
Education or training requirements	No.
Experience requirements	No.
Examination requirements <i>(Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Bureau receive any proceeds of those fees? If so, how are the proceeds used?)</i>	No.
Continuing education requirements <i>(Including a description of the curriculum and the process of setting it.)</i>	No.
Initial fee	\$10 per person.
Duration	2 Years
Renewal fee <i>(If different from initial fee, please explain why.)</i>	\$10 per license.

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<p><b>Does the Bureau recognize uniform licensure requirements or allow for reciprocity?</b></p>	<p>No. Each state varies in their requirements for such license.</p>
<p><b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b></p>	<p>No.</p>
<p><b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Bureau?</b></p>	<p>Yes. A person may perform up to 5 casual sales of motor vehicles within a calendar year without having to obtain a salesperson license; casual sale meaning from person to a person who purchases the motor vehicle for use as a consumer.</p>
<p><b>Is the Bureau permitted to exercise discretion in determining whether to register, certify, or license an individual?</b></p>	<p>Yes.</p>
<p><b>Other information</b> (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>)</p>	<p>All persons must obtain a Bureau of Criminal Investigation (BCI) Background Check prior to the issuance of a license.</p>

**Oversight and disciplinary authority of the Bureau respecting individuals engaged in the occupation.**

Section 4517.14 of the Revised Code lists the reasons for the denial of a salesperson application by the Registrar.

Section 4517.33 of the Revised Code gives authority to the Motor Vehicle Dealer’s Board (Board) to hear appeals from an order of the Registrar refusing to issue a license. The Board may suspend or revoke any license if the licensee has in any manner violated the rules issued pursuant to sections [4517.01](#) to [4517.65](#) of the Revised Code, or has violated section [4501.02](#) of the Revised Code, or has been convicted of committing a felony or violating any law that in any way relates to the selling, taxing, licensing, or regulation of sales of motor vehicles.

**How much revenue is derived from fees charged by the Bureau to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

All license fees are required to be paid to the registrar of motor vehicles, who shall pay the same into the state treasury to the credit of the public safety - highway purposes fund established by section [4501.06](#) of the Revised Code.

Each applicant whose residence is out-of-state is assessed an additional fee of \$22 to pay the costs of obtaining a record of any arrests and convictions of the applicant from the Ohio bureau of identification and investigation (*Fingerprint Card*).

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

Odometer Disclosure Requirements: **49 CFR 580**

Odometer Tampering/Violations: **49 USC 327**

Buyers Guides: **16 CFR 455.2**

Gramm Leach Biley Privacy Protection Act (GLBPA): **15 USC 6801 - 6809**

Standards of Safeguarding Customer Information: **16 CFR 314**

Federal Trade Commission (FTC)/Used Motor Vehicle Trade Regulation Rule: **16 CFR 455**

- *FTC regulates the federal laws for the Unfair or Deceptive Acts or Practices by Motor Vehicle Dealers.*

Office of Foreign Asset Control (OFAC): **31 CFR 501**

IRS 8300/Returns related to Cash Received in Trade or Business: **26 USC 60501**

Red Flags Rule/Identity Theft: **16 CFR 681**

Duties of Creditors Regarding Risk Based Pricing Rule: **16 CFR 640**

Truth in Lending Act (TILA): **12 CFR 1026**

USA Patriot Act: **Pub. L. No. 107-56**

Equal Credit Opportunity Act (ECOA): **15 USC 41**

The Magnuson-Moss Warranty Act (Lemon Law): **15 USC 50**

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

The regulations are intended to protect consumers against fraud, deceptive trade practices acts and inspections of dealer premises to ensure they are a safe and secure environment for consumers.

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

Yes.

**Are there any changes the Bureau would like to see implemented?**

No.

## Surrounding state comparison (LSC)

Motor Vehicle Salesperson's License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Type of regulation	License ( <i>R.C. 4517.02 and 4517.09</i> ).	No clear equivalent.	Registration (motor vehicle salesperson's license) ( <i>Ky. Rev. Stat. 190.030; 605 Ky. Admin. Regs. 1:051</i> ).	No clear equivalent.	Salesperson's license ( <i>63 Pa. Stat. 818.303 and 818.321</i> ).	No clear equivalent.
Education or training	N/A	N/A	N/A	N/A	N/A	N/A
Experience	N/A	N/A	N/A	N/A	N/A	N/A
Exam	N/A	N/A	N/A	N/A	N/A	N/A
Continuing education	N/A	N/A	N/A	N/A	N/A	N/A
Initial licensure fee	\$10 ( <i>R.C. 4517.10</i> ).	N/A	\$40 ( <i>Ky. Rev. Stat. 190.030; 605 Ky. Admin. Regs. 1:215</i> ).	N/A	\$25 ( <i>63 Pa. Stat. 818.330; 49 Pa. Code 19.4</i> ).	N/A
License duration	Two years ( <i>R.C. 4517.10</i> ).	N/A	One year ( <i>Ky. Rev. Stat. 190.030; 605 Ky. Admin. Regs. 1:215</i> ).	N/A	Two years ( <i>63 Pa. Stat. 818.304</i> ).	N/A

Motor Vehicle Salesperson's License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Renewal fee	\$10 ( <i>R.C. 4517.10</i> ).	N/A	\$40 ( <i>Ky. Rev. Stat. 190.030; 605 Ky. Admin. Regs. 1:215</i> ).	N/A	\$90 ( <i>63 Pa. Stat. 818.330; 49 Pa. Code 19.4</i> ).	N/A

## Construction equipment auction

### Survey responses (BMV)

Description
A person who holds both a valid auction firm license issued under Chapter 4707. of the Revised Code and a valid construction equipment auction license issued under this chapter.
Type ( <i>License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.</i> )
License, registration, inspection, occupational regulation.

If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>Number issued annually</b>	2021: <b>0</b> Construction Equipment Auction licenses issued
<b>Number renewed annually</b>	<i>Construction Equipment Auction License is renewed every <b>five (5) years</b>.</i> 2021: <b>1</b> Construction Equipment Auction License renewed
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	2016: <b>0</b> Construction Equipment Auction licenses issued 2017: <b>0</b> Construction Equipment Auction licenses issued 2018: <b>0</b> Construction Equipment Auction licenses issued 2019: <b>0</b> Construction Equipment Auction licenses issued 2020: <b>0</b> Construction Equipment Auction licenses issued
<b>Education or training requirements</b>	No.
<b>Experience requirements</b>	Must obtain an auction firm license from the Department of Agricultural prior to applying for a Construction Equipment Auction license.
<b>Examination requirements</b> ( <i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Bureau receive any proceeds of those fees? If so, how are the proceeds used?</i> )	No.
<b>Continuing education requirements</b> ( <i>Including a description of the curriculum and the process of setting it.</i> )	No.

If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>Initial fee</b>	\$7,500 for the license.
<b>Duration</b>	5 Years.
<b>Renewal fee</b> (If different from initial fee, please explain why.)	\$7,500 for renewal.
<b>Does the Bureau recognize uniform licensure requirements or allow for reciprocity?</b>	No. Each state varies in their requirements for such license.
<b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b>	No.
<b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Bureau?</b>	No.
<b>Is the Bureau permitted to exercise discretion in determining whether to register, certify, or license an individual?</b>	Yes.
<b>Other information</b> (Significant attributes or prerequisites to licensure not addressed in this chart.)	Must obtain an auction firm license from the Department of Agriculture prior to applying for a Construction Equipment Auction license.  Licensee must report annually certification stating the gross proceeds generated from auctions held at the auction sight.



**Oversight and disciplinary authority of the Bureau respecting individuals engaged in the occupation.**

Section 4517.171 of the Revised Code lists the reasons for the denial of a construction equipment auction application by the Registrar. Section 4517.33 of the Revised Code gives authority to the Motor Vehicle Dealer's Board (Board) to hear appeals from an order of the Registrar refusing to issue a license. The Board may suspend or revoke any license if the licensee has in any manner violated the rules issued pursuant to sections [4517.01](#) to [4517.65](#) of the Revised Code, or has violated section [4501.02](#) of the Revised Code, or has been convicted of committing a felony or violating any law that in any way relates to the selling, taxing, licensing, or regulation of sales of motor vehicles.

**How much revenue is derived from fees charged by the Bureau to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

All license fees required to be paid to the registrar of motor vehicles, who shall pay the same into the state treasury to the credit of the public safety - highway purposes fund established by section [4501.06](#) of the Revised Code.

Each applicant whose residence is out-of-state is assessed an additional fee of \$22 to pay the costs of obtaining a record of any arrests and convictions of the applicant from the Ohio bureau of identification and investigation (*Fingerprint Card*).

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

Odometer Disclosure Requirements: **49 CFR 580**

Odometer Tampering/Violations: **49 USC 327**

Buyers Guides: **16 CFR 455.2**

Gramm Leach Biley Privacy Protection Act (GLBPA): **15 USC 6801 - 6809**

Standards of Safeguarding Customer Information: **16 CFR 314**

Federal Trade Commission (FTC)/Used Motor Vehicle Trade Regulation Rule: **16 CFR 455**

- *FTC regulates the federal laws for the Unfair or Deceptive Acts or Practices by Motor Vehicle Dealers.*

Office of Foreign Asset Control (OFAC): **31 CFR 501**

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

IRS 8300>Returns related to Cash Received in Trade or Business: **26 USC 60501**

Red Flags Rule/Identity Theft: **16 CFR 681**

Duties of Creditors Regarding Risk Based Pricing Rule: **16 CFR 640**

Truth in Lending Act (TILA): **12 CFR 1026**

USA Patriot Act: **Pub. L. No. 107-56**

Equal Credit Opportunity Act (ECOA): **15 USC 41**

The Magnuson-Moss Warranty Act (Lemon Law): **15 USC 50**

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

The regulations are intended to protect consumers against fraud, deceptive trade practices acts and inspections of dealer premises to ensure they are a safe and secure environment for consumers.

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

Yes.

Are there any changes the Bureau would like to see implemented?

No.

### Surrounding state comparison (LSC)

Construction Equipment Auction License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Type of regulation	License ( <i>R.C. 4517.02 and 4517.17</i> ).	No clear equivalent. Duties might fall under automobile auction company license. ( <i>Ind. Code 9-32-2-4 and 9-32-11-1.</i> )	No clear equivalent. Duties might fall under motor vehicle auction dealer license. ( <i>Ky. Rev. Stat. 190.030.</i> )	No clear equivalent.	No clear equivalent.	No clear equivalent. Duties might fall under automobile auction license certificate. ( <i>W. Va. Code 17A-6C-1.</i> )
Education or training	N/A	N/A	N/A	N/A	N/A	N/A
Experience	N/A	N/A	N/A	N/A	N/A	N/A
Exam	N/A	N/A	N/A	N/A	N/A	N/A
Continuing education	N/A	N/A	N/A	N/A	N/A	N/A

Construction Equipment Auction License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Initial licensure fee	\$7,500 (R.C. 4517.17).	N/A	N/A	N/A	N/A	N/A
License duration	Five years (R.C. 4517.17).	N/A	N/A	N/A	N/A	N/A
Renewal fee	\$7,500 (R.C. 4517.17).	N/A	N/A	N/A	N/A	N/A

## Salvage motor vehicle dealer

### Survey responses (BMV)

Description
Any person who engages in business primarily for the purpose of selling salvage motor vehicle parts and secondarily for the purpose of selling at retail salvage motor vehicles or manufacturing or selling a product of gradable scrap metal.

**Type** (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)

License, registration, inspection, bonding and occupational regulation.

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Number issued annually</b>	2021: <b>24</b> Salvage Dealer licenses issued
<b>Number renewed annually</b>	Salvage Licenses are renewed <i>biennially</i> . 2020: <b>210</b> Salvage Dealer licenses renewed 2021: <b>232</b> Salvage Dealer licenses renewed
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	2016: <b>17</b> Salvage Dealer licenses issued <b>3</b> Salvage Motorcycle/Motor scooter/APV licenses issued 2017: <b>21</b> Salvage Dealer licenses issued 2018: <b>12</b> Salvage Dealer licenses issued 2019: <b>16</b> Salvage Dealer licenses issued 2020: <b>10</b> Salvage Dealer licenses issued
<b>Education or training requirements</b>	No.
<b>Experience requirements</b>	No.

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<p><b>Examination requirements</b> (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Bureau receive any proceeds of those fees? If so, how are the proceeds used?</i>)</p>	<p>No.</p>
<p><b>Continuing education requirements</b> (<i>Including a description of the curriculum and the process of setting it.</i>)</p>	<p>No.</p>
<p><b>Initial fee</b></p>	<p><b>Salvage Dealer License</b>                  \$100 without Master Plate (optional).                  \$154.75 with Master Plate plus any additional plates (optional) at \$10.25 each.</p> <p><b>Salvage Motorcycle/Motor scooter/APV License</b>                  \$100 for license.</p>
<p><b>Duration</b></p>	<p>2 Years.</p>
<p><b>Renewal fee</b> (<i>If different from initial fee, please explain why.</i>)</p>	<p><b>Salvage Dealer License</b>                  \$100 without Master Plate (optional).                  \$150.00 with Master Plate plus any additional plates (optional) at \$10.00 each.</p> <p><b>Salvage Motorcycle/Motor scooter/APV License</b>                  \$100 for license.</p>

If the regulation is a registration, certification, or license requirement, please complete the following:	
Does the Bureau recognize uniform licensure requirements or allow for reciprocity?	No. Each state varies in their requirements for such license.
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	No.
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Bureau?	<p>Yes. If the acquisition of salvage motor vehicles is incidental to the primary business of the person.</p> <p>If the disposal of those salvage motor vehicles is incidental to the primary business of the person.</p> <p>A person may perform up to 5 casual sales of salvage motor vehicles within a calendar year without having to obtain a salvage dealers license; casual sale meaning from person to a person who purchases the motor vehicle for use as a consumer.</p>
Is the Bureau permitted to exercise discretion in determining whether to register, certify, or license an individual?	Yes.
<b>Other information</b> ( <i>Significant attributes or prerequisites to licensure not addressed in this chart.</i> )	A brick-and-mortar location is required to be maintained for a salvage license, as is required in all states. The location must comply with shielding and meet the requirements of the Highway Beautification Act of 1965," 79 Stat. 1030, 23 U.S.C.A. 361, as amended.

**Oversight and disciplinary authority of the Bureau respecting individuals engaged in the occupation.**

Section 4738.07 of the Revised Code lists the reasons for the denial of a salvage dealer’s application by the Registrar.

Section 4738.071 of the Revised Code lists the reasons for the denial of a salvage dealer’s provisional license by the Registrar.

Section 4738.12 of the Revised Code authorizes the board to suspend or revoke any license if the licensee has in any manner violated the rules issued pursuant to sections [4738.01](#) to [4738.16](#) of the Revised Code, or has been convicted of committing a felony or violating any law which in any way relates to the theft of motor vehicles.

**How much revenue is derived from fees charged by the Bureau to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

All license fees are required to be paid to the registrar of motor vehicles, who shall pay the same into the state treasury to the credit of the public safety - highway purposes fund established by section [4501.06](#) of the Revised Code.

Each applicant whose residence is out-of-state is assessed an additional fee of \$22 to pay the costs of obtaining a record of any arrests and convictions of the applicant from the Ohio bureau of identification and investigation (*Fingerprint Card*).

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

**Counterfeiting and Forgery:** 18 U.S.C. 511

18 U.S.C. 512

**National Motor Vehicle Title Information System:** 49 U.S.C. 30501 through 30504



**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

The regulations are intended to protect consumers against fraud, theft, deceptive trade practices acts and inspections of dealer premises to ensure they are a safe and secure environment for consumers.

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

Yes.

**Are there any changes the Bureau would like to see implemented?**

No.

## Surrounding state comparison (LSC)

Salvage Motor Vehicle Dealer License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Type of regulation	License ( <i>R.C. 4738.02 and 4738.04</i> ).	Automotive salvage recycler license ( <i>Ind. Code 9-32-9-1 and 9-32-11-1</i> ).	Registration (automotive recycling dealer license) ( <i>Ky. Rev. Stat. 190.030</i> ).	Dealer license with automotive recycler classification ( <i>Mich. Comp. Laws 257.248</i> ).	No clear equivalent.	Registration (wrecker/dismantler/rebuilder license certificate) ( <i>W. Va. Code 17A-6-3</i> ).
Education or training	N/A	N/A	N/A	N/A	N/A	N/A
Experience	N/A	N/A	N/A	N/A	N/A	N/A
Exam	N/A	N/A	N/A	N/A	N/A	N/A
Continuing education	N/A	N/A	N/A	N/A	N/A	N/A
Initial licensure fee	\$100 ( <i>R.C. 4738.05</i> ).	\$10 ( <i>Ind. Code 9-32-9-3</i> ).	\$200 per office or branch ( <i>Ky. Rev. Stat. 190.030; 605 Ky. Admin. Regs. 1:215</i> ).	\$160 ( <i>Mich. Comp. Laws 257.807</i> ).	N/A	\$250 ( <i>W. Va. Code 17A-6-10</i> ).
License duration	Two years ( <i>R.C. 4738.05</i> ).	One year ( <i>Ind. Code 9-32-11-12.5</i> ).	One year ( <i>Ky. Rev. Stat. 190.030; 605 Ky. Admin. Regs. 1:215</i> ).	One year ( <i>Mich. Comp. Laws 257.248</i> ).	N/A	One year ( <i>W. Va. Code 17A-6-10</i> ).

Salvage Motor Vehicle Dealer License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Renewal fee	\$100 ( <i>R.C. 4738.05</i> ).	\$10 ( <i>Ind. Code 9-32-11-12.5</i> ).	\$200 per office or branch ( <i>Ky. Rev. Stat. 190.030; 605 Ky. Admin. Regs. 1:215</i> ).	\$160 ( <i>Mich. Comp. Laws 257.807</i> ).	N/A	\$15 ( <i>W. Va. Code 17A-6-10</i> ).

## Salvage motor vehicle auction

### Survey responses (BMV)

Description
Any person who on the person's behalf or as an agent for a third party engages in business for the purpose of auctioning salvage motor vehicles.
<b>Type</b> ( <i>License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.</i> )
License, registration, inspection, bonding and occupational regulation.

If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>Number issued annually</b>	2021: <b>0</b> Salvage Auction licenses issued
<b>Number renewed annually</b>	Salvage Auction Licenses are renewed <i>biennially</i> . 2020: <b>6</b> Salvage Auction licenses renewed 2021: <b>9</b> Salvage Auction licenses renewed
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	2016: <b>0</b> Salvage Auction licenses issued 2017: <b>1</b> Salvage Auction licenses issued 2018: <b>0</b> Salvage Auction licenses issued 2019: <b>2</b> Salvage Auction licenses issued 2020: <b>0</b> Salvage Auction licenses issued
<b>Education or training requirements</b>	No.
<b>Experience requirements</b>	No.
<b>Examination requirements</b> ( <i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Bureau receive any proceeds of those fees? If so, how are the proceeds used?</i> )	No.
<b>Continuing education requirements</b> ( <i>Including a description of the curriculum and the process of setting it.</i> )	No.

If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>Initial fee</b>	<p><b>Salvage Auction License</b></p> <p>\$100 without Master Plate (optional).</p> <p>\$154.75 with Master Plate plus any additional plates (optional) at \$10.25 each.</p>
<b>Duration</b>	2 Years.
<b>Renewal fee</b> <i>(If different from initial fee, please explain why.)</i>	<p><b>Salvage Auction License</b></p> <p>\$100 without Master Plate (optional).</p> <p>\$150.00 with Master Plate plus any additional plates (optional) at \$10.00 each.</p>
<b>Does the Bureau recognize uniform licensure requirements or allow for reciprocity?</b>	No. Each state varies in their requirements for such license.
<b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b>	No.
<b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Bureau?</b>	No.
<b>Is the Bureau permitted to exercise discretion in determining whether to register, certify, or license an individual?</b>	Yes.

**If the regulation is a registration, certification, or license requirement, please complete the following:**

**Other information** (*Significant attributes or prerequisites to licensure not addressed in this chart.*)

A brick-and-mortar location is required to be maintained for a salvage auction license, as is required in all states.

**Oversight and disciplinary authority of the Bureau respecting individuals engaged in the occupation.**

Section 4738.07 of the Revised Code lists the reasons for the denial of a salvage auction application by the Registrar.

Section 4738.12 of the Revised Code authorizes the board to suspend or revoke any license if the licensee has in any manner violated the rules issued pursuant to sections [4738.01](#) to [4738.16](#) of the Revised Code, or has been convicted of committing a felony or violating any law which in any way relates to the theft of motor vehicles.

**How much revenue is derived from fees charged by the Bureau to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

All license fees are required to be paid to the registrar of motor vehicles, who shall pay the same into the state treasury to the credit of the public safety - highway purposes fund established by section [4501.06](#) of the Revised Code.

Each applicant whose residence is out-of-state is assessed an additional fee of \$22 to pay the costs of obtaining a record of any arrests and convictions of the applicant from the Ohio bureau of identification and investigation (*Fingerprint Card*).

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

**Counterfeiting and Forgery:** 18 U.S.C. 511

18 U.S.C. 512

**National Motor Vehicle Title Information System:** 49 U.S.C. 30501 through 30504

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

The regulations are intended to protect consumers against fraud, theft, deceptive trade practices acts and inspections of dealer premises to ensure they are a safe and secure environment for consumers.

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

Yes.

**Are there any changes the Bureau would like to see implemented?**

No.

**Surrounding state comparison (LSC)**

Salvage Motor Vehicle Auction License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Type of regulation	License ( <i>R.C. 4738.02 and 4738.04</i> ).	No clear equivalent. Duties might fall under automotive salvage recycler license. ( <i>Ind. Code 9-32-9-1.</i> )	No clear equivalent. Duties might fall under automotive recycling dealer license. ( <i>Ky. Rev. Stat. 190.030.</i> )	No clear equivalent. Duties might fall under dealer license. ( <i>Mich. Comp. Laws 257.248.</i> )	No clear equivalent.	No clear equivalent. Duties might fall under wrecker/dismantler/rebuilder license certificate. ( <i>W. Va. Code 17A-6-3.</i> )
Education or training	N/A	N/A	N/A	N/A	N/A	N/A
Experience	N/A	N/A	N/A	N/A	N/A	N/A
Exam	N/A	N/A	N/A	N/A	N/A	N/A
Continuing education	N/A	N/A	N/A	N/A	N/A	N/A



Salvage Motor Vehicle Auction License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Initial licensure fee	\$100 (R.C. 4738.05).	N/A	N/A	N/A	N/A	N/A
License duration	Two years (R.C. 4738.05).	N/A	N/A	N/A	N/A	N/A
Renewal fee	\$100 (R.C. 4738.05).	N/A	N/A	N/A	N/A	N/A

## Salvage motor vehicle pool

### Survey responses (BMV)

Description
Any person who as an agent for a third party engages in business for the purpose of storing, displaying, and offering for sale salvage motor vehicles.

**Type** (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)

License, registration, inspection, bonding and occupational regulation.

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Number issued annually</b>	2021: <b>0</b> Salvage Pool licenses issued
<b>Number renewed annually</b>	<i>Salvage Pool Licenses are renewed <b>biennially</b>.</i> 2020: <b>4</b> Salvage Pool licenses renewed 2021: <b>7</b> Salvage Pool licenses renewed
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	2016: <b>0</b> Salvage Pool licenses issued 2017: <b>1</b> Salvage Pool licenses issued 2018: <b>0</b> Salvage Pool licenses issued 2019: <b>0</b> Salvage Pool licenses issued 2020: <b>1</b> Salvage Pool licenses issued
<b>Education or training requirements</b>	No.
<b>Experience requirements</b>	No.

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<p><b>Examination requirements</b> (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Bureau receive any proceeds of those fees? If so, how are the proceeds used?</i>)</p>	<p>No.</p>
<p><b>Continuing education requirements</b> (<i>Including a description of the curriculum and the process of setting it.</i>)</p>	<p>No.</p>
<p><b>Initial fee</b></p>	<p><b>Salvage Pool License</b>                  \$100 without Master Plate (optional).                  \$154.75 with Master Plate plus any additional plates (optional) at \$10.25 each.</p>
<p><b>Duration</b></p>	<p>2 Years.</p>
<p><b>Renewal fee</b> (<i>If different from initial fee, please explain why.</i>)</p>	<p><b>Salvage Pool License</b>                  \$100 without Master Plate (optional).                  \$150.00 with Master Plate plus any additional plates (optional) at \$10.00 each.</p>
<p><b>Does the Bureau recognize uniform licensure requirements or allow for reciprocity?</b></p>	<p>No. Each state varies in their requirements for such license.</p>
<p><b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b></p>	<p>No.</p>

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Bureau?</b>	No.
<b>Is the Bureau permitted to exercise discretion in determining whether to register, certify, or license an individual?</b>	Yes.
<b>Other information</b> ( <i>Significant attributes or prerequisites to licensure not addressed in this chart.</i> )	A brick-and-mortar location is required to be maintained for a salvage pool license.

**Oversight and disciplinary authority of the Bureau respecting individuals engaged in the occupation.**

Section 4738.07 of the Revised Code lists the reasons for the denial of a salvage pool application by the Registrar.

Section 4738.12 of the Revised Code authorizes the board to suspend or revoke any license if the licensee has in any manner violated the rules issued pursuant to sections [4738.01](#) to [4738.16](#) of the Revised Code, or has been convicted of committing a felony or violating any law which in any way relates to the theft of motor vehicles.

**How much revenue is derived from fees charged by the Bureau to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

All license fees are required to be paid to the registrar of motor vehicles, who shall pay the same into the state treasury to the credit of the public safety - highway purposes fund established by section [4501.06](#) of the Revised Code.

Each applicant whose residence is out-of-state is assessed an additional fee of \$22 to pay the costs of obtaining a record of any arrests and convictions of the applicant from the Ohio bureau of identification and investigation (*Fingerprint Card*).

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

**Counterfeiting and Forgery:** 18 U.S.C. 511

18 U.S.C. 512

**National Motor Vehicle Title Information System:** 49 U.S.C. 30501 through 30504

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

The regulations are intended to protect consumers against fraud, theft, deceptive trade practices acts and inspections of dealer premises to ensure they are a safe and secure environment for consumers.

Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?

Yes.

Are there any changes the Bureau would like to see implemented?

No.

### Surrounding state comparison (LSC)

Salvage Motor Vehicle Pool License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Type of regulation	License ( <i>R.C. 4738.02 and 4738.04</i> ).	No clear equivalent. Duties might fall under automotive salvage recycler license. ( <i>Ind. Code 9-32-9-1.</i> )	No clear equivalent.	Dealer license with vehicle salvage pool operator classification ( <i>Mich. Comp. Laws 257.248</i> ).	Registration (automotive dismantler and recycler license) ( <i>36 Pa. Stat. 2719.2 and 2719.3</i> ).	Registration (salvage yard license) ( <i>W. Va. Code 17-23-2 and 17-23-3</i> ).

Salvage Motor Vehicle Pool License

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Education or training	N/A	N/A	N/A	N/A	N/A	N/A
Experience	N/A	N/A	N/A	N/A	N/A	N/A
Exam	N/A	N/A	N/A	N/A	N/A	N/A
Continuing education	N/A	N/A	N/A	N/A	N/A	N/A
Initial licensure fee	\$100 ( <i>R.C. 4738.05</i> ).	N/A	N/A	\$75 ( <i>Mich. Comp. Laws 257.807</i> ).	\$100 ( <i>36 Pa. Stat. 2719.3</i> ).	\$200 ( <i>W. Va. Code 17-23-3</i> ).
License duration	Two years ( <i>R.C. 4738.05</i> ).	N/A	N/A	One year ( <i>Mich. Comp. Laws 257.248</i> ).	One year ( <i>36 Pa. Stat. 2719.3</i> ).	One year ( <i>W. Va. Code 17-23-3</i> ).
Renewal fee	\$100 ( <i>R.C. 4738.05</i> ).	N/A	N/A	\$75 ( <i>Mich. Comp. Laws 257.807</i> ).	\$100 ( <i>36 Pa. Stat. 2719.3</i> ).	\$200 ( <i>W. Va. Code 17-23-3</i> ).

# OHIO DEPARTMENT OF AGRICULTURE

## General information (AGR)

### Duties

The Ohio Department of Agriculture ensures the safety of Ohio's food supply for consumers. It protects food, animals, and plant life through scientific research and conservation. It also supports agribusiness in Ohio by providing economic opportunities to farmers and food processors.

### Membership *(Current members, chairperson and other officers, and selection process.)*

There is no membership

### Budget *(Current budget, description of budgeting process, sources of funding, and expected increases or decreases in budget or funding in future years.)*

The Ohio Department of Agriculture (ODA) has a budget of \$165.8 million in FY 2023. Of this amount \$50.2 million (30%) is from GRF, \$23.2 million (14%) is federal funding and \$92.4 million (56%) is from dedicated purpose funds. The Department budgets for 15 unique programs. Of these, the Division of Soil and Water, which includes the H2Ohio program has the largest budget.

The budget process for ODA begins with the preparation of a biennial budget request in accordance with the guidance provided by the Office of Budget and Management (OBM). The budget request is then reviewed by OBM and the Governor's Office. After funding decisions are made, ODA's budget is incorporated into the Executive Biennial Budget request which is submitted to the Legislature. The House and the Senate review the Executive Budget and make changes as appropriate and pass the final biennial budget by June 30<sup>th</sup> of each odd numbered year. After the budget is passed by the Legislature, ODA annually allots the funded amounts across payroll, contracts, maintenance,



**Budget** *(Current budget, description of budgeting process, sources of funding, and expected increases or decreases in budget or funding in future years.)*

equipment, and subsidy, for each program. The budget for each program is monitored over the course of the fiscal year and adjustments are made as needed to ensure the programs have the needed funding and the budget remains in balance. If additional federal or dedicated purpose funding becomes available during the biennium, ODA will seek Controlling Board Approval to increase appropriation in those funds.

In FY 2023 ODA is requesting increases in appropriation from the Controlling Board which will increase the budget noted above. The largest of these increases is a \$3 million request for appropriation to expend emergency federal funding in response to an outbreak of Highly Pathogenic Avian influenza at a chicken farm in Ohio. ODA's budget in FY 2024 will be determined through the biennium budget process which is currently underway.

**Workload** *(Assess current, past, and anticipated workload. Has the workload increased or decreased significantly in the preceding six years?)*

Workload has increased in the past 6 years because of various items. Federal and state legislation and grant programs have brought new programs and responsibilities to ODA (H2Ohio, Auctioneers, Tyler's Law, Beginning Farm Tax Credit, FDA/USDA programs, etc.), and growth in the agribusiness industry in Ohio and Ohio's population have also driven growth in workload. Additional growth in workload is expected because there is an anticipated increase in foreign animal diseases which threaten Ohio's pork and poultry industries, anticipated increase in the meat processing industry as additional facilities open and demand for meat continues, and it is anticipated that additional innovations in plant and farming practices will continue to improve water quality and environmental health (H2Ohio) which requires continued work with Ohio's farming industry.

**Staffing** *(How many staff are currently employed by the Department? What are their roles? Are staffing levels proportionate to the Department's current and anticipated workload?)*

ODA has 453 permanent employees in various occupations dependent upon the program. About half of the workforce is inspectors working in the field inspecting food production processes, plant health and farming establishments, water quality and environmental health, and testing scales and amusement rides. The other half of the workforce is on ODA's campus in Reynoldsburg, Ohio working in the animal disease, consumer protection, and horse racing laboratories and performing administrative functions. While the department is successfully maintaining program operations with the current workforce, we will likely be seeking funding for additional staff in the next operating budget to support the growth and activity in Ohio's top industry, food, and agriculture.

**Administrative hearings and public complaints** *(Describe the Department’s processes for administering discipline and addressing complaints. Assess the efficiency of the processes.)*

The administrative process for ODA begins with an inspection (by an ODA inspector) with noted violations, or upon receipt of a complaint by a member of the public (which then receives follow-up by division staff). The violation is first discussed with the inspector or staff and the division chief. The division chief decides whether the matter should be referred to ODA Enforcement for further investigation, or whether it should be referred to legal to approve a Notice of Opportunity for Hearing or a different permitted legal action. ODA inspectors, division chiefs, and legal team work together to ensure that referred matters are processed in a timely manner.

## **Livestock manager**

### **Survey responses (AGR)**

**Description**

Any individual in the state of Ohio that land applies, brokers, transports, or manages at least 4,500 dry tons of solid manure or 25 million gallons of liquid manure within a calendar year must obtain a Certified Livestock Manager certification. Additionally, livestock facilities that are considered major concentrated animal feeding facilities are required to employ at least one Certified Livestock Manager on staff. Certified Livestock Managers are regulated by ODA’s Division of Livestock Environmental Permitting (“ODA-DLEP”). ODA-DLEP will inspect certified livestock managers at least once annually for compliance with Ohio Administrative Code 901:10.

**Type** *(License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)*

Government certification

If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>Number issued annually</b>	36 (2016-2020 average)
<b>Number renewed annually</b>	44 (2016-2020 average)
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	No significant increases. There was a significant decrease in new and renewal applicants in 2021, but this was mainly due to the limited availability of training opportunities during the COVID pandemic, specifically in the latter half of 2020 and all of 2021.
<b>Education or training requirements</b>	10 hours of approved continuing education units. All CEUs are approved by ODA-DLEP. 10 hours of CEUs for new and renewing certified livestock managers.
<b>Experience requirements</b>	None
<b>Examination requirements</b> ( <i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Department receive any proceeds of those fees? If so, how are the proceeds used?</i> )	<p>Yes &amp; No – The Department may offer a training program and an examination for a livestock manager certification. ODA-DLEP has elected to include a variety of questions on the certified livestock manager application form to verify that an applicant has demonstrated the knowledge required to be a certified livestock manager. ODA-DLEP personnel review all certified livestock manager applications, and any approvals would also come from the division.</p> <p>As mentioned, the CLM application (and renewal) fee is \$50. The fees are collected and transferred to the Livestock Management Fund (Ohio Revised Code 903.19). Money credited to this fund are used solely in the administration of ODA’s Division of Livestock Environmental Permitting.</p>
<b>Continuing education requirements</b> ( <i>Including a description of the curriculum and the process of setting it.</i> )	<p>10 hours of approved continuing education units. All CEUs are approved by ODA-DLEP. 10 hours of CEUs for new and renewing certified livestock managers.</p> <p>Training requirements are outlined in Ohio Administrative Code 901:10-1-06 <i>Certified Livestock Manager</i>. All certified livestock managers must receive training in three core topics (Manure</p>

If the regulation is a registration, certification, or license requirement, please complete the following:	
	<p>Storage and Handling, Nutrient Management, and Ohio Rules and Regulations specific to CLMs) and a minimum of three elective topics (including, but not limited to: Water Quality Issues, Soil Testing, Stockpiling of Manure, Emergency Action Plans, Agronomic Value of Manure Nutrients, Record Keeping, Biosecurity, Liability, Application of manure to growing crops, etc.).</p> <p>ODA-DLEP holds a two-day, annual training for current and prospective certified livestock managers. The curriculum for this annual training will require the three core topics mentioned above and then fill in the remaining hours with at least three elective topics. The training will provide 10 hours of continuing education units minimum.</p>
<b>Initial fee</b>	\$50.00
<b>Duration</b>	3 full calendar years
<b>Renewal fee</b> <i>(If different from initial fee, please explain why.)</i>	\$50.00
<b>Does the Department recognize uniform licensure requirements or allow for reciprocity?</b>	Yes. For example, the State of Indiana has a certification program for manure and commercial fertilizer applicators called a Category 14 license. Ohio recognizes the Category 14 for training and certification purposes. However, those individuals with a Category 14 must also obtain a Certified Livestock Manager certificate through ODA-DLEP.
<b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b>	No
<b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Department?</b>	Yes. For example, if an individual land applies less than 25 million gallons of liquid manure in a given calendar year and does not land apply any manure generated by a permitted concentrated animal feeding facility, they will not need to be a certified livestock manager.

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Is the Department permitted to exercise discretion in determining whether to register, certify, or license an individual?</b>	Yes
<b>Other information</b> ( <i>Significant attributes or prerequisites to licensure not addressed in this chart.</i> )	As of September 19, 2022, there are 235 certified livestock managers in Ohio. About half of the 235 certified livestock managers manage 4,500 dry tons or more of solid manure or 25 million gallons of liquid manure or more, and will be inspected by ODA-DLEP at least once annually.

**Oversight and disciplinary authority of the Department respecting individuals engaged in the occupation.**

ORC Section 903.16 provides enforcement authority to the Ohio Department of Agriculture, as well as the Ohio Attorney General if necessary. OAC 901:10-1-06 also provides enforcement authority to ODA and is more specific to certified livestock managers.

At least annually, ODA-DLEP Inspectors inspect all certified livestock managers that manage 4,500 dry tons of solid manure or 25 million gallons of liquid manure in a calendar year for compliance with Ohio Administrative Code 901:10. Those certified livestock managers that voluntarily become certified livestock managers, meaning they handle less volume or weight of manure as described in the previous sentence, will get inspected by ODA-DLEP inspectors at least once every three years if they actively manage any volume or weight of manure. Those certified livestock managers that voluntarily become certified livestock managers, but do not handle any volume of manure, do not get inspected by ODA-DLEP on any routine basis.

**How much revenue is derived from fees charged by the Department to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

Approx. \$4,000.00 per year (2016-2020 average).

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

A federal regulation for this occupation does not exist.

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

These regulations seek to prevent surface and groundwater pollution. Manure nutrients, particularly nitrogen and phosphorus, can become pollutants to Ohio's waterways if not managed properly. This certification program is needed to ensure that individuals handling these large quantities of manure demonstrate professionalism, demonstrate knowledge in manure and nutrient management, and respond appropriately to emergency situations (such as a manure discharge to surface waters of the state).

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

In general, yes. Certified Livestock Managers are generally in compliance with state regulations and the state regulations are designed to be protective of Ohio's water quality. With ODA's enforcement capabilities, those Certified Livestock Managers that have had significant compliance issues are no longer Certified Livestock Managers.

There aren't less restrictive ways to prevent the harm. These regulations are vital to ensuring the protection of Ohio's water quality.

**Are there any changes the Department would like to see implemented?**

Yes, a complete overhaul of the Department’s enforcement capabilities in regards to certified livestock managers. Currently, the director of agriculture can only suspend or revoke a current certified livestock manager’s certificate if they are not in compliance with OAC 901:10. The director may also deny an applicant if the applicant provides fraudulent information in the application or does not demonstrate the knowledge necessary to become a certified livestock manager. The director can also request the Attorney General to bring a civil penalty against individuals that are found to be in violation of ORC 903.07, which basically means that ODA can seek a penalty from individuals that are managing 4,500 dry tons or more of solid manure or 25 million gallons or more of liquid manure without a certified livestock manager certificate.

The department should have the capability to require corrective actions should a current certified livestock manager violate OAC 901:10-2-10, 901:10-2-13, 901:10-2-14, and/or 901:10-2-16, and to seek civil and administrative penalties if there is history of noncompliance. Suspending or revoking a certified livestock manager certificate should only be used in extreme circumstances and currently, it is the only effective way of dealing with certified livestock managers violations, no matter how severe and regardless of compliance history.

**Surrounding state comparison (LSC)**

Livestock Manager Certification						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Type of regulation	Certification ( <i>R.C. 903.07; O.A.C. 901:10-1-06</i> ).	Voluntary certification ( <i>Indiana State Dept. of Agriculture, <a href="#">Certified Livestock Producer Program</a></i> ).	No clear equivalent.	No clear equivalent.	No clear equivalent.	No clear equivalent.
Education or training	Ten hours of training offered by the Department of	Applicants are provided a Certified Livestock Producer Program	N/A	N/A	N/A	N/A

Livestock Manager Certification						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	<p>Agriculture or an entity approved by the Department on various topics, including calculating nutrient values in manure and devising and implementing a manure management plan (<i>O.A.C. 901:10-1-06(D)</i>; <i>Ohio Dept. of Agriculture, <a href="#">Certified Livestock Manager</a></i>).</p>	<p>manual that contains educational materials, sample action plans, and self-assessments. The self-assessments discuss environmental issues, food safety and animal welfare, emergency plans, and biosecurity issues. Finally, the applicant’s farm must be reviewed and verified by a representative of the Indiana State Department of Agriculture. (<i>Indiana State Dept. of Agriculture, <a href="#">Application for the Certified Livestock</a></i></p>				



Livestock Manager Certification						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
		<u>Producer Program (DOC).</u>				
Experience	N/A	Applicant's farm must be in good standing with the Indiana Department of Environmental Management and the Board of Animal Health ( <i>Indiana State Dept. of Agriculture, <u>Certified Livestock Producer Program</u></i> ).	N/A	N/A	N/A	N/A
Exam	Successful understanding of training materials ( <i>O.A.C. 901:10-1-06(D)</i> ).	N/A	N/A	N/A	N/A	N/A
Continuing education	Ten hours of continuing education every three years ( <i>Ohio Dept. of Agriculture,</i>	N/A	N/A	N/A	N/A	N/A

Livestock Manager Certification						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	<a href="#"><i>Certified Livestock Manager</i></a> .					
Initial licensure fee	\$50 (O.A.C. 901:10-1-04(B)).	Unclear.	N/A	N/A	N/A	N/A
License duration	Three years (O.A.C. 901:10-1-06(B)(3)).	Five years (Indiana State Dept. of Agriculture, <a href="#"><i>Certified Livestock Producer Program</i></a> ).	N/A	N/A	N/A	N/A
Renewal fee	\$50 (O.A.C. 901:10-1-04(B)).	N/A	N/A	N/A	N/A	N/A

## Fertilizer application for agricultural production

### Survey responses (AGR)

Description
<p>Chapter 905. 321</p> <p>(A) Beginning September thirtieth of the third year after the effective date of this section, no person shall apply fertilizer for the purposes of agricultural production unless that person has been certified to do so by the director of agriculture under this section and rules or is acting under the instructions and control of a person who is so certified.</p>

**Description**

(B) A person shall be certified to apply fertilizer for purposes of agricultural production in accordance with rules. A person that has been so certified shall comply with requirements and procedures established in those rules.

(C) A person that has been licensed as a commercial applicator under section 921.06 of the Revised Code or as a private applicator under section 921.11 of the Revised Code may apply to be certified under this section, but shall not be required to pay the application fee for certification established in rules adopted under section 905.322 of the Revised Code.

**Type** *(License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)*

Certification to apply fertilizer to over 50 acres for agricultural production.

**If the regulation is a registration, certification, or license requirement, please complete the following:**

**Number issued annually**

In 2021: 193 (new)

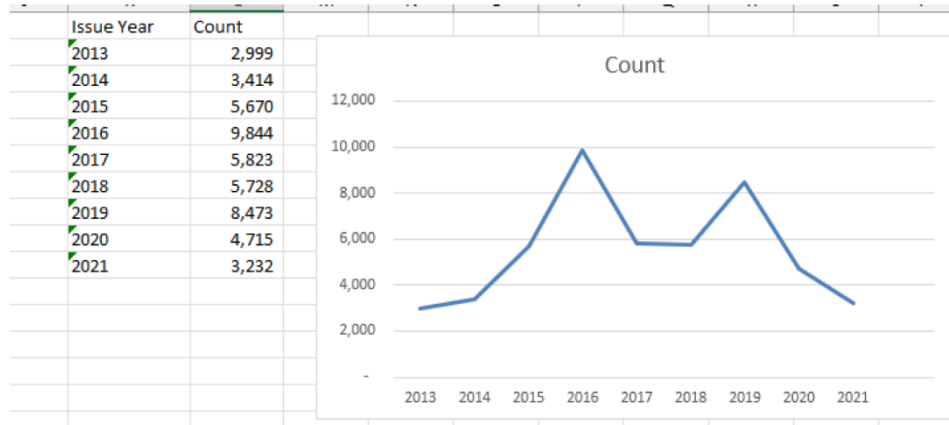
**Number renewed annually**

In 2021: 3,039 (renewed)

**If the regulation is a registration, certification, or license requirement, please complete the following:**

**Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?**

Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?



**Education or training requirements**

Take the fertilizer applicator certification exam or attend a three-hour fertilizer training program initially.

**Experience requirements**

N/A

**Examination requirements** (*Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Department receive any proceeds of those fees? If so, how are the proceeds used?*)

ODA Pesticide & Fertilizer inspectors proctor the fertilizer certification exams in correlation with pesticide exams. Exams are given at the OSU Extension offices, govt. facilities, or colleges who have applied to host an exam site. No fees are charged to test unless a facility charges for parking. ODA does not receive any exam proceeds.

**Continuing education requirements** (*Including a description of the curriculum and the process of setting it.*)

Certificate holders must obtain one-hour of fertilizer recert (Continuing Education Credit) during their three-year recert cycle; otherwise, re-testing is required, or an individual must go through the 3-hour initial training program again.

If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>Initial fee</b>	\$30 if they do not hold a current pesticide applicator license. If they hold a current pesticide applicator license, then the cost for the fertilizer certification is zero.
<b>Duration</b>	The fertilizer certification certificate is valid annually for commercial applicators and for three years for private applicators. If the individual does not hold a pesticide applicator's license, the certificate is valid for three years.
<b>Renewal fee</b> <i>(If different from initial fee, please explain why.)</i>	Fertilizer Certification holder w/ a commercial pesticide license: zero Fertilizer Certification holder w/ a private applicator license: zero Fertilizer Certification only: \$30
<b>Does the Department recognize uniform licensure requirements or allow for reciprocity?</b>	No reciprocity for fertilizer certification. We are one of the only states that is currently requiring the fertilizer certification for agricultural production.
<b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b>	No
<b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Department?</b>	If they are applying less than 50 acres for agricultural production, then the certification would not be required.
<b>Is the Department permitted to exercise discretion in determining whether to register, certify, or license an individual?</b>	No

**If the regulation is a registration, certification, or license requirement, please complete the following:**

**Other information** (*Significant attributes or prerequisites to licensure not addressed in this chart.*)

N/A

**Oversight and disciplinary authority of the Department respecting individuals engaged in the occupation.**

Chapter 905 Agricultural Additives & Lime: Fertilizer (Ohio Revised Code)

Chapters 901:5-1, 901:5-2, 901:5-3, and 901:5-4

**How much revenue is derived from fees charged by the Department to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

Certifications are renewed every three years. Revenue figures vary based on when the initial certification was issued and when renewal is required. In FY 23, revenue is expected to be around \$16,000. Revenue is used to support Pesticide/Fertilizer Inspectors who inspect for proper certifications.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

N/A

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

Protecting the Lake Erie Watershed and Lake Erie. Also combating blue-green algae problems.

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

Phosphorus tonnage sales and uses are being reduced (trending down).

Soil testing levels are showing a reduction in phosphorus levels.

Are there any changes the Department would like to see implemented?

No

### Surrounding state comparison (LSC)

Fertilizer Application for Agricultural Production Certification						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Type of regulation	Certification ( <i>R.C. 905.321</i> ).	Certification ( <i>355 Ind. Admin. Code 7-4-1</i> ).	No clear equivalent.	No clear equivalent.	No clear equivalent.	No clear equivalent.
Education or training	Agricultural nutrient training course or demonstrate adequate knowledge of the fertilizer training requirements by exam ( <i>O.A.C. 901:5-4-03(B)</i> ).	Examination ( <i>355 Ind. Admin. Code 7-4-1</i> ).	N/A	N/A	N/A	N/A
Experience	N/A	N/A	N/A	N/A	N/A	N/A



Fertilizer Application for Agricultural Production Certification

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Exam	Yes, if demonstrating knowledge by exam ( <i>O.A.C. 901:5-4-03(B)</i> ).	Yes ( <i>355 Ind. Admin. Code 7-4-1</i> ).	N/A	N/A	N/A	N/A
Continuing education	One hour of agricultural nutrient training or demonstrate knowledge by exam; required every three years ( <i>O.A.C. 901:5-4-02(E)</i> ).	Three fertilizer material training courses may be taken in lieu of the exam every five years ( <i>355 Ind. Admin. Code 7-4-2</i> ).	N/A	N/A	N/A	N/A
Initial licensure fee	\$30 unless applicant holds a valid private or commercial applicator license ( <i>O.A.C. 901:5-4-02(D)</i> ).	\$20 for private applicator and \$45 for all other license types ( <i>355 Ind. Admin. Code 7-4-5</i> ).	N/A	N/A	N/A	N/A
License duration	Three years, unless applicant holds a valid private or commercial applicator license	Five years ( <i>355 Ind. Admin. Code 7-4-5(g)</i> ).	N/A	N/A	N/A	N/A

Fertilizer Application for Agricultural Production Certification						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	<i>(O.A.C. 901:5-4-02(E)).</i>					
Renewal fee	\$30 unless applicant holds valid private or commercial applicator license <i>(O.A.C. 901:5-4-02(D)).</i>	\$20 for private applicator and \$45 for all other license types <i>(355 Ind. Admin. Code 7-4-5).</i>	N/A	N/A	N/A	N/A

## Seed labeler

### Survey responses (AGR)

Description
All persons labeling seed to be sold in or into Ohio as defined is required to apply for an Ohio seed labelers permit. Seed labeler permits are generally issued to company's rather than individuals.

**Type** (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)

License known as an Ohio seed labelers permit.

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Number issued annually</b>	450
<b>Number renewed annually</b>	420
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	When the hemp program was established under ODA, approximately 75 new seed labelers registered to sell hemp seed into Ohio. More than 30% have now cancelled their permit and a large percentage of those that continue their permit don't report any sales in Ohio.
<b>Education or training requirements</b>	None
<b>Experience requirements</b>	None

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<p><b>Examination requirements</b> (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Department receive any proceeds of those fees? If so, how are the proceeds used?</i>)</p>	<p>The annual fee is \$10.00 per permit. Each permit holder is also required to pay seed sales fees semi-annually based on the seed types that they sell. Minimum semi-annual seed sales fees are \$5.00 per reporting period.</p>
<p><b>Continuing education requirements</b> (<i>Including a description of the curriculum and the process of setting it.</i>)</p>	<p>None</p>
<p><b>Initial fee</b></p>	<p>\$10.00</p>
<p><b>Duration</b></p>	<p>One year or portion of one year to expire December 31<sup>st</sup> of every year.</p>
<p><b>Renewal fee</b> (<i>If different from initial fee, please explain why.</i>)</p>	<p>Same</p>
<p><b>Does the Department recognize uniform licensure requirements or allow for reciprocity?</b></p>	<p>No</p>
<p><b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b></p>	<p>No</p>

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<p><b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Department?</b></p>	<p>No</p>
<p><b>Is the Department permitted to exercise discretion in determining whether to register, certify, or license an individual?</b></p>	<p>Yes, ODA can suspend, revoke or refuse to register an applicant once an opportunity for a hearing has been provided.</p>
<p><b>Other information</b> (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>)</p>	<p>None</p>

**Oversight and disciplinary authority of the Department respecting individuals engaged in the occupation.**

Stop sale orders can be placed on seed that is found to be outside of tolerance when compared to the label. Stop sale orders can be placed on seed found in Ohio without a current seed labeler’s permit in place. Permits can be suspended or revoked for violating ORC 907 once a hearing is offered.

**How much revenue is derived from fees charged by the Department to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

Annual Permit revenue \$4,500.00 based on 450 applications.

Annual seed sales fees collected \$372,712.08 in 2021.

Late filing penalty fees collected \$6,766.36 in 2021

Program operations, inspections, and sample processing.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

None

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

This regulation provides truth in labeling of seed protecting consumers from purchasing seed that is below tolerance levels. This regulation also helps reduce the amount of noxious weed seed distributed into Ohio that may otherwise be included in out of state lots distributed into Ohio.

Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?

Yes. Not known.

Are there any changes the Department would like to see implemented?

No.

### **Surrounding state comparison (LSC)**

LSC staff determined that a seed labeler permit is not an “occupational regulation” under the state’s general policy enacted by S.B. 255 of the 132<sup>nd</sup> General Assembly and is, therefore, beyond the scope of this report. *(See, R.C. 103.27 and 4798.01.)*

## Legume inoculator

### Survey responses (AGR)

Description
A legume applicator permit is issued to individuals or companies that apply legume inoculant to seed to be sown. Most of these permits are issued to companies rather than individuals.

Type (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)
License known as a legume applicator permit.

If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	45
Number renewed annually	40



**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	No
<b>Education or training requirements</b>	None
<b>Experience requirements</b>	None
<b>Examination requirements</b> ( <i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Department receive any proceeds of those fees? If so, how are the proceeds used?</i> )	None
<b>Continuing education requirements</b> ( <i>Including a description of the curriculum and the process of setting it.</i> )	None
<b>Initial fee</b>	\$5.00
<b>Duration</b>	One year or portion of one year to expire January 31 <sup>st</sup> every year.
<b>Renewal fee</b> ( <i>If different from initial fee, please explain why.</i> )	\$5.00

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<p><b>Does the Department recognize uniform licensure requirements or allow for reciprocity?</b></p>	<p>No</p>
<p><b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b></p>	<p>Unknown</p>
<p><b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Department?</b></p>	<p>No</p>
<p><b>Is the Department permitted to exercise discretion in determining whether to register, certify, or license an individual?</b></p>	<p>The ODA can refuse to register or revoke an existing permit for violations of ORC 907.27-907.35.</p>
<p><b>Other information</b> (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>)</p>	<p>None</p>

**Oversight and disciplinary authority of the Department respecting individuals engaged in the occupation.**

No inspection conducted

**How much revenue is derived from fees charged by the Department to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

\$225.00 per year

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

Not known

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

Legume inoculant could be applied by individuals that aren't registered.

Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?

Not likely

Are there any changes the Department would like to see implemented?

This regulation could likely be removed from the statute as its cost prohibitive to perform inspections of any type without losing money and it is unclear what an inspection would accomplish.

### **Surrounding state comparison (LSC)**

LSC staff determined that a legume inoculator permit is not an “occupational regulation” under the state’s general policy enacted by S.B. 255 of the 132<sup>nd</sup> General Assembly and is, therefore, beyond the scope of this report. *(See, R.C. 103.27 and 4798.01.)*

## Apiary registration

### Survey responses (AGR)

Description
All apiaries in the state of Ohio must be registered with ODA as required by ORC 909.02. Registration expires on May 31 annually.

Type (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)
Registration

If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	9800
Number renewed annually	~8000

If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	The numbers of registered apiaries have been steadily rising over the past six years.
<b>Education or training requirements</b>	N/A
<b>Experience requirements</b>	N/A
<b>Examination requirements</b> ( <i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Department receive any proceeds of those fees? If so, how are the proceeds used?</i> )	N/A
<b>Continuing education requirements</b> ( <i>Including a description of the curriculum and the process of setting it.</i> )	N/A
<b>Initial fee</b>	\$5.00 per location
<b>Duration</b>	Annual (Jan. 1 – Dec. 31)
<b>Renewal fee</b> ( <i>If different from initial fee, please explain why.</i> )	Same as initial fee

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<p><b>Does the Department recognize uniform licensure requirements or allow for reciprocity?</b></p>	<p>Other state apiary certifications are recognized, however apiary located in Ohio must be registered in Ohio.</p>
<p><b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b></p>	<p>No</p>
<p><b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Department?</b></p>	<p>Yes, an individual could work with bees on their property if they were registered by a different individual. Or someone assist with an apiary registered by another person.</p>
<p><b>Is the Department permitted to exercise discretion in determining whether to register, certify, or license an individual?</b></p>	<p>Yes, ODA may revoke for cause according to 909.13</p>
<p><b>Other information</b> <i>(Significant attributes or prerequisites to licensure not addressed in this chart.)</i></p>	

**Oversight and disciplinary authority of the Department respecting individuals engaged in the occupation.**

(A)(1) Whoever violates sections [909.03](#) and [909.10](#) of the Revised Code is guilty of a misdemeanor of the third degree on a first offense; on each subsequent offense, the person is guilty of a misdemeanor of the second degree.

(2) Any person who violates division (D) of section [909.10](#) of the Revised Code also shall not be remunerated for the eradication of his Africanized honeybees.

(B) Whoever violates any section of Chapter 909. of the Revised Code for which no penalty otherwise is provided is guilty of a misdemeanor of the fourth degree on a first offense; on each subsequent offense, the person is guilty of a misdemeanor of the third degree.

**How much revenue is derived from fees charged by the Department to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

Approximately \$49,000 is generated annually and is used to fund program activities.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

N/A

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

The Apiary Program coordinates the state and county inspection services that help identify and prevent the spread of serious bee diseases and pests, as well as to control Africanized bees. The Apiary Program works with several national groups and the USDA in providing samples for the study of Colony Collapse Disorder which caused massive colony deaths in various parts of the nation, including Ohio.



Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?

The program is effective.

No. There are no alternative methods defined in ORC or OAC.

Are there any changes the Department would like to see implemented?

Yes

### **Surrounding state comparison (LSC)**

LSC staff determined that an apiary registration is not an “occupational regulation” under the state’s general policy enacted by S.B. 255 of the 132<sup>nd</sup> General Assembly and is, therefore, beyond the scope of this report. *(See, R.C. 103.27 and 4798.01.)*

## Bakery registration

### Survey responses (AGR)

#### Description

Bakery means a building or part of a building wherein is carried on the production, preparation, packing, storing, display, or sale to other than the ultimate consumer of bread, stuffed breads, cake, pies, cookies, crackers, doughnuts, noodles, waffle cones, pizza crusts, or other bakery products, whether frozen, fried, deep fried, or partially or completely baked, including any separate room used for the convenience or accommodation of the workers.

Each person, firm, partnership, or corporation that owns or operates a bakery shall register each bakery that it owns or operates with the director of agriculture. For the registration, the owner or operator of each bakery shall pay an annual fee of thirty dollars for a production capacity of one thousand pounds of bakery product per hour or less and an annual fee of thirty dollars for each one thousand pounds of bakery product per hour capacity, or part thereof, in excess of one thousand pounds of bakery product per hour.

Any person who owns or operates a home bakery with only one oven, in a stove of ordinary home kitchen design and located in a home, used for the baking of baked goods to be sold, shall pay a sum of ten dollars annually for registration regardless of the capacity of the home bakery oven. The registration shall be renewed annually by the thirtieth day of September and shall be renewed according to the standard renewal procedure of Chapter 4745. of the Revised Code. The registration of the bakery shall show the location, including municipal corporation, street, and number, the name of the owner, and the name of the operator. The application for registration shall be made on a form prescribed and provided by the director. All moneys received from registration fees and fines collected under sections [911.01](#) to [911.20](#) of the Revised Code shall be deposited with the treasurer of state to the credit of the food safety fund created in section [915.24](#) of the Revised Code. All annual renewal registration fees required by this section shall be paid by the applicant for the renewal to the treasurer of state for deposit into the food safety fund.

**Type** *(License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)*

There is a commercial bakery registration and a home bakery registration and an out of state bakery registration.

If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>Number issued annually</b>	In 2021 there were 466 commercial bakery registrations issued, 995 home bakery registrations issued and 112 out of state bakery registrations issued.
<b>Number renewed annually</b>	In 2021 410 commercial bakery registrations, 844 home bakery registrations and 112 out of state bakery registrations were renewals.
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	Since 2017 through 2021 there has been a ten percent increase in the number of bakery registrations issued.
<b>Education or training requirements</b>	None
<b>Experience requirements</b>	None
<b>Examination requirements</b> ( <i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Department receive any proceeds of those fees? If so, how are the proceeds used?</i> )	None
<b>Continuing education requirements</b> ( <i>Including a description of the curriculum and the process of setting it.</i> )	None
<b>Initial fee</b>	\$10 for home bakery registration. \$30/1,000 pounds of bakery products produced/hour for commercial registration. \$30 for out of state bakery registration.

If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>Duration</b>	One year, October 1 through September 30
<b>Renewal fee</b> <i>(If different from initial fee, please explain why.)</i>	Same
<b>Does the Department recognize uniform licensure requirements or allow for reciprocity?</b>	Commercial bakeries must comply with Federal regulations which have been adopted by the State of Ohio.  Home bakeries must be clean.  Reciprocity is allowed but there is none with other states.
<b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b>	No
<b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Department?</b>	There is a cottage food exemption. The baking of bakery products that do not require refrigeration may be produced in a regular home kitchen and there is no inspection or registration required.
<b>Is the Department permitted to exercise discretion in determining whether to register, certify, or license an individual?</b>	The registered entity must meet rules that apply to all food manufacturers. If the bakery cannot meet those requirements a registration will not be issued.
<b>Other information</b> <i>(Significant attributes or prerequisites to licensure not addressed in this chart.)</i>	Retail bakeries, those that sell the majority of their production directly to the end consumer are regulated by local health department. ODA Food Safety only regulates those bakeries that wholesale 51% or more of their production. Home bakeries are always regulated by ODA Food Safety.

**Oversight and disciplinary authority of the Department respecting individuals engaged in the occupation.**

Ohio Revised Code 911.02 identifies bakeries as needing to be registered with the Ohio Department of Agriculture. Much of ORC 911 identifies sanitation and processing requirements for bakeries. Ohio Revised Code 911.17 allows the department to close a bakery if it is unfit for the production or selling of food. Ohio Revised Code 911.99 provides for a penalty if a bakery does not maintain sanitation.

**How much revenue is derived from fees charged by the Department to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

In 2021 revenue totaled \$37,020. This was used to cover the cost of running the division of Food Safety.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

Commercial bakeries must comply with FDA's processing rule, 21 CFR 117. Ohio has adopted this rule. Federal law does not require a state to regulate a bakery.

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

The law provides oversight of bakeries to ensure safe, wholesome food is produced and that it is honestly presented to the consumer. This is done through inspections that verify the sanitation, processing and labeling of foods produced at a bakery.

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

This law has been shown to be effective. There is not another way to ensure the safety of the foods produced.

**Are there any changes the Department would like to see implemented?**

No

**Surrounding state comparison (LSC)**

LSC staff determined that a bakery registration is not an “occupational regulation” under the state’s general policy enacted by S.B. 255 of the 132<sup>nd</sup> General Assembly and is, therefore, beyond the scope of this report. (See, R.C. 103.27 and 4798.01.)

## Milk producer

### Survey responses (AGR)

Description
License for any individual or business that wants to be a licensed milk producer in Ohio. To sell milk to a licensed processor, you need to obtain a Milk Producer license.

Type (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)
License

If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	57
Number renewed annually	0. These licenses don't get renewed. Once you have it, it remains valid unless revoked.

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	Has remained about the same.
<b>Education or training requirements</b>	None
<b>Experience requirements</b>	None
<b>Examination requirements</b> ( <i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Department receive any proceeds of those fees? If so, how are the proceeds used?</i> )	None
<b>Continuing education requirements</b> ( <i>Including a description of the curriculum and the process of setting it.</i> )	None
<b>Initial fee</b>	\$15.00
<b>Duration</b>	Perpetual
<b>Renewal fee</b> ( <i>If different from initial fee, please explain why.</i> )	None



**If the regulation is a registration, certification, or license requirement, please complete the following:**

<p><b>Does the Department recognize uniform licensure requirements or allow for reciprocity?</b></p>	<p>No. A milk producer license is for a physical address located within the state of Ohio.</p>
<p><b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b></p>	<p>No.</p>
<p><b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Department?</b></p>	<p>Not legally. They must have a license to be a milk producer.</p>
<p><b>Is the Department permitted to exercise discretion in determining whether to register, certify, or license an individual?</b></p>	<p>Yes. If the facility meets all the requirements of the regulations, they will be licensed.</p>
<p><b>Other information</b> <i>(Significant attributes or prerequisites to licensure not addressed in this chart.)</i></p>	

**Oversight and disciplinary authority of the Department respecting individuals engaged in the occupation.**

Dairy Division

**How much revenue is derived from fees charged by the Department to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

\$15/license.

\$855 for 2021.

Revenue is deposited into the 4r20 fund that is used to pay for expenses for the division.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

If a Grade "A" farm wants to ship milk across state lines or into a Grade "A" IMS listed facility, then a milk producer must adhere to the requirements of the Pasteurized Milk Ordinance, which is developed by FDA, State Regulatory and Industry.

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

Food borne outbreaks in milk and/or milk products.

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

Yes. The Pasteurized Milk Ordinance and the dairy industry has had a very successful track record in preventing food borne outbreaks in relation to dairy products.

**Are there any changes the Department would like to see implemented?**

No

### **Surrounding state comparison (LSC)**

LSC staff determined that a milk producer license is not an “occupational regulation” under the state’s general policy enacted by S.B. 255 of the 132<sup>nd</sup> General Assembly and is, therefore, beyond the scope of this report. *(See, R.C. 103.27 and 4798.01.)*

## Milk processor

### Survey responses (AGR)

Description
License for any individual or business that wants to be a licensed milk processor in Ohio. For someone to be able to sell finished dairy products to consumers in Ohio, they must be a licensed Milk Processor.

Type (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)
License

If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	20
Number renewed annually	0. These licenses don't get renewed. Once you have it, it remains valid unless revoked.

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	Has remained about the same.
<b>Education or training requirements</b>	None
<b>Experience requirements</b>	None
<b>Examination requirements</b> ( <i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Department receive any proceeds of those fees? If so, how are the proceeds used?</i> )	None
<b>Continuing education requirements</b> ( <i>Including a description of the curriculum and the process of setting it.</i> )	None
<b>Initial fee</b>	\$15.00
<b>Duration</b>	Perpetual
<b>Renewal fee</b> ( <i>If different from initial fee, please explain why.</i> )	None

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<p><b>Does the Department recognize uniform licensure requirements or allow for reciprocity?</b></p>	<p>No. A milk processor license is for a physical address located within the state of Ohio.</p>
<p><b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b></p>	<p>No.</p>
<p><b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Department?</b></p>	<p>Not legally. They must have a license to be a milk processor.</p>
<p><b>Is the Department permitted to exercise discretion in determining whether to register, certify, or license an individual?</b></p>	<p>Yes. If the facility meets all the requirements of the regulations, they will be licensed.</p>
<p><b>Other information</b> (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>)</p>	

**Oversight and disciplinary authority of the Department respecting individuals engaged in the occupation.**

Dairy Division

**How much revenue is derived from fees charged by the Department to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

\$15/license

\$300 for 2021.

All processors are charged a total pro-rated fee of \$146,000 per month. That total is divided up amongst all licensed locations. This is a total of \$1,752,000. The money collected is deposited into the 4r20 fund and is used to pay for expenses for the dairy division.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

If a Grade "A" milk processor wants to ship milk across state lines, then the processor must adhere to the requirements of the Pasteurized Milk Ordinance, which is developed by FDA, State Regulatory and Industry.

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

Food borne outbreaks in milk and/or milk products.

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

Yes. The Pasteurized Milk Ordinance and the dairy industry has had a very successful track record in preventing food borne outbreaks in relation to dairy products.

**Are there any changes the Department would like to see implemented?**

No

### **Surrounding state comparison (LSC)**

LSC staff determined that a milk processor license is not an “occupational regulation” under the state’s general policy enacted by S.B. 255 of the 132<sup>nd</sup> General Assembly and is, therefore, beyond the scope of this report. *(See, R.C. 103.27 and 4798.01.)*



## Milk dealer

### Survey responses (AGR)

Description
This is a license for any individual or company that is buying milk directly from a dairy farm. It is to guarantee payment to the producer for the milk purchased in the event the person or company buying the milk does not pay for the milk.

Type (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)
License

If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	1
Number renewed annually	0. These licenses don't get renewed. Once you have it, it remains valid unless revoked.

If the regulation is a registration, certification, or license requirement, please complete the following:	
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	Has remained about the same.
Education or training requirements	None
Experience requirements	None
Examination requirements ( <i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Department receive any proceeds of those fees? If so, how are the proceeds used?</i> )	None
Continuing education requirements ( <i>Including a description of the curriculum and the process of setting it.</i> )	None
Initial fee	\$15.00
Duration	Perpetual
Renewal fee ( <i>If different from initial fee, please explain why.</i> )	

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<p><b>Does the Department recognize uniform licensure requirements or allow for reciprocity?</b></p>	<p>No.</p>
<p><b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b></p>	<p>No.</p>
<p><b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Department?</b></p>	<p>Not legally. They must have a license to be a milk dealer.</p>
<p><b>Is the Department permitted to exercise discretion in determining whether to register, certify, or license an individual?</b></p>	<p>Yes.</p>
<p><b>Other information</b> (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>)</p>	

**Oversight and disciplinary authority of the Department respecting individuals engaged in the occupation.**

Dairy Division

**How much revenue is derived from fees charged by the Department to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

\$15/license.

\$15 in 2021.

Revenue is deposited into the 4r20 fund that is used to pay for expenses for the division.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

None

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

This regulation is to ensure dairy producers are paid for the milk purchased from the farm.

Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?

Yes, the regulation ensures dairy producers get paid for the milk purchased.

Are there any changes the Department would like to see implemented?

No

### **Surrounding state comparison (LSC)**

LSC staff determined that milk dealer license is not an “occupational regulation” under the state’s general policy enacted by S.B. 255 of the 132<sup>nd</sup> General Assembly and is, therefore, beyond the scope of this report. *(See, R.C. 103.27 and 4798.01.)*

## Raw milk retailer

### Survey responses (AGR)

Description
A license for anyone selling raw milk to the ultimate consumer. However, unless you were in business prior to October 31, 1965, you cannot obtain this license anymore. See ORC 917.04.

Type (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)
License

If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	0
Number renewed annually	0

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	No
<b>Education or training requirements</b>	None
<b>Experience requirements</b>	None
<b>Examination requirements</b> ( <i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Department receive any proceeds of those fees? If so, how are the proceeds used?</i> )	None
<b>Continuing education requirements</b> ( <i>Including a description of the curriculum and the process of setting it.</i> )	None
<b>Initial fee</b>	\$15.00
<b>Duration</b>	Perpetual
<b>Renewal fee</b> ( <i>If different from initial fee, please explain why.</i> )	None

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<p><b>Does the Department recognize uniform licensure requirements or allow for reciprocity?</b></p>	<p>No</p>
<p><b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b></p>	<p>No</p>
<p><b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Department?</b></p>	<p>No</p>
<p><b>Is the Department permitted to exercise discretion in determining whether to register, certify, or license an individual?</b></p>	<p>No</p>
<p><b>Other information</b> <i>(Significant attributes or prerequisites to licensure not addressed in this chart.)</i></p>	

**Oversight and disciplinary authority of the Department respecting individuals engaged in the occupation.**

Dairy Division



**How much revenue is derived from fees charged by the Department to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

None

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

None

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

Foodborne outbreaks in milk and/or milk products due to consuming raw dairy products.

Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?

Yes

Are there any changes the Department would like to see implemented?

No

### **Surrounding state comparison (LSC)**

LSC staff determined that a raw milk retailer license is not an “occupational regulation” under the state’s general policy enacted by S.B. 255 of the 132<sup>nd</sup> General Assembly and is, therefore, beyond the scope of this report. *(See, R.C. 103.27 and 4798.01.)*

## Milk weigher, tester, or sampler

### Survey responses (AGR)

Description
License for any individual that is weighing, sampling, or testing milk for official regulatory purposes within the state of Ohio. This could be on-farm and in-plant.

Type <i>(License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)</i>
License

If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	710
Number renewed annually	0. These licenses don't get renewed. Once you have it, it remains valid unless revoked.

If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	Has remained about the same.
<b>Education or training requirements</b>	None
<b>Experience requirements</b>	None
<b>Examination requirements</b> ( <i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Department receive any proceeds of those fees? If so, how are the proceeds used?</i> )	Required to pass a written exam within 90 days of applying for the license. Dairy Division employees administer the exam at a mutually agreeable location. No fees are charged for the exam.
<b>Continuing education requirements</b> ( <i>Including a description of the curriculum and the process of setting it.</i> )	None
<b>Initial fee</b>	\$15.00
<b>Duration</b>	Perpetual
<b>Renewal fee</b> ( <i>If different from initial fee, please explain why.</i> )	None

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<p><b>Does the Department recognize uniform licensure requirements or allow for reciprocity?</b></p>	<p>Yes</p>
<p><b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b></p>	<p>Nothing nationally, but we do recognize a similar license from other states.</p>
<p><b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Department?</b></p>	<p>No</p>
<p><b>Is the Department permitted to exercise discretion in determining whether to register, certify, or license an individual?</b></p>	<p>Yes</p>
<p><b>Other information</b> <i>(Significant attributes or prerequisites to licensure not addressed in this chart.)</i></p>	

**Oversight and disciplinary authority of the Department respecting individuals engaged in the occupation.**

Dairy Division

**How much revenue is derived from fees charged by the Department to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

\$15/license

\$10,650 in 2021.

Revenue is deposited into the 4r20 fund that is used to pay for expenses for the division.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

The Pasteurized Milk Ordinance requires all individuals weighing and/or sampling milk to have a license.

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

The intent of the regulation is to ensure all individuals performing these functions are doing them correctly. Dairy producers get paid on the components in their milk. For instance, if someone doesn't sample milk from a farm bulk tank properly, the dairy producer is not going to get paid correctly because the components of the sample could be out of normal range.

Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?

Yes

Are there any changes the Department would like to see implemented?

No

### Surrounding state comparison (LSC)

Milk Weigher, Tester, Sampler						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Type of regulation	License ( <i>R.C. 917.09</i> ).	Tester license ( <i>Ind. Code 15-18-2-19</i> ).  Sampler and weigher license ( <i>Ind. Code 15-18-2-20</i> ).	Tester license ( <i>Ky. Rev. Stat. 260.800</i> ).  Sampler or weigher license ( <i>Ky. Rev. Stat. 260.805</i> ).	Sampler/hauler license ( <i>Mich. Comp. Laws 288.503</i> ).	Tester certification ( <i>31 P.S. 700j-602</i> ).  Weighers and samplers certification ( <i>31 P.S. 700j-603</i> ).	Tester and weigher and sampler licenses ( <i>W. Va. Code 19-11-5</i> ).

Milk Weigher, Tester, Sampler						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Education or training	N/A	N/A	N/A	Must study training manual ( <i>Michigan Dept. of Agriculture and Rural Development, Dairy Hauler/ Sampler</i> ).	N/A	N/A
Experience	N/A	N/A	N/A	N/A	N/A	N/A
Exam	Yes, covers sanitation and personal cleanliness; sampling and weighing procedures; milk or cream testing procedures; proper use, care, and cleaning of equipment; and record keeping ( <i>R.C. 917.08; O.A.C. 901:11-4-02</i> ).	Yes for tester, determines if applicant is competent to test milk and cream ( <i>Ind. Code 15-18-2-19</i> ).  Yes for sampler and weigher, determines if applicant is competent to sample milk and cream ( <i>Ind. Code 15-18-2-20</i> ).	Yes for tester ( <i>Ky. Rev. Stat. 260.800</i> ).  Yes for sampler or weigher ( <i>Ky. Rev. Stat. 260.805</i> ).	Yes ( <i>Mich. Comp. Laws 288.503</i> ).	Yes for tester ( <i>31 P.S. 700j-602</i> ).  Yes for weigher/ sampler ( <i>31 P.S. 700j-603</i> ).	Yes, certification of successful exam completion is a prerequisite of licensure ( <i>W. Va. Code 19-11-4</i> ).
Continuing education	N/A	N/A	N/A	Must be in-person or via online	N/A	N/A



**Milk Weigher, Tester, Sampler**

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
				training ( <i>Michigan Dept. of Agriculture and Rural Development, Dairy Hauler/ Sampler</i> ).		
Initial licensure fee	\$15 ( <i>R.C. 917.09; O.A.C 901:11-4-02</i> ).	\$30 for tester; \$20 for sampler and weigher ( <i>Ind. Code 15-18-2-21</i> ).	\$15 for both license categories ( <i>Ky. Rev. Stat. 260.815</i> ).	\$50 ( <i>Mich. Comp. Laws 288.503</i> ).	\$25 for tester ( <i>31 P.S. 700k-7; 7 Pa. Code 150.62</i> ).  \$25 for weigher and sampler ( <i>31 P.S. 700k-8; 7 Pa. Code 150.72</i> ).	\$10 ( <i>W. Va. Code 19-11-5</i> ).
License duration	Valid unless suspended, revoked, or canceled ( <i>O.A.C. 901:11-4-02</i> ).	One year ( <i>Ind. Code 15-18-2-26</i> ).	One year ( <i>Ky. Rev. Stat. 260.815</i> ).	Two years ( <i>Mich. Comp. Laws 288.503</i> ).	One year ( <i>31 P.S. 700j-602 and 603; 7 Pa. Code 150.2a</i> ).	One year ( <i>W. Va. Code 19-11-5</i> ).
Renewal fee	N/A	\$15 for tester ( <i>Ind. Code 15-18-2-24</i> ).  \$10 for sampler and weigher ( <i>Ind. Code 15-18-2-25</i> ).	\$15 for all license categories ( <i>Ky. Rev. Stat. 260.815</i> ).	\$50 ( <i>Mich. Comp. Laws 288.503</i> ).	\$25 ( <i>31 P.S. 700k-7 and 700k-8; 7 Pa. Code 150.72</i> ).	\$10 ( <i>W. Va. Code 19-11-5</i> ).

## Milk hauler

### Survey responses (AGR)

Description
License for any individual or company to haul milk within the state of Ohio. A milk hauler will have permits issued for milk conveyance vessels (example would be a tanker) they own.

Type (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)
License

If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	1
Number renewed annually	96 haulers will renew approximately 670 milk tanker permits

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	This has remained about the same.
<b>Education or training requirements</b>	None
<b>Experience requirements</b>	None
<b>Examination requirements</b> ( <i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Department receive any proceeds of those fees? If so, how are the proceeds used?</i> )	None
<b>Continuing education requirements</b> ( <i>Including a description of the curriculum and the process of setting it.</i> )	None
<b>Initial fee</b>	\$15.00
<b>Duration</b>	Perpetual for the Milk Hauler License. Tanker permits are yearly.
<b>Renewal fee</b> ( <i>If different from initial fee, please explain why.</i> )	\$15.00

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<p><b>Does the Department recognize uniform licensure requirements or allow for reciprocity?</b></p>	<p>Yes, we recognize milk haulers licensed in other states.</p>
<p><b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b></p>	<p>No</p>
<p><b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Department?</b></p>	<p>No</p>
<p><b>Is the Department permitted to exercise discretion in determining whether to register, certify, or license an individual?</b></p>	<p>Yes</p>
<p><b>Other information</b> <i>(Significant attributes or prerequisites to licensure not addressed in this chart.)</i></p>	

**Oversight and disciplinary authority of the Department respecting individuals engaged in the occupation.**

Dairy Division

**How much revenue is derived from fees charged by the Department to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

\$15/license; \$15/tanker permit renewal

\$10,075 in 2021.

Revenue is deposited into the 4r20 fund that is used to pay for expenses for the division.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

The Pasteurized Milk Ordinance requires all milk haulers to be licensed.

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

The regulation is to ensure the vessels used to move milk and/or milk products are properly constructed, clean and maintained in good condition. This helps to ensure high quality and safe dairy products make it to the consumer.

Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?

Yes

Are there any changes the Department would like to see implemented?

No

### **Surrounding state comparison (LSC)**

LSC staff determined that a milk hauler license is not an “occupational regulation” under the state’s general policy enacted by S.B. 255 of the 132<sup>nd</sup> General Assembly and is, therefore, beyond the scope of this report. *(See, R.C. 103.27 and 4798.01.)*

## Commercial pesticide applicator

### Survey responses (AGR)

Description
<p>ORC 921.06</p> <p>(A)(1) No individual shall do any of the following without having a commercial applicator license issued by the director of agriculture:</p> <p>(a) Apply pesticides for a pesticide business without direct supervision;</p> <p>(b) Apply pesticides as part of the individual's duties while acting as an employee of the United States government, a state, county, township, or municipal corporation, or a park district, port authority, or sanitary district created under Chapter 1545., 4582., or 6115. of the Revised Code, respectively;</p> <p>(c) Apply restricted use pesticides. Division (A)(1)(c) of this section does not apply to a private applicator or an immediate family member or a subordinate employee of a private applicator who is acting under the direct supervision of that private applicator.</p> <p>(d) If the individual is the owner of a business other than a pesticide business or an employee of such an owner, apply pesticides at any of the following publicly accessible sites that are located on the property:</p> <p>(i) Food service operations that are licensed under Chapter 3717. of the Revised Code;</p> <p>(ii) Retail food establishments that are licensed under Chapter 3717. of the Revised Code;</p> <p>(iii) Golf courses;</p> <p>(iv) Rental properties of more than four apartment units at one location;</p> <p>(v) Hospitals or medical facilities as defined in section <a href="#">3701.01</a> of the Revised Code;</p> <p>(vi) Child day-care centers or school child day-care centers as defined in section <a href="#">5104.01</a> of the Revised Code;</p> <p>(vii) Facilities owned or operated by a school district established under Chapter 3311. of the Revised Code, including an educational service center, a community school established under Chapter 3314. of the Revised Code, or a chartered or nonchartered nonpublic school that meets minimum standards established by the state board of education;</p> <p>(viii) State institutions of higher education as defined in section <a href="#">3345.011</a> of the Revised Code, nonprofit institutions holding a certificate of authorization pursuant to Chapter 1713. of the Revised Code, institutions holding a certificate of registration from the state board of career colleges and schools and program authorization for an associate or bachelor's degree program issued under section <a href="#">3332.05</a></p>

## Description

of the Revised Code, and private institutions exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section [3333.046](#) of the Revised Code;

(ix) Food processing establishments as defined in section [3715.021](#) of the Revised Code;

(x) Any other site designated by rule.

(e) Conduct authorized diagnostic inspections.

(2) Divisions (A)(1)(a) to (d) of this section do not apply to an individual who is acting as a trained serviceperson under the direct supervision of a commercial applicator.

(3) Licenses shall be issued for a period of time established by rule and shall be renewed in accordance with deadlines established by rule. The fee for each such license shall be established by rule. If a license is not issued or renewed, the application fee shall be retained by the state as payment for the reasonable expense of processing the application. The director shall by rule classify by pesticide-use category licenses to be issued under this section. A single license may include more than one pesticide-use category. No individual shall be required to pay an additional license fee if the individual is licensed for more than one category.

The fee for each license or renewal does not apply to an applicant who is an employee of the department of agriculture whose job duties require licensure as a commercial applicator as a condition of employment.

(B) Application for a commercial applicator license shall be made on a form prescribed by the director. Each application for a license shall state the pesticide-use category or categories of license for which the applicant is applying and other information that the director determines essential to the administration of this chapter.

(C) If the director finds that the applicant is competent to apply pesticides and conduct diagnostic inspections and that the applicant has passed both the general examination and each applicable pesticide-use category examination as required under division (A) of section [921.12](#) of the Revised Code, the director shall issue a commercial applicator license limited to the pesticide-use category or categories for which the applicant is found to be competent. If the director rejects an application, the director may explain why the application was rejected, describe the additional requirements necessary for the applicant to obtain a license, and return the application. The applicant may resubmit the application without payment of any additional fee.

(D)(1) A person who is a commercial applicator shall be deemed to hold a private applicator's license for purposes of applying pesticides on agricultural commodities that are produced by the commercial applicator.

(2) A commercial applicator shall apply pesticides only in the pesticide-use category or categories in which the applicator is licensed under this chapter.



**Description**

(E) All money collected under this section shall be credited to the pesticide, fertilizer, and lime program fund created in section [921.22](#) of the Revised Code.

**Type** *(License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)*

License

**If the regulation is a registration, certification, or license requirement, please complete the following:**

**Number issued annually**

In 2021: 1,217 (new)

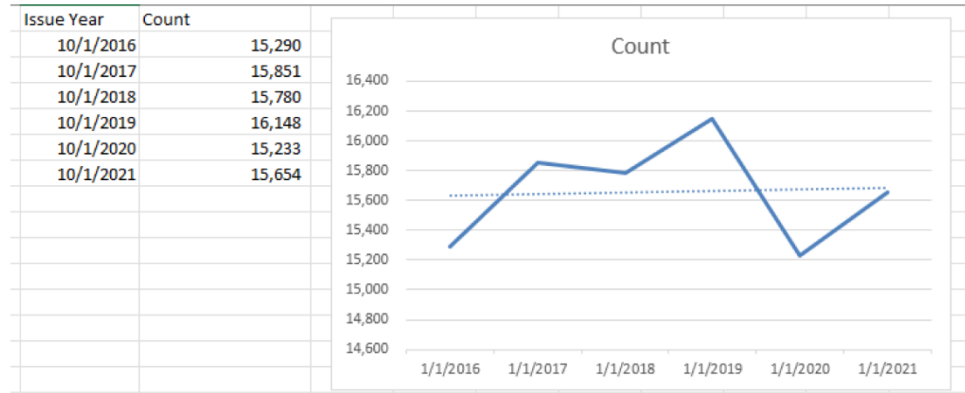
**Number renewed annually**

In 2021: 14,496 (renewed)

**If the regulation is a registration, certification, or license requirement, please complete the following:**

**Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?**

Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?



**Education or training requirements**

Must pass core exam (general law) and pesticide category exams.

**Experience requirements**

None

**Examination requirements** (*Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Department receive any proceeds of those fees? If so, how are the proceeds used?*)

Pesticide and Fertilizer inspectors proctor the examinations in the state. Exams are given at Ohio State Extension offices, govt. Facilities, and colleges. No fees are charged by ODA to take the examinations. Some onsite hosting facilities may require parking charges, but no proceeds go to ODA.

**Continuing education requirements** (*Including a description of the curriculum and the process of setting it.*)

5 hours of recert credit during a three-year recertification cycle. 1 hour must be in C-Core, ½ hour in each category on the applicator’s license, and the remaining hours to meet the 5-hour minimum can be in categories of the applicator’s choosing.

If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>Initial fee</b>	\$35.00 / annually
<b>Duration</b>	Licensing period 10/1/year to 09/30/following calendar year
<b>Renewal fee</b> <i>(If different from initial fee, please explain why.)</i>	\$35 renewal fee After 09/30/renewing year = \$17.50 late fee applies (total to renew is \$52.50)
<b>Does the Department recognize uniform licensure requirements or allow for reciprocity?</b>	Reciprocity is allowed with the following states currently: Alabama, Florida, Georgia, Illinois, Indiana, Louisiana, Michigan, Minnesota, Mississippi, New York, Pennsylvania, Virginia, Texas, and West Virginia.
<b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b>	No
<b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Department?</b>	No
<b>Is the Department permitted to exercise discretion in determining whether to register, certify, or license an individual?</b>	Only in association with Felonies/Crimes
<b>Other information</b> <i>(Significant attributes or prerequisites to licensure not addressed in this chart.)</i>	None

**Oversight and disciplinary authority of the Department respecting individuals engaged in the occupation.**

Chapter 921 Pesticides – Ohio Revised Code

Chapter 901:5-11 Pesticides – Ohio Administrative Code

**How much revenue is derived from fees charged by the Department to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

With approximately 15,000 licensees – new and renewed – annually, the program generates around \$525,000 in revenue. This revenue is used to support all aspects of the Pesticide/Fertilizer Regulation Program including examinations, routine inspections, and pesticide complaint investigations.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

FIFRA (Federal Insecticide, Fungicide, & Rodenticide Act) applies to the occupation. Federal law does not require the state to regulate the occupation, but Federal primacy give Ohio the authority to regulate pesticide licensing, use, and distribution in the state.

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

Protects the public & environment from unreasonable adverse effects of pesticides.

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

Yes

**Are there any changes the Department would like to see implemented?**

No

## Surrounding state comparison (LSC)

Commercial Pesticide Applicator License <sup>4</sup>						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Type of regulation	License ( <i>R.C. 921.06; O.A.C. 901:5-11-04</i> ).	License ( <i>Ind. Code 15-16-5-45 and 15-16-5-49; 355 Ind. Admin. Code 4-1-1.1</i> ).	License ( <i>Ky. Rev. Stat. 217B.060; 302 Ky. Admin. Regs. 27:050</i> ).	Certification ( <i>Mich. Comp. Laws 324.8312</i> ).	License ( <i>3 Pa. Cons. Stat. 111.35a</i> ).	License ( <i>W. Va. Code 19-16A-12</i> ).
Education or training	N/A	N/A	N/A	N/A	N/A	Complete one year of (1) experience as a full-time registered technician, (2) education, training, or experience in a field such as biology, chemistry, or forestry, or (3) a combination of education and experience ( <i>W. Va. Code 19-</i>

<sup>4</sup> Commercial pesticide applicator licenses generally appear to require an individual to receive both a certification and a license. That is, an applicant generally must pass a certification exam, or series of exams, to qualify for a one-year license that may be renewed as long as the applicant is certified. Depending on the state, certification lasts either three or five years and may be renewed by meeting prescribed continuing education criteria.

**Commercial Pesticide Applicator License<sup>4</sup>**

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
						<i>16A-12(d); W. Va. Code R. 61-12A-3).</i>
Experience	N/A	18 years of age ( <i>Ind. Code 15-16-5-45(d)</i> ).	N/A	N/A	18 years of age ( <i>7 Pa. Code 128.44(a)</i> ).	N/A
Exam	Complete a general core exam and an additional exam for each applicable pesticide-use category ( <i>R.C. 921.12; O.A.C. 901:5-11-08(A)</i> ).	Complete a core exam and an exam in each pesticide-use category, except that a core exam is not required for aerial application and wood destroying pest inspection categories ( <i>Ind. Code 15-16-5-45(b); 355 Ind. Admin. Code 4-1-2.1 and 4-1-3</i> ).	Complete a certification exam in the category or categories in which certification is requested ( <i>Ky. Rev. Stat. 217B.060(3); 302 Ky. Admin. Regs. 27:050, Section 3</i> ).	Complete a certification exam ( <i>Mich. Comp. Laws 324.8311(3); Mich. Admin. Code R. 285.636.4</i> ).	Complete a core exam and a minimum of one exam in a pesticide-use category ( <i>3 Pa. Cons. Stat. 111.36a; 7 Pa. Code 128.42 and 128.43</i> ).	Complete an exam in the use and handling of pesticides ( <i>W. Va. Code 19-16A-12(d); W. Va. Code R. 61-12A-3</i> ).

**Commercial Pesticide Applicator License<sup>4</sup>**

	<b>Ohio</b>	<b>Indiana</b>	<b>Kentucky</b>	<b>Michigan</b>	<b>Pennsylvania</b>	<b>West Virginia</b>
Continuing education	Every three years either retake the appropriate exams (see above) or complete at least five approved training hours, including at least one-half hour in training specific to each pesticide-use category ( <i>R.C. 921.12(D), (E), and (F); O.A.C. 901:5-11-08(B)(1)</i> ).	Every five years either retake the appropriate exams (see above) or a minimum number of continuing certification hours dependent on which pesticide-use categories the individual is certified in ( <i>Ind. Code 15-16-5-45(c); 355 Ind. Admin. Code 4-7-2</i> ).	Every three years attend at least 12 continuing education units ( <i>302 Ky. Admin. Regs. 27:050(3)</i> ).	Complete training, an exam, or both, as required by the Michigan Director of Agriculture and Rural Development ( <i>Mich. Comp. Laws 324.8312(6); Mich. Admin. Code R. 285.636.7(4)</i> ).	Every three years complete approved training in core and category-specific areas ( <i>3 Pa. Cons. Stat. 111.36a(2); 7 Pa. Code 128.45</i> ).	Every three years complete 20 continuing education units ( <i>W. Va. Code 19-16A-12(b); W. Va. Code R. 61-12A-7</i> ).
Initial licensure fee	\$35 ( <i>O.A.C. 901:5-11-04(A)</i> ).	\$45 ( <i>Ind. Code 15-16-5-52(a)</i> ).	\$25 ( <i>Ky. Rev. Stat. 217B.080</i> ).	\$75 ( <i>Mich. Comp. Laws 324.8317(1)(a)</i> ).	\$25 ( <i>3 Pa. Cons. Stat. 111.35a(e) and 111.57a</i> ).	\$20 ( <i>W. Va. Code 19-16A-12(a)(5); W. Va. Code R. 61-12-4</i> ).
License duration	One year ( <i>O.A.C. 901:5-11-04(B)</i> ).	One year ( <i>Ind. Code 15-16-5-52(e)</i> ).	One year ( <i>Ky. Rev. Stat. 217B.080</i> ).	Three years ( <i>Mich. Comp. Laws 324.8317(2); Mich. Admin. Code R. 285.636.7(1)</i> ).	One year ( <i>3 Pa. Cons. Stat. 111.35a(i)</i> ).	One year ( <i>W. Va. Code 19-16A-13</i> ).



Commercial Pesticide Applicator License <sup>4</sup>						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Renewal fee	\$35 ( <i>R.C. 921.12(B); O.A.C. 901:5-11-04(A)</i> ).	\$45 ( <i>Ind. Code 15-16-5-52(e)(2)(B)</i> ).	\$25 ( <i>Ky. Rev. Stat. 217B.080</i> ).	\$75 ( <i>Mich. Comp. Laws 324.8317(1)(a)</i> ).	\$25 ( <i>3 Pa. Cons. Stat. 111.35a(e) and 111.57a</i> ).	\$20 ( <i>W. Va. Code 19-16A-12(a)(5); W. Va. Code R. 61-12-4</i> ).

## Private pesticide applicator

### Survey responses (AGR)

Description
<p>The <b>Private Pesticide Applicator</b> license is for:</p> <ul style="list-style-type: none"> <li>Any individual who uses or directly supervises the use of any restricted use pesticide for purposes of producing any agricultural commodity on property owned or rented by him or his employer.</li> </ul> <p>Relevant ORC Section: 921.11</p> <p>(A)(1) No individual shall apply restricted use pesticides unless the individual is one of the following:</p> <p>(a) Licensed under section <a href="#">921.06</a> of the Revised Code;</p> <p>(b) Licensed under division (B) of this section;</p> <p>(c) A trained serviceperson who is acting under the direct supervision of a commercial applicator;</p> <p>(d) An immediate family member or a subordinate employee of a private applicator who is acting under the direct supervision of that private applicator.</p> <p>(2) No individual shall directly supervise the application of a restricted use pesticide unless the individual is one of the following:</p> <p>(a) Licensed under section <a href="#">921.06</a> of the Revised Code;</p> <p>(b) Licensed under division (B) of this section.</p>

**Description**

(B) The director of agriculture shall adopt rules to establish standards and procedures for the licensure of private applicators. An individual shall apply for a private applicator license to the director, on forms prescribed by the director. The individual shall include in the application the pesticide-use category or categories of the license for which the individual is applying and any other information that the director determines is essential to the administration of this chapter. The fee for each license shall be established by rule. Licenses shall be issued for a period of time established by rule and shall be renewed in accordance with deadlines established by rule. If a license is not issued or renewed, the state shall retain any fee submitted as payment for reasonable expenses of processing the application.

(C) An individual who is licensed under this section shall use or directly supervise the use of a restricted use pesticide only for the purpose of producing agricultural commodities on property that is owned or rented by the individual or the individual’s employer.

(D) All money collected under this section shall be credited to the pesticide, fertilizer, and lime program fund created in section [921.22](#) of the Revised Code.

**Type** *(License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)*

License

**If the regulation is a registration, certification, or license requirement, please complete the following:**

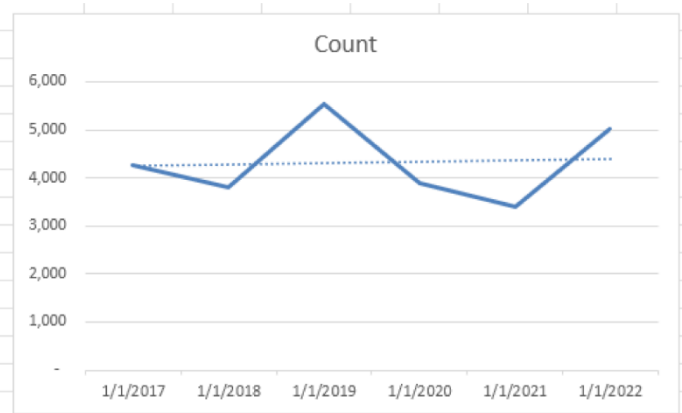
<b>Number issued annually</b>	In 2021: 952 (new)
<b>Number renewed annually</b>	In 2021: 2,765 (renewed)

**If the regulation is a registration, certification, or license requirement, please complete the following:**

**Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?**

Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?

Issue Date	Count
4/1/2017	4,273
4/1/2018	3,812
4/1/2019	5,544
4/1/2020	3,889
4/1/2021	3,406
4/1/2022	5,029



**Education or training requirements**

Must pass core exam (general law) and pesticide category exams.

**Experience requirements**

None

**Examination requirements** (*Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Department receive any proceeds of those fees? If so, how are the proceeds used?*)

Pesticide and Fertilizer inspectors proctor the examinations in the state. Exams are given at Ohio State Extension offices, govt. Facilities, and colleges. No fees are charged by ODA to take the examinations. Some onsite hosting facilities may require parking charges, but no proceeds go to ODA.

**Continuing education requirements** (*Including a description of the curriculum and the process of setting it.*)

3 hours of recert credit during a three-year recertification cycle. 1 hour must be in C-Core, ½ hour in each category on the applicator’s license, and the remaining hours to meet the 3-hour minimum can be in categories of the applicator’s choosing.

If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>Initial fee</b>	\$30
<b>Duration</b>	Licensing period 4/1/year to 03/31/following three calendar years (3 year cycle).
<b>Renewal fee</b> <i>(If different from initial fee, please explain why.)</i>	\$30 (No Late Fee)
<b>Does the Department recognize uniform licensure requirements or allow for reciprocity?</b>	Reciprocity is allowed with the following states currently: Alabama, Florida, Georgia, Illinois, Indiana, Louisiana, Michigan, Minnesota, Mississippi, New York, Pennsylvania, Virginia, Texas, and West Virginia.
<b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b>	No
<b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Department?</b>	No
<b>Is the Department permitted to exercise discretion in determining whether to register, certify, or license an individual?</b>	Only in association with Felonies/Crimes
<b>Other information</b> <i>(Significant attributes or prerequisites to licensure not addressed in this chart.)</i>	No

**Oversight and disciplinary authority of the Department respecting individuals engaged in the occupation.**

Chapter 921 Pesticides – Ohio Revised Code  
Chapter 901:5-11 Pesticides – Ohio Administrative Code

**How much revenue is derived from fees charged by the Department to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

Annual revenue varies based on the 3-year renewal cycle. In FY22, there were approximately 5,000 new applicants and renewals for a total of \$150,000 in revenue. This revenue is used to support the Pesticide/Fertilizer Regulation Section and enforcement of the Pesticide Law

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

FIFRA (Federal Insecticide, Fungicide, & Rodenticide Act) applies to the occupation. Federal law does not require the state to regulate the occupation, but Federal primacy give Ohio the authority to regulate pesticide licensing, use, and distribution in the state.

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

Protect the public & environment from unreasonable adverse effects of pesticides.

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

Yes

**Are there any changes the Department would like to see implemented?**

No

## Surrounding state comparison (LSC)

Private Pesticide Applicator License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Type of regulation	License ( <i>R.C. 921.11</i> ).	Certificate/permit ( <i>Ind. Code 15-16-5-54</i> ).	Certificate ( <i>Ky. Rev. Stat. 217B.050 and 217B.060; 302 Ky. Admin. Regs. 27:050, Section 7</i> ).	Certificate ( <i>Mich. Comp. Laws 324.8317</i> ).	Private applicator certificate; private applicator permit in fumigation ( <i>3 P.S. 111.37b</i> ).	License/certificate ( <i>W. Va. Code 19-16A-12</i> ).
Education or training	Three hours, minimum of one hour of core training ( <i>R.C. 921.11; O.A.C. 901:5-11-08(B)(2)</i> ).	N/A	Competence of a private applicator verified by a training program administered by county extension agents ( <i>302 Ky. Admin. Regs. 27:050, Section 7</i> ).	Methods of certification must include one of the following: <ol style="list-style-type: none"> <li>1. Self-study and examination;</li> <li>2. Classroom training and examination; or</li> <li>3. An oral fact-finding interview administered by the Director of Agriculture's authorized representative when a person is</li> </ol>	N/A	One year of education in a field such as, but not limited to, biology, chemistry, or forestry; one year of experience as a full-time registered technician; or a combination of one year of education and training specified above ( <i>W. Va. Code R. 61-12A-3</i> ).

Private Pesticide Applicator License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
				unable to demonstrate competence by examination or classroom training. <i>(Mich. Comp. Laws 324.8311.)</i>		
Experience	N/A	N/A	Must possess a practical knowledge of the pest problems and pest control practices <i>(302 Ky. Admin. Regs. 27:050, Section 7).</i>	N/A	At least 16 years of age <i>(7 Pa. Code 128.62).</i>	Must show that they possess a practical knowledge of the pest problems and pest control practices associated with his or her agricultural operation <i>(W. Va. Code 19-16A-12; W. Va. Code R. 61-12A-3).</i>
Exam	General core examination and additional exam for each applicable	Yes, core and category of pesticide exams <i>(Ind. Code 15-16-5-44 and 15-16-5-</i>	Self-administered quizzes; following completion of training, instructor signs	70% or higher score on written exam or correct answering of oral questions	Written examination that includes specified areas of knowledge and	Examination approved by the Commissioner of Agriculture with a required score of



Private Pesticide Applicator License

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	pesticide-use category ( <i>R.C. 921.12; O.A.C. 901:5-11-08</i> ).	<i>45; 355 Ind. Admin. Code 4-1-4</i> ).	certification competency statement containers ( <i>302 Ky. Admin. Regs. 27:050, Section 7</i> ).	(number unspecified) during fact-finding interview ( <i>Mich. Comp. Laws 324.8314; Mich. Admin. Code R. 285.636.6</i> ).	information on transportation, storage, security, and disposal ( <i>7 Pa. Code 128.61</i> ).  An applicant that wishes to receive an additional private applicator permit in fumigation must pass an additional written examination specifically relating to each type of fumigant the applicant intends to use ( <i>7 Pa. Code 128.64</i> ).	at least 70% ( <i>W. Va. Code R. 61-12A-2, 61-12A-3, and 61-12A-6</i> ).
Continuing education	Three hours, minimum of one hour of core training ( <i>O.A.C. 901:5-11-08(B)(2)</i> ).	Three class credits or passage of examination for initial certification ( <i>Ind. Code 15-16-5-54; 355 Ind. Admin. Code 4-7-5</i> ).	12 continuing education units for agriculture-related categories (nine general and three specific) or a total of 15 continuing	As determined by the Director, applicator may need additional training or re-examination on changes in pesticide	Update training credits, six core and six category credits relating to the proper and safe use of pesticides ( <i>3 Pa. Cons. Stat.</i>	Must accrue ten continuing certification units (five hours) every three years ( <i>W. Va. Code 19-16A-12; W. Va. Code R. 61-12A-7</i> ).

Private Pesticide Applicator License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
			education units for structural licenses ( <i>Kentucky Dept. of Agriculture, <a href="#">Pesticide Training and Testing</a></i> ).	application technology or use patterns ( <i>Mich. Admin. Code R. 285.636.7</i> ).	<i>111.37b; 7 Pa. Code 128.63</i> .  For a private applicator permit in fumigation – at least two credits of category-specific education relating to the appropriate area of fumigation in which the applicator is certified ( <i>7 Pa. Code 128.64</i> ).	
Initial licensure fee	\$30 ( <i>O.A.C. 901:5-11-05</i> ).	\$20 ( <i>Ind. Code 15-16-5-54</i> ).	N/A	\$50 ( <i>Mich. Comp. Laws 324.8317</i> ).	\$10 for private applicator certification ( <i>3 Pa. Cons. Stat. 111.37b</i> ).  No fee for private applicator permit in fumigation ( <i>7 Pa. Code 128.64</i> ).	\$20 ( <i>W. Va. Code R. 61-12A-3; Certified Training Institute, <a href="#">West Virginia Pesticide Applicator Requirements and FAQs</a></i> ).
License duration	Three years ( <i>O.A.C. 901:5-11-05</i> ).	Five years ( <i>Ind. Code 15-16-5-54; 355 Ind. Admin.</i> ).	Three years ( <i>302 Ky. Admin. Regs. 27:050, Section 7</i> ).	Three years ( <i>Mich. Comp. Laws 324.8317</i> ).	Three years for both private applicator certification and	Three years ( <i>W. Va. Code R. 61-12A-7</i> ).

Private Pesticide Applicator License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
		<i>Code 4-1-4 and 4-7-5).</i>			private applicator permit in fumigation (3 Pa. Cons. Stat. 111.37b; 7 Pa. Code 128.64).	
Renewal fee	\$30 ( <i>O.A.C. 901:5-11-05</i> ).	\$20 ( <i>Ind. Code 15-16-5-54</i> ).	N/A	\$50 ( <i>Mich. Comp. Laws 324.8317</i> ).	\$10 (3 Pa. Cons. Stat. 111.37b; 7 Pa. Code 128.3).	\$20 ( <i>W. Va. Code R. 61-12-3; Certified Training Institute, <a href="#">West Virginia Pesticide Applicator Requirements and FAQs</a></i> ).

## Grain commodity handler

### Survey responses (AGR)

Description
Is a license issued to companies to handle agricultural commodities from depositors as defined. This license is issued primarily to companies. Depositors that deal with licensed commodity handlers can file claims against the agricultural commodity depositors fund in the event of a handler failure.

**Type** (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)

This is a license known as an agricultural commodity handler license.

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Number issued annually</b>	360
<b>Number renewed annually</b>	360
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	No
<b>Education or training requirements</b>	None
<b>Experience requirements</b>	None

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<p><b>Examination requirements</b> (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Department receive any proceeds of those fees? If so, how are the proceeds used?</i>)</p>	<p>None</p>
<p><b>Continuing education requirements</b> (<i>Including a description of the curriculum and the process of setting it.</i>)</p>	<p>None</p>
<p><b>Initial fee</b></p>	<p>\$200.00 for the main location, \$100.00 for each additional branch and an examination fee based off the bushel capacity of the facilities.</p>
<p><b>Duration</b></p>	<p>One year</p>
<p><b>Renewal fee</b> (<i>If different from initial fee, please explain why.</i>)</p>	<p>\$200.00 for the main location, \$100.00 for each additional branch and an examination fee based off the bushel capacity of the facilities.</p>
<p><b>Does the Department recognize uniform licensure requirements or allow for reciprocity?</b></p>	<p>No</p>
<p><b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b></p>	<p>Federal licenses only cover one minor aspect and could not substitute for this license. The federal license is limited on the amount of coverage to depositors based on binding requirements.</p>

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Department?</b>	No
<b>Is the Department permitted to exercise discretion in determining whether to register, certify, or license an individual?</b>	Yes, ODA can suspend, revoke, or refuse applications based on failure to comply with ORC 926.
<b>Other information</b> ( <i>Significant attributes or prerequisites to licensure not addressed in this chart.</i> )	No

**Oversight and disciplinary authority of the Department respecting individuals engaged in the occupation.**

On site physical and perpetual grain inventory comparisons along with grain record audits. Each applicant also provides an annual financial statement prepared on a review or audit level used to prove financial compliance.

**How much revenue is derived from fees charged by the Department to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

License fees \$51,558.33 in 2021.

Exam fees \$94,723.33 in 2021.

The fees collected are used to administer the program including field auditing staff.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

None

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

Depositors would have no recourse on the proceeds they are owed from licensed handlers in the event of a handler failure.

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

Yes, since the inception of the program in 1983, the fund has paid out \$19,404,043.92 in claims to 1,543 claimants from 41 failures. Not that we are aware of.

**Are there any changes the Department would like to see implemented?**

No

### **Surrounding state comparison (LSC)**

LSC staff determined that a grain commodity handler license is not an “occupational regulation” under the state’s general policy enacted by S.B. 255 of the 132<sup>nd</sup> General Assembly and is, therefore, beyond the scope of this report. *(See, R.C. 103.27 and 4798.01.)*



## Grain commodity tester

### Survey responses (AGR)

Description
A commodity tester certificate is issued to individuals who work for licensed handlers. These individuals pull samples from all loads of grain received and test the samples for applicable factors. Once the factors are determined applicable discounts are applied.

Type (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)
License known as a commodity tester certificate.

If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	Annual average 340 certificates issued
Number renewed annually	Estimated 80%

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	No
<b>Education or training requirements</b>	Successfully complete the written open book test to acquire the initial certificate. 3 hour training course or successful completion of the written test for renewal.
<b>Experience requirements</b>	No
<b>Examination requirements</b> ( <i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Department receive any proceeds of those fees? If so, how are the proceeds used?</i> )	Open book 50 question test. Must get 40 out 50 or 80% correct to pass.
<b>Continuing education requirements</b> ( <i>Including a description of the curriculum and the process of setting it.</i> )	No
<b>Initial fee</b>	\$25.00
<b>Duration</b>	Balance of the application year plus 3 years
<b>Renewal fee</b> ( <i>If different from initial fee, please explain why.</i> )	\$25.00

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<p><b>Does the Department recognize uniform licensure requirements or allow for reciprocity?</b></p>	<p>No</p>
<p><b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b></p>	<p>Official weigher and grader certificate issued by the federal government is similar but not a substitute.</p>
<p><b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Department?</b></p>	<p>No</p>
<p><b>Is the Department permitted to exercise discretion in determining whether to register, certify, or license an individual?</b></p>	<p>Yes, a certificate can be refused or revoked for non-compliance with ORC 926.</p>
<p><b>Other information</b> <i>(Significant attributes or prerequisites to licensure not addressed in this chart.)</i></p>	<p>None</p>

**Oversight and disciplinary authority of the Department respecting individuals engaged in the occupation.**

The director may determine that retraining is necessary because of changes or amendments of the U.S. Grain Standards, or a complaint is received indicating a tester is not applying tests accurately according to the U.S. Grain Standards. A tester certificate can be suspended or revoked in accordance with 119 for failure or inability of a tester to apply the official grain standards when testing commodities.

**How much revenue is derived from fees charged by the Department to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

Approximately \$8,500.00 per year.

Used to administer the program.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

None

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

Incorrect grading factors and discounts could be applied if the tester is not trained properly and certified.

Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?

- 1) Yes
- 2) No

Are there any changes the Department would like to see implemented?

No

### Surrounding state comparison (LSC)

Grain Commodity Tester						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Type of regulation	Certificate ( <i>R.C. 926.30</i> ).	No clear equivalent.	No clear equivalent.	No clear equivalent.	No clear equivalent.	No clear equivalent.
Education or training	N/A	N/A	N/A	N/A	N/A	N/A
Experience	N/A	N/A	N/A	N/A	N/A	N/A

Grain Commodity Tester						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Exam	Yes ( <i>R.C. 926.30(A)</i> ).	N/A	N/A	N/A	N/A	N/A
Continuing education	N/A	N/A	N/A	N/A	N/A	N/A
Initial licensure fee	\$25 ( <i>R.C. 926.30(B)</i> ; <i>O.A.C. 901:7-2-11(A)</i> ).	N/A	N/A	N/A	N/A	N/A
License duration	Three years ( <i>R.C. 926.30(B)</i> ; <i>O.A.C. 901:7-2-11(A)</i> ).	N/A	N/A	N/A	N/A	N/A
Renewal fee	\$25 ( <i>R.C. 926.30(B)</i> ; <i>O.A.C. 901:7-2-11(A)</i> ).	N/A	N/A	N/A	N/A	N/A

## Nursery dealer

### Survey responses (AGR)

Description
Required for any person who sells or distributes nursery stock in the state of Ohio.

Type (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)
License

If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	4647
Number renewed annually	~4500

If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	No, the numbers have been very steady.
<b>Education or training requirements</b>	N/A
<b>Experience requirements</b>	N/A
<b>Examination requirements</b> ( <i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Department receive any proceeds of those fees? If so, how are the proceeds used?</i> )	N/A
<b>Continuing education requirements</b> ( <i>Including a description of the curriculum and the process of setting it.</i> )	N/A
<b>Initial fee</b>	\$125.00
<b>Duration</b>	1 year
<b>Renewal fee</b> ( <i>If different from initial fee, please explain why.</i> )	\$125.00



If the regulation is a registration, certification, or license requirement, please complete the following:	
Does the Department recognize uniform licensure requirements or allow for reciprocity?	Yes
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	No
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Department?	There is an exemption in place for operations that are non-profit and make no more than \$2000 per year.
Is the Department permitted to exercise discretion in determining whether to register, certify, or license an individual?	Not upon initial application. Yes, the Director can suspend or revoke a certification for violations of nursery stock laws and regulations.
Other information (Significant attributes or prerequisites to licensure not addressed in this chart.)	Nursery Dealers must only purchase stock from growers who are licensed and have passed inspected.

**Oversight and disciplinary authority of the Department respecting individuals engaged in the occupation.**

(A) The director of agriculture or his authorized representative may prosecute any violation of sections [927.51](#) to [927.72](#), inclusive, of the Revised Code, in any court of competent jurisdiction.

(B) Upon request of the director, the prosecuting attorney of the county, or the prosecuting officer of any other political subdivision, in which any such prosecution is pending, shall aid in any investigation, prosecution, hearing, or trial had under sections [927.51](#) to [927.73](#), inclusive, of the Revised Code, and shall institute and prosecute such actions or proceedings for the enforcement of such sections and the punishment of all violations thereof as the director may request.

**Oversight and disciplinary authority of the Department respecting individuals engaged in the occupation.**

Whoever violates sections [927.51](#) to [927.72](#) of the Revised Code is guilty of a misdemeanor of the third degree on a first offense; on each subsequent offense, the person is guilty of a misdemeanor of the second degree.

**How much revenue is derived from fees charged by the Department to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

\$580,875 – pays for personnel and expenses of specialists involved in the inspection of nursery stock, quarantine compliance assistance, and insect and disease monitoring, and associated administrative expenses throughout the state.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

There are federal quarantines in place that require inspection and certification of nursery stock to move from area to area in some cases i.e., quarantine for Gypsy Moth a.k.a. spongy moth.

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

The regulation seeks to prevent the movement of plant pests and diseases on the wide range of horticultural species that are sold as ornamentals to prevent those pests from cause additional harm in a new area or on a different crop, such as a food crop or our natural resources like standing timber.

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

Yes, registering and inspecting facilities that are involved in the movement of nursery stock allows the Department to both prevent and react to pest problems. Our inspectors are a resource for these businesses in finding pest problems and giving them access to the latest information to control these problems. The program is not restrictive.

**Are there any changes the Department would like to see implemented?**

No

**Surrounding state comparison (LSC)**

LSC staff determined that a nursery dealer license is not an “occupational regulation” under the state’s general policy enacted by S.B. 255 of the 132<sup>nd</sup> General Assembly and is, therefore, beyond the scope of this report. (See, R.C. 103.27 and 4798.01.)

## Garbage feeder

### Survey responses (AGR)

Description
(A) No person shall feed on the person's premises, or permit the feeding of, treated garbage to swine without a license to do so issued by the department of agriculture.
(A) No person shall feed or permit the feeding of garbage to swine unless it is treated garbage and the person treating the garbage holds a valid license issued under section 942.02 of the Revised Code.

Type (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)
License

If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	0
Number renewed annually	0

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	Decreases
<b>Education or training requirements</b>	N/A
<b>Experience requirements</b>	N/A
<b>Examination requirements</b> ( <i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Department receive any proceeds of those fees? If so, how are the proceeds used?</i> )	N/A
<b>Continuing education requirements</b> ( <i>Including a description of the curriculum and the process of setting it.</i> )	N/A
<b>Initial fee</b>	\$100.00
<b>Duration</b>	Annual
<b>Renewal fee</b> ( <i>If different from initial fee, please explain why.</i> )	\$100.00

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<p><b>Does the Department recognize uniform licensure requirements or allow for reciprocity?</b></p>	<p>No</p>
<p><b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b></p>	<p>No</p>
<p><b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Department?</b></p>	<p>No</p>
<p><b>Is the Department permitted to exercise discretion in determining whether to register, certify, or license an individual?</b></p>	<p>Yes</p>
<p><b>Other information</b> <i>(Significant attributes or prerequisites to licensure not addressed in this chart.)</i></p>	<p>N/A</p>

**Oversight and disciplinary authority of the Department respecting individuals engaged in the occupation.**

N/A

**How much revenue is derived from fees charged by the Department to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

\$0.00

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

Swine Health Protection CFR Part 166.

No.

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

To protect the commerce of the United States and the health and welfare of the people of the United States by ensuring that food waste fed to swine does not contain active disease organisms that pose a risk to U. S. swine.

Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?

Regulation is effective.

Are there any changes the Department would like to see implemented?

No

### **Surrounding state comparison (LSC)**

LSC staff determined that a garbage feeder license is not an “occupational regulation” under the state’s general policy enacted by S.B. 255 of the 132<sup>nd</sup> General Assembly and is, therefore, beyond the scope of this report. *(See, R.C. 103.27 and 4798.01.)*



## Livestock broker/dealer

### Survey responses (AGR)

Description
(A) No person shall act as a small dealer, dealer, or broker without first being licensed. No person shall be an employee of more than one small dealer, dealer, or broker. Except as provided in division (B) of this section, no person holding a license as a small dealer, dealer, or broker shall be an employee. No employee shall act for any small dealer, dealer, or broker unless the small dealer, dealer, or broker is licensed, and has designated the employee to act in the small dealer's, dealer's, or broker's behalf and has notified the department of agriculture in the application for license or has given official notice in writing of the appointment of the employee. The small dealer, dealer, or broker shall be accountable and responsible for all contracts pertaining to the purchase, exchange, or sale of livestock made by the employee. The small dealer, dealer, or broker who terminates the services of an employee shall notify the department in writing of the employee's termination. No person who is a licensed small dealer, dealer, or broker shall have livestock exempted pursuant to divisions (B)(1) to (6) of section 943.01 of the Revised Code.

Type (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)
License

If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	209 in 2021
Number renewed annually	209

If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	No significant changes.
<b>Education or training requirements</b>	No requirements.
<b>Experience requirements</b>	No experience requirements
<b>Examination requirements</b> ( <i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Department receive any proceeds of those fees? If so, how are the proceeds used?</i> )	No exam requirements.
<b>Continuing education requirements</b> ( <i>Including a description of the curriculum and the process of setting it.</i> )	NO CE needed.
<b>Initial fee</b>	\$25.00, \$50.00, \$125.00. \$250.00 respectively. (Fee is determined by headage bought and sold)
<b>Duration</b>	1 year. (Annually)
<b>Renewal fee</b> ( <i>If different from initial fee, please explain why.</i> )	Renewal is the same as initial fee. (Fee dependent upon the headage of animals bought and sold)

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Does the Department recognize uniform licensure requirements or allow for reciprocity?</b>	No
<b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b>	Yes, registration through USDA Packers and Stockyards Administration. No, Packers and Stockyards Administration does not cover as many requirements at the State of Ohio.
<b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Department?</b>	Yes, individuals can buy and sell livestock in the state of Ohio but must meet the movement and ownership requirements.
<b>Is the Department permitted to exercise discretion in determining whether to register, certify, or license an individual?</b>	Yes.
<b>Other information</b> ( <i>Significant attributes or prerequisites to licensure not addressed in this chart.</i> )	N/A

**Oversight and disciplinary authority of the Department respecting individuals engaged in the occupation.**

N/A

**How much revenue is derived from fees charged by the Department to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

\$33,760.00

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

USDA Packers and Stockyards Act.

No.

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

Financial Hardship, and prevent animal disease, and monitor traceability of animal diseases. Unfair trade practices.

Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?

Yes.

No.

Are there any changes the Department would like to see implemented?

No

### **Surrounding state comparison (LSC)**

LSC staff determined that a livestock broker/dealer license is not an “occupational regulation” under the state’s general policy enacted by S.B. 255 of the 132<sup>nd</sup> General Assembly and is, therefore, beyond the scope of this report. *(See, R.C. 103.27 and 4798.01.)*

## Small livestock dealer

### Survey responses (AGR)

Description
(D) "Small dealer" means any person found by the department buying, receiving, selling, slaughtering, with the exception of those persons designated by division (B)(1) of section 918.10 of the Revised Code, exchanging, negotiating, or soliciting the sale, resale, exchange, or transfer of any animals in an amount of two hundred fifty head or less of cattle, horses, or other equidae or five hundred head or less of sheep, goats, or other bovidae, swine or other suidae, poultry, alpacas, llamas, or monitored captive deer, captive deer with status, or captive deer with certified chronic wasting disease status during any one year.

Type (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)
License

If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	67 in 2021
Number renewed annually	67

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	No
<b>Education or training requirements</b>	None
<b>Experience requirements</b>	None
<b>Examination requirements</b> ( <i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Department receive any proceeds of those fees? If so, how are the proceeds used?</i> )	None
<b>Continuing education requirements</b> ( <i>Including a description of the curriculum and the process of setting it.</i> )	N/A
<b>Initial fee</b>	\$25.00
<b>Duration</b>	1 Year/Annually
<b>Renewal fee</b> ( <i>If different from initial fee, please explain why.</i> )	Same as above

If the regulation is a registration, certification, or license requirement, please complete the following:	
Does the Department recognize uniform licensure requirements or allow for reciprocity?	No
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	No
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Department?	Individuals can buy and sell livestock but must maintain ownership for more than 30 days to not be considered a Livestock Dealer.
Is the Department permitted to exercise discretion in determining whether to register, certify, or license an individual?	Yes
Other information (Significant attributes or prerequisites to licensure not addressed in this chart.)	N/A

Oversight and disciplinary authority of the Department respecting individuals engaged in the occupation.
N/A



**How much revenue is derived from fees charged by the Department to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

\$1,675.00

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

N/A

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

Prevention of animal disease and monitor traceability of animal diseases.

Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?

Yes

No

Are there any changes the Department would like to see implemented?

No

### **Surrounding state comparison (LSC)**

LSC staff determined that a small livestock dealer license is not an “occupational regulation” under the state’s general policy enacted by S.B. 255 of the 132<sup>nd</sup> General Assembly and is, therefore, beyond the scope of this report. *(See, R.C. 103.27 and 4798.01.)*

# Livestock weigher

## Survey responses (AGR)

Description
<p>A) Each person maintaining and operating any weighing facilities used for, in connection with, or incident to the purchase or sale of livestock at any auction market, concentration yard, stockyard, packing plant, or place for assembling livestock in the state, shall do both of the following:</p> <p>(1) Maintain and operate all the weighing facilities so as to ensure accurate weights.</p> <p>(2) Be licensed as a weigher or employ one or more weighers licensed by the department of agriculture, and require that all livestock handled for purchase, sale, or exchange be accurately weighed by the licensed weighers upon scales approved by the department and inspected, tested, maintained, and operated in accordance with this section. This section does not prevent such weighers from performing other duties not inconsistent with this section.</p>

Type (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)
License

If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	500 in 2021
Number renewed annually	500

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	No
<b>Education or training requirements</b>	No
<b>Experience requirements</b>	No
<b>Examination requirements</b> ( <i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Department receive any proceeds of those fees? If so, how are the proceeds used?</i> )	No
<b>Continuing education requirements</b> ( <i>Including a description of the curriculum and the process of setting it.</i> )	None
<b>Initial fee</b>	\$10.00
<b>Duration</b>	Expire March 31 <sup>st</sup> of the year. Annually.
<b>Renewal fee</b> ( <i>If different from initial fee, please explain why.</i> )	\$10.00

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<p><b>Does the Department recognize uniform licensure requirements or allow for reciprocity?</b></p>	<p>No</p>
<p><b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b></p>	<p>No</p>
<p><b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Department?</b></p>	<p>No</p>
<p><b>Is the Department permitted to exercise discretion in determining whether to register, certify, or license an individual?</b></p>	<p>Yes</p>
<p><b>Other information</b> (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>)</p>	<p>A current scale test needs to be submitted for any scale that will be weighing livestock for commerce.</p>

**Oversight and disciplinary authority of the Department respecting individuals engaged in the occupation.**

N/A

**How much revenue is derived from fees charged by the Department to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

\$5,000.00

(F) All money collected under section 943.03 of the Revised Code and under this section shall be credited to the animal and consumer protection laboratory fund created in section 901.43 of the Revised Code.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

None

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

No weigher shall improperly weigh any livestock, or give any false certificate of weight, or accept directly or indirectly money or other consideration for any neglect or improper performance of duty, and no person shall wrongfully influence or interfere, or attempt to so influence or interfere, with any such weigher in the performance of his duty or attempt to do so

Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?

Yes

No

Are there any changes the Department would like to see implemented?

No

### **Surrounding state comparison (LSC)**

LSC staff determined that a livestock broker/dealer license is not an “occupational regulation” under the state’s general policy enacted by S.B. 255 of the 132<sup>nd</sup> General Assembly and is, therefore, beyond the scope of this report. *(See, R.C. 103.27 and 4798.01.)*

## Transporter of raw rendering material

### Survey responses (AGR)

Description
(1) The license fee for a person applying for an annual license to pick up or collect raw rendering material and dispose of the material to a licensee or in accordance with divisions (B) and (C) of section 953.26 of the Revised Code, or to transport raw rendering material to a composting facility, is twenty-five dollars per conveyance that is used to pick up or collect and dispose of or to transport raw rendering material. A late fee of ten dollars per conveyance shall be charged for each application that is received after the thirtieth day of November each year.

Type (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)
License

If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	Approximately 100 Collectors with a total of 901 conveyances
Number renewed annually	Approximately 100 Collectors with a total of 901 conveyances.



**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	No
<b>Education or training requirements</b>	None
<b>Experience requirements</b>	None
<b>Examination requirements</b> ( <i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Department receive any proceeds of those fees? If so, how are the proceeds used?</i> )	N/A
<b>Continuing education requirements</b> ( <i>Including a description of the curriculum and the process of setting it.</i> )	None
<b>Initial fee</b>	\$25.00 per conveyance
<b>Duration</b>	1 Year/Annually
<b>Renewal fee</b> ( <i>If different from initial fee, please explain why.</i> )	\$25.00

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<p><b>Does the Department recognize uniform licensure requirements or allow for reciprocity?</b></p>	<p>No</p>
<p><b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b></p>	<p>No</p>
<p><b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Department?</b></p>	<p>No</p>
<p><b>Is the Department permitted to exercise discretion in determining whether to register, certify, or license an individual?</b></p>	<p>Yes</p>
<p><b>Other information</b> <i>(Significant attributes or prerequisites to licensure not addressed in this chart.)</i></p>	<p>None</p>

**Oversight and disciplinary authority of the Department respecting individuals engaged in the occupation.**

N/A

**How much revenue is derived from fees charged by the Department to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

\$22,520.00

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

None

No

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

Sanitary and proper disposal of inedible products.

Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?

No

No

Are there any changes the Department would like to see implemented?

No

### **Surrounding state comparison (LSC)**

LSC staff determined that the license for transporting raw rendering material is not an “occupational regulation” under the state’s general policy enacted by S.B. 255 of the 132<sup>nd</sup> General Assembly and is, therefore, beyond the scope of this report. *(See, R.C. 103.27 and 4798.01.)*

## High volume dog breeder

### Survey responses (AGR)

#### Description

“High volume breeder” means an establishment that keeps, houses, and maintains six or more breeding dogs and does at least one of the following:

- (1) In return for a fee or other consideration, sells five or more adult dogs or puppies in any calendar year to dog brokers or pet stores;
- (2) In return for a fee or other consideration, sells forty or more puppies in any calendar year to the public; or
- (3) Keeps, houses, and maintains, at any given time in a calendar year, more than forty puppies that are under four months of age, that have been bred on the premises of the establishment, and that have been primarily kept, housed, and maintained from birth on the premises of the establishment.

**Type** (*License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.*)

- 5 or more to Broker/Pet Store
- 40 or more bred on premise
- 40 to 60 puppies
- 61 to 150 puppies
- 151 to 250 puppies
- 251 to 350 puppies
- 351 or more puppies

If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>Number issued annually</b>	571 in 2021
<b>Number renewed annually</b>	571 in 2021
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	Significant increase annually in the last 6 years
<b>Education or training requirements</b>	N/A
<b>Experience requirements</b>	N/A
<b>Examination requirements</b> ( <i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Department receive any proceeds of those fees? If so, how are the proceeds used?</i> )	N/A
<b>Continuing education requirements</b> ( <i>Including a description of the curriculum and the process of setting it.</i> )	N/A
<b>Initial fee</b>	\$150.00-\$750.00 depending on license type
<b>Duration</b>	Calendar Year

If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>Renewal fee</b> <i>(If different from initial fee, please explain why.)</i>	\$150.00-\$750.00 depending on license type
<b>Does the Department recognize uniform licensure requirements or allow for reciprocity?</b>	No
<b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b>	No
<b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Department?</b>	Yes, if individuals have less than 6 breeding females and less than 40 dogs less than 4 months on the premise, they may still breed and sell dogs without a license
<b>Is the Department permitted to exercise discretion in determining whether to register, certify, or license an individual?</b>	<p>(A) The director of agriculture shall deny an application for a license that is submitted under section <a href="#">956.04</a> or <a href="#">956.05</a> of the Revised Code for either of the following reasons:</p> <p>(1) The applicant for the license has violated any provision of this chapter or a rule adopted under it if the violation materially threatens the health or welfare of a dog.</p> <p>(2) The applicant has been convicted of or pleaded guilty to a disqualifying offense as determined in accordance with section <a href="#">9.79</a> of the Revised Code.</p> <p>(B) The director may suspend or revoke a license issued under this chapter for violation of any provision of this chapter or a rule adopted, or order issued under it if the violation materially threatens the health and welfare of a dog.</p>
<b>Other information</b> <i>(Significant attributes or prerequisites to licensure not addressed in this chart.)</i>	BCI required on initial licensing, bond/insurance policy must be in place

**Oversight and disciplinary authority of the Department respecting individuals engaged in the occupation.**

At least once annually, the director of agriculture or the director's authorized representative shall inspect a high volume breeder that is subject to licensure under this chapter and rules adopted under section [956.03](#) of the Revised Code to ensure compliance with this chapter and rules adopted under it, including the standards of care established in rules adopted under that section.

The director of agriculture, after providing an opportunity for an adjudication hearing under Chapter 119. of the Revised Code, may assess a civil penalty against a person who has violated or is violating division (A), (B), or (C) of section [956.20](#) of the Revised Code or division (E) of section [956.21](#) of the Revised Code.

(B) The person who is assessed a civil penalty under this section is liable for a civil penalty of not more than two thousand five hundred dollars for a first violation, not more than five thousand dollars for a second violation, and not more than ten thousand dollars for a third or subsequent violation.

(C) Any person assessed a civil penalty under this section shall pay the amount prescribed to the department of agriculture. The department shall remit all money collected under this section to the treasurer of state for deposit in the pet store license fund created under section [956.181](#) of the Revised Code.

Whoever violates division (A), (B), or (C) of section [956.051](#) of the Revised Code, division (A), (B), or (C) of section [956.20](#) of the Revised Code, or division (E) of section [956.21](#) of the Revised Code is guilty of a misdemeanor of the fourth degree.

**How much revenue is derived from fees charged by the Department to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

\$149,480 (From this amount we refunded \$30,835 in Kennel reimbursements to the counties and \$7880.00 in BCI reimbursements)

The director shall use the money in the fund for the purpose of administering sections [956.01](#) to [956.18](#) of the Revised Code and rules adopted under section [956.03](#) of the Revised Code that apply to those sections.



**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

N/A

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

Animal welfare issues with larger operations; consumer protection

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

Yes

**Are there any changes the Department would like to see implemented?**

Give kennel registration back to the counties and remove the county kennel reimbursement regulation.

**Surrounding state comparison (LSC)**

High-Volume Dog Breeder						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Type of regulation	License ( <i>R.C. 956.04</i> ).	Registration ( <i>345 Ind. Code 13-1-3(a)</i> ). <sup>5</sup>	No clear equivalent. <sup>6</sup>	Registration ( <i>Mich. Comp. Laws 287.336</i> ). <sup>7</sup>	License ( <i>3 P.S. 459-206</i> ). <sup>8</sup>	Permit ( <i>W. Va. Code 19-20-26</i> ). <sup>9</sup>

<sup>5</sup> A person must register as a commercial dog breeder if the person maintains more than 20 unaltered female dogs that are at least 12 months of age. 345 Ind. Code 13-1-3(a).

<sup>6</sup> There does not appear to be a state law regulating commercial dog breeders, but it appears that Kentucky counties may so regulate. For example, Henderson County, Kentucky requires a breeding permit to breed dogs. Henderson County, Kentucky, [Article II, Licenses and Breeding Permits](#).

<sup>7</sup> A kennel must register as a large-scale dog breeding kennel if the kennel houses or keeps 15 female intact dogs over four months old. Mich. Comp. Laws 287.331.

<sup>8</sup> A kennel must apply for a commercial kennel license if the kennel breeds or whelps dogs and (1) sells or transfers any dog to a dealer or pet shop kennel or (2) sells or transfers more than 60 dogs per calendar year. 3 P.S. 459-102.

<sup>9</sup> Generally, a person must obtain a commercial dog breeder permit if the person (1) maintains 11 or more unsterilized dogs older than one year for the exclusive purpose of actively breeding and (2) is engaged in the business of breeding dogs as household pets for sale or exchange in return for consideration. W. Va. Code 19-20-26.

High-Volume Dog Breeder						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Education or training	N/A	N/A	N/A	N/A	N/A	N/A
Experience	N/A	N/A	N/A	N/A	N/A	N/A
Exam	N/A	N/A	N/A	N/A	N/A	N/A
Continuing education	N/A	N/A	N/A	N/A	N/A	N/A
Initial licensure fee	\$150 to \$750 depending on the number of puppies annually sold to the public. If the numbers do not apply, \$150 if a certain number of adult dogs are sold to a dog broker or pet store or the breeder maintains a certain number of puppies under specified circumstances. (R.C. 956.07(A).)	\$75 to \$500 depending on the number of unadulterated female dogs maintained (345 Ind. Code 13-1-3).	N/A	\$500 (Mich. Comp. Laws 287.336).	\$75 to \$750 depending on the number of dogs of any age kept during a calendar year (3 P.S. 459-206(a)).	\$250 to \$500, as established by the county commission and depending on the number of dogs kept exclusively for breeding (W. Va. Code 19-20-26(c)(1)).

High-Volume Dog Breeder						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License duration	One year ( <i>R.C. 956.04(D)</i> ).	One year ( <i>345 Ind. Code 13-1-4</i> ).	N/A	One year ( <i>Mich. Comp. Laws 287.336</i> ).	One year ( <i>3 P.S. 459-206(a)</i> ).	One year ( <i>W. Va. Code 19-20-26</i> ).
Renewal fee	Same as initial licensure application fees ( <i>R.C. 956.07(A)</i> ).	Same as initial registration application fees ( <i>345 Ind. Code 13-1-4</i> ).	N/A	Same as initial registration application fees ( <i>Mich. Comp. Laws 287.336</i> ).	Same as initial licensure application fees ( <i>3 P.S. 459-206(a)</i> ).	Same as initial permit fees ( <i>W. Va. Code 19-20-26</i> ).

## Dog broker

### Survey responses (AGR)

Description
<p>“Dog broker” means a person who buys, sells, or offers to sell dogs at wholesale for resale to another or who sells or gives one or more dogs to a pet store annually. “Dog broker” does not include an animal rescue for dogs, an animal shelter for dogs, a humane society, a medical kennel for dogs, a research kennel for dogs, a pet store, or a veterinarian.</p>

**Type** (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)

License

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Number issued annually</b>	595 in 2021
<b>Number renewed annually</b>	595 in 2021
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	Significant increase annually in the last 6 years
<b>Education or training requirements</b>	N/A
<b>Experience requirements</b>	N/A

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Examination requirements</b> ( <i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Department receive any proceeds of those fees? If so, how are the proceeds used?</i> )	N/A
<b>Continuing education requirements</b> ( <i>Including a description of the curriculum and the process of setting it.</i> )	N/A
<b>Initial fee</b>	\$500.00
<b>Duration</b>	Calendar year
<b>Renewal fee</b> ( <i>If different from initial fee, please explain why.</i> )	\$500.00
<b>Does the Department recognize uniform licensure requirements or allow for reciprocity?</b>	No
<b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b>	No

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<p><b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Department?</b></p>	<p>No</p>
<p><b>Is the Department permitted to exercise discretion in determining whether to register, certify, or license an individual?</b></p>	<p>The director of agriculture shall deny an application for a license that is submitted under section <a href="#">956.04</a> or <a href="#">956.05</a> of the Revised Code for either of the following reasons:</p> <p>(1) The applicant for the license has violated any provision of this chapter or a rule adopted under it if the violation materially threatens the health or welfare of a dog.</p> <p>(2) The applicant has been convicted of or pleaded guilty to a disqualifying offense as determined in accordance with section <a href="#">9.79</a> of the Revised Code.</p>
<p><b>Other information</b> (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>)</p>	<p>BCI required on initial licensing</p>

**Oversight and disciplinary authority of the Department respecting individuals engaged in the occupation.**

At least once annually, the director of agriculture or the director’s authorized representative shall inspect a high volume breeder that is subject to licensure under this chapter and rules adopted under section [956.03](#) of the Revised Code to ensure compliance with this chapter and rules adopted under it, including the standards of care established in rules adopted under that section.

The director of agriculture, after providing an opportunity for an adjudication hearing under Chapter 119. of the Revised Code, may assess a civil penalty against a person who has violated or is violating division (A), (B), or (C) of section [956.20](#) of the Revised Code or division (E) of section [956.21](#) of the Revised Code.

(B) The person who is assessed a civil penalty under this section is liable for a civil penalty of not more than two thousand five hundred dollars for a first violation, not more than five thousand dollars for a second violation, and not more than ten thousand dollars for a third or subsequent violation.

**Oversight and disciplinary authority of the Department respecting individuals engaged in the occupation.**

(C) Any person assessed a civil penalty under this section shall pay the amount prescribed to the department of agriculture. The department shall remit all money collected under this section to the treasurer of state for deposit in the pet store license fund created under section [956.181](#) of the Revised Code.

Whoever violates division (A), (B), or (C) of section [956.051](#) of the Revised Code, division (A), (B), or (C) of section [956.20](#) of the Revised Code, or division (E) of section [956.21](#) of the Revised Code is guilty of a misdemeanor of the fourth degree.

**How much revenue is derived from fees charged by the Department to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

\$297,500 (From this amount we refunded \$15,996.00 in BCI reimbursements)

The director shall use the money in the fund for the purpose of administering sections [956.01](#) to [956.18](#) of the Revised Code and rules adopted under section [956.03](#) of the Revised Code that apply to those sections

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

N/A



**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

Animal welfare issues with larger operations; consumer protection

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

Yes

**Are there any changes the Department would like to see implemented?**

N/A

## Surrounding state comparison (LSC)

Dog Broker						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Type of regulation	License ( <i>R.C. 956.05</i> ).	Registration ( <i>345 Ind. Code 13-1-2</i> ).	No clear equivalent.	No clear equivalent.	License ( <i>3 P.S. 459-209(A.1)</i> ).	No clear equivalent.
Education or training	N/A	N/A	N/A	N/A	N/A	N/A
Experience	N/A	N/A	N/A	N/A	N/A	N/A
Exam	N/A	N/A	N/A	N/A	N/A	N/A
Continuing education	N/A	N/A	N/A	N/A	N/A	N/A
Initial licensure fee	\$500 ( <i>R.C. 956.07(A)(2)</i> ).	\$1,000 ( <i>345 Ind. Code 13-1-2</i> ).	N/A	N/A	\$75 to \$750 depending on the number of dogs of any age kept during a calendar year ( <i>3 P.S. 459-206(a) and 459-209(A.1)</i> ).	N/A
License duration	One year ( <i>R.C. 956.07(A)</i> ).	One year ( <i>345 Ind. Admin. Code 13-1-4</i> ).	N/A	N/A	One year ( <i>3 P.S. 459-209(A.1)</i> ).	N/A

Dog Broker						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Renewal fee	\$500 ( <i>R.C. 956.07(A)(2)</i> ).	\$1,000 ( <i>345 Ind. Admin. Code 13-1-2</i> ).	N/A	N/A	\$75 to \$750 depending on the number of dogs of any age kept during a calendar year ( <i>3 P.S. 459-209(A.1)</i> ).	N/A

## Animal rescue for dogs

### Survey responses (AGR)

Description
<p>“Animal rescue for dogs” means an individual or organization recognized by the director of agriculture that keeps, houses, and maintains dogs and that is dedicated to the welfare, health, safety, and protection of dogs, provided that the individual or organization does not operate for profit, does not sell dogs for a profit, does not breed dogs, does not sell dogs to a dog broker or pet store, and does not purchase more than nine dogs in any given calendar year unless the dogs are purchased from a dog warden appointed under Chapter 955. of the Revised Code, a humane society, or another animal rescue for dogs. “Animal rescue for dogs” includes an individual or organization that offers spayed or neutered dogs for adoption and charges reasonable adoption fees to cover the costs of the individual or organization, including, but not limited to, costs related to spaying or neutering dogs.</p>

**Type** (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)

Registration

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Number issued annually</b>	378 in 2021
<b>Number renewed annually</b>	378 in 2021
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	Steady increase
<b>Education or training requirements</b>	N/A
<b>Experience requirements</b>	N/A

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<p><b>Examination requirements</b> (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Department receive any proceeds of those fees? If so, how are the proceeds used?</i>)</p>	<p>N/A</p>
<p><b>Continuing education requirements</b> (<i>Including a description of the curriculum and the process of setting it.</i>)</p>	<p>N/A</p>
<p><b>Initial fee</b></p>	<p>\$0.00</p>
<p><b>Duration</b></p>	<p>Calendar</p>
<p><b>Renewal fee</b> (<i>If different from initial fee, please explain why.</i>)</p>	<p>\$0.00</p>
<p><b>Does the Department recognize uniform licensure requirements or allow for reciprocity?</b></p>	<p>No</p>
<p><b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b></p>	<p>No</p>

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Department?</b>	No
<b>Is the Department permitted to exercise discretion in determining whether to register, certify, or license an individual?</b>	No
<b>Other information</b> ( <i>Significant attributes or prerequisites to licensure not addressed in this chart.</i> )	N/A

**Oversight and disciplinary authority of the Department respecting individuals engaged in the occupation.**

N/A

**How much revenue is derived from fees charged by the Department to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

\$0.00

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

N/A

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

N/A

Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?

N/A

Are there any changes the Department would like to see implemented?

No

### **Surrounding state comparison (LSC)**

LSC staff determined that an animal rescue for dogs registration is not an “occupational regulation” under the state’s general policy enacted by S.B. 255 of the 132<sup>nd</sup> General Assembly and is, therefore, beyond the scope of this report. *(See, R.C. 103.27 and 4798.01.)*



## Concession operator

### Survey responses (AGR)

#### Description

ODA licenses “concessions” at county and independent agricultural fairs. A concession is defined as “any show, amusement other than an amusement ride as defined in section 993.01 of the Revised Code, game, or novelty stand operation at a fair or exposition, but does not include food or drink operations.” ODA issues a license in the name of the concessionaire – and – the name of the concession. One license does not cover all the concessionaire’s activities. ODA has specific rules on how these concessions are to be played to ensure fair play to the players. Classic examples of these concessions are Bust a Balloon, Milk Can Toss, and Ring the Bottle. ODA’s regulatory focus is on the concession itself. Most concessionaires have multiple licenses issued by ODA.

**Type** (*License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.*)

License

**If the regulation is a registration, certification, or license requirement, please complete the following:**

**Number issued annually**

2021 – 334; 2022 - 390

**Number renewed annually**

Approximately the same.

If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	In 2020, many county and independent fairs only held livestock competitions and did not have rides or games at their fairs. Therefore, there was a significant decrease in concessions in 2020. ODA has seen a return to normal levels of licenses in 2021 and 2022.
<b>Education or training requirements</b>	N/A (ODA licenses the concession/game, not the operator).
<b>Experience requirements</b>	N/A (ODA licenses the concession/game, not the operator).
<b>Examination requirements</b> ( <i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Department receive any proceeds of those fees? If so, how are the proceeds used?</i> )	N/A (ODA licenses the concession/game, not the operator).
<b>Continuing education requirements</b> ( <i>Including a description of the curriculum and the process of setting it.</i> )	N/A (ODA licenses the concession/game, not the operator).
<b>Initial fee</b>	\$70
<b>Duration</b>	Expires on December 31 <sup>st</sup> of each year.
<b>Renewal fee</b> ( <i>If different from initial fee, please explain why.</i> )	\$70

If the regulation is a registration, certification, or license requirement, please complete the following:	
Does the Department recognize uniform licensure requirements or allow for reciprocity?	No
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	No
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Department?	ODA only regulates these activities in the confines of county and independent agricultural societies. ODA does not have jurisdiction over games at local carnivals and festivals.
Is the Department permitted to exercise discretion in determining whether to register, certify, or license an individual?	No. ORC 1711.11 requires that the concession be licensed by ODA.
Other information (Significant attributes or prerequisites to licensure not addressed in this chart.)	

**Oversight and disciplinary authority of the Department respecting individuals engaged in the occupation.**

ORC 1711.11 states that no person shall operate any concession at any fair or exposition conducted by a county or independent ag society without first obtaining from the director a license to do so. If the director finds that this section has been violated or that the licensee has been dishonest or has been fraudulent in dealings with the public, the director, in accordance with Chapter 119. of the Revised Code, shall revoke the licensee’s license or fine the licensee not more than one thousand dollars, or both. See ORC 1711.11(G).

**How much revenue is derived from fees charged by the Department to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

In 2021, ODA generated \$24,010 in revenue from concession licenses. In 2022, the number was \$27,300. ODA uses these funds to employ Amusement Ride and Game Inspectors which inspect all the amusement rides and concessions throughout the state.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

There are no federal regulations.

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

Pursuant to ORC Chapter 1711, it is the Department's regulatory mission to protect the public from dishonest and fraudulent dealings with regards to concessions. To accomplish this mission, the Department has created a specific set of administrative code rules which outline the way each game shall be played, the way prizes are offered and displayed, and the signage requirements for each game.

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

All concessions covered by the rules adopted by ODA are inspected and any complaints regarding unfair operations are investigated. The rules are judged as being successful when inspections find few violations, and when there is no increase in the number of complaint reports filed with the Department. ODA has received very few complaints over the last few years regarding concessions. This shows that the regulations are successful in preventing the harm identified above.

**Are there any changes the Department would like to see implemented?**

Not currently.

**Surrounding state comparison (LSC)**

LSC staff determined that a concession operator license is not an “occupational regulation” under the state’s general policy enacted by S.B. 255 of the 132<sup>nd</sup> General Assembly and is, therefore, beyond the scope of this report. *(See, R.C. 103.27 and 4798.01.)*

## Amusement ride operator

### Survey responses (AGR)

Description
ODA does not permit amusement ride operators. ODA inspects and permits amusement rides themselves. See ORC 993.04(A)(2), "For each amusement ride found to comply with the rules . . . the director shall issue an annual permit."

Type (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)
Permit

If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	
Number renewed annually	

If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	In 2020, many county and independent fairs only held livestock competitions and did not have rides or games at their fairs. Therefore, there was a significant decrease in concessions in 2020. ODA has seen a return to normal levels of licenses in 2021 and 2022.
<b>Education or training requirements</b>	N/A (ODA permits the amusement ride itself, not the operator)
<b>Experience requirements</b>	N/A (ODA permits the amusement ride itself, not the operator)
<b>Examination requirements</b> ( <i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Department receive any proceeds of those fees? If so, how are the proceeds used?</i> )	N/A (ODA permits the amusement ride itself, not the operator)
<b>Continuing education requirements</b> ( <i>Including a description of the curriculum and the process of setting it.</i> )	N/A (ODA permits the amusement ride itself, not the operator)
<b>Initial fee</b>	Permit \$225 Inspection Fees: Kiddie rides \$100; Roller coaster \$1,200; Aerial lifts or bungee jumping facilities \$450; Go karts, per kart \$5; Other rides \$160; Inflatables \$104.
<b>Duration</b>	Hard rides (non-inflatables) expire on December 31 <sup>st</sup> of each year. Inflatable devices expire 365 from licensure.
<b>Renewal fee</b> ( <i>If different from initial fee, please explain why.</i> )	Same as initial.

If the regulation is a registration, certification, or license requirement, please complete the following:	
Does the Department recognize uniform licensure requirements or allow for reciprocity?	No
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	No
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Department?	No
Is the Department permitted to exercise discretion in determining whether to register, certify, or license an individual?	No
<b>Other information</b> ( <i>Significant attributes or prerequisites to licensure not addressed in this chart.</i> )	

**Oversight and disciplinary authority of the Department respecting individuals engaged in the occupation.**

ODA has the authority to issue penalties against individuals operating a permitted (or unpermitted) amusement ride in violations of Ohio's laws and rules. Additionally, it has the authority to place a stop operation order on the ride which prohibits the operation of the ride until certain conditions are met.



**How much revenue is derived from fees charged by the Department to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

2020: \$769,452 (COVID)

2021: \$547,210 (COVID)

2022: \$1,083,167.

ODA uses these funds to employ ride and game inspectors which inspect all amusement rides in the state of Ohio.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

There are no federal regulations pertaining to amusement rides.

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

The purpose of these regulations is to ensure continued public safety on amusement rides by setting minimum safety standards for all amusement rides in the state.

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

All amusement rides in the state of Ohio are inspected and any complaints regarding unsafe operations are investigated. The rules are judged as being successful when inspections find few violations and when there are few accidents related to mechanical or operational errors.

**Are there any changes the Department would like to see implemented?**

No substantive changes currently.

### **Surrounding state comparison (LSC)**

LSC staff determined that an amusement ride operator license is not an “occupational regulation” under the state’s general policy enacted by S.B. 255 of the 132<sup>nd</sup> General Assembly and is, therefore, beyond the scope of this report. *(See, R.C. 103.27 and 4798.01.)*

## Auctioneer

### Survey responses (AGR)

#### Description

“Auctioneer” means any person who engages, or who by advertising or otherwise holds the person out as being able to engage, in the calling for, recognition of, and the acceptance of, offers for the purchase of real or personal property, goods, or chattels at auction either directly or using other licensed auctioneers.

“Auction” means a method of sale of real or personal property, goods, or chattels, at a predetermined date and time, by means of a verbal exchange, regular mail, telecommunications, the internet, an electronic transmission, or a physical gesture between an auctioneer and members of the audience or prospective purchasers, the exchanges and gestures consisting of a series of invitations for offers made by the auctioneer and offers by members of the audience or prospective purchasers, with the right to acceptance of offers with the auctioneer.

“Auction” includes a sale of real or personal property, goods, or chattels in which there has been a solicitation or invitation by advertisement to the public for an advance in bidding using sealed bidding, provided that the bids are opened and there is a call for an advancement of the bids.

“Auction services” means arranging, managing, and sponsoring a personal property auction. “Auction services” includes the taking and advertising of personal property on consignment to be sold at an online or live auction by a licensed auctioneer for a fee or other consideration.

**Type** *(License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)*

License

If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>Number issued annually</b>	In 2021, there were 59 new auctioneer licenses issued.
<b>Number renewed annually</b>	Approx. 1200
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	Yes, largely due to the number of baby boomers retiring and the shift to online auctions due to COVID.
<b>Education or training requirements</b>	In 2021, licensees were required to serve a twelve-month apprenticeship, act as a bid caller in twelve auctions, and attend an approved auction school prior to application for licensure.  HB 321 (eff. 09/13/2022) eliminates the apprenticeship requirement and an individual can test for the auctioneer exam upon completion of an approved auction school.
<b>Experience requirements</b>	In 2021, licensees were required to serve a twelve-month apprenticeship and act as a bid caller in twelve auctions.  HB 321 (eff. 09/13/2022) eliminates the apprenticeship requirement.
<b>Examination requirements</b> ( <i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Department receive any proceeds of those fees? If so, how are the proceeds used?</i> )	Written license exams administered by the Ohio Department of Agriculture, Auctioneer Program. There is a bank of exam questions drafted and questions for the exam are pulled from the bank of questions. \$25.00 exam fee as permitted in statute. The fees are deposited in the Auctioneer Operating Fund 5B80.  The Verbal exam was administered by the Ohio Auctioneer Commissioners who are licensed auctioneers.  <b>§ 4707.08 Examinations.</b>  (A) The department of agriculture shall hold written examinations twelve times each year for obtaining a license under section 4707.07 of the Revised Code and for unlicensed auction firm managers as required under division (D) of section 4707.074 of the Revised Code. The

**If the regulation is a registration, certification, or license requirement, please complete the following:**

written examination shall be held at the department or at an alternative location determined by the department. An examination shall not be required for the renewal of any license unless the license has been revoked, or allowed to expire without renewal, in which case the applicant shall take and pass the appropriate examinations examination offered by the department.

An examination fee of twenty-five dollars shall be collected from each person taking the auctioneer examination and fifteen dollars from each person taking the auction firm manager examination to defray expenses of holding the examinations.

- (B) All applications and proofs shall be filed by each applicant before the scheduled date of examination and shall be accompanied by proof of financial responsibility and a license fee. In order to be seated for an examination held under this section, an applicant shall have a complete application on file with the department not later than fourteen days prior to the examination date.
- (C) If a court of competent jurisdiction or the department, at an administrative hearing, has found that an applicant conducted an auction, provided auction services, or acted as an auctioneer without a license issued under this chapter, the department may refuse to allow the applicant to take an examination under this section or may deny the issuance of a license to the applicant for a period of two years.
- (D)(1) If an applicant for a license fails to pass the examination, the applicant may take the examination on the next scheduled date for the examination. If an applicant fails to pass the examination on the second consecutive attempt, the applicant shall not take the examination on the next scheduled date for the examination.
- (2) If an applicant for a license fails to pass the examination on the third attempt, the applicant shall attend auction school a second time before the applicant may take the examination. If an applicant for a license fails to pass the examination on the fourth attempt, the applicant shall not take the examination for at least one year from the date of the last failed attempt.

**If the regulation is a registration, certification, or license requirement, please complete the following:**

	<p>(3) If an individual who is taking the examination for an auction firm manager fails to pass the examination on the third attempt, the individual shall not take the examination for one year from the date of the last failed attempt.</p> <p><b>§ 4707.04 Organization of commission.</b></p> <p>[ * * * ]</p> <p>(C) Members of the commission who are licensed auctioneers under this chapter shall administer the oral licensing examination required under section 4707.08 of the Revised Code.</p> <p>(D) Each commissioner shall receive the commissioner’s actual and necessary expenses incurred in the discharge of the commissioner’s duties. Each commissioner also shall receive a per diem salary from the auctioneers fund created in section 4707.05 of the Revised Code for each meeting attended. The director of agriculture shall adopt rules in accordance with Chapter 119. of the Revised Code establishing the per diem salary.</p> <p>HB 321 (eff. 09/13/2022) eliminates the verbal licensing exam and moves the test to monthly offerings.</p>
<p><b>Continuing education requirements</b>  <i>(Including a description of the curriculum and the process of setting it.)</i></p>	<p>In 2021, there were no continuing education requirements.</p> <p>HB 321 (eff. 09/13/2022) creates 8 hours of continuing education for every two-year renewal period. The criteria are established in the statute:</p> <p><b>§ 4707.101. Continuing Education.</b></p> <p>(A) A licensed auctioneer shall complete eight hours of continuing education in accordance with this section prior to renewal of the license under section 4707.10 of the Revised Code. The auction firm manager of a licensed auction firm shall complete eight hours of continuing education in accordance with this section prior to the renewal of the auction firm license under section 4707.10 of the Revised Code.</p> <p>(B)(1) Except as provided in division (B)(2) of this section, a licensed auctioneer and an auction firm manager shall complete the eight hours of continuing education as follows:</p>

**If the regulation is a registration, certification, or license requirement, please complete the following:**

	<p>(a) Three of the hours shall include areas of instruction in any of the following areas: an overview of this chapter and rules adopted under it, including any recent amendments to that chapter or rules; contract law; the uniform commercial code; auction ethics; or trust or escrow accounts.</p> <p>(b) Five of the hours shall include areas of instruction in any of the following areas: advertising and marketing; business math and accounting; insurance and liability; federal firearms law; business management; motor vehicle auctions; real estate auctions; or personal property auctions.</p> <p>(2) If a licensed auctioneer has been issued a license with a period of validity of twelve months or less, the auctioneer shall complete four hours of continuing education as follows:</p> <p>(a) One hour in the areas of instruction described in division (B)(1)(a) of this section;</p> <p>(b) Three hours in the areas of instruction described in division (B)(1)(b) of this section.</p> <p>(C) A licensed auctioneer or an auction firm manager of a licensed auction firm may complete an area of instruction for continuing education hours in another state if both of the following apply:</p> <p>(1) The area of instruction has been approved by the appropriate state governing body in the other state.</p> <p>(2) The Ohio auctioneers commission approves the completion of the area of instruction by the auctioneer or an auction firm manager in the other state</p> <p>The Ohio Auctioneer Commission establishes the requirements and standards for continuing education providers.</p>
<b>Initial fee</b>	\$200.00 biennial license fee, \$25.00 exam fee
<b>Duration</b>	Two-year licenses July 1-June 30

<b>If the regulation is a registration, certification, or license requirement, please complete the following:</b>	
<b>Renewal fee</b> <i>(If different from initial fee, please explain why.)</i>	\$200.00 renewal fee
<b>Does the Department recognize uniform licensure requirements or allow for reciprocity?</b>	<p>Ohio has reciprocal agreements that waive the apprenticeship and testing requirements because the other states have similar licensing requirements with the following: AL, AR, FL, GA, IL, IN, KY, LA, MS, NC, PA, SC, TN, TX, VA, WI, and WV. Auctioneers from reciprocal states still need to obtain an auctioneer license in Ohio and pay the appropriate fee. We permit third party reciprocity which means the licensee does not have to live in the reciprocal state.</p> <p>For individuals who are not licensed in a reciprocal licensing state, a one-time license is available.</p>
<b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b>	No
<b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Department?</b>	<p>There are exemptions to the licensure requirement within Chapter 4707.02 of the Revised Code</p> <p style="padding-left: 40px;">(A) No person shall act as an auction firm, auctioneer, apprentice auctioneer, or special auctioneer within this state without a license issued by the department of agriculture. No auction shall be conducted in this state except by an auctioneer licensed by the department.</p> <p style="padding-left: 40px;">Except as provided in division (D) of this section, the department shall not issue or renew a license if the applicant or licensee has been convicted of a felony or crime involving fraud or theft in this or another state at any time during the ten years immediately preceding application or renewal.</p> <p style="padding-left: 40px;">(B) Division (A) of this section does not apply to any of the following:</p> <p style="padding-left: 80px;">(1) Sales at auction that either are required by law to be at auction, other than sales pursuant to a judicial order or decree, or are conducted by or under the direction of a public authority;</p>



**If the regulation is a registration, certification, or license requirement, please complete the following:**

(2) The owner of any real or personal property desiring to sell the property at auction, provided that the property was not acquired for the purpose of resale;

(3) An auction mediation company;

(4) An auction that is conducted in a course of study for auctioneers that is approved by the state auctioneers commission created under section [4707.03](#) of the Revised Code for purposes of student training and is supervised by a licensed auctioneer;

(5)(a) An auction that is sponsored by a nonprofit or charitable organization that is registered in this state under Chapter 1702. or Chapter 1716. of the Revised Code, respectively, if the auction only involves the property of the members of the organization and the auction is part of a fair that is organized by an agricultural society under Chapter 1711. of the Revised Code or by the Ohio expositions commission under Chapter 991. of the Revised Code at which an auctioneer who is licensed under this chapter physically conducts the auction;

(b) Sales at an auction sponsored by a charitable, religious, or civic organization that is tax exempt under subsection 501(c)(3) of the Internal Revenue Code, or by a public school, chartered nonpublic school, or community school, if no person in the business of organizing, arranging, or conducting an auction for compensation and no consignor of consigned items sold at the auction, except such organization or school, receives compensation from the proceeds of the auction. As used in division (B)(5)(b) of this section, "compensation" means money, a thing of value other than participation in a charitable event, or a financial benefit.

(c) Sales at an auction sponsored by an organization that is tax exempt under subsection 501(c)(6) of the Internal Revenue Code and that is a part of a national, regional, or state convention or conference that advances or promotes the auction profession in this state when the property to be sold is donated to or is the property of the organization and the proceeds remain within the organization or are donated to a charitable organization that is tax exempt under subsection 501(c)(3) of the Internal Revenue Code.

(6) A person licensed as a livestock dealer under Chapter 943. of the Revised Code who exclusively sells livestock and uses an auctioneer who is licensed under this chapter to conduct the auction;

**If the regulation is a registration, certification, or license requirement, please complete the following:**

(7) A person licensed as a motor vehicle auction owner under Chapter 4517. of the Revised Code who exclusively sells motor vehicles to a person licensed under Chapter 4517. of the Revised Code and who uses an auctioneer who is licensed under this chapter to conduct the auction;

(8) Sales of real or personal property conducted by means of the internet, provided that they are not conducted in conjunction with a live auction;

(9) A bid calling contest that is approved by the commission and that is conducted for the purposes of the advancement or promotion of the auction profession in this state;

(10) An auction at which the champion of a national or international bid calling contest appears, provided that both of the following apply:

(a) The champion is not paid a commission.

(b) The auction is conducted under the direct supervision of an auctioneer licensed under this chapter in order to ensure that the champion complies with this chapter and rules adopted under it.

(C)(1) No person shall advertise or hold oneself out as an auction firm, auctioneer, apprentice auctioneer, or special auctioneer without a license issued by the department of agriculture.

(2) Division (C)(1) of this section does not apply to an individual who is the subject of an advertisement regarding an auction conducted under division (B)(5)(b) of this section.

(D) The department shall not refuse to issue a license to an applicant because of a criminal conviction unless the refusal is in accordance with section [9.79](#) of the Revised Code.

**Is the Department permitted to exercise discretion in determining whether to register, certify, or license an individual?**

(A) The department of agriculture may grant auctioneer's licenses to those individuals who are determined to be qualified by the department. Each individual who applies for an auctioneer's license shall furnish to the department, on forms provided by the department, satisfactory proof that the applicant:

(1) Has attained the age of at least eighteen years;

(2) Has done one of the following:

If the regulation is a registration, certification, or license requirement, please complete the following:

- (a) Met the apprenticeship requirements set forth in section [4707.09](#) of the Revised Code;
- (b) Met the requirements of section [4707.12](#) of the Revised Code.
- (3) Has a general knowledge of the following:
  - (a) The requirements of the Revised Code relative to auctioneers;
  - (b) The auction profession;
  - (c) The principles involved in conducting an auction;
  - (d) Any local and federal laws regarding the profession of auctioneering.
- (4) Has satisfied the financial responsibility requirements established under section [4707.11](#) of the Revised Code if applicable.
  - (B) Auctioneers who served apprenticeships and who hold licenses issued before May 1, 1991, and who seek renewal of their licenses, are not subject to the additional apprenticeship requirements imposed by section [4707.09](#) of the Revised Code.
  - (C) A licensee may do business under more than one registered name, but not to exceed three registered names, provided that the names have been approved by the department. The department may reject the application of any person seeking licensure under this chapter if the name or names to be used by the applicant are likely to mislead the public, or if the name or names do not distinguish the applicant from the name or names of any existing person licensed under this chapter. If an applicant applies to the department to do business under three names, the department may charge a fee of ten dollars for the third name.
  - (D) The department, in its discretion, may waive the schooling and apprenticeship requirements for a resident of this state, provided that the resident holds a valid auctioneer's license that was issued by a state with which the department has entered into a reciprocal licensing agreement and the resident is in good standing with that state. The applicant shall provide proof that is satisfactory to the department that the applicant has had two years of experience as an auctioneer immediately preceding the date of application that includes at a minimum twelve auctions in which the applicant was a bid caller in the reciprocal state.

If the regulation is a registration, certification, or license requirement, please complete the following:

**Other information** (*Significant attributes or prerequisites to licensure not addressed in this chart.*)

**Oversight and disciplinary authority of the Department respecting individuals engaged in the occupation.**

The Department of Agriculture has sole regulatory authority over auctions in the State of Ohio. Disciplinary actions are in accordance with Chapter 119 of the Revised Code under Chapter 4707.15, 4707.19, and 4707.99 of the Ohio Revised Code. The agency has testing authority to ensure minimum competence prior to licensure, and oversight over compliance with Ohio's auction laws and rules through periodic inspection and complaint investigations. The department may refuse to issue or renew, or may suspend, revoke, or impose civil penalties under Chapter 4707.19 of the Revised Code. The Department may also seek injunctive relief under R.C. 4707.16 and seek criminal action under ORC 4707.99.

One of the Auctioneer program's main objectives is voluntary compliance with Chapter 4707 of the Ohio Revised Code. When compliance issues arise, the program will, depending on the severity of the violation(s), attempt to educate the licensee of the non-compliance issue and give them the opportunity to correct the problem before taking any future administrative action in the form of a civil penalty, suspension or revocation on future violations.

**§ 4707.15 Disciplinary actions.**

(A) The department of agriculture may deny, refuse to renew, suspend, or revoke the license of any auction firm or auctioneer for any of the following causes:

- (1) Obtaining a license through false or fraudulent representation;
- (2) Making any substantial misrepresentation in an application for a license;
- (3) A continued course of misrepresentation or for making false promises through agents, advertising, or otherwise;
- (4) Specifying that an auction is a reserve auction, absolute auction, multi-parcel auction, or estate auction, but not conducting the auction as specified;
- (5) Failing to account for or remit, within a reasonable time, any money or property belonging to others that comes into the licensee's possession, and for commingling funds of others with the licensee's own, or failing to keep funds of others in an escrow or trust

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account, except that in the case of a transaction involving real estate, such funds shall be maintained in accordance with division (A)(26) of section [4735.18](#) of the Revised Code;

- (6) Paying valuable consideration to any person who has violated this chapter;
- (7) Except as provided in division (B) of this section, conviction in a court of competent jurisdiction of this state or any other state of a criminal offense involving fraud, forgery, embezzlement, false pretenses, extortion, conspiracy to defraud, or another similar offense or a felony;
- (8) Violation of this chapter or rules adopted under it;
- (9) Failure to furnish voluntarily at the time of execution, copies of all written instruments prepared by the auctioneer or auction firm;
- (10) Any conduct of a person that is licensed under this chapter that demonstrates bad faith, dishonesty, incompetency, or untruthfulness;
- (11) Any other conduct of a person that is licensed under this chapter that constitutes improper, fraudulent, or dishonest dealings;
- (12) Failing prior to the sale at public auction to enter into a written contract with the owner or consignee of any property to be sold, containing the terms and conditions upon which the licensee received the property for auction;
- (13) The use of any power of attorney to circumvent this chapter;
- (14) Failure to display either of the following:
  - (a) The sign required under section [4707.22](#) of the Revised Code; or
  - (b) A notice conspicuously at the clerk's desk or on a bid card that clearly states the terms and conditions of the auction and, if applicable, an explanation of the multi-parcel auction process.
- (15) Failure to notify the department of any conviction of a felony or crime involving fraud within fifteen days of conviction;
- (16) Aiding an unlicensed person in the performance of services or acts that require a license under this chapter;
- (17) The suspension or revocation of a license to engage in auctioneering or other disciplinary action by the licensing authority of another state;
- (18) The refusal or disapproval by the licensing authority of another state of an application for a license to engage in auctioneering;
- (19) Failure of a licensee to notify the department of agriculture within fifteen days of a disciplinary action against the licensee by another state's applicable governing authority;

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(20) Engaging in auctioneering or providing auction services without a license or during the suspension of a license;

(21) Attempting to cheat or cheating on an auctioneer examination or aiding another to cheat on an examination.

(B) The department shall not refuse to issue a license to an applicant because of a criminal conviction unless the refusal is in accordance with section [9.79](#) of the Revised Code.

**§ 4707.16 Complaints.**

(A) The department of agriculture may, upon its own motion, and shall, upon the verified written complaint of any person, investigate the actions of any auction firm or auctioneer, any applicant for an auction firm's, auctioneer's license, or any person who assumes to act in that capacity, if the complaint, together with other evidence presented in connection with it, makes out a prima-facie case. If the department determines that any such applicant is not entitled to receive a license, a license shall not be granted to the applicant, and if the department determines that any licensee is guilty of a violation of section 4707.14 or 4707.15 of the Revised Code, the department may suspend or revoke the license. Any auction firm or auctioneer who has had the auction firm's or auctioneer's, license revoked shall not be issued another such license for a period of two years from the date of revocation.

(B) The department may investigate complaints concerning the violation of sections 4707.02 and 4707.15 of the Revised Code and may subpoena witnesses in connection with such investigations as provided in this section. The department may make application to the court of common pleas for an order enjoining the violation of sections 4707.02 and 4707.15 of the Revised Code, and upon a showing by the department that any licensed auction firm or auctioneer has violated or is about to violate section 4707.15 of the Revised Code, or any person has violated or is about to violate section 4707.02 of the Revised Code, an injunction, restraining order, or other order as may be appropriate shall be granted by the court.

(C) The department may compel by subpoena the attendance of witnesses to testify in relation to any matter over which it has jurisdiction and that is the subject of inquiry and investigation by it, and require the production of any book, paper, or document pertaining to that matter. In case any person fails to file any statement or report, obey any subpoena, give testimony, or produce any books, records, or papers as required by such a subpoena, the court of common pleas of any county in the state, upon application made to it by the department, shall compel obedience by attachment proceedings for contempt, as in the case of disobedience of the requirements of a subpoena issued from that court, or a refusal to testify therein.

(D) When the department determines that a person not licensed under this chapter is engaged in or is believed to be engaged in activities for which a license is required under this chapter, the department may issue an order to that person requiring the person to show cause as to why the person should not be subject to licensing under this chapter. If the department, after a hearing, determines that the activities in which the person is engaged are subject to licensing under this chapter, the department may issue a cease-and-desist order that shall

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describe the person and activities that are subject to the order. A cease-and-desist order issued under this section shall be enforceable in and may be appealed to the common pleas courts of this state under Chapter 119. of the Revised Code.

- (E) In addition to the remedies provided under this section and irrespective of whether an adequate remedy at law exists, the department may apply to a court of common pleas for a temporary or permanent injunction or other appropriate relief for continued violations of this chapter. For purposes of this division, the court of common pleas shall be the court of common pleas of Licking county or the court of common pleas of the county where the violation occurs.
- (F) For purposes of this section, investigative costs incurred by the department are recoverable either by the issuance of an administrative order of the department or by an order of a court of competent jurisdiction.

**§ 4707.19 Administrative rules.**

- (A) The director of agriculture may adopt reasonable rules necessary for the implementation of this chapter in accordance with Chapter 119. of the Revised Code. In addition, the director shall adopt rules in accordance with Chapter 119. of the Revised Code that establish the portion of license fees collected under this chapter that are to be deposited into the auction recovery fund under section 4707.25 of the Revised Code.

No person shall fail to comply with a rule adopted under this chapter.

- (B) The director shall adopt rules that establish a schedule of civil penalties for violations of this chapter, rules adopted under it, or orders issued under it. The rules shall provide that the civil penalty for the first violation of this chapter, rule, or order shall not exceed five thousand dollars and the civil penalty for each subsequent offense shall not exceed ten thousand dollars. In addition, the director, in establishing the schedule of civil penalties in the rules, shall consider past violations of this chapter and rules adopted under it, the severity of a violation, and the amount of actual or potential damage to the public or the auction profession.
- (C) The department of agriculture may hear testimony in matters relating to the duties imposed on it, and any person authorized by the director may administer oaths. The department may require other proof of the honesty and truthfulness of any person named in the application for an auction firm's or auctioneer's license before admitting the applicant to an examination or issuing a license.

**§ 4707.99 Penalty.**

- (A) Whoever violates section 4707.02 of the Revised Code is guilty of a misdemeanor of the first degree on the first offense and a felony of the fifth degree on each subsequent offense.
- (B) Whoever violates this chapter or any rule adopted by the department of agriculture in the administration of this chapter, for the violation of which no penalty is provided, is guilty of a misdemeanor of the first degree.

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- (C) Whoever violates section 4707.151 of the Revised Code is guilty of a felony of the fifth degree on the first offense and a felony of the fourth degree on each subsequent offense.
- (D) Notwithstanding section 1901.31, 1907.20, or 2335.37 of the Revised Code, the clerk of the court shall transmit to the treasurer of state for deposit into the state treasury to the credit of the auction education fund created in section 4707.171 of the Revised Code fifty per cent of any fine imposed under this section.

**How much revenue is derived from fees charged by the Department to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

In 2021, the total revenue from all license types under Chapter 4707 was \$264,977.

The Auctioneer program is a self-funded program whose only source of funding are licensing fees. Since 1991, the licensing fees have remained the same (\$100.00 per year). The auction recovery fund was created from the auctioneer program operating fund in 2003. No GRF monies are utilized. Any civil penalties that are collected are deposited into the auction education fund and the auction recovery fund to fund educational programs for the auctioneers and auction going public and to provide additional source of revenue for the recovery fund.

The auction recovery fund was created in 2003 from monies in the operating fund for the auctioneers. \$500,000 was transferred into a rotary account that acts as an indemnity fund for the public who has had actual and direct financial loss because of a licensee's violation of the Ohio Auction Law. To assist the public in recouping their losses, they have two avenues for making a claim 1. Via the judicial system and 2. Via the administrative process. Each licensee is covered for a maximum liability of \$50,000. There are mechanisms in place that if the fund would fall below \$500,000 for the assessment of a fee to the licensees to bring the fund balance back to \$500,000. The fund has been in place since 2003 and there has never been the need for an assessment. All payouts from the auction recovery fund must go before the controlling board for approval.

\$7.50 of every \$100 license fee paid is deposited into the auction education fund which is overseen by the Ohio Auctioneer Commission. Its statutory purpose is to underwrite education and research in the auction field for the benefit of those licensed under Chapter 4707 and the auctioneering public. The auction education fund provides free educational seminars several times throughout the year for licensees and the public.

The State Auctioneer Commission serves to advise the Department on the auction profession, oversees the approval of auction schools and auction school curriculum, and oversees the auction education fund. The auction education fund was developed to provide for the education and promotion of the auction profession for the licensees and the auction going public.



**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

There are no federal regulations to the occupation.

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

The Ohio Department of Agriculture's chief mission is to protect consumers. The Department protects not only the buyers and sellers of goods at auction but also the public at large through the establishment of minimum requirements of auctioneer candidates and licensees and establishes a standard of professional conduct for all auctioneers. The Department's Auctioneers Program ensures that all auctions are open to the public and free of bidding restrictions. Additionally, regulations prevent against fraud and abuses of power and ensures that the profession remains in good standing by ensuring that all auctioneers are experienced, educated, and bound to a code of ethics.

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

Yes. The regulations are effective at preventing harm especially with the recent passage of HB 321, which removed barriers to licensure while still provide consumer protection to ensure that the auctions in Ohio are conducted in a fair and honest manner. The program offers a recovery fund for those who are financially harmed by a licensee. Each licensee is covered up to \$50,000 under the auction recovery fund. If a licensee violates Ohio law and it causes financial harm to an individual, they can make claim to the indemnity fund for their actual and direct losses. The recovery fund is derived from monies transferred from the operating fund in 2003 and from 50% of all fines collected. If the balance of the fund falls below a required balance, there is an assessment against all licensees to ensure viability of the fund.

**Are there any changes the Department would like to see implemented?**

HB 321 provided for removal of barriers to entry into the profession. The effective date of this bill is 09/13/2022.

**Surrounding state comparison (LSC)**

Auctioneer						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Type of regulation	License ( <i>R.C. 4707.02 and 4707.07</i> ).	License ( <i>Ind. Code 25-6.1-3-2(a)</i> ).	License ( <i>Ky. Rev. Stat. 330.030(1)</i> ).	No state licensing requirement.	License ( <i>63 Pa. Cons. Stat. 734.3(a)</i> ).	License ( <i>W. Va. Code 19-2C-2</i> ).
Education or training	Must successfully complete a course of study in auctioneering at an institution approved by the State Auctioneers Commission ( <i>R.C. 4707.07</i> ).	Must successfully complete 80 hours of course instruction from a course provider approved by the Indiana Auctioneer Commission ( <i>Ind. Code 25-6.1-3-2(b)</i> ).	Must successfully complete 80 hours of classroom instruction approved by the Kentucky Board of Auctioneers ( <i>831 Ky. Admin. Regs. 1:030, Section 3(3)</i> ).	N/A	Must successfully complete 20 hours of instruction in the following areas of study:  1. Audience communications;  2. Procurement of merchandise for auction;	N/A

Auctioneer						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
					3. Appraisal; 4. Auction law; 5. Preparation for auction; and 6. Conducting an auction. <i>(49 Pa. Code 1.11)</i>	
Experience	Must be at least 18 and have a general knowledge of the following: 1. The requirements of the Revised Code relative to auctioneers; 2. The auction profession; 3. The principles involved in conducting an auction; and	Must be at least 18 and have knowledge of the following: 1. The value of real estate and of various goods commonly sold at an auction; 2. Bid calling; 3. Sale preparation, sale advertising, and sale summary;	Must be an apprentice auctioneer, be at least 18, and show proof of a high school diploma or equivalent (may be waived by the Board if the applicant demonstrates sufficient life experience and competency) <i>(Ky. Rev. Stat. 330.060(1)(a) and (b) and 330.070)</i> .	N/A	Must do one of the following: 1. Serve as a licensed apprentice auctioneer for at least two years and participate in at least 30 auctions; 2. Successfully complete a prescribed course of study in auctioneering	Must be at least 18, meet the apprenticeship requirements, if applicable, and have a general knowledge of the auctioneering profession and the principles involved in conducting an auction <i>(W. Va. Code 19-2C-5; W. Va. Code R. 61-11B-3)</i> .

Auctioneer						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	<p>4. Any local and federal laws regarding the profession of auctioneering. (R.C. 4707.07.)</p>	<p>4. Mathematics; 5. The provisions of this article and the Commission's rules; and 6. Any other subject matter approved by the Commission. (Ind. Code 25-6.1-3-2(c).)</p>			<p>at a qualified school; 3. Successfully complete a prescribed course of study in auctioneering at a qualified auction school and serve an apprenticeship for at least one year and participate in at least 15 auctions; 4. Be licensed in good standing by another state to engage in auctioneering for at least two years; or 5. Demonstrate that the</p>	

Auctioneer						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
					<p>individual has conducted auctioneering for at least two years in a state that does not require a license.</p> <p><i>(63 Pa. Cons. Stat. 734.3(d).)</i></p>	
Exam	Examination required ( <i>R.C. 4707.08</i> ).	Examination that covers subjects and topics of knowledge required to practice as an auctioneer, held as the Commission prescribes ( <i>Ind. Code 25-6.1-3-2(h)</i> ).	Examination required ( <i>Ky. Rev. Stat. 330.060(3)</i> ).	N/A	Examination required ( <i>63 Pa. Cons. Stat. 734.5(c)</i> ).	Written and oral examination ( <i>W. Va. Code 19-2C-5a</i> ).
Continuing education	Eight hours every two years. Three hours in any of the following areas:	16 hours every four years. At least six hours in one of the	Six hours per license year on auctions and auction law and must attend the	N/A	N/A	Six hours every year. Three hours from core subjects, which are:

Auctioneer						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	<ul style="list-style-type: none"> <li>▪ Overview of the Ohio Auctioneer Law;</li> <li>▪ Contract law;</li> <li>▪ Uniform Commercial Code;</li> <li>▪ Auction ethics; or</li> <li>▪ Trust or escrow accounts.</li> </ul> <p>Five hours in any of the following areas:</p> <ul style="list-style-type: none"> <li>▪ Advertising and marketing;</li> <li>▪ Business math and accounting;</li> <li>▪ Insurance and liability;</li> <li>▪ Federal firearms law;</li> </ul>	<p>following core subjects:</p> <ul style="list-style-type: none"> <li>▪ Indiana rules and statutes governing auctioneering;</li> <li>▪ Federal statutes governing auctioneering;</li> <li>▪ Auctioneering ethics;</li> <li>▪ Escrow and trust funds;</li> <li>▪ Contracts; or</li> <li>▪ Any other subject matter approved by the Commission.</li> </ul> <p>At least ten hours of courses in any of the following elective subjects:</p> <ul style="list-style-type: none"> <li>▪ Agency;</li> </ul>	<p>Kentucky Auction Core Course at least once every four years if the person has been licensed for less than 25 continuous years. <i>(831 Ky. Admin. Regs. 1:030, Section 4).</i></p>			<ul style="list-style-type: none"> <li>▪ West Virginia statutes and rules governing auctioneering;</li> <li>▪ Federal statutes and rules governing auctioneering;</li> <li>▪ Auctioneering ethics;</li> <li>▪ Escrow, trust, and custodial accounts;</li> <li>▪ Advertising;</li> <li>▪ Contracts; and</li> <li>▪ Other subjects approved by the Commissioner of Agriculture of West Virginia.</li> </ul>

Auctioneer						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	<ul style="list-style-type: none"> <li>▪ Business management;</li> <li>▪ Motor vehicle auctions;</li> <li>▪ Real estate auctions; or</li> <li>▪ Personal property auctions.</li> </ul> <p><i>(R.C. 4707.10 and 4707.101.)</i></p>	<ul style="list-style-type: none"> <li>▪ Business courses related to auctioneering;</li> <li>▪ Auction management;</li> <li>▪ Bid calling;</li> <li>▪ Public speaking;</li> <li>▪ Advertising;</li> <li>▪ Specialty auction topics; or</li> <li>▪ Any other subject matter approved by the Commission</li> </ul> <p><i>(Ind. Code 25-6.1-9-1)</i></p>				<i>(W. Va. Code R. 61-11B-6.)</i>
Initial licensure fee	\$200 <i>(R.C. 4707.10).</i>	\$105 plus a surcharge if the Auctioneer Recovery Fund balance is less	\$125 <i>(831 Ky. Admin. Regs. 1:010(1)).</i>	N/A	\$50 plus \$15 verification fee <i>(49 Pa. Code 1.41).</i>	\$150 <i>(W. Va. Code R. 61-11B-16).</i>

Auctioneer						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
		than \$360,000 ( <i>Ind. Code 25-6.1-3-5 and 25-6.1-8-2; Indiana Professional Licensing Agency, <a href="#">Auctioneers Licensing Information</a></i> ).				
License duration	Two years ( <i>R.C. 4707.10</i> ).	Four years ( <i>Ind. Code 25-6.1-3-2(j)</i> ).	Two years ( <i>Ky. Rev. Stat. 330.070(6)(a)</i> ).	N/A	Two years ( <i>63 Pa. Cons. Stat. 734.5(e)</i> ).	One year ( <i>W. Va. Code 19-2C-3(d)</i> ).
Renewal fee	\$200 plus an assessment if the Auction Recovery Fund balance is less than \$400,000 ( <i>R.C. 4707.091 and 4707.25</i> ).	\$105 plus a surcharge if the Auctioneer Recovery Fund balance is less than \$360,000 ( <i>Ind. Code 25-6.1-3-5 and 25-6.1-8-2; Indiana Professional Licensing Agency, <a href="#">Auctioneers Licensing Information</a></i> ).	\$125 ( <i>831 Ky. Admin. Regs. 1:010(2)</i> ).	N/A	\$260 plus \$15 verification fee ( <i>49 Pa. Code 1.41</i> ).	\$100 ( <i>W. Va. Code R. 61-11B-16</i> ).



## Apprentice auctioneer

### Survey responses (AGR)

#### Description

As defined in ORC 4707.01:

“Apprentice auctioneer” means any individual who is sponsored by an auctioneer to deal or engage in any activities mentioned in division (A) of this section.

“Auction” means a method of sale of real or personal property, goods, or chattels, at a predetermined date and time, by means of a verbal exchange, regular mail, telecommunications, the internet, an electronic transmission, or a physical gesture between an auctioneer or apprentice auctioneer and members of the audience or prospective purchasers, the exchanges and gestures consisting of a series of invitations for offers made by the auctioneer and offers by members of the audience or prospective purchasers, with the right to acceptance of offers with the auctioneer or apprentice auctioneer. “Auction” includes a sale of real or personal property, goods, or chattels in which there has been a solicitation or invitation by advertisement to the public for an advance in bidding using sealed bidding, provided that the bids are opened and there is a call for an advancement of the bids.

**Type** *(License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)*

License

If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>Number issued annually</b>	37 in 2021
<b>Number renewed annually</b>	127 in 2021
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	Yes, decreases due to the shift to online auctions with the onset of COVID.
<b>Education or training requirements</b>	In 2021, licensees were required to attend an approved auction school prior to application for licensure.  HB 321 (eff. 09/13/2022) eliminates the apprenticeship requirement and an individual can test for the auctioneer exam upon completion of an approved auction school.
<b>Experience requirements</b>	
<b>Examination requirements</b> ( <i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Department receive any proceeds of those fees? If so, how are the proceeds used?</i> )	The license exam is offered monthly at the Ohio Department of Agriculture by the Auctioneer Program. The fee is \$15.00.  HB 321 eliminates the apprenticeship requirement, and the apprentice license is no longer available to new licensees.
<b>Continuing education requirements</b> ( <i>Including a description of the curriculum and the process of setting it.</i> )	None
<b>Initial fee</b>	\$100.00

If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>Duration</b>	Licensing year is July 1-June 30
<b>Renewal fee</b> <i>(If different from initial fee, please explain why.)</i>	\$100.00
<b>Does the Department recognize uniform licensure requirements or allow for reciprocity?</b>	The Department has reciprocal agreements with several states in which we waive the auction school requirements and testing if they have an apprentice license issued from a reciprocal state.
<b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b>	There is no federal regulation of the auction profession.
<b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Department?</b>	<p>(A) No person shall act as an auction firm, auctioneer, apprentice auctioneer, or special auctioneer within this state without a license issued by the department of agriculture. No auction shall be conducted in this state except by an auctioneer licensed by the department.</p> <p>Except as provided in division (D) of this section, the department shall not issue or renew a license if the applicant or licensee has been convicted of a felony or crime involving fraud or theft in this or another state at any time during the ten years immediately preceding application or renewal.</p> <p>(B) Division (A) of this section does not apply to any of the following:</p> <p>(1) Sales at auction that either are required by law to be at auction, other than sales pursuant to a judicial order or decree, or are conducted by or under the direction of a public authority;</p> <p>(2) The owner of any real or personal property desiring to sell the property at auction, provided that the property was not acquired for the purpose of resale;</p> <p>(3) An auction mediation company;</p>

**If the regulation is a registration, certification, or license requirement, please complete the following:**

(4) An auction that is conducted in a course of study for auctioneers that is approved by the state auctioneers commission created under section [4707.03](#) of the Revised Code for purposes of student training and is supervised by a licensed auctioneer;

(5)(a) An auction that is sponsored by a nonprofit or charitable organization that is registered in this state under Chapter 1702. or Chapter 1716. of the Revised Code, respectively, if the auction only involves the property of the members of the organization and the auction is part of a fair that is organized by an agricultural society under Chapter 1711. of the Revised Code or by the Ohio expositions commission under Chapter 991. of the Revised Code at which an auctioneer who is licensed under this chapter physically conducts the auction;

(b) Sales at an auction sponsored by a charitable, religious, or civic organization that is tax exempt under subsection 501(c)(3) of the Internal Revenue Code, or by a public school, chartered nonpublic school, or community school, if no person in the business of organizing, arranging, or conducting an auction for compensation and no consignor of consigned items sold at the auction, except such organization or school, receives compensation from the proceeds of the auction. As used in division (B)(5)(b) of this section, "compensation" means money, a thing of value other than participation in a charitable event, or a financial benefit.

(c) Sales at an auction sponsored by an organization that is tax exempt under subsection 501(c)(6) of the Internal Revenue Code and that is a part of a national, regional, or state convention or conference that advances or promotes the auction profession in this state when the property to be sold is donated to or is the property of the organization and the proceeds remain within the organization or are donated to a charitable organization that is tax exempt under subsection 501(c)(3) of the Internal Revenue Code.

(6) A person licensed as a livestock dealer under Chapter 943. of the Revised Code who exclusively sells livestock and uses an auctioneer who is licensed under this chapter to conduct the auction;

(7) A person licensed as a motor vehicle auction owner under Chapter 4517. of the Revised Code who exclusively sells motor vehicles to a person licensed under Chapter 4517. of the Revised Code and who uses an auctioneer who is licensed under this chapter to conduct the auction;

**If the regulation is a registration, certification, or license requirement, please complete the following:**

- (8) Sales of real or personal property conducted by means of the internet, provided that they are not conducted in conjunction with a live auction;
- (9) A bid calling contest that is approved by the commission and that is conducted for the purposes of the advancement or promotion of the auction profession in this state;
- (10) An auction at which the champion of a national or international bid calling contest appears, provided that both of the following apply:
  - (a) The champion is not paid a commission.
  - (b) The auction is conducted under the direct supervision of an auctioneer licensed under this chapter in order to ensure that the champion complies with this chapter and rules adopted under it.
- (C)(1) No person shall advertise or hold oneself out as an auction firm, auctioneer, apprentice auctioneer, or special auctioneer without a license issued by the department of agriculture.
- (2) Division (C)(1) of this section does not apply to an individual who is the subject of an advertisement regarding an auction conducted under division (B)(5)(b) of this section.
- (D) The department shall not refuse to issue a license to an applicant because of a criminal conviction unless the refusal is in accordance with section [9.79](#) of the Revised Code.

**Is the Department permitted to exercise discretion in determining whether to register, certify, or license an individual?**

**§ 4707.09 Apprentice auctioneer’s license qualifications.**

The department of agriculture may grant apprentice auctioneers’ licenses to those persons that are determined to be qualified by the department. Every applicant for an apprentice auctioneer’s license shall pass an examination relating to the skills, knowledge, and statutes and rules governing auctioneers. Every applicant for an apprentice auctioneer’s license shall furnish to the department, on forms provided by the department, satisfactory proof that the applicant:

- (A) Has attained the age of at least eighteen years;
- (B) Has obtained a written promise of a licensed auctioneer to sponsor the applicant during the applicant’s apprenticeship;

**If the regulation is a registration, certification, or license requirement, please complete the following:**

	<p>(C) Has satisfied the financial responsibility requirements established under section <a href="#">4707.11</a> of the Revised Code if applicable;</p> <p>(D) Has successfully completed a course of study in auctioneering at an institution that is approved by the state auctioneers commission.</p>
<p><b>Other information</b> (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>)</p>	<p>This license type is no longer required after 09/13/2022 under HB 321.</p>

**Oversight and disciplinary authority of the Department respecting individuals engaged in the occupation.**

The Department of Agriculture has sole regulatory authority over auctions in the State of Ohio. Disciplinary actions are in accordance with Chapter 119 of the Revised Code under Chapter 4707.15, 4707.16, 4707.19, and 4707.99 of the Ohio Revised Code. The agency has testing authority to ensure minimum competence prior to licensure, and oversight over compliance with Ohio’s auction laws and rules through periodic inspection and complaint investigations. The department may refuse to issue or renew, or may suspend, revoke, or impose civil penalties under Chapter 4707.19 of the Revised Code. The Department may also seek injunctive relief under R.C. 4707.16 and seek criminal action under ORC 4707.99.

**§ 4707.15 Disciplinary actions.**

(A) The department of agriculture may deny, refuse to renew, suspend, or revoke the license of any auction firm or auctioneer for any of the following causes:

- (1) Obtaining a license through false or fraudulent representation;
- (2) Making any substantial misrepresentation in an application for a license;
- (3) A continued course of misrepresentation or for making false promises through agents, advertising, or otherwise;
- (4) Specifying that an auction is a reserve auction, absolute auction, multi-parcel auction, or estate auction, but not conducting the auction as specified;
- (5) Failing to account for or remit, within a reasonable time, any money or property belonging to others that comes into the licensee’s possession, and for commingling funds of others with the licensee’s own, or failing to keep funds of others in an escrow or trust account,

**Oversight and disciplinary authority of the Department respecting individuals engaged in the occupation.**

except that in the case of a transaction involving real estate, such funds shall be maintained in accordance with division (A)(26) of section [4735.18](#) of the Revised Code;

(6) Paying valuable consideration to any person who has violated this chapter;

(7) Except as provided in division (B) of this section, conviction in a court of competent jurisdiction of this state or any other state of a criminal offense involving fraud, forgery, embezzlement, false pretenses, extortion, conspiracy to defraud, or another similar offense or a felony;

(8) Violation of this chapter or rules adopted under it;

(9) Failure to furnish voluntarily at the time of execution, copies of all written instruments prepared by the auctioneer or auction firm;

(10) Any conduct of a person that is licensed under this chapter that demonstrates bad faith, dishonesty, incompetency, or untruthfulness;

(11) Any other conduct of a person that is licensed under this chapter that constitutes improper, fraudulent, or dishonest dealings;

(12) Failing prior to the sale at public auction to enter into a written contract with the owner or consignee of any property to be sold, containing the terms and conditions upon which the licensee received the property for auction;

(13) The use of any power of attorney to circumvent this chapter;

(14) Failure to display either of the following:

(a) The sign required under section [4707.22](#) of the Revised Code; or

(b) A notice conspicuously at the clerk's desk or on a bid card that clearly states the terms and conditions of the auction and, if applicable, an explanation of the multi-parcel auction process.

(15) Failure to notify the department of any conviction of a felony or crime involving fraud within fifteen days of conviction;

(16) Aiding an unlicensed person in the performance of services or acts that require a license under this chapter;

(17) The suspension or revocation of a license to engage in auctioneering or other disciplinary action by the licensing authority of another state;

(18) The refusal or disapproval by the licensing authority of another state of an application for a license to engage in auctioneering;

(19) Failure of a licensee to notify the department of agriculture within fifteen days of a disciplinary action against the licensee by another state's applicable governing authority;

**Oversight and disciplinary authority of the Department respecting individuals engaged in the occupation.**

(20) Engaging in auctioneering or providing auction services without a license or during the suspension of a license;

(21) Attempting to cheat or cheating on an auctioneer examination or aiding another to cheat on an examination.

(B) The department shall not refuse to issue a license to an applicant because of a criminal conviction unless the refusal is in accordance with section [9.79](#) of the Revised Code.

**§ 4707.16 Complaints.**

(A) The department of agriculture may, upon its own motion, and shall, upon the verified written complaint of any person, investigate the actions of any auction firm or auctioneer, any applicant for an auction firm's, auctioneer's license, or any person who assumes to act in that capacity, if the complaint, together with other evidence presented in connection with it, makes out a prima-facie case. If the department determines that any such applicant is not entitled to receive a license, a license shall not be granted to the applicant, and if the department determines that any licensee is guilty of a violation of section 4707.14 or 4707.15 of the Revised Code, the department may suspend or revoke the license. Any auction firm or auctioneer who has had the auction firm's or auctioneer's, license revoked shall not be issued another such license for a period of two years from the date of revocation.

(B) The department may investigate complaints concerning the violation of sections 4707.02 and 4707.15 of the Revised Code and may subpoena witnesses in connection with such investigations as provided in this section. The department may make application to the court of common pleas for an order enjoining the violation of sections 4707.02 and 4707.15 of the Revised Code, and upon a showing by the department that any licensed auction firm or auctioneer has violated or is about to violate section 4707.15 of the Revised Code, or any person has violated or is about to violate section 4707.02 of the Revised Code, an injunction, restraining order, or other order as may be appropriate shall be granted by the court.

(C) The department may compel by subpoena the attendance of witnesses to testify in relation to any matter over which it has jurisdiction and that is the subject of inquiry and investigation by it, and require the production of any book, paper, or document pertaining to that matter. In case any person fails to file any statement or report, obey any subpoena, give testimony, or produce any books, records, or papers as required by such a subpoena, the court of common pleas of any county in the state, upon application made to it by the department, shall compel obedience by attachment proceedings for contempt, as in the case of disobedience of the requirements of a subpoena issued from that court, or a refusal to testify therein.

(D) When the department determines that a person not licensed under this chapter is engaged in or is believed to be engaged in activities for which a license is required under this chapter, the department may issue an order to that person requiring the person to show cause as to why the person should not be subject to licensing under this chapter. If the department, after a hearing, determines that the activities in which the person is engaged are subject to licensing under this chapter, the department may issue a cease-and-desist order that



**Oversight and disciplinary authority of the Department respecting individuals engaged in the occupation.**

shall describe the person and activities that are subject to the order. A cease-and-desist order issued under this section shall be enforceable in and may be appealed to the common pleas courts of this state under Chapter 119. of the Revised Code.

(E) In addition to the remedies provided under this section and irrespective of whether an adequate remedy at law exists, the department may apply to a court of common pleas for a temporary or permanent injunction or other appropriate relief for continued violations of this chapter. For purposes of this division, the court of common pleas shall be the court of common pleas of Licking county or the court of common pleas of the county where the violation occurs.

(F) For purposes of this section, investigative costs incurred by the department are recoverable either by the issuance of an administrative order of the department or by an order of a court of competent jurisdiction.

**§ 4707.19 Administrative rules.**

(A) The director of agriculture may adopt reasonable rules necessary for the implementation of this chapter in accordance with Chapter 119. of the Revised Code. In addition, the director shall adopt rules in accordance with Chapter 119. of the Revised Code that establish the portion of license fees collected under this chapter that are to be deposited into the auction recovery fund under section 4707.25 of the Revised Code.

No person shall fail to comply with a rule adopted under this chapter.

(B) The director shall adopt rules that establish a schedule of civil penalties for violations of this chapter, rules adopted under it, or orders issued under it. The rules shall provide that the civil penalty for the first violation of this chapter, rule, or order shall not exceed five thousand dollars and the civil penalty for each subsequent offense shall not exceed ten thousand dollars. In addition, the director, in establishing the schedule of civil penalties in the rules, shall consider past violations of this chapter and rules adopted under it, the severity of a violation, and the amount of actual or potential damage to the public or the auction profession.

(C) The department of agriculture may hear testimony in matters relating to the duties imposed on it, and any person authorized by the director may administer oaths. The department may require other proof of the honesty and truthfulness of any person named in the application for an auction firm's or auctioneer's license before admitting the applicant to an examination or issuing a license.

**§ 4707.99 Penalty.**

(A) Whoever violates section 4707.02 of the Revised Code is guilty of a misdemeanor of the first degree on the first offense and a felony of the fifth degree on each subsequent offense.

(B) Whoever violates this chapter or any rule adopted by the department of agriculture in the administration of this chapter, for the violation of which no penalty is provided, is guilty of a misdemeanor of the first degree.

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(C) Whoever violates section 4707.151 of the Revised Code is guilty of a felony of the fifth degree on the first offense and a felony of the fourth degree on each subsequent offense.

(D) Notwithstanding section 1901.31, 1907.20, or 2335.37 of the Revised Code, the clerk of the court shall transmit to the treasurer of state for deposit into the state treasury to the credit of the auction education fund created in section 4707.171 of the Revised Code fifty per cent of any fine imposed under this section.

**How much revenue is derived from fees charged by the Department to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

All revenue for the auctioneer program is derived from initial license and renewal fees and civil penalties collected by the agency. There are no GRF funds utilized. 2021, the total revenue from all license types under Chapter 4707 was \$264,977.

Most of the fees collected are deposited into the auctioneer operating fund which is used to fund the auctioneer program. There are no GRF monies utilized by the agency for this program. \$ 15.00 from each \$200.00 license fee is deposited into an auction education fund which is overseen by the Auctioneer Commission. This fund is available to fund educational opportunities for licensees and the auction going public. Additionally, in 2003, monies were transferred from the operating fund to create the auction recovery fund which covers licensees up to \$50,000 for actual and direct losses that they may cause the public during their business. There has never been a fee assessed to the licensees to maintain the balance of the fund but there are provisions within statute if the fund balance would fall below the required threshold. 50% of the civil penalties that are assessed for violations of the statute are deposited into the recovery fund and the other 50% are deposited into the auction education fund. There are also provisions within the statute that would allow the department to fund educational opportunities and research in the profession if the fund reaches a required threshold.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

There is no federal regulation of the auction profession.

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

The Ohio Department of Agriculture's chief mission is to protect consumers. The Department protects not only the buyers and sellers of goods at auction but also the public at large through the establishment of minimum requirements of auctioneer candidates and licensees and establishes a standard of professional conduct for all auctioneers. The Department's Auctioneers Program ensures that all auctions are open to the public and free of bidding restrictions. Additionally, regulations prevent against fraud and abuses of power and ensures that the profession remains in good standing by ensuring that all auctioneers are experienced, educated, and bound to a code of ethics.

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

Yes. The regulations are effective at preventing harm especially with the recent passage of HB 321, which removed barriers to licensure while still provide consumer protection to ensure that the auctions in Ohio are conducted in a fair and honest manner. The program offers a recovery fund for those who are financially harmed by a licensee. Each licensee is covered up to \$50,000 under the auction recovery fund. If a licensee violates Ohio law and it causes financial harm to an individual, they can make claim to the indemnity fund for their actual and direct losses. The recovery fund is derived from monies transferred from the operating fund in 2003 and from 50% of all fines collected. If the balance of the fund falls below a required balance, there is an assessment against all licensees to ensure viability of the fund.

**Are there any changes the Department would like to see implemented?**

HB 321 provided for removal of barriers to entry into the profession and this license type is no longer required effective 09/13/2022.

**Surrounding state comparison (LSC)**

See **Auctioneer**, above.

## Hemp cultivator

### Survey responses (AGR)

Description
All entities wanting to grow hemp in Ohio are required to obtain a Hemp Cultivation License and register their growing locations. License can be issued to individual or businesses.

Type (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)
License

If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	License is a 3-year license but they are required to register growing locations annually. In 2021, 179 applicants registered growing locations and 65 of those were new licenses
Number renewed annually	N/A

If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	Yes, significant decreases each year. 195 in 2020, 179 in 2021 and 118 in 2022
<b>Education or training requirements</b>	None
<b>Experience requirements</b>	None
<b>Examination requirements</b> ( <i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Department receive any proceeds of those fees? If so, how are the proceeds used?</i> )	N/A
<b>Continuing education requirements</b> ( <i>Including a description of the curriculum and the process of setting it.</i> )	N/A
<b>Initial fee</b>	\$100 every 3 years for the application fee plus \$500 per growing location annually.
<b>Duration</b>	3 years for the license, 1 year for the growing location registration
<b>Renewal fee</b> ( <i>If different from initial fee, please explain why.</i> )	Same

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<p><b>Does the Department recognize uniform licensure requirements or allow for reciprocity?</b></p>	<p>No</p>
<p><b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b></p>	<p>Currently Ohio regulates the cultivation of hemp via a State Approved Plan with USDA. If Ohio wanted to turn the regulation of hemp cultivation over to USDA, then the cultivators would need to comply with the USDA licensing/registration requirements.</p>
<p><b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Department?</b></p>	<p>No</p>
<p><b>Is the Department permitted to exercise discretion in determining whether to register, certify, or license an individual?</b></p>	<p>No, it is a mandatory denial of licensure if the applicant has been convicted of a felony involving controlled substances in the previous 10 years</p>
<p><b>Other information</b> (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>)</p>	<p>Applicants must not have any Felony convictions concerning controlled substances in the previous 10 years</p>

**Oversight and disciplinary authority of the Department respecting individuals engaged in the occupation.**

Director can suspend or revoke licensure for violations of Chapter 901:14-1 of the Administrative Code and can seek criminal prosecution against anyone who recklessly violates section 928.04 of the Revised Code

**How much revenue is derived from fees charged by the Department to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

\$146,800 was generated in 2021. Revenue is used to partially fund 4.5 FTE's for the program, pay for laboratory services and one vehicle for Inspections.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

USDA 2018 Farm Bill requires hemp cultivators to apply to and be licensed or authorized under its State's authorized hemp program if the State has one. If the State does not have an authorized program then the cultivators must apply for a USDA hemp production license. Ohio has an authorized program.

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

Production and distribution of a schedule 1 controlled substance

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

Yes, the program is effective at preventing the harm.  
 No there are no other less restrictive ways to prevent the harm.

**Are there any changes the Department would like to see implemented?**

Yes, the Department would like to see the rules updated to reflect changes in Federal Law and reduce the burden on licensees to file annual reports if they are not going to grow hemp.

**Surrounding state comparison (LSC)**

Hemp Cultivator						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Type of regulation	License ( <i>R.C. 928.04</i> ).	License ( <i>Ind. Code 15-15-13-7</i> ).	License ( <i>302 Ky. Admin. Regs. 50:021</i> ).	Registration ( <i>Mich. Comp. Laws 286.846</i> ).	General permit ( <i>Pennsylvania Dept. of Agriculture, <a href="#">General Permit Standards and Requirements for Hemp (PDF)</a></i> ).	License ( <i>W. Va. Code 19-12E-5</i> ).



Hemp Cultivator						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Education or training	N/A	N/A	Applicants must complete a mandatory orientation course (302 Ky. Admin. Regs. 50:021, Section 4(5)).	N/A	N/A	N/A
Experience	N/A	Must be at least 18 years old ( <a href="#">LSA Document #22-68(E) Section 32 (PDF)</a> ).	Must be at least 18 years old (302 Ky. Admin. Regs. 50:021, Section 2(4)).	Must be at least 18 years old (Mich. Comp. Laws 286.848).	N/A	N/A
Exam	N/A	N/A	N/A	N/A	N/A	N/A
Continuing education	N/A	N/A	N/A	N/A	N/A	N/A
Initial licensure fee	\$100 for license application; \$500 annual fee for each growing location (O.A.C. 901:14-1-04).	\$1,000 ( <a href="#">LSA Document #22-68(E) Section 38(a) (PDF)</a> ).	No application fee if submitted online; \$200 if submitted on paper. Additional \$400 annual fee for each growing location. (302 Ky. Admin. Regs. 50:060, Section 1.)	\$100 (Mich. Comp. Laws 286.856).	\$150; additional fees may apply (3 Pa. Cons. Stat. 1520).	\$100 application fee per location. Additional \$100 license fee plus \$5.00 per acre included on the application if approved. (W. Va. Code R. 61-29-3 (3.5 and 3.7).)

Hemp Cultivator						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License duration	Three years ( <i>R.C. 928.02(B); O.A.C. 901:14-1-02(B)</i> ).	One year ( <i>Ind. Code 15-15-13-8(c)</i> ).	One year ( <i>302 Ky. Admin. Regs. 50:021, Section 7</i> ).	One year ( <i>Mich. Comp. Laws 286.846</i> ).	One year ( <i>Pennsylvania Dept. of Agriculture, <a href="#">General Permit Standards and Requirements for Hemp Art. II(c) (PDF)</a></i> ).	One year ( <i>W. Va. Code 19-12E-5(d)</i> ).
Renewal fee	\$100 triennially; \$500 annual growing location fee ( <i>R.C. 928.02(B); O.A.C. 901:14-1-02(B)</i> ).	\$1,000 ( <a href="#">LSA Document #22-68(E) Section 38(a) (PDF)</a> ).	No application fee if submitted online; \$200 if submitted on paper. Additional \$400 annual fee for each growing location ( <i>302 Ky. Admin. Regs. 50:060, Section 1</i> ).	\$100 grower registration ( <i>Mich. Comp. Laws 286.856</i> ).	\$50; additional fees may apply ( <i>3 Pa. Cons. Stat. 1520</i> ).	\$100 application fee per location. Additional \$100 license fee plus \$5.00 per acre included on the application if approved. ( <i>W. Va. Code R. 61-29-3 (3.5 and 3.7)</i> .)

## Hemp processor

### Survey responses (AGR)

Description
License is required to make consumable products out of Hemp

Type (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)
License allows the production of hemp products and inspections by ODA Food Safety Program

If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	49
Number renewed annually	46

If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	Yes, significant increases. This program is only in its 3 <sup>rd</sup> year and the number of licenses doubled from 2020 to 2021
<b>Education or training requirements</b>	Yes, but only for a processor using hydrocarbon solvent-based or carbon dioxide extraction methods. They must have an employee that has a bachelor's degree in engineering or physical sciences from an accredited university, or at least three years of experience in the operation of the equipment being used
<b>Experience requirements</b>	No
<b>Examination requirements</b> ( <i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Department receive any proceeds of those fees? If so, how are the proceeds used?</i> )	No
<b>Continuing education requirements</b> ( <i>Including a description of the curriculum and the process of setting it.</i> )	No
<b>Initial fee</b>	\$100 every 3 years for the application fee plus annual fees depending on the type of processing. Raw Flower and/or Extraction \$3,000/ yr, Wholesale food/product \$500/yr, Retail food/product \$250/yr, Raw Hemp Grain \$500/yr, Raw Hemp Fiber \$500/yr
<b>Duration</b>	3 years for the license, 1 year for the individual registrations

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Renewal fee</b> <i>(If different from initial fee, please explain why.)</i>	Same
<b>Does the Department recognize uniform licensure requirements or allow for reciprocity?</b>	No
<b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b>	No
<b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Department?</b>	No
<b>Is the Department permitted to exercise discretion in determining whether to register, certify, or license an individual?</b>	No, it is a mandatory denial of licensure if the applicant has been convicted of a felony involving controlled substances in the previous 10 years
<b>Other information</b> <i>(Significant attributes or prerequisites to licensure not addressed in this chart.)</i>	

**Oversight and disciplinary authority of the Department respecting individuals engaged in the occupation.**

Director can suspend or revoke licensure for violations of Chapter 901:14-2 of the Administrative Code and can seek criminal prosecution against anyone who recklessly violates section 928.04 of the Revised Code

**How much revenue is derived from fees charged by the Department to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

\$82,050 was generated in 2021. Fees were used to cover Food Safety Inspection costs and Hemp Program administration review.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

N/A

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

The distribution of adulterated products

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

The consumption of adulterated products

**Are there any changes the Department would like to see implemented?**

Yes, the Department would like to move these rules over to the authority of the Food Safety Program and switch the 3 year license to an annual registration with the Food Safety Program.

## Surrounding state comparison (LSC)

Hemp Processor						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Type of regulation	License ( <i>R.C. 928.04</i> ).	License ( <i>Ind. Code 15-15-13-7</i> ).	License ( <i>302 Ky. Admin. Regs. 50:031</i> ).	License ( <i>Mich. Comp. Laws 286.847</i> ).	General permit ( <i>Pennsylvania Dept. of Agriculture, <a href="#">General Permit Standards and Requirements for Hemp (PDF)</a></i> ).	License ( <i>W. Va. Code R. 61-29-6</i> ).
Education or training	N/A	N/A	Applicants must complete a mandatory orientation course ( <i>302 Ky. Admin. Regs. 50:031, Section 4(5)</i> ).	N/A	N/A	N/A
Experience	N/A	Must be at least 18 years old ( <a href="#">LSA Document #22-68(E) Section 32 (PDF)</a> ).	Must be at least 18 years old ( <i>302 Ky. Admin. Regs. 50:031, Section 2(5)</i> ).	Must be at least 18 years old ( <i>Mich. Comp. Laws 286.848</i> ).	N/A	N/A
Exam	N/A	N/A	N/A	N/A	N/A	N/A
Continuing education	N/A	N/A	N/A	N/A	N/A	N/A



Hemp Processor						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Initial licensure fee	\$100 license application fee; additional \$500 or \$250 annual fee depending on components processed ( <i>O.A.C. 901:14-2-04</i> ).	\$1,000 ( <a href="#"><i>LSA Document #22-68(E) Section 38(a) (PDF)</i></a> ).	No application fee if submitted online; \$200 if submitted on paper. Additional annual fees apply depending on components processed. ( <i>302 Ky. Admin. Regs. 50:060, Section 2.</i> )	\$1,350 ( <i>Mich. Comp. Laws 286.856</i> ).	\$150; additional fees may apply ( <i>3 Pa. Cons. Stat. 1520</i> ).	\$100 application fee per location. Additional \$500 license fee per processing facility if approved. ( <i>W. Va. Code R. 61-29-6 (6.5 and 6.7)</i> .)
License duration	Three years ( <i>R.C. 928.02(B)</i> ; <i>O.A.C. 901:14-2-02(B)</i> ).	One year ( <i>Ind. Code 15-15-13-8(c)</i> ).	One year ( <i>302 Ky. Admin. Regs. 50:031, Section 7</i> ).	One year ( <i>Mich. Comp. Laws 286.847</i> ).	One year ( <i>Pennsylvania Dept. of Agriculture, <a href="#">General Permit Standards and Requirements for Hemp Art. II(c) (PDF)</a></i> ).	One year ( <i>W. Va. Code R. 61-29-6 (6.8)</i> ).
Renewal fee	\$100 license application fee; additional \$500 or \$250 annual fee depending on components processed ( <i>O.A.C. 901:14-2-04</i> ).	\$1,000 ( <a href="#"><i>LSA Document #22-68(E) Section 38(a) (PDF)</i></a> ).	No application fee if submitted online; \$200 if submitted on paper. Additional annual fees apply depending on components	\$1,350 ( <i>Mich. Comp. Laws 286.856</i> ).	\$50; additional fees may apply ( <i>3 Pa. Cons. Stat. 1520</i> ).	\$100 application fee plus \$500 license fee per processing facility ( <i>W. Va. Code R. 61-29-6 (6.5 and 6.7)</i> ).

Hemp Processor						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
			processed. (302 Ky. Admin. Regs. 50:031, Section 7(4)) and 50:060, Section 2.)			

# OHIO DEPARTMENT OF MENTAL HEALTH AND ADDICTION SERVICES

## General information (MHA)

### Duties

The mission of the Ohio Department of Mental Health and Addiction Services (OhioMHAS) is to provide statewide leadership of a high-quality mental health and addiction prevention, treatment and recovery system that is effective and valued by all Ohioans. OhioMHAS is a cabinet-level state agency that facilitates planning, establishes policy, distributes funding, delivers services, and regulates providers. We operate six regional psychiatric hospitals with over 1,000 beds serving over 6,000 people each year. We also provide recovery services to over 17,000 men and women incarcerated with the Ohio Department of Rehabilitation and Correction each year, and we operate Ohio Pharmacy Services, which provides a diverse array of goods and services to state institutions and eligible community partners. We regulate over 2,000 mental health and addiction services providers statewide and protect the rights of those served by these organizations. We provide leadership to the behavioral health system of 50 Alcohol, Drug Addiction, and Mental Health (ADAMH) boards and local prevention, treatment, and recovery support providers meeting the needs of Ohioans across the lifespan in local communities.

### Membership *(Current members, chairperson and other officers, and selection process.)*

OhioMHAS is an administrative department created by Section 121.02 of the Ohio Revised Code. The Director is appointed by the Governor and confirmed by the Ohio Senate. It does not have a membership.

**Budget** *(Current budget, description of budgeting process, sources of funding, and expected increases or decreases in budget or funding in future years.)*

OhioMHAS's FY 22 – FY 23 budget included an all funds total of \$1,060,711,574 in FY 22 and \$986,153,118 in FY 23 all funds. Sources of funding included GRF (49.1%), federal (31.8%), and state non-GRF (19.2%).

Budget recommendations for FY 24 – FY 25 will be included in Governor DeWine's budget proposal.

**Workload** *(Assess current, past, and anticipated workload. Has the workload increased or decreased significantly in the preceding six years?)*

OhioMHAS's workload has increased in recent years. The effects of the COVID-19 pandemic exacerbated already rising rates of mental health concerns and illness, as well as substance use disorders among Ohioans, and Ohio is seeing of the growth of depression, anxiety, increased overdose rates, and suicidality.

**Staffing** *(How many staff are currently employed by the Department? What are their roles? Are staffing levels proportionate to the Department's current and anticipated workload?)*

OhioMHAS has 2,631 employees. 2,412 are FT permanent. A list of the offices, bureaus, and divisions that make up the department can be found here: <https://mha.ohio.gov/about-us/offices-bureaus>.

**Administrative hearings and public complaints** *(Describe the Department’s processes for administering discipline and addressing complaints. Assess the efficiency of the processes.)*

The Department utilizes R.C. 119 to conduct administrative hearings and complaints.

## **Certified peer youth supporter**

### **Survey responses (MHA)**

#### **Description**

A Certified Youth Peer Supporter (CYPS) is someone who has direct lived experience with behavioral health challenges (mental health and/or substance use disorder), is between the ages of 18-30, and has been certified pursuant to OAC 5122-29-15.1. CYPS are unique in that they may have been impacted by behavioral health challenges while they were part of the child-serving system. A CYPS is trained to use their lived experience to help youth/young adults advocate for services and systems supports. A CYPS also works with youth/young adults to create and maintain positive peer interactions that promote wellness, resiliency, and recovery. They promote youth-guided practices that focus on strengths as part of the solution and ensure that youth/young adults participate in all aspects of care.

**Type** *(License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)*

Certification

If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>Number issued annually</b>	Rule 5122-29-15.1 <b>Adult, Family, and Youth Certified Peer Supporter</b> became effective 4/7/2022. We have no annual data at this time.
<b>Number renewed annually</b>	Rule 5122-29-15.1 <b>Adult, Family, and Youth Certified Peer Supporter</b> became effective 4/7/2022. We have no annual data at this time.
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	Rule 5122-29-15.1 <b>Adult, Family, and Youth Certified Peer Supporter</b> became effective 4/7/2022. Although we have no annual data at this time, a total of nine have been certified as Youth Peer Supporters since 4/7/2022.
<b>Education or training requirements</b>	<p>A certified youth peer supporter (CYPS) must hold a high school diploma, a general educational development certification, or similar secondary education from outside of the United States.</p> <p>Proof of minimum of forty hours of department approved competency-based peer services training or three equivalent years formal, verifiable experience providing behavioral health peer services pursuant to the rule 5122-29-15 of the Administrative Code.</p> <p>Completion of sixteen hours of online learning administered or designated by the department.</p>
<b>Experience requirements</b>	<p>CYPS have direct lived experience and have been impacted by behavioral health challenges while they were a part of the child-serving system. A CYPS is trained to use their lived experience to help youth/young adults advocate for services and systems supports. A CYPS also work with youth/young adults to create and maintain positive peer interactions that promote wellness, resiliency, and recovery. They promote youth-guided practices that focus on strengths as part of the solution and ensure that youth/young adults participate in all aspects of their care.</p> <p>Individuals must be at least eighteen years of age, but no older than thirty years of age at the time of certification.</p>

**If the regulation is a registration, certification, or license requirement, please complete the following:**

**Examination requirements** (*Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Department receive any proceeds of those fees? If so, how are the proceeds used?*)

The exam is administered online through Exam Professor. There are no fees for peers to take the exam.

**Continuing education requirements** (*Including a description of the curriculum and the process of setting it.*)

Renewal of certification requirements as specified in OAC 5122-29-15.1:

(a) Documentation of thirty hours of continuing education credits, including the following competencies and minimum hours:

(i) Ethics (may include HIPAA, confidentiality) - 3 hours

(ii) Boundaries - 3 hours

(iii) Diversity and inclusion/cultural sensitivity - 2 hours

(iv) System navigation and care coordination - 1 hour

(v) Trauma informed care - 2 hours

(vi) Human trafficking - 1 hour

(vii) Behavioral health knowledge (may include recovery and resiliency) - 1 hour

(viii) Basic principles related to health and wellness - 1 hour

(ix) Principles of coaching as applied to the delivery of peer services - 2 hours

Continuing education credits are accepted from a continuing education program that meets the professional needs of the intended clientele, which includes certified peer recovery supporters, certified family peer supporters, certified youth peer supporters, counselors, social workers, marriage and family therapists, psychologists, nurses, chemical dependency counselors, or other human service professionals.

The program must have a minimum duration of one hour and written goals and objectives that are responsive to the needs of prospective attendees.

If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>Initial fee</b>	\$3.50 fee for eLicense Ohio Professional Licensure. All individuals must apply for certification through eLicense Ohio application portal.
<b>Duration</b>	Two years
<b>Renewal fee</b> (If different from initial fee, please explain why.)	\$3.50 fee for eLicense Ohio Professional Licensure
<b>Does the Department recognize uniform licensure requirements or allow for reciprocity?</b>	OhioMHAS currently accepts two pathways to certification: through work experience or by completing eligible training. Individuals may apply for certification if they have three years of work or volunteer experience as a peer navigator, peer specialist, peer supporter, or peer recovery coach. The experience is required to be verified through documentation.
<b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b>	Yes, there are similar national registrations, certifications, and licenses. No, they cannot be used as a substitute for the state regulation.
<b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Department?</b>	No
<b>Is the Department permitted to exercise discretion in determining whether to register, certify, or license an individual?</b>	Yes Denial of initial or renewal certification process specified in OAC 5122-29-15.1: (1) An application for initial or renewal certification may be denied, and a certification may be revoked for the following: (a) Failure to provide peer supporter services in accordance with the standards set forth in this rule.



**If the regulation is a registration, certification, or license requirement, please complete the following:**

(b) Failure to submit a complete certification or renewal application.

(c) Failure to complete any of the standards for certification or renewal.

(d) The department determines that the certified peer supporter code of ethics has been violated.

(e) The individual is included in one of the following databases:

(i) The sex offender and child-victim offender database established pursuant to division (A)(11) of section 2950.13 of the Revised Code (available at <http://www.icrimewatch.net/index.php?AgencyID=55149&disc=>)

(ii) The database of incarcerated and supervised offenders established pursuant to section 5120.66 of the Revised Code (available at <http://www.drc.ohio.gov/OffenderSearch/Search.aspx>).

(f) A background check that has any of the permanently disqualifying offenses listed in paragraph (O) of this rule.

(g) A background check that has any of the five year disqualifying offenses listed in paragraph (O) of this rule, when five years have not elapsed between the release of all sanctions for the offense, and the submission of the certification application.

(2) The denial of an application for certification or renewal, or the revocation of certification is subject to appeal under Chapter 119. of the Revised Code.

(3) Upon receipt of an application, the department will review the materials to determine if they are complete. If an application is incomplete, the department will notify the applicant of corrections or additions needed. Incomplete materials will not be considered an application for certification, and will not constitute a denial of an application for certification.

(4) Any individual who has had their certification revoked or an application denied pursuant to this rule will not be eligible to apply to the department for certification for at least three years from the date of revocation.

**If the regulation is a registration, certification, or license requirement, please complete the following:**

**Other information** (*Significant attributes or prerequisites to licensure not addressed in this chart.*)

Must have documentation of passing the department peer supporter exam, or an exam administered or designated by the department.

Certified peer supporters will attest to having read and understood the code of ethics at initial certification and every certification renewal thereafter.

Certification is dependent on all materials being accurate, completed, submitted, and approved by the department through the eLicense portal.

The department must have directly received, reviewed and approved the results of a bureau of criminal investigation and federal bureau of investigation criminal check within one year of submission (for initial certification only, at renewal either an attestation that the applicant has not been convicted of any new felony offenses or a new background check is completed).

Certified peer supporters will be supervised by an individual who either:

(1) Has experience delivering peer services in behavioral health over a cumulative period of two years, has completed the sixteen hours of online learning administered or designated by the department, and has completed the four-hour supervising peers training administered or designated by the department; or,

(2) Is a clinician with one of the following licenses, and has completed the sixteen hours of online learning administered or designated by the department and has completed the four-hour supervising peers training administered or designated by the department: (a) Licensed social worker; (b) Licensed independent social worker; (c) Licensed professional counselor; (d) Licensed chemical dependency counselor II; (e) Licensed chemical dependency counselor III; (f) Licensed professional clinical counselor; (g) Licensed independent chemical dependency counselor; (h) Licensed marriage and family therapist; (i) Licensed independent marriage and family therapist (j) Psychologist; or, (k) Psychiatrist.

**Oversight and disciplinary authority of the Department respecting individuals engaged in the occupation.**

ORC 5119.36 authorizes OhioMHAS to certify mental health and addiction services which specifies that proceedings initiated to deny applications to certify certifiable services and supports, to refuse to renew certification, or to revoke certification are governed by Chapter 119 of the Revised Code.

There is also an attestation during the application process in eLicense that all applicants for certification are required to sign.

The language for this attestation is below:

I hereby affirm that all information given herein is true and complete to the best of my knowledge and belief. I understand that falsification of any portion of this application may result in my being denied certification/licensure or in revocation of the same. I hereby affirm that I have read the Code of Ethics for this credential type and I agree to abide by this code. (Codes of Ethics for all credential types may be accessed at [www.mha.ohio.gov](http://www.mha.ohio.gov))

**How much revenue is derived from fees charged by the Department to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

The Ohio Department of Mental Health and Addiction Services does not receive any revenue from the certification of youth peer supporters. Additionally, the Department does not impose a fee for the youth to become certified peer supporters. The e-License system does impose a \$3.50 fee, however.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

N/A

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

Certified Youth Peer Supporters seek to prevent harm to a vulnerable population of children, youth, and young adults with behavioral health conditions. Peer recovery services are community-based services for people with mental illness or substance use disorder. Services include activities that promote recovery, self-determination, self-advocacy, well-being, and independence. Peer recovery supports become certified by taking in-person training, or by having three years of work or volunteer experience as a peer navigator, peer specialist, peer supporter, or peer recovery coach. Regardless of the pathway to certification, individuals must also have completed 16 hours of online E-Based Academy courses, which include topics such as ethics, human trafficking, and trauma-informed care. They are also required to pass the OhioMHAS Peer Recovery Services exam, sign and agree to the OhioMHAS Peer Recovery Services Code of Ethics, and pass a Bureau of Criminal Investigations (BCI) background check.

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

Yes. No less restrictive options.

**Are there any changes the Department would like to see implemented?**

No

## Surrounding state comparison (LSC)

As reflected in the table below, most of the surrounding states do not formally regulate peer recovery supporters by statute or rule and therefore are not included; however, in several of those states, third-party organizations certify peer recovery supporters. The following resources offer – on a state-by-state basis – additional information about these practitioners, including by addressing such topics as Medicaid reimbursement and whether certification is performed by a state or private entity: [Peer Support Specialist Certification or Credentialing Authority](#), [Peer Support Specialists: Connections to Mental Health Care](#), [State-by-State Directory of Peer Recovery Coaching Training and Certification Programs \(PDF\)](#), and [State-by-State Directory of Parent Peer Support Training and Certification Programs \(PDF\)](#).

Certified Youth Peer Supporter						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Type of regulation	Certification.	No clear equivalent.	No clear equivalent. <sup>10</sup>	No clear equivalent.	No clear equivalent.	No clear equivalent.
Education or training	High school diploma or equivalent plus both of the following: <ul style="list-style-type: none"> <li>▪ A minimum of 40 hours of</li> </ul>	N/A	N/A	N/A	N/A	N/A

<sup>10</sup> Rules adopted by the Kentucky Department for Behavioral Health, Developmental and Intellectual Disabilities (DBHDID) recognize the following additional practitioners: adult peer support specialists, family peer support specialists, and youth peer support specialists. See 908 Ky. Admin. Regs. 2:220, 2:230, and 2:240. Though it does not appear from Kentucky statutes or rules that these practitioners must hold licenses, certificates, or registrations issued by the state of Kentucky, or even that the state is expressly authorized to issue them, it appears that DBHDID does certify these individuals. The rules require them to meet certain education, experience, and training requirements, pass an examination, and complete continuing education credits. The practitioners also must establish through DBHDID an online account to record continuing education credits. A peer support specialist must maintain those credits for reimbursement under the state’s Medicaid program. See [Peer Support Specialist FAQs \(PDF\)](#), which is available on the DBHDID’s website: [dbhdid.ky.gov/dbh](http://dbhdid.ky.gov/dbh).

Certified Youth Peer Supporter						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	<p>MHAS-approved competency-based peer services training; and</p> <ul style="list-style-type: none"> <li>16 hours of online learning administered or designated by MHAS.</li> </ul> <p>(O.A.C. 5122-29-15.1).</p>					
Experience	At least 18 years of age but no more than 30 years of age. In lieu of the 40 hours of training described above, may complete three equivalent years of formal, verifiable experience providing behavioral health	N/A	N/A	N/A	N/A	N/A

Certified Youth Peer Supporter						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	peer services. (O.A.C. 5122-29-15 and 5122-29-15.1.)					
Exam	Documentation of passing the MHAS peer supporter exam or an exam administered or designated by MHAS (O.A.C. 5122-29-15.1).	N/A	N/A	N/A	N/A	N/A
Continuing education	30 hours every two years, including three hours in ethics; three hours in boundaries; two hours in diversity, inclusion, and cultural sensitivity; one hour in system navigation and care coordination; two hours in trauma informed care; one hour in human trafficking;	N/A	N/A	N/A	N/A	N/A

Certified Youth Peer Supporter						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	one hour in behavioral health knowledge; one hour in basic principles related to health and wellness; and two hours in principles of coaching as applied to the delivery of peer services ( <i>O.A.C. 5122-29-15.1</i> ).					
Initial licensure fee	N/A	N/A	N/A	N/A	N/A	N/A
License duration	Two years ( <i>O.A.C. 5122-29-15.1</i> ).	N/A	N/A	N/A	N/A	N/A
Renewal fee	N/A	N/A	N/A	N/A	N/A	N/A



## Certified peer recovery supporter

### Survey responses (MHA)

Description
A “Certified Peer Recovery Supporter” (CRPS) is an individual who has a direct lived experience with mental health and/or substance use issues and has been certified pursuant to rule 5122-29-15.1. “Direct lived experience” means that you are personally in recovery from a mental health and/or substance use issue (having a friend or family member in recovery does not qualify you for this certification).

Type (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)
Certification

If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	2016: 111 2017: 433 2018: 458 2019: 578 2020: 616 2021: 783

If the regulation is a registration, certification, or license requirement, please complete the following:	
	To date 2022: 583
<b>Number renewed annually</b>	FY 20: 349 FY 21: 255 To date FY 22: 322
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	There has been an increase of certificates in the last several years. Tracking until April 7, 2022 was done manually using an excel spreadsheet. Tracking is now automatic through the eLicense portal.
<b>Education or training requirements</b>	A certified peer recovery supporter (CPRS) must hold a high school diploma, a general educational development certification, or similar secondary education from outside of the United States.  Proof of minimum of forty hours of department approved competency-based peer services training or three equivalent years formal, verifiable experience providing behavioral health peer services pursuant to the rule 5122-29-15 of the Administrative Code.  Completion of sixteen hours of online learning administered or designated by the department.
<b>Experience requirements</b>	A certified peer recovery supporter (CPRS) is an individual who has direct lived experienced with mental health and/or substance use issues and has been certified pursuant to rule 5122-29-15.1.  Individual must be at least eighteen years of age at the time of certification.
<b>Examination requirements</b> ( <i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Department receive any proceeds of those fees? If so, how are the proceeds used?</i> )	The exam is administered online through Exam Professor. There are no fees for peers to take the exam.

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<p><b>Continuing education requirements</b>  <i>(Including a description of the curriculum and the process of setting it.)</i></p>	<p>Renewal of certification requirements as specified in OAC 5122-29-15.1:</p> <ul style="list-style-type: none"> <li>(a) Documentation of thirty hours of continuing education credits, which will include the following competencies and minimum hours: <ul style="list-style-type: none"> <li>(i) Ethics (may include HIPAA, confidentiality) - 3 hours</li> <li>(ii) Boundaries - 3 hours</li> <li>(iii) Diversity and inclusion/cultural sensitivity - 2 hours</li> <li>(iv) System navigation and care coordination - 1 hour</li> <li>(v) Trauma informed care - 2 hours</li> <li>(vi) Human trafficking - 1 hour</li> <li>(vii) Behavioral health knowledge (may include recovery and resiliency) - 1 hour</li> <li>(viii) Basic principles related to health and wellness - 1 hour</li> <li>(ix) Principles of coaching as applied to the delivery of peer services - 2 hours.</li> </ul> </li> </ul> <p>Continuing education credits are accepted from a continuing education program that meets the professional needs of the intended clientele, which will include certified peer recovery supporters, certified family peer supporters, certified youth peer supporters, counselors, social workers, marriage and family therapists, psychologists, nurses, chemical dependency counselors, or other human service professionals.</p> <p>The program will have a minimum duration of clock hour and written goals and objectives that are responsive to the needs of prospective attendees.</p>
<p><b>Initial fee</b></p>	<p>\$3.50 fee for eLicense Ohio Professional Licensure. All individuals must apply for certification through eLicense Ohio application portal.</p>
<p><b>Duration</b></p>	<p>Two years</p>

<b>If the regulation is a registration, certification, or license requirement, please complete the following:</b>	
<b>Renewal fee</b> <i>(If different from initial fee, please explain why.)</i>	\$3.50 fee for eLicense Ohio Professional Licensure
<b>Does the Department recognize uniform licensure requirements or allow for reciprocity?</b>	OhioMHAS currently accepts two pathways to certification: through work experience or by completing eligible training. Individuals may apply for certification if they have three years of work or volunteer experience as a peer navigator, peer specialist, peer supporter, or peer recovery coach. The experience is required to be verified through documentation.
<b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b>	Yes, there are similar national registrations, certifications, and licenses. No, they cannot be used as a substitute for the state regulation.
<b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Department?</b>	No
<b>Is the Department permitted to exercise discretion in determining whether to register, certify, or license an individual?</b>	Yes Denial of initial or renewal certification process specified in OAC 5122-29-15.1: (1) An application for initial or renewal certification may be denied, and a certification may be revoked for the following:  <ul style="list-style-type: none"> <li>(a) Failure to provide peer supporter services in accordance with the standards set forth in this rule.</li> <li>(b) Failure to submit a complete certification or renewal application.</li> <li>(c) Failure to complete any of the standards for certification or renewal.</li> <li>(d) The department determines that the certified peer supporter code of ethics has been violated.</li> <li>(e) The individual is included in one of the following databases:</li> </ul>

**If the regulation is a registration, certification, or license requirement, please complete the following:**

	<p>(i) The sex offender and child-victim offender database established pursuant to division (A)(11) of section 2950.13 of the Revised Code (available at <a href="http://www.icrimewatch.net/index.php?AgencyID=55149&amp;disc=">http://www.icrimewatch.net/index.php?AgencyID=55149&amp;disc=</a>)</p> <p>(ii) The database of incarcerated and supervised offenders established pursuant to section 5120.66 of the Revised Code (available at <a href="http://www.drc.ohio.gov/OffenderSearch/Search.aspx">http://www.drc.ohio.gov/OffenderSearch/Search.aspx</a>).</p> <p>(f) A background check that has any of the permanently disqualifying offenses listed in paragraph (O) of this rule.</p> <p>(g) A background check that has any of the five year disqualifying offenses listed in paragraph (O) of this rule, when five years have not elapsed between the release of all sanctions for the offense, and the submission of the certification application.</p> <p>(2) The denial of an application for certification or renewal, or the revocation of certification is subject to appeal under Chapter 119. of the Revised Code.</p> <p>(3) Upon receipt of an application, the department will review the materials to determine if they are complete. If an application is incomplete, the department will notify the applicant of corrections or additions needed. Incomplete materials will not be considered an application for certification, and will not constitute a denial of an application for certification.</p> <p>(4) Any individual who has had their certification revoked or an application denied pursuant to this rule will not be eligible to apply to the department for certification for at least three years from the date of revocation.</p>
<p><b>Other information</b> (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>)</p>	<p>Must have documentation of passing the department peer supporter exam, or an exam administered or designated by the department.</p> <p>Certified peer supporters will attest to having read and understood the code of ethics at initial certification and every certification renewal thereafter.</p> <p>Certification is dependent on all materials being accurate, completed, submitted, and approved by the department through the eLicense portal.</p>

**If the regulation is a registration, certification, or license requirement, please complete the following:**

The department must have directly received, reviewed, and approved the results of a bureau of criminal investigation and federal bureau of investigation criminal check within one year of submission (for initial certification only, at renewal either an attestation that the applicant has not been convicted of any new felony offenses or a new background check is completed).

Certified peer supporters will be supervised by an individual who either:

(1) Has experience delivering peer services in behavioral health over a cumulative period of two years, has completed the sixteen hours of online learning administered or designated by the department, and has completed the four-hour supervising peers training administered or designated by the department; or,

(2) Is a clinician with one of the following licenses, and has completed the sixteen hours of online learning administered or designated by the department and has completed the four-hour supervising peers training administered or designated by the department: (a) Licensed social worker; (b) Licensed independent social worker; (c) Licensed professional counselor; (d) Licensed chemical dependency counselor II; (e) Licensed chemical dependency counselor III; (f) Licensed professional clinical counselor; (g) Licensed independent chemical dependency counselor; (h) Licensed marriage and family therapist; (i) Licensed independent marriage and family therapist (j) Psychologist; or, (k) Psychiatrist.

**Oversight and disciplinary authority of the Department respecting individuals engaged in the occupation.**

ORC 5119.36 authorizes OhioMHAS to certify mental health and addiction services which specifies that proceedings initiated to deny applications to certify certifiable services and supports, to refuse to renew certification, or to revoke certification are governed by Chapter 119 of the Revised Code.

There is also an attestation during the application process in eLicense that all applicants for certification are required to sign.

The language for this attestation is below:

I hereby affirm that all information given herein is true and complete to the best of my knowledge and belief. I understand that falsification of any portion of this application may result in my being denied certification/licensure or in revocation of the same. I hereby affirm that I have read the Code of Ethics for this credential type and I agree to abide by this code. (Codes of Ethics for all credential types may be accessed at [www.mha.ohio.gov](http://www.mha.ohio.gov))

**How much revenue is derived from fees charged by the Department to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

The Ohio Department of Mental Health and Addiction Services does not receive any revenue from the certification of peer recovery supporters. Additionally, the Department does not impose a fee for the individuals to become certified peer recovery supporters. The e-License system does impose a \$3.50 fee, however.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

N/A

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

Certified Peer Recovery Supporters seek to prevent harm to a vulnerable population of adults with behavioral health conditions. Peer recovery services are community-based services for people with mental illness or substance use disorder. Services include activities that promote recovery, self-determination, self-advocacy, well-being, and independence. Peer recovery supporters become certified by taking in-person training, or by having three years of work or volunteer experience as a peer navigator, peer specialist, peer supporter, or peer recovery coach. Regardless of the pathway to certification, individuals must also have completed 16 hours of online E-Based Academy courses, which include topics such as ethics, human trafficking, and trauma-informed care. They are also required to pass the OhioMHAS Peer Recovery Services exam, sign and agree to the OhioMHAS Peer Recovery Services Code of Ethics, and pass a Bureau of Criminal Investigations (BCI) background check.

Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?

Yes. No less restrictive options.

Are there any changes the Department would like to see implemented?

No

### **Surrounding state comparison (LSC)**

As reflected in the table below, most of the surrounding states do not formally regulate peer recovery supporters by statute or rule and therefore are not included; however, in several of those states, third-party organizations certify peer recovery supporters. The following resources offer – on a state-by-state basis – additional information about these practitioners, including by addressing such topics as Medicaid reimbursement and whether certification is performed by a state or private entity: [Peer Support Specialist Certification or Credentialing Authority](#), [Peer Support Specialists: Connections to Mental Health Care](#), [State-by-State Directory of Peer Recovery Coaching Training and Certification Programs \(PDF\)](#), and [State-by-State Directory of Parent Peer Support Training and Certification Programs \(PDF\)](#).



Certified Peer Recovery Supporter						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Type of regulation	Certification.	No clear equivalent.	Registration. (Practitioner’s formal title under Kentucky law is a registered alcohol and drug peer support specialist.) <sup>11</sup>	No clear equivalent.	No clear equivalent.	No clear equivalent.
Education or training	High school diploma or equivalent and both of the following: <ul style="list-style-type: none"> <li>At least 40 hours of MHAS-approved competency-based peer</li> </ul>	N/A	High school diploma or equivalent and 40 classroom hours of Board of Alcohol and Drug Counselors (ADC)-approved curriculum that includes 16 hours of interactive training in ethics	N/A	N/A	N/A

<sup>11</sup> Rules adopted by the Kentucky Department for Behavioral Health, Developmental and Intellectual Disabilities (DBHDID) recognize the following additional practitioners: adult peer support specialists, family peer support specialists, and youth peer support specialists. See 908 Ky. Admin. Regs. 2:220, 2:230, and 2:240. Though it does not appear from Kentucky statutes or rules that these practitioners must hold licenses, certificates, or registrations issued by the state of Kentucky, or even that the state is expressly authorized to issue them, it appears that DBHDID does certify these individuals. The rules require them to meet certain education, experience, and training requirements, pass an examination, and complete continuing education credits. The practitioners also must establish through DBHDID an online account to record continuing education credits. A peer support specialist must maintain those credits for reimbursement under the state’s Medicaid program. See [Peer Support Specialist FAQs \(PDF\)](#), which is available on the DBHDID’s website: [dbhdid.ky.gov/dbh](http://dbhdid.ky.gov/dbh).

Certified Peer Recovery Supporter						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	<p>services training; and</p> <ul style="list-style-type: none"> <li>16 hours of online learning administered or designated by MHAS.</li> </ul> <p>(O.A.C. 5122-29-15.1.)</p>		<p>(eight of which must be face-to-face), three hours of domestic violence training, two hours of HIV training, ten hours of advocacy training, ten hours of training in mentoring and education, and ten hours of training in recovery support (Ky. Rev. Stat. 309.0831; 201 Ky. Admin. Regs. 35:050).</p>			
Experience	At least 18 years of age. In lieu of the 40 hours of training described above, may complete three equivalent years of formal, verifiable experience	N/A	At least 18 years of age and 500 hours of ADC-approved experience working with persons having substance use disorders, with 25 of those hours	N/A	N/A	N/A

Certified Peer Recovery Supporter						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	providing behavioral health peers services. (O.A.C. 5122-29-15 and 5122-29-15.1.)		under the supervision of an alcohol and drug counselor (Ky. Rev. Stat. 309.0831).			
Exam	Documentation of passing the MHAS peer supporter exam or an exam administered or designated by MHAS (O.A.C. 5122-29-15.1).	N/A	Comprehensive examination offered by the International Certification and Reciprocity Consortium (201 Ky. Admin. Regs. 35:025).	N/A	N/A	N/A
Continuing education	30 hours every two years, including three hours in ethics; three hours in boundaries; two hours in diversity, inclusion, and cultural sensitivity; one hour in system navigation and care coordination; two hours in	N/A	Ten hours each year (201 Ky. Admin. Regs. 35:040).	N/A	N/A	N/A

Certified Peer Recovery Supporter						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	trauma informed care; one hour in human trafficking; one hour in behavioral health knowledge; one hour in basic principles related to health and wellness; and two hours in principles of coaching as applied to the delivery of peer services ( <i>O.A.C. 5122-29-15.1</i> ).					
Initial licensure fee	N/A	N/A	\$50 ( <i>201 Ky. Admin. Regs. 35:020</i> ).	N/A	N/A	N/A
License duration	Two years ( <i>O.A.C. 5122-29-15.1</i> ).	N/A	Two years for a temporary registration and three years for a registration ( <i>201 Ky. Admin. Regs. 35:020</i> ).	N/A	N/A	N/A

Certified Peer Recovery Supporter						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Renewal fee	N/A	N/A	\$100 (201 Ky. Admin. Regs. 35:020).	N/A	N/A	N/A

## Certified family peer supporter Survey responses (MHA)

Description
<p>A certified family peer supporter (CFPS) is an individual who is the caregiver of a person with behavioral health challenges (mental health and/or substance use disorder) who has successfully navigated service systems for at least one year on behalf of the individual and has been certified pursuant to OAC 5122-29-15.1.</p> <p>A caregiver may include a birth parent, adoptive parent, foster parent, legal guardian/custodian, or a person chosen by the family or youth to have the role of primary caregiver. A CFPS supports an individual’s or family’s ability to address needs, navigate systems and promote recovery, resiliency, and wellness. They promote services that are family driven, youth guided, trauma-informed, and culturally competent. A CFPS can provide both basic and intensive family support services and participate as an active member of treatment teams in a variety of settings.</p>

**Type** (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)

Certification

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Number issued annually</b>	Rule 5122-29-15.1 <b>Adult, Family, and Youth Certified Peer Supporter</b> became effective 4/7/2022. We have no annual data at this time.
<b>Number renewed annually</b>	Rule 5122-29-15.1 <b>Adult, Family, and Youth Certified Peer Supporter</b> became effective 4/7/2022. We have no annual data at this time.
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	Rule 5122-29-15.1 <b>Adult, Family, and Youth Certified Peer Supporter</b> became effective 4/7/2022. We have no annual data at this time.
<b>Education or training requirements</b>	<p>A certified family peer supporter (CFPS) must hold a high school diploma, a general educational development certification, or similar secondary education from outside of the United States.</p> <p>Proof of minimum of forty hours of department approved competency-based peer services training or three equivalent years formal, verifiable experience providing behavioral health peer services pursuant to the rule 5122-29-15 of the Administrative Code.</p> <p>Completion of sixteen hours of online learning administered or designated by the department.</p>

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<p><b>Experience requirements</b></p>	<p>OhioMHAS currently allows individuals to apply for certification if they have three years of work or volunteer experience as a peer navigator, peer specialist, peer supporter, or peer recovery coach. This experience will need to be verified through documentation.</p> <p>Individual must be at least twenty one years of age at the time of certification.</p>
<p><b>Examination requirements</b> (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Department receive any proceeds of those fees? If so, how are the proceeds used?</i>)</p>	<p>The exam is administered online through Exam Professor. There are no fees for peers to take the exam.</p>
<p><b>Continuing education requirements</b> (<i>Including a description of the curriculum and the process of setting it.</i>)</p>	<p>Renewal of certification requirements as specified in OAC 5122-29-15.1:</p> <p>(a) Documentation of thirty hours of continuing education credits, which will include the following competencies and minimum hours:</p> <ul style="list-style-type: none"> <li>(i) Ethics (may include HIPAA, confidentiality) - 3 hours</li> <li>(ii) Boundaries - 3 hours</li> <li>(iii) Diversity and inclusion/cultural sensitivity - 2 hours</li> <li>(iv) System navigation and care coordination - 1 hours</li> <li>(v) Trauma informed care - 2 hours</li> <li>(vi) Human trafficking - 1 hour</li> <li>(vii) Behavioral health knowledge (may include recovery and resiliency) - 1 hour</li> <li>(viii) Basic principles related to health and wellness - 1 hour</li> <li>(ix) Principles of coaching as applied to the delivery of peer services - 2 hours</li> </ul> <p>Continuing education credits will be accepted from a continuing education program that meets the professional needs of the intended clientele, which will include certified peer recovery</p>

If the regulation is a registration, certification, or license requirement, please complete the following:	
	<p>supporters, certified family peer supporters, certified youth peer supporters, counselors, social workers, marriage and family therapists, psychologists, nurses, chemical dependency counselors, or other human service professionals.</p> <p>The program will have a minimum duration of one hour and written goals and objectives which are responsive to the needs of prospective attendees.</p>
<b>Initial fee</b>	\$3.50 fee for eLicense Ohio Professional Licensure. All individuals must apply for certification through eLicense Ohio application portal.
<b>Duration</b>	Two years
<b>Renewal fee</b> <i>(If different from initial fee, please explain why.)</i>	\$3.50 fee for eLicense Ohio Professional Licensure
<b>Does the Department recognize uniform licensure requirements or allow for reciprocity?</b>	OhioMHAS currently accepts two pathways to certification: through work experience or by completing eligible training. Individuals may apply for certification if they have three years of work or volunteer experience as a peer navigator, peer specialist, peer supporter, or peer recovery coach. The experience is required to be verified through documentation.
<b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b>	<p>Yes, there are similar national registrations, certifications and licenses.</p> <p>No, they cannot be used as a substitute for the state regulation.</p>
<b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Department?</b>	Yes



**If the regulation is a registration, certification, or license requirement, please complete the following:**

**Is the Department permitted to exercise discretion in determining whether to register, certify, or license an individual?**

Yes

Denial of initial or renewal certification:

(1) An application for initial or renewal certification may be denied, and a certification may be revoked for the following:

(a) Failure to provide peer supporter services in accordance with the standards set forth in this rule.

(b) Failure to submit a complete certification or renewal application.

(c) Failure to complete any of the standards for certification or renewal.

(d) The department determines that the certified peer supporter code of ethics has been violated.

(e) The individual is included in one of the following databases:

(i) The sex offender and child-victim offender database established pursuant to division (A)(11) of section 2950.13 of the Revised Code (available at <http://www.icrimewatch.net/index.php?AgencyID=55149&disc=>)

(ii) The database of incarcerated and supervised offenders established pursuant to section 5120.66 of the Revised Code (available at <http://www.drc.ohio.gov/OffenderSearch/Search.aspx>).

(f) A background check that has any of the permanently disqualifying offenses listed in paragraph (O) of this rule.

(g) A background check that has any of the five year disqualifying offenses listed in paragraph (O) of this rule, when five years have not elapsed between the release of all sanctions for the offense, and the submission of the certification application.

(2) The denial of an application for certification or renewal, or the revocation of certification is subject to appeal under Chapter 119. of the Revised Code.

(3) Upon receipt of an application, the department will review the materials to determine if they are complete. If an application is incomplete, the department will notify the applicant of

**If the regulation is a registration, certification, or license requirement, please complete the following:**

	<p>corrections or additions needed. Incomplete materials will not be considered an application for certification, and will not constitute a denial of an application for certification.</p> <p>(4) Any individual who has had their certification revoked or an application denied pursuant to this rule will not be eligible to apply to the department for certification for at least three years from the date of revocation.</p>
<p><b>Other information</b> (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>)</p>	<p>Must have documentation of passing the department peer supporter exam, or an exam administered or designated by the department.</p> <p>Certified peer supporters will attest to having read and understood the code of ethics at initial certification and every certification renewal thereafter.</p> <p>Certification is dependent on all materials being accurate, completed, submitted, and approved by the department through the eLicense portal.</p> <p>The department must have directly received, reviewed and approved the results of a bureau of criminal investigation and federal bureau of investigation criminal check within one year of submission (for initial certification only, at renewal either an attestation that the applicant has not been convicted of any new felony offenses or a new background check is completed).</p> <p>Certified peer supporters will be supervised by an individual who either:</p> <p>(1) Has experience delivering peer services in behavioral health over a cumulative period of two years, has completed the sixteen hours of online learning administered or designated by the department, and has completed the four-hour supervising peers training administered or designated by the department; or,</p> <p>(2) Is a clinician with one of the following licenses, and has completed the sixteen hours of online learning administered or designated by the department and has completed the four-hour supervising peers training administered or designated by the department: (a) Licensed social worker; (b) Licensed independent social worker; (c) Licensed professional counselor; (d) Licensed chemical dependency counselor II; (e) Licensed chemical dependency counselor III; (f) Licensed professional clinical counselor; (g) Licensed independent chemical dependency counselor; (h) Licensed marriage and family therapist; (i) Licensed independent marriage and family therapist (j) Psychologist; or, (k) Psychiatrist.</p>

**Oversight and disciplinary authority of the Department respecting individuals engaged in the occupation.**

ORC 5119.36 authorizes OhioMHAS to certify mental health and addiction services which specifies that proceedings initiated to deny applications to certify certifiable services and supports, to refuse to renew certification, or to revoke certification are governed by Chapter 119 of the Revised Code.

There is also an attestation during the application process in eLicense that all applicants for certification are required to sign.

The language for this attestation is below:

I hereby affirm that all information given herein is true and complete to the best of my knowledge and belief. I understand that falsification of any portion of this application may result in my being denied certification/licensure or in revocation of the same. I hereby affirm that I have read the Code of Ethics for this credential type and I agree to abide by this code. (Codes of Ethics for all credential types may be accessed at [www.mha.ohio.gov](http://www.mha.ohio.gov))

**How much revenue is derived from fees charged by the Department to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

The Ohio Department of Mental Health and Addiction Services does not receive any revenue from the certification of youth peer supporters. Additionally, the Department does not impose a fee for the youth to become certified peer supporters. The e-License system does impose a \$3.50 fee, however.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

N/A

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

Certified Family Peer Supporters work with families/caregivers to reduce isolation, improve relationships with professionals and improve outcomes for their families. Peer recovery services are community-based services for people with mental illness or substance use disorder. Services include activities that promote recovery, self-determination, self-advocacy, well-being, and independence. Peer recovery supports become certified by taking in-person training, or by having three years of work or volunteer experience as a peer navigator, peer specialist, peer supporter, or peer recovery coach. Regardless of the pathway to certification, individuals must also have completed 16 hours of online E-Based Academy courses, which include topics such as ethics, human trafficking, and trauma-informed care. They are also required to pass the OhioMHAS Peer Recovery Services exam, sign and agree to the OhioMHAS Peer Recovery Services Code of Ethics, and pass a Bureau of Criminal Investigations (BCI) background check.

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

Yes. No less restrictive options.

**Are there any changes the Department would like to see implemented?**

No

## Surrounding state comparison (LSC)

As reflected in the table below, most of the surrounding states do not formally regulate peer recovery supporters by statute or rule and therefore are not included; however, in several of those states, third-party organizations certify peer recovery supporters. The following resources offer – on a state-by-state basis – additional information about these practitioners, including by addressing such topics as Medicaid reimbursement and whether certification is performed by a state or private entity: [Peer Support Specialist Certification or Credentialing Authority](#), [Peer Support Specialists: Connections to Mental Health Care](#), [State-by-State Directory of Peer Recovery Coaching Training and Certification Programs \(PDF\)](#), and [State-by-State Directory of Parent Peer Support Training and Certification Programs \(PDF\)](#).

Certified Family Peer Supporter						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Type of regulation	Certification.	No clear equivalent.	No clear equivalent. <sup>12</sup>	No clear equivalent.	No clear equivalent.	No clear equivalent.
Education or training	High school diploma or equivalent and 40 hours of MHAS-approved competency-based peer	N/A	N/A	N/A	N/A	N/A

<sup>12</sup> Rules adopted by the Kentucky Department for Behavioral Health, Developmental and Intellectual Disabilities (DBHDID) recognize the following additional practitioners: adult peer support specialists, family peer support specialists, and youth peer support specialists. See 908 Ky. Admin. Regs. 2:220, 2:230, and 2:240. Though it does not appear from Kentucky statutes or rules that these practitioners must hold licenses, certificates, or registrations issued by the state of Kentucky, or even that the state is expressly authorized to issue them, it appears that DBHDID does certify these individuals. The rules require them to meet certain education, experience, and training requirements, pass an examination, and complete continuing education credits. The practitioners also must establish through DBHDID an online account to record continuing education credits. A peer support specialist must maintain those credits for reimbursement under the state’s Medicaid program. See [Peer Support Specialist FAQs \(PDF\)](#), which is available on the DBHDID’s website: [dbhdid.ky.gov/dbh](http://dbhdid.ky.gov/dbh).

Certified Family Peer Supporter						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	services training (O.A.C. 5122-29-15.1).					
Experience	21 years of age. In lieu of the 40 hours of training described above, may complete three equivalent years of formal, verifiable experience providing behavioral health peer services (O.A.C. 5122-29-15 and 5122-29-15.1).	N/A	N/A	N/A	N/A	N/A
Exam	Documentation of passing the MHAS peer supporter exam or an exam administered or designated by MHAS (O.A.C. 5122-29-15.1).	N/A	N/A	N/A	N/A	N/A

Certified Family Peer Supporter						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Continuing education	30 hours every two years, including three hours in ethics; three hours in boundaries; two hours in diversity, inclusion, and cultural sensitivity; one hour in system navigation and care coordination; two hours in trauma informed care; one hour in human trafficking; one hour in behavioral health knowledge; one hour in basic principles related to health and wellness; and two hours in principles of coaching as applied to the delivery of peer services (O.A.C. 5122-29-15.1).	N/A	N/A	N/A	N/A	N/A

Certified Family Peer Supporter						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Initial licensure fee	N/A	N/A	N/A	N/A	N/A	N/A
License duration	Two years ( <i>O.A.C. 5122-29-15.1</i> ).	N/A	N/A	N/A	N/A	N/A
Renewal fee	N/A	N/A	N/A	N/A	N/A	N/A



# OHIO DEPARTMENT OF PUBLIC SAFETY

## General information (DPS)

### Duties

The Ohio Department of Public Safety (ODPS) is proud to serve and protect the safety and security of Ohioans through its divisions: Administration, Bureau of Motor Vehicles, Emergency Management Agency, Emergency Medical Services, Homeland Security, Ohio State Highway Patrol, and Office of Criminal Justice Services. The mission of ODPS is to save lives, reduce injuries and economic loss, to administer Ohio's motor vehicle laws and to preserve the safety and well-being of all citizens with the most cost effective and service-oriented tools available.

### Membership *(Current members, chairperson and other officers, and selection process.)*

ODPS is an administrative department as enumerated in section 121.02 of the Ohio Revised Code with a Director.

### Budget *(Current budget, description of budgeting process, sources of funding, and expected increases or decreases in budget or funding in future years.)*

The Department of Public Safety's FY 22-23 budget can be found in HBs 74 and 110 of the 134<sup>th</sup> GA. Budget recommendations for FY 24-25 will be included in Governor Mike DeWine's budget proposal.

**Workload** *(Assess current, past, and anticipated workload. Has the workload increased or decreased significantly in the preceding six years?)*

ODPS's workload has not significantly increased or decreased in recent years.

**Staffing** *(How many staff are currently employed by the Department? What are their roles? Are staffing levels proportionate to the Department's current and anticipated workload?)*

ODPS employs approximately 4,000 people.

**Administrative hearings and public complaints** *(Describe the Department's processes for administering discipline and addressing complaints. Assess the efficiency of the processes.)*

The Department utilizes R.C. 119 to conduct administrative adjudications. The Department is represented by the Ohio Attorney General's office in all R.C. 119 adjudications.

## Driver training instructor

### Survey responses (DPS)

Description
Driver training instructors are responsible for teaching theory in the classroom or virtual classroom and training students behind the wheel of a vehicle.

Type (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)
Class D driver training instructor license

If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	On average 197 issued new annually – this number relays to probationary instructors though. New instructors become probationary instructors upon initial application.
Number renewed annually	On average 1,403 renew annually

If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	There have been significant decreases in licensing instructors over the past 6 years.
<b>Education or training requirements</b>	Class D - Original training consists of 60 hours of hands-on in the classroom and behind-the-wheel with students. Eight of those hours is a Basic Instructor Course provided by the department.
<b>Experience requirements</b>	Class D instructors shall have held a valid driver's license for at least 5 years.
<b>Examination requirements</b> ( <i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Department receive any proceeds of those fees? If so, how are the proceeds used?</i> )	Driver Training Instructor (Class D) – permit test and driving test is administered by the Ohio BMV  There are no fees collected for these tests
<b>Continuing education requirements</b> ( <i>Including a description of the curriculum and the process of setting it.</i> )	All licenses require continuing education once every three years. The course must consist of 6-8 hours of content.  The department works with a Master Trainer Committee to establish continuing education standards or topics that need to be taught and those are published to a policy. The schools may develop and teach their own course addressing these topics. The licensees are able to find and have other courses pre-approved if they choose. The department also facilitates courses throughout Ohio to provide CE for licensees.
<b>Initial fee</b>	Original instructor applications are \$25. This is calculated under the probationary licenses as all new instructors start off as probationary.
<b>Duration</b>	Licenses are valid for one year or the end of the current calendar year, whichever comes first.

If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>Renewal fee</b> <i>(If different from initial fee, please explain why.)</i>	Renewal licenses are \$10 annually
<b>Does the Department recognize uniform licensure requirements or allow for reciprocity?</b>	There is no reciprocity since there are significant differences in whether driver training is required or how it is applied across states.
<b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b>	Department of Education license with the driver education endorsement
<b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Department?</b>	No
<b>Is the Department permitted to exercise discretion in determining whether to register, certify, or license an individual?</b>	No, by law this is a license.
<b>Other information</b> <i>(Significant attributes or prerequisites to licensure not addressed in this chart.)</i>	

**Oversight and disciplinary authority of the Department respecting individuals engaged in the occupation.**

The department has the authority to inspect, investigate and take administrative action against a license. Administrative actions include fines, placing on probationary status, denial, suspensions, and revocations.

**How much revenue is derived from fees charged by the Department to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

All fees go into the highway fund. The driver training program office uses funding from the Highway Fund to provide support through field staff, educational staff to offer courses at no cost to prospective business owners, managers, and instructors.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

No federal regulations apply to this license.

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

Protects the integrity of the training program and consistency with the expectations of instructors. Holds instructors accountable for ensuring they are teaching appropriate topics and managing students appropriately. Protects the students to ensure they receive the training they have paid for and are trained to safely drive a vehicle. Protects the general public, ensuring there are educated drivers on the roadways.

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

The regulations have been effective over the years. We are working on identifying other means to maintain the integrity of the program while lessening the restrictions.

**Are there any changes the Department would like to see implemented?**

The department is considering providing the full instructor training program in lieu of the schools being required to expend time and resources.

## Surrounding state comparison (LSC)

Driver Training Instructor						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania <sup>13</sup>	West Virginia
Type of regulation	License ( <i>R.C. 4508.04(A)</i> ).	License ( <i>Ind. Code 9-27-6-8</i> ).	License ( <i>Ky. Rev. Stat. 332.202</i> ).	Certificate ( <i>Mich. Comp. Laws 256.637(1)</i> ).  Conditional Certificate ( <i>Mich. Comp. Laws 256.645</i> ).	License ( <i>24 P.S. 2834</i> ).	Certificate ( <i>W. Va. Code R. 126-22-4</i> ).  Temporary permit ( <i>W. Va. Code 18-6-2</i> ).
Education or training	Completion of: <ul style="list-style-type: none"> <li>Basic instructor course no more than one year prior to application;</li> <li>Approved instructor's course in the specific training classification within ten</li> </ul>	Meets one of the following instructor education requirements: <ul style="list-style-type: none"> <li>Has earned 51 semester credit hours at a postsecondary educational institution and nine credit hours</li> </ul>	Four-year college degree or high school degree plus experience as a professional driver training instructor ( <i>Ky. Rev. Stat. 332.204(3); 601 Ky. Admin. Regs. 13:110</i> ).	Completion of a driver education completion course ( <i>Mich. Comp. Laws 256.637(k)</i> ).	N/A	<b>Permanent certificate:</b> The applicant must be certified to teach grades 9 to 12 or grade 9 to adult and have the corresponding degrees necessary for that certification and must also complete an orientation program, an

<sup>13</sup> Pennsylvania law leaves the establishment of driving schools up to counties and cities of the first class (i.e., Philadelphia) (24 Pa. Stat. 2906). Such schools are established by the county commissioners and approved by judges on the common pleas court. The exception is with Philadelphia in which the approval of the school is by city council (24 Pa. Stat. 2901 to 2902). The characteristics listed here are laws that govern private school instructors.



Driver Training Instructor

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania <sup>13</sup>	West Virginia
	<p>years preceding application;</p> <ul style="list-style-type: none"> <li>DPS’s “Sexual Harassment Prevention Training.”</li> </ul> <p><i>(O.A.C. 4501-7-05(D)(6), (7), and (10).)</i></p>	<p>of driver education training consistent with a national standard; or</p> <ul style="list-style-type: none"> <li>Has completed a Bureau of Motor Vehicles (BMV)-approved instructor training program and completed 20 hours of behind-the-wheel training instruction that meets specified standards.</li> </ul> <p><i>(Ind. Code 9-27-6-8; 140 Ind. Admin. Code 4-1.3-1(g)(1).)</i></p>				<p>approved e-Learning Driver Education Authorization coursework, and a field driving component (<i>W. Va. Code R. 126-136-11 (11.9)</i>).</p> <p><b>Temporary permit:</b> Bachelor’s degree or high school diploma with five years of driving instructor experience and completion of an orientation program and 18 hours of additional training (<i>W. Va. Code R. 126-136-11 (11.8)</i>).</p>

Driver Training Instructor						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania <sup>13</sup>	West Virginia
Experience	Licensed as the operator of a motor vehicle for at least five years and possess a valid driver's license ( <i>O.A.C. 4501-7-05(L)</i> ).	<p>Must have knowledge of the rules of the road and currently employed by or has an employment offer from a licensed driver training school (<i>Ind. Code 9-27-6-8</i>).</p> <p>Must be at least 21 years of age (<i>140 Ind. Admin. Code 4-1.3-1(g)(3)</i>).</p>	Must be at least 21 years of age and hold a valid Kentucky operator's license ( <i>Ky. Rev. Stat. 332.204(3)</i> ).	Must be at least 21 years of age and possess a driver's license in effect for at least the five previous years ( <i>Mich. Comp. Laws 256.637(3)</i> ).	<p>Must have a valid driver's license and must have driven 15,000 miles in various weather conditions (<i>24 P.S. 2834(2)(b)</i>).</p> <p>Must be at least 18 years of age (<i>24 P.S. 2834(2)(a)</i>).</p>	<p><b>Permanent certificate:</b> Must have held a driver's license for the past five years and must have a satisfactory driving record (including no OVI's and not more than nine license points at any time during the previous five years) (<i>W. Va. Code R. 126-136-11 (11.9)</i>).</p> <p><b>Temporary permit:</b> Generally same as the permanent certificate (<i>W. Va. Code R. 126-136-11 (11.8)</i>).</p>
Exam	Must complete a vision screening, a knowledge test, and a driving skill	<p>Physical exam showing:</p> <ul style="list-style-type: none"> <li>▪ Mental ability;</li> </ul>	N/A	Medical exam not older than 90 days ( <i>Mich. Comp. Laws 256.637(2)(j)</i> ).	Written theoretical exam and a practical	N/A

Driver Training Instructor						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania <sup>13</sup>	West Virginia
	<p>exam (<i>O.A.C. 4501-7-05(D)(5)</i>).</p> <p>A separate assessment occurs during the probationary period and depends on the type of license sought (<i>O.A.C. 4501-7-05(E)(2)(a) to (e)</i>).</p>	<ul style="list-style-type: none"> <li>▪ Minimum corrected visual acuity of 20/40 in each eye;</li> <li>▪ Visual fields of not less than 55 degrees in each eye;</li> <li>▪ Absence of communicable diseases; and</li> <li>▪ Absence of a medical condition that may affect the applicant's ability to operate a vehicle safely, give demonstrations, or supervise students operating</li> </ul>		<p>Must resubmit every two years (<i>Mich. Comp. Laws 256.641(1)(d)</i>).</p>	<p>exam<sup>14</sup> (<i>24 P.S. 2834(2)(d)</i>).</p>	

<sup>14</sup> Exempted from both exams if applicant holds a valid Pennsylvania Teaching Certificate with a certification in Driver and Safety Education (22 Pa. Code 101.141(c)).

Driver Training Instructor						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania <sup>13</sup>	West Virginia
		motor vehicles. <i>(140 Ind. Admin. Code 4-1.3-1(a) (4).)</i>				
Continuing education	Must complete a preapproved advanced training course once every three years <i>(O.A.C. 4501-7-05 (U)).</i>	Specifies that no continuing education is required <i>(140 Ind. Admin. Code 4-1.3-1(k)).</i>	N/A	According to the Michigan Secretary of State, must complete one professional development course per licensure period <i>(Mich. Comp. Laws 256.627, 256.641, and 256.647).</i>	N/A	<b>Temporary permit:</b> 18 hours of training; verification of six hours of coursework towards Driver Education Certification or three hours of approved professional learning; verification of completion of Driver's Education Clinical Experience with a certified, current driver education teacher <i>(W. Va. Code R. 126-136-11 (11.8)).</i>

**Driver Training Instructor**

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania <sup>13</sup>	West Virginia
Initial licensure fee	\$25 (O.A.C. 4501-7-05(D)).	\$10 (140 Ind. Admin. Code 4-1.4-1(a)).	\$50 (Ky. Rev. Stat. 332.204(4)).	\$45 (Mich. Comp. Laws 256.637(3)(i)).	\$30 (22 Pa. Code 101.114(2)(i)).	\$35 (West Virginia Dept. of Education, Form 5 Application Instructions).
License duration	One year (O.A.C. 4501-7-05(H)).  For the probationary period, 180 days from date of issuance (O.A.C. 4501-7-05(E)(1)).	Two years (140 Ind. Admin. Code 4-1.3-1(c)(1)).	One year (Ky. Rev. Stat. 332.208(3)).	Two years (Mich. Comp. Laws 256.641(5)).	One year (22 Pa. Code 101.147(b)).	One year (West Virginia Dept. of Education, Form 5 Application Instructions).
Renewal fee	\$10 (O.A.C. 4501-7-05(K)).	\$10 (140 Ind. Admin. Code 4-1.4-1(b)).	\$50 (Ky. Rev. Stat. 332.204(4)).	\$45 (Mich. Comp. Laws 256.641(1)(c)).	\$20 (22 Pa. Code 101.114(2)(ii)).	\$35 (West Virginia Dept. of Education, Form 5 Application Instructions).

## Driver training manager

### Survey responses (DPS)

#### Description

Training managers are responsible for the oversight of the instructors and education of students pertaining to the driver training school. Training managers review student training records to ensure all required hours and curriculum is received. Training managers are responsible for the oversight of the training of prospective instructors, assessments for probationary instructors, and annual assessments of all instructors.

**Type** (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)

This is an endorsement for a license.

#### If the regulation is a registration, certification, or license requirement, please complete the following:

##### Number issued annually

The numbers of CDL and Class D training managers are combined and not easily extracted separately. In total, there are 305 endorsed training managers in Ohio.

##### Number renewed annually

Over the past six years, On average 320 renew annually.

If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	No, the numbers have been steady.
<b>Education or training requirements</b>	Training Managers are required to take a Training Manager specific course.
<b>Experience requirements</b>	They must have at least 3 years' worth of being a licensed instructor.
<b>Examination requirements</b> ( <i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Department receive any proceeds of those fees? If so, how are the proceeds used?</i> )	There are no examination requirements for this endorsement.
<b>Continuing education requirements</b> ( <i>Including a description of the curriculum and the process of setting it.</i> )	The training manager requires continuing education once every three years. The course must consist of 6-8 hours of content. The course applies to the instructor side of the license as well.  The department works with a Master Trainer Committee to establish continuing education standards or topics that need to be taught and those are published to a policy. The licensees are able to find and have other courses pre-approved if they choose. The department also facilitates courses throughout Ohio to provide CE for licensees.
<b>Initial fee</b>	No fee
<b>Duration</b>	It is an endorsement on the instructor's license. Duration of endorsement is dependent upon the renewal by instructor.

If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>Renewal fee</b> <i>(If different from initial fee, please explain why.)</i>	Included in the renewal fee for instructor's license
<b>Does the Department recognize uniform licensure requirements or allow for reciprocity?</b>	The only reciprocity is if the person was licensed in another state, the time they were licensed can count towards the 3 years' experience.
<b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b>	Not that we are aware of
<b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Department?</b>	Not to our knowledge
<b>Is the Department permitted to exercise discretion in determining whether to register, certify, or license an individual?</b>	No, by law the instructor is licensed. This specific title is an endorsement on a license.
<b>Other information</b> <i>(Significant attributes or prerequisites to licensure not addressed in this chart.)</i>	



**Oversight and disciplinary authority of the Department respecting individuals engaged in the occupation.**

The department has the authority to inspect, investigate and take administrative action against a license. Administrative actions include fines, placing on probationary status, denial, suspensions, and revocations.

**How much revenue is derived from fees charged by the Department to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

None. There are no additional fees associated with applying for or maintaining the endorsement on the instructor license.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

There are none.

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

Protects the integrity of the training program and consistency with the expectations of instructors. Holds instructors accountable for ensuring they are teaching appropriate topics and managing students appropriately. Protects the students to ensure they receive the training they have paid for and are trained to safely drive a vehicle. Protects the general public, ensuring there are educated drivers on the roadways.

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

Yes, the regulation is effective.

**Are there any changes the Department would like to see implemented?**

No

## Surrounding state comparison (LSC)

Driver Training Manager						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Type of regulation	License ( <i>R.C. 4508.02 and 4508.03; O.A.C. 4501-7-05(C) and (G)</i> ).	No clear equivalent.	No clear equivalent.	No clear equivalent.	License (for private driving school directors) ( <i>24 P.S. 2834</i> ).	No clear equivalent.
Education or training	Must be a licensed driving instructor plus complete a course for driving school managers approved by the Director of Public Safety ( <i>O.A.C. 4501-7-05(C) and (G)(1)</i> ).	N/A	N/A	N/A	N/A	N/A
Experience	Requires an applicant to: <ul style="list-style-type: none"> <li>▪ Hold a motor vehicle license for at least five years;</li> <li>▪ Possess a valid driver's license;</li> </ul>	N/A	N/A	N/A	Must meet the same qualifications as a driver education teacher, but also complete two years or more of successful teaching in a private or public driver training	N/A

**Driver Training Manager**

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	<ul style="list-style-type: none"> <li>▪ Certify that the applicant is in sound physical and mental health and is not under the influence of or addicted to any drug or medicine which affects the applicant's ability to drive or safely instruct students; and</li> <li>▪ Generally have a clean driving record.</li> </ul> <p><i>(O.A.C. 4501-7-05 (L).)</i></p>				school or class. (24 P.S. 2834(2)(f)).	
Exam	<p>Must complete both of the following:</p> <ul style="list-style-type: none"> <li>▪ A knowledge test of Ohio motor vehicle</li> </ul>	N/A	N/A	N/A	N/A	N/A

**Driver Training Manager**

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	<p>laws, road signs, and the care and operation of motor vehicles; and</p> <ul style="list-style-type: none"> <li>▪ A skill exam in a motor vehicle.</li> </ul> <p><i>(O.A.C. 4501-7-05(D)(5).)</i></p>					
Continuing education	<p>Complete a preapproved advanced training course once every three years <i>(O.A.C. 4501-7-05(U)).</i></p>	N/A	N/A	N/A	N/A	N/A
Initial licensure fee	<p>\$25 <i>(O.A.C. 4501-7-05(D)(1)).</i></p>	N/A	N/A	N/A	\$30 <i>(22 Pa. Code 101.114(a)(2)(i)).</i>	N/A
License duration	<p>One year <i>(O.A.C. 4501-7-05(H)).</i></p>	N/A	N/A	N/A	One year <i>(22 Pa. Code 101.147(b)).</i>	N/A
Renewal fee	<p>\$10 <i>(O.A.C. 4501-7-05(K)).</i></p>	N/A	N/A	N/A	\$20 <i>(22 Pa. Code 101.114(a)(2)(ii)).</i>	N/A

## Driver training probationary instructor

### Survey responses (DPS)

Description
Probationary licenses apply to CDL, abbreviated adult and Class D licenses. These are instructors, who were recently licensed. Once they pass probation, they received the non-probationary licenses for the applicable programs (CDL, Class D, Abbreviated Adult). Probationary instructors are responsible for teaching theory and behind-the-wheel for the applicable programs.

Type (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)
license

If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	On average, 264 probationary licenses are issued annually. Probationary licenses include CDL, Class D instructor, and online instructors.
Number renewed annually	Probationary licenses do not renew

If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	There has been a steady increase but not a significant increase. CDL has increased while Class D instructors have actually decreased but not significantly.
<b>Education or training requirements</b>	Require the same training as described in the CDL and Driver Training Instructor license requirements.
<b>Experience requirements</b>	CDL must have held and operated on a CDL for three years. Class D instructors must have held a valid driver's license for five years.
<b>Examination requirements</b> ( <i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Department receive any proceeds of those fees? If so, how are the proceeds used?</i> )	Class D – must take the Class D permit and driving test. CDL – must take the CDL permit, pre-trip, and driving test. These tests are provided by the Ohio BMV at no additional cost.
<b>Continuing education requirements</b> ( <i>Including a description of the curriculum and the process of setting it.</i> )	Once every three years
<b>Initial fee</b>	\$25 for the initial application
<b>Duration</b>	Probation lasts for 180 days
<b>Renewal fee</b> ( <i>If different from initial fee, please explain why.</i> )	No renewal fees are associated with this license.

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<p><b>Does the Department recognize uniform licensure requirements or allow for reciprocity?</b></p>	<p>There is no reciprocity since there are significant differences in whether driver training is required or how it is applied across states.  CDL, there is reciprocity should the other state have substantially similar training requirements.</p>
<p><b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b></p>	<p>Department of Education license with the driver education endorsement</p>
<p><b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Department?</b></p>	<p>No</p>
<p><b>Is the Department permitted to exercise discretion in determining whether to register, certify, or license an individual?</b></p>	<p>No, by law this is a license.</p>
<p><b>Other information</b> (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>)</p>	<p>N/A</p>

**Oversight and disciplinary authority of the Department respecting individuals engaged in the occupation.**

The department has the authority to inspect, investigate and take administrative action against a license. Administrative actions include fines, placing on probationary status, denial, suspensions, and revocations.



**How much revenue is derived from fees charged by the Department to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

All fees go into the highway fund. The driver training program office uses funding from the Highway Fund to provide support through field staff, educational staff to offer courses at no cost to prospective business owners, managers, and instructors.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

There are no federal regulations.

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

Protects the integrity of the training program and consistency with the expectations of instructors. Holds instructors accountable for ensuring they are teaching appropriate topics and managing students appropriately. Protects the students to ensure they receive the training they have paid for and are trained to safely drive a vehicle. Protects the general public, ensuring there are educated drivers on the roadways.

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

Yes, it is effective. We continue to explore new avenues that maintain the integrity of the licensing while reducing the impact of the restrictions.

**Are there any changes the Department would like to see implemented?**

The department is considering providing the full instructor training program in lieu of the schools being required to expend time and resources.

### **Surrounding state comparison (LSC)**

See **Driver training instructor**, above.

## Online instructor

### Survey responses (DPS)

Description
Online instructors are responsible for responding to curriculum-based inquiries from students taking theory in an online course.

Type (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)
license

If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>Number issued annually</b>	On average 4 new online instructors are licensed annually. This number is also included in the probationary licenses. All new instructors begin under probation
<b>Number renewed annually</b>	On average 22 online instructors renew annually.

If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	No
<b>Education or training requirements</b>	Shall take the entire 24 hours of the online curriculum, complete the full 250 question final exam and pass with a 90%.
<b>Experience requirements</b>	Shall have held a driver's license for a minimum of five years.
<b>Examination requirements</b> ( <i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Department receive any proceeds of those fees? If so, how are the proceeds used?</i> )	None
<b>Continuing education requirements</b> ( <i>Including a description of the curriculum and the process of setting it.</i> )	All licenses require continuing education once every three years. The course must consist of 6-8 hours of content.  The department works with a Master Trainer Committee to establish continuing education standards or topics that need to be taught and those are published to a policy. The schools may develop and teach their own course addressing these topics. The licensees are able to find and have other courses pre-approved if they choose. The department also facilitates courses throughout Ohio to provide CE for licensees.
<b>Initial fee</b>	Initial fee is \$25
<b>Duration</b>	The license is valid for one year or by end of the calendar year, whichever comes first.

If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>Renewal fee</b> <i>(If different from initial fee, please explain why.)</i>	Renewal fee is \$10
<b>Does the Department recognize uniform licensure requirements or allow for reciprocity?</b>	There is no reciprocity since there are significant differences in whether driver training is required or how it is applied across states.
<b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b>	Department of Education license with the driver education endorsement
<b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Department?</b>	No
<b>Is the Department permitted to exercise discretion in determining whether to register, certify, or license an individual?</b>	No, by law this is a license.
<b>Other information</b> <i>(Significant attributes or prerequisites to licensure not addressed in this chart.)</i>	N/A

**Oversight and disciplinary authority of the Department respecting individuals engaged in the occupation.**

The department has the authority to inspect, investigate and take administrative action against a license. Administrative actions include fines, placing on probationary status, denial, suspensions, and revocations.

**How much revenue is derived from fees charged by the Department to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

All fees go into the highway fund. The driver training program office uses funding from the Highway Fund to provide support through field staff, educational staff to offer courses at no cost to prospective business owners, managers, and instructors.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

There are no federal regulations governing online instructor licenses.

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

Protects the integrity of the training program and consistency with the expectations of instructors. Holds instructors accountable for ensuring they are teaching appropriate topics and managing students appropriately. Protects the students to ensure they receive the training they have paid for and are trained in the theory of safely operating a motor vehicle. Protects the general public, ensuring there are educated drivers on the roadways.

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

Yes, it is effective. We continue to explore new avenues that maintain the integrity of the licensing while reducing the impact of the restrictions.

**Are there any changes the Department would like to see implemented?**

No.

## Surrounding state comparison (LSC)

Online Instructor						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Type of regulation	License ( <i>R.C. 4508.02; O.A.C. 4501-7-05(D)(7)(b)</i> ).	No clear equivalent.	No clear equivalent.	No clear equivalent.	No clear equivalent.	No clear equivalent.
Education or training	Completion of online training instructor program ( <i>O.A.C. 4501-7-05(D)(7)(b)</i> ).	N/A	N/A	N/A	N/A	N/A
Experience	<p>The applicant must have all of the following experience:</p> <ul style="list-style-type: none"> <li>▪ Be licensed as the operator of a motor vehicle for at least five years;</li> <li>▪ Possess a valid driver's license;</li> <li>▪ Certify that the applicant is in sound</li> </ul>	N/A	N/A	N/A	N/A	N/A



Online Instructor						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	<p>physical and mental health and is not under the influence of or addicted to any drug or medicine which affects the applicant's ability to drive or safely instruct students; and</p> <ul style="list-style-type: none"> <li>▪ Have a record free of a conviction of a disqualifying offense and other restrictions.<sup>15</sup></li> </ul> <p>(O.A.C. 4501-7-05 (L).)</p>					

<sup>15</sup> The applicant's driving record must be free from the following: (1) three or more chargeable crashes within the three years preceding the date of application, (2) three or more moving violation convictions under R.C. Chapter 4511, or an equivalent conviction from another jurisdiction, within the three years preceding the date of application, (3) an accumulation of six points or more under R.C. Chapter 4510, or equivalent action from another jurisdiction, within the preceding three years, (4) a 12-point administrative suspension under R.C. 4510.037, or equivalent action from another jurisdiction, within the ten years preceding the date of application (O.A.C. 4501-7-05(L)(5)).

Online Instructor						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Exam	The Director of Public Safety initially issues an applicant a probationary online instructor license. During the probationary period, the online instructor must successfully pass a one day assessment. <i>(O.A.C. 4501-7-05(E)(2)(c).)</i>	N/A	N/A	N/A	N/A	N/A
Continuing education	Complete a preapproved advanced training course once every three years <i>(O.A.C. 4501-7-05 (U)).</i>	N/A	N/A	N/A	N/A	N/A
Initial licensure fee	\$25 <i>(O.A.C. 4501-7-05(D)(1)).</i>	N/A	N/A	N/A	N/A	N/A
License duration	All licenses expire on December 31 of the year the	N/A	N/A	N/A	N/A	N/A

Online Instructor						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	license is issued and may be renewed annually (O.A.C. 4501-7-05 (H)).					
Renewal fee	\$10 (O.A.C. 4501-7-05(K)(1)).	N/A	N/A	N/A	N/A	N/A

## Driver training instructor for persons with a disability

### Survey responses (DPS)

Description
Driver training instructors for persons with a disability provide specialized training behind the wheel of a vehicle to people who are cognitively or physically impaired and cannot operate a vehicle without modification.

**Type** (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)

License endorsement

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Number issued annually</b>	On average 6 people will apply the disability endorsement annually.
<b>Number renewed annually</b>	On average 57 renew annually
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	There has been a steady increase in the number of individuals applying the endorsement.
<b>Education or training requirements</b>	Instructors with the disability endorsement require the training Class D instructors require plus an additional three-day course focused specifically on cognitive and physical disabilities.
<b>Experience requirements</b>	For an instructor associated with a rehabilitation clinic or medically based hospital, the instructor is also required to hold a valid Occupational Therapist or Certified Driver Rehabilitation Specialist certification.

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<p><b>Examination requirements</b> (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Department receive any proceeds of those fees? If so, how are the proceeds used?</i>)</p>	<p>Instructors take the permit and driving test proctored by the Ohio BMV. There is no cost for this test.</p>
<p><b>Continuing education requirements</b> (<i>Including a description of the curriculum and the process of setting it.</i>)</p>	<p>Instructors are required to have continuing education once every three years. The continuing education shall include topics on medical conditions or disabilities and how they relate to driving. This is specified in the rules.</p>
<p><b>Initial fee</b></p>	<p>If the instructor is applying as an initial instructor with the disability endorsement, the fee is \$25. They go to the probationary instructor status first. If the instructor is applying to add the endorsement to an already existing license, there is no cost.</p>
<p><b>Duration</b></p>	<p>The license is valid for one year or by end of the calendar year, whichever comes first.</p>
<p><b>Renewal fee</b> (<i>If different from initial fee, please explain why.</i>)</p>	<p>\$10 – fees are established legislatively</p>
<p><b>Does the Department recognize uniform licensure requirements or allow for reciprocity?</b></p>	<p>No</p>
<p><b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b></p>	<p>We consider the training for an Occupational Therapist and Certified Driver Rehabilitation Specialist certifications.</p>

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Department?</b>	If the student does not require the education to obtain their driver's license.
<b>Is the Department permitted to exercise discretion in determining whether to register, certify, or license an individual?</b>	No, by law we license these individuals.
<b>Other information</b> ( <i>Significant attributes or prerequisites to licensure not addressed in this chart.</i> )	N/A

**Oversight and disciplinary authority of the Department respecting individuals engaged in the occupation.**

The department has the authority to inspect, investigate and take administrative action against a license. Administrative actions include fines, placing on probationary status, denial, suspensions, and revocations.

**How much revenue is derived from fees charged by the Department to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

All fees go into the highway fund. The driver training program office uses funding from the Highway Fund to provide support through field staff, educational staff to offer courses at no cost to prospective business owners, managers, and instructors.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

No, there are no federal regulations.

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

Protects the integrity of the training program and consistency with the expectations of instructors. Holds instructors accountable for ensuring they are teaching appropriate topics and managing students appropriately. Protects the students to ensure they receive the training they have paid for and are trained to safely drive a modified vehicle. Protects the general public, ensuring there are educated and proficient drivers on the roadways.

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

Yes, it is effective. We continue to explore new avenues that maintain the integrity of the licensing while reducing the impact of the restrictions.

**Are there any changes the Department would like to see implemented?**

No

**Surrounding state comparison (LSC)**

Driver Training Instructor License for Persons with a Disability						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Type of regulation	Endorsement <sup>16</sup> <i>(R.C. 4508.02; O.A.C. 4501-7-05 (F)(1)).</i>	No clear equivalent.	License with certification from a nonprofit <i>(Ky. Rev. Stat. 332.204; 782 Ky. Admin.</i>	No clear equivalent.	No clear equivalent.	No clear equivalent.

<sup>16</sup> The Director of Public Safety may issue a certification for training persons with a disability as a disability endorsement for an instructor of a class ‘D’ driver training course providing classroom, virtual classroom, and behind-the-wheel instruction (O.A.C. 4501-7-05(F)(1)).



Driver Training Instructor License for Persons with a Disability						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	License <sup>17</sup> (R.C. 4508.02; O.A.C. 4501-7-05(F)(2)).		Regs. 1:070, Section 2).			
Education or training	<p><b>Endorsement:</b> Licensed as a driver training instructor and successful completion of a course approved by the Director of Public Safety for training drivers with a disability (O.A.C. 4501-7-05(F)(1)(a)).</p> <p><b>Licensure:</b> Licensed as a driver training instructor for persons with a disability (same qualifications as a driver training instructor) and</p>	N/A	Licensed as a driver training instructor with a certification as a driver rehabilitation specialist from The Association for Driver Rehabilitation Specialists (nonprofit organization) (782 Ky. Admin. Regs. 1:070, Section 2(4)).	N/A	N/A	N/A

<sup>17</sup> Alternatively to the issuance of a disability endorsement, the Director may issue a certification for training persons with a disability a license for an instructor at a rehabilitation clinic or medically based hospital that offers driver training for beginning drivers with a disability (O.A.C. 4501-7-05(F)(2)).

**Driver Training Instructor License for Persons with a Disability**

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	proof of certification as an occupational therapist or a certified driver rehabilitation specialist ( <i>O.A.C. 4501-7-05(F)(2)(a)</i> ).					
Experience	Same as a driver training instructor.	N/A	Same as a driver training instructor.	N/A	N/A	N/A
Exam	Same as a driver training instructor.	N/A	Same as a driver training instructor.	N/A	N/A	N/A
Continuing education	Endorsement requires a continuing education course every three years ( <i>O.A.C. 4501-7-05(F)(1)(b)</i> ).  Licensure requires proof of continuing education every three years. Continuing education must	N/A	Five hours annually of continuing education in low vision ( <i>782 Ky. Admin. Regs. 1:070, Section 2</i> ).	N/A	N/A	N/A

Driver Training Instructor License for Persons with a Disability						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	include topics on medical conditions or disabilities and how they relate to driving. (O.A.C. 4501-7-05(F)(2) (b).)					
Initial licensure fee	Same as a driver training instructor.	N/A	Same as a driver training instructor.	N/A	N/A	N/A
License duration	Same as a driver training instructor.	N/A	Same as a driver training instructor.	N/A	N/A	N/A
Renewal fee	Same as a driver training instructor.	N/A	Same as a driver training instructor.	N/A	N/A	N/A

## Commercial instructor

### Survey responses (DPS)

Description
Commercial instructors are licensed to teach the theory and behind-the-wheel (range and road) to those students seeking a Commercial Driver's License in any classification. This also includes adding endorsements of Passenger and School Bus.

**Type** (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)

License

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Number issued annually</b>	On average 63 issued new annually – this number relays to probationary instructors though. New instructors become probationary instructors upon initial application.
<b>Number renewed annually</b>	On average 243 CDL instructors renew annually.
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	No
<b>Education or training requirements</b>	CDL A – Original training consists of 88 hours of hands-on in the classroom, range and road with students. Eight of those hours is a Basic Instructor Course provided by the department.  CDL B – Original training consists of 48 hours of hands-on in the classroom, range and road with students. Eight of those hours is a Basic Instructor Course provided by the department.
<b>Experience requirements</b>	CDL shall have operated on a valid CDL for at least three years. (FMCSA has requirements on this)

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<p><b>Examination requirements</b> (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Department receive any proceeds of those fees? If so, how are the proceeds used?</i>)</p>	<p>CDL Training Instructor (CDL all classes) – permit, range, road, and pre-trip test is administered by the Ohio BMV approved test sites</p> <p>There are no fees collected for this service.</p>
<p><b>Continuing education requirements</b> (<i>Including a description of the curriculum and the process of setting it.</i>)</p>	<p>All licenses require continuing education once every three years. The course must consist of 6-8 hours of content.</p> <p>The department works with a Master Trainer Committee to establish continuing education standards or topics that need to be taught and those are published to a policy. The schools may develop and teach their own course addressing these topics. The licensees are able to find and have other courses pre-approved if they choose. The department also facilitates courses throughout Ohio to provide CE for licensees.</p>
<p><b>Initial fee</b></p>	<p>Initial fee is \$25 – probationary instructor</p>
<p><b>Duration</b></p>	<p>The license is valid for one year or by end of the calendar year, whichever comes first.</p>
<p><b>Renewal fee</b> (<i>If different from initial fee, please explain why.</i>)</p>	<p>Renewal fee is \$10.</p>
<p><b>Does the Department recognize uniform licensure requirements or allow for reciprocity?</b></p>	<p>For the CDL program, since there are federal standards and regulations also, we allow for reciprocity with other states that are substantially similar in training requirements.</p>
<p><b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b></p>	<p>Not to our knowledge</p>

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Department?</b>	There are exceptions listed in the law that allows for similar occupations at a college providing the training to full time enrolled students or to a company providing training to their employees at no cost to the employee.
<b>Is the Department permitted to exercise discretion in determining whether to register, certify, or license an individual?</b>	No, by law this is a license.
<b>Other information</b> ( <i>Significant attributes or prerequisites to licensure not addressed in this chart.</i> )	N/A

**Oversight and disciplinary authority of the Department respecting individuals engaged in the occupation.**

The department has the authority to inspect, investigate and take administrative action against a license. Administrative actions include fines, placing on probationary status, denial, suspensions, and revocations.

**How much revenue is derived from fees charged by the Department to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

All fees go into the highway fund. The driver training program office uses funding from the Highway Fund to provide support through field staff, educational staff to offer courses at no cost to prospective business owners, managers, and instructors.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

Yes. The Entry-Level Driver Training regulations require all CDL instructors to have a minimum of two years' worth of experience operating on a CDL in the same classification or higher to be eligible to teach.

The federal law does not require the states to license the individuals, however; reporting of any reason for which an instructor would be considered ineligible is mandatory for each state.

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

Protects the integrity of the training program and consistency with the expectations of instructors. Holds instructors accountable for ensuring they are teaching appropriate topics and managing students appropriately. Protects the students to ensure they receive the training they have paid for, are trained to safely drive a CDL classified vehicle, and are then prepared for the job market of driving a commercial motor vehicle. Protects the commercial motor carriers and provides the assurance they are receiving qualified and safe drivers as they graduate the CDL program. Protects the general public, ensuring there are educated and proficient CDL drivers on the roadways.

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

Mostly. New federal regulations effective February of this year changed the graduation requirements for students. In order for students to pass, they have to be considered proficient in all skills on the range and the road. As we employ the new regulations, it will be better determined if students are proficient and are fully prepared for the job market.

**Are there any changes the Department would like to see implemented?**

No

**Surrounding state comparison (LSC)**

Commercial Instructor						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Type of regulation	License ( <i>R.C. 4508.03; O.A.C. 4501-7-05(B)</i> ).	License “Truck Driver Training School Instructor” ( <i>Ind. Code 9-14-8-3; 140 Ind. Admin. Code 7-5-4</i> ).	License “Driver Training Instructor” ( <i>Ky. Rev. Stat. 332.204; 502 Ky. Admin. Regs. 10:030</i> ).	Certificate “Driver Education Instructor – Truck driver training” ( <i>Mich. Comp. Laws 256.637</i> ).	License “Private Driver Training School License – teacher identification card” ( <i>22 Pa. Code 101.141</i> ).	No clear equivalent.



Commercial Instructor						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Education or training	<p>Instructor’s course, approved by the Director of the Department of Public Safety (DPS), in the same classification of commercial motor vehicle as the applicant intends to train.</p> <p>Course must be provided by one of the following:</p> <ul style="list-style-type: none"> <li>▪ A program approved by DPS;</li> <li>▪ A licensed driver training school, under the direction of a licensed training manager; or</li> <li>▪ A reciprocal state, provided it is substantially</li> </ul>	N/A	<p>High school graduate or equivalent or has equivalent experience (<i>Ky. Rev. Stat. 332.204; 502 Ky. Admin. Regs. 10:030</i>).</p>	N/A	<p>Optional; Pennsylvania Teacher Certificate with a certification in Driver and Safety Education (to waive the theoretical and practical exams) (<i>22 Pa. Code 101.141</i>).</p>	N/A

Commercial Instructor						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	similar to Ohio's course. <i>(R.C. 4508.04; O.A.C. 4501-7-05 (D)(7).)</i>					
Experience	<p><b>Nonrestricted instructors:</b></p> <ul style="list-style-type: none"> <li>Licensed as a commercial driver's license (CDL) driver for at least three years during the ten years preceding the application; and</li> <li>Currently holds a valid CDL for the classification of vehicle that instructor will teach.</li> </ul> <p><b>Restricted instructors:</b></p>	Currently holds a valid CDL and meets certain mental, physical, and driving record requirements (required background checks and physical exam) <i>(Ind. Code 9-14-8-3; 140 Ind. Admin. Code 7-5-4).</i>	21 years or older; holds a current and valid Kentucky driver's license; and meets certain mental, physical, and driving record requirements (required background checks and physical exam) <i>(Ky. Rev. Stat. 332.204; 502 Ky. Admin. Regs. 10:030).</i>	21 years or older; holds a current and valid driver's license for the preceding five years; if teaching behind-the-wheel, holds a valid CDL with the same or higher class and all endorsements necessary for the training being provided; and meets certain mental, physical, and driving record requirements (required background checks and physical exam) <i>(Mich. Comp. Laws 256.637(3);</i>	Has at least two years of experience driving a commercial motor vehicle requiring a CDL of the same (or higher) class and the same endorsements for which the instructor will be providing training; currently holds a valid CDL; certifies that person has driven at least 15,000 miles under all kinds of weather conditions and in both urban and rural areas; and meets certain	N/A

Commercial Instructor						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	<ul style="list-style-type: none"> <li>Licensed as a CDL driver for at least two years, in the same classification of vehicle or higher and with the same endorsements as the instructor will teach.</li> </ul> <p>(O.A.C. 4501-7-05 (D)(8).)</p> <p><b>All instructors:</b></p> <ul style="list-style-type: none"> <li>Licensed driver for at least five years;</li> <li>Possesses a valid driver's license;</li> <li>Meets certain mental, physical, and driving record requirements</li> </ul>			<p><i>Michigan Dept. of State, <a href="#">Instructor Original Certification Packet (PDF)</a>.</i></p>	<p>mental, physical, and driving record requirements (required background checks and physical exam) (22 Pa. Code 101.142 and 101.143; Pennsylvania Dept. of Education, <a href="#">Private Licensed Schools Memorandum #93. August 12, 2021 (PDF)</a>).</p>	

Commercial Instructor						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	(required background checks and physical exam).  <i>(R.C. 4508.04; O.A.C. 4501-7-05 (L).)</i>					
Exam	Assessment after probationary period (up to 180 days) <i>(R.C. 4508.04; O.A.C. 4501-7-05(E)).</i>  Physical exam or current certificate of medical exam <i>(O.A.C. 4501-7-05(D)(9)).</i>	N/A	Written, theoretical exams that tests the care, operation, and use of a motor vehicle on the highways and to general safety principles and practices. Kentucky's Department of State Police also may test an applicant's depth perception, peripheral vision, and reaction time <i>(502 Ky. Admin. Regs. 10:030).</i>	N/A	Written and practical exams <i>(22 Pa. Code 101.151).</i>	N/A

Commercial Instructor						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Continuing education	A preapproved advanced training course once every three years ( <i>O.A.C. 4501-7-05(U)</i> ).	N/A	N/A	Professional development requirements set by the Secretary of State ( <i>Mich. Comp. Laws 256.647</i> ).	N/A	N/A
Initial licensure fee	\$25 ( <i>R.C. 4508.05; O.A.C. 4501-7-05 (D)(1)</i> ).	\$10 ( <i>Ind. Code 9-14-8-3; 140 Ind. Admin. Code 7-5-6</i> ).	\$50 ( <i>Ky. Rev. Stat. 332.204; 504 Ky. Admin. Regs. 10:030</i> ).	\$45 ( <i>Mich. Comp. Laws 256.637(3) (i)</i> ).	\$30 ( <i>22 Pa. Code 101.114</i> ).	N/A
License duration	One year ( <i>R.C. 4508.05; O.A.C. 4501-7-05(H)</i> ).	Two years ( <i>140 Ind. Admin. Code 4-1.3-1(c) and 7-5-4(a)</i> ).	One year ( <i>Ky. Rev. Stat. 332.208</i> ).	Two years ( <i>Mich. Comp. Laws 256.641(5)</i> ).	One year ( <i>22 Pa. Code 101.147</i> ).	N/A
Renewal fee	\$10 ( <i>R.C. 4508.05; O.A.C. 4501-7-05 (K)(1)</i> ).	\$10 ( <i>Ind. Code 9-14-8-3; 140 Ind. Admin. Code 7-5-6</i> ).	\$50 ( <i>Ky. Rev. Stat. 332.204; 504 Ky. Admin. Regs. 10:030</i> ).	\$45 ( <i>Mich. Comp. Laws 256.641(1) (c)</i> ).	\$20 ( <i>22 Pa. Code 101.114</i> ).	N/A

## Commercial training manager

### Survey responses (DPS)

#### Description

CDL training managers are responsible for the oversight of the instructors and education of students pertaining to the CDL driver training school. CDL training managers review student training records to ensure all required hours and curriculum is received. CDL training managers are responsible for the oversight of the training of prospective instructors, assessments for probationary instructors, and annual assessments of all instructors.

**Type** *(License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)*

Endorsement on a license.

#### If the regulation is a registration, certification, or license requirement, please complete the following:

##### Number issued annually

The numbers of CDL and Class D training managers are combined and not easily extracted separately. In total, there are 305 endorsed training managers in Ohio.

##### Number renewed annually

Over the past six years, approximately 320 renew annually.

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	Been an increase in active registrations and endorsements on licenses. This is attributed to the anticipation of the federal law and the creation of a CDL training manager specific course.
<b>Education or training requirements</b>	Shall take and pass a CDL training manager course. Shall be licensed as a Class A instructor and hold a Class A driver's license with all endorsements taught by the school.
<b>Experience requirements</b>	Three years' experience being licensed as a CDL instructor.
<b>Examination requirements</b> ( <i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Department receive any proceeds of those fees? If so, how are the proceeds used?</i> )	None
<b>Continuing education requirements</b> ( <i>Including a description of the curriculum and the process of setting it.</i> )	Required every three years.
<b>Initial fee</b>	No fee
<b>Duration</b>	Endorsement is applied to an instructor's license. Duration of endorsement is dependent upon the licensee's renewal.
<b>Renewal fee</b> ( <i>If different from initial fee, please explain why.</i> )	No additional renewal fee applied to an endorsement.

If the regulation is a registration, certification, or license requirement, please complete the following:	
Does the Department recognize uniform licensure requirements or allow for reciprocity?	The department allows for consideration of experience being licensed in another state, which is applied to the three years' requirement of being licensed as an instructor.
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	No
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Department?	No
Is the Department permitted to exercise discretion in determining whether to register, certify, or license an individual?	No, this is an endorsement on a license. The license is required by law.
Other information (Significant attributes or prerequisites to licensure not addressed in this chart.)	N/A

**Oversight and disciplinary authority of the Department respecting individuals engaged in the occupation.**

The department has the authority to inspect, investigate and take administrative action against a license. Administrative actions include fines, placing on probationary status, denial, suspensions, and revocations.



**How much revenue is derived from fees charged by the Department to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

No fees associated with this specific endorsement.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

There are none to this specific occupation. Since this is an endorsement applied to a CDL instructor license, federal regulations do apply to the CDL instructor license. These are specified under the applicable section above.

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

Protects the integrity of the training program and consistency with the expectations of instructors. Holds instructors accountable for ensuring they are teaching appropriate topics and managing students appropriately. Protects the students to ensure they receive the training they have paid for, are trained to safely drive a CDL classified vehicle, and are then prepared for the job market of driving a commercial motor vehicle. Protects the commercial motor carriers and provides the assurance they are receiving qualified and safe drivers as they graduate the CDL program. Protects the general public, ensuring there are educated and proficient CDL drivers on the roadways.

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

Mostly. New federal regulations effective February of this year changed the graduation requirements for students. In order for students to pass, they have to be considered proficient in all skills on the range and the road. As we employ the new regulations, it will be better determined if students are proficient and are fully prepared for the job market.

**Are there any changes the Department would like to see implemented?**

No

**Surrounding state comparison (LSC)**

Commercial Training Manager						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Type of regulation	License plus additional training (R.C. 4508.02; O.A.C. 4501-7-05 (C)).	No clear equivalent.	No clear equivalent.	No clear equivalent.	Not a separate license, but a director or owner of a private driver training school must document at least two years of prior teaching experience (22	No clear equivalent.

Commercial Training Manager						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
					<i>Pa. Code 101.144).</i>	
Education or training	A course for driver training school managers that has been approved by the Director of Public Safety ( <i>O.A.C. 4501-7-05(G)(1)</i> ).	N/A	N/A	N/A	Same as commercial instructor.	N/A
Experience	A valid commercial instructor license for at least three years ( <i>O.A.C. 4501-7-05(G)(4)</i> ). All training managers must: <ul style="list-style-type: none"> <li>▪ Be a licensed driver for at least five years; and</li> <li>▪ Possess a valid driver's license.</li> </ul>	N/A	N/A	N/A	Two years of successful commercial truck driver training programs or other involvement in the training of commercial truck drivers ( <i>22 Pa. Code 101.144; Pennsylvania Dept. of Education, <a href="#">Private Licensed Schools Memorandum #93. August 12, 2021 (PDF)</a></i> ).	N/A

Commercial Training Manager						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	<i>(O.A.C. 4501-7-05 (L).)</i>					
Exam	N/A	N/A	N/A	N/A	Same as commercial instructor.	N/A
Continuing education	A preapproved advanced training course once every three years <i>(O.A.C. 4501-7-05 (U)).</i>	N/A	N/A	N/A	N/A	N/A
Initial licensure fee	\$25 <i>(R.C. 4508.05; O.A.C. 4501-7-05 (D)(1)).</i>	N/A	N/A	N/A	Same as commercial instructor.	N/A
License duration	One year <i>(R.C. 4508.05; O.A.C. 4501-7-05(H)).</i>	N/A	N/A	N/A	Same as commercial instructor.	N/A
Renewal fee	\$10 <i>(R.C. 4508.05; O.A.C. 4501-7-05 (K)(1)).</i>	N/A	N/A	N/A	Same as commercial instructor.	N/A

## Third-party examiner certification for CDL skills test

### Survey responses (DPS)

#### Description

The Third-Party Examiners perform Commercial Driver’s License (CDL) skills tests for applicants attempting to obtain their CDL license. The CDL skills tests include a pre-trip inspection, a basic skills test, and an on the road test evaluation. To obtain certification for a Third-Party Examiner the applicant must: be over 21 years of age with a minimum of 5 years’ experience as a holder of any type of driver license and at least 3 years of experience as a holder of a CDL license (Unless waived by the department); successfully pass the CDL knowledge test; have successfully completed a Third-Party Examiner training program; have a clear criminal record and driving record as established in OAC 4501-47-03; and be able to demonstrate their ability to correctly grade and perform CDL skills tests.

**Type** (*License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.*)

Third-Party Examiner Certificate

#### If the regulation is a registration, certification, or license requirement, please complete the following:

**Number issued annually**

21 new certifications were issued in 2021

**Number renewed annually**

55 certifications were renewed in 2020 (Certifications are renewed bi-annually)

If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	There has been a significant increase in the number of active certifications over the past six (6) years.
<b>Education or training requirements</b>	Attend and pass a two (2) week in-person course. Attend a one (1) day recertification course once every two years.
<b>Experience requirements</b>	Required to complete 16 tests every 6 months and 32 tests within a 12-month period.
<b>Examination requirements</b> ( <i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Department receive any proceeds of those fees? If so, how are the proceeds used?</i> )	Third-Party Examiners are required to pass an initial course by demonstrating proper skills testing of applicants and passing the CDL Knowledge test. These tests are provided by the Ohio BMV utilizing licensed state CDL examiners. There are no fees for this testing.
<b>Continuing education requirements</b> ( <i>Including a description of the curriculum and the process of setting it.</i> )	The CDL Knowledge test is required to be retaken and passed every two years. The tests are given by the Ohio BMV supervised by the Ohio CDL Coordinator.
<b>Initial fee</b>	There is no cost for this certification.
<b>Duration</b>	Two (2) years.
<b>Renewal fee</b> ( <i>If different from initial fee, please explain why.</i> )	N/A

If the regulation is a registration, certification, or license requirement, please complete the following:	
Does the Department recognize uniform licensure requirements or allow for reciprocity?	No
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	No
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Department?	No
Is the Department permitted to exercise discretion in determining whether to register, certify, or license an individual?	Yes, as long as Ohio rules (See OAC 4501-47-03) and all federal regulations are being met.
Other information (Significant attributes or prerequisites to licensure not addressed in this chart.)	N/A

**Oversight and disciplinary authority of the Department respecting individuals engaged in the occupation.**

The Director of Public Safety has the right to suspend, revoke, or place on probation the certification for an individual.

**How much revenue is derived from fees charged by the Department to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

N/A

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

Yes, Federal Motor Vehicle Carrier Safety Administration rules in CFR 383.75.

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

Violations of the Ohio Administrative Code and Federal regulations provided by FMCSA, see OAC. 4501-47-3 and FMCSA CFR 383.75.



Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?

Yes, the regulation is effective.

Are there any changes the Department would like to see implemented?

The department would like to lower the number of required CDL skills Tests per examiners from 32 full tests to 10 partial tests per year. This would put us in line with minimum federal requirements. Lowering the number of required tests per year would allow more examiners to be available to serve our customers by allowing the use of part-time examiners.

### Surrounding state comparison (LSC)

Third-Party Examiner Certification for CDL Skills Test						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Type of regulation	Certification ( <i>R.C. 4506.09; O.A.C. 4501-47-03(A)</i> ).	Certification ( <i>Ind. Code 9-24-6.1-2; 140 Ind. Admin. Code 7-3-13</i> ).	Endorsement (to current driving training school instructors) ( <i>Ky. Rev. Stat. 281A.160; 502 Ky. Admin. Regs. 10:035</i> ).	Agreement ( <i>Mich. Comp. Laws 257.312f(4)</i> ).	Agreement ( <i>75 Pa. Cons. Stat. 1607</i> ).	Certification ( <i>W. Va. Code 17E-1-9(b)</i> ).

Third-Party Examiner Certification for CDL Skills Test

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
			Contractual (separate, third-party CDL skills test examiner agreements exist for school bus drivers that are Department of Education employees and for general CDL applicants) ( <i>Ky. Rev. Stat. 281A.160(5); 502 Ky. Admin. Regs. 10:110</i> ).			
Education or training	A third-party examiner training program, approved by DPS in accordance with <a href="#">49 Code of Federal Regulations (C.F.R.) 383.75</a> ( <i>R.C. 4506.09(B)(6); O.A.C. 4501-47-03(A)</i> ).	Must have successfully completed a BMV-approved training course and meet all the requirements of <a href="#">49 C.F.R. 384.228</a> ( <i>Ind. Code 9-24-6.1-2; 140 Ind. Admin. Code 7-3-13</i> ).	<b>Endorsement:</b> <ul style="list-style-type: none"> <li>▪ Current driver’s training school or instructor’s license; and</li> <li>▪ CDL examiner’s training course approved by the U.S.</li> </ul>	Meet the requirements of 49 C.F.R. part 383 ( <i>Mich. Comp. Laws 257.312f(4)</i> ).	Meet the requirements of <a href="#">49 C.F.R. 383.75</a> ( <i>Pennsylvania Dept. of General Services, <a href="#">Request for Applications For: Third Party Commercial Driver’s License Skills Testing Services (PDF)</a></i> ).	Meet the requirements of <a href="#">49 C.F.R. 383.75</a> ( <i>W. Va. Code 17E-1-9(b)</i> ).

Third-Party Examiner Certification for CDL Skills Test

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
			<p>Department of Transportation, Federal Highway Administration.</p> <p><i>(502 Ky. Admin. Regs. 10:035.)</i></p> <p><b>Contractual:</b></p> <ul style="list-style-type: none"> <li>▪ High school diploma or GED;</li> <li>▪ 40 hours of training by the Kentucky State Police (with exams) approved by the American Association of Motor Vehicle Administrators (AAMVA) and the Federal Motor Carrier Safety Administration;</li> </ul>			

Third-Party Examiner Certification for CDL Skills Test

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
			<ul style="list-style-type: none"> <li>▪ AAMVA certification (must be maintained); and</li> <li>▪ Any federal requirements under <a href="#">49 C.F.R. 383.75</a>.</li> </ul> <p>(502 Ky. Admin. Regs. 10:110.)</p>			
Experience	At least 21 years of age, holder of any type of driver’s license for at least five years and a CDL for at least three years, and meet certain mental, physical, and driving record requirements ( <i>R.C. 4506.09(B)(3); O.A.C. 4501-47-03(A)</i> ).	Must be at least 21 years of age; possess a valid CDL with a Class A endorsement for at least three years, have all but the hazardous materials endorsement; and meet certain mental, physical, and driving record requirements ( <i>Ind. Code 9-24-6.1-2; 140 Ind.</i> ).	<p><b>Contractual:</b></p> <ul style="list-style-type: none"> <li>▪ Class A or B CDL with school bus endorsement (for Department of Education employee);</li> <li>▪ Class A CDL with all available endorsements and previous experience as a CDL skills test examiner</li> </ul>	Pass a criminal background check ( <i>Mich. Comp. Laws 257.312f(4)</i> ).	Meet the requirements of <a href="#">49 C.F.R. 383.75</a> ( <i>Pennsylvania Dept. of General Services, <a href="#">Request for Applications For: Third Party Commercial Driver’s License Skills Testing Services (PDF)</a></i> )	Meet the requirements of <a href="#">49 C.F.R. 383.75</a> ( <i>W. Va. Code 17E-1-9(b)</i> ).

Third-Party Examiner Certification for CDL Skills Test

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
		<p><i>Admin. Code 7-3-13).</i></p>	<p>or two years of experience within the past five years as a licensed Class A or B operator in good standing;</p> <ul style="list-style-type: none"> <li>▪ Valid and current CDL with all endorsements; and</li> <li>▪ Meet certain mental, physical, and driving record requirements (with background checks and physical exams).</li> </ul> <p><i>(502 Ky. Admin. Regs. 10:110.)</i></p>			

Third-Party Examiner Certification for CDL Skills Test

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Exam	N/A	N/A	<p><b>Contractual:</b></p> <ul style="list-style-type: none"> <li>▪ Pass all of the Class A, B, and C CDL knowledge tests (and retake every four years); and</li> <li>▪ Pass the CDL skills test administered by the Kentucky State Police in the applicable commercial vehicle (and retake every four years).</li> </ul> <p><i>(502 Ky. Admin. Regs. 10:110.)</i></p>	N/A	N/A	N/A
Continuing education	Advanced training courses, workshops, or seminars conducted or required by DPS	N/A	<p><b>Contractual:</b></p> <p>Annual ten-hour in-service training <i>(502 Ky. Admin. Regs. 10:110).</i></p>	N/A	N/A	N/A

**Third-Party Examiner Certification for CDL Skills Test**

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	<i>(R.C. 4506.09; O.A.C. 4501-47-03 (D)).</i>					
Initial licensure fee	N/A	N/A	<b>Endorsement:</b> \$25 processing fee <i>(502 Ky. Admin. Regs. 10:035 and 10:110).</i> <b>Contractual:</b> Unspecified.	N/A	N/A	\$100 <i>(W. Va. Code R. 91-4-14.9).</i>
License duration	Permanent, but must submit updated criminal abstract, driving record abstract, photocopy of CDL, and physical exam form at regular intervals (two to four years) <i>(O.A.C. 4501-47-03(B)).</i>	Not more than four years <i>(Ind. Code 9-24-6.1-2; 140 Ind. Admin. Code 7-3-13(b)).</i>	<b>Endorsement:</b> Unspecified. <b>Contractual:</b> Permanent, but must submit updated information and retake tests every four years <i>(502 Ky. Admin. Regs. 10:110).</i>	N/A	N/A	Unspecified in law or rule.
Renewal fee	N/A	N/A	N/A	N/A	N/A	\$50 <i>(W. Va. Code R. 91-4-14.9).</i>

## Motorcycle instructor

### Survey responses (DPS)

Description
An individual certified by the department to teach motorcycle training courses approved by the Department.

Type <i>(License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)</i>
Motorcycle Instructor Certification

If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	235
Number renewed annually	235



If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	No
<b>Education or training requirements</b>	90-hour instructor preparation course that consist of virtual and in-person training
<b>Experience requirements</b>	Hold a motorcycle endorsement for at least 3 years.
<b>Examination requirements</b> ( <i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Department receive any proceeds of those fees? If so, how are the proceeds used?</i> )	There is a writing exam, skill exam and a teaching exam administered by instructor contractors. There is a \$100 fee to participate in the instructor preparation course and it is deposited into the 8460-motorcycle safety and education fund.
<b>Continuing education requirements</b> ( <i>Including a description of the curriculum and the process of setting it.</i> )	Per OAC 4501-53-04 all instructors must attend an annual instructor refresher workshop.
<b>Initial fee</b>	\$100 instructor preparation course fee to obtain instructor certification in the MORE (Motorcycle Ohio Rider Enhancement) curriculum  \$50 initial state certification fee for those not being certified in the MORE curriculum but will be certified in a 3 <sup>rd</sup> party curriculum.
<b>Duration</b>	12 months
<b>Renewal fee</b> ( <i>If different from initial fee, please explain why.</i> )	None

If the regulation is a registration, certification, or license requirement, please complete the following:	
Does the Department recognize uniform licensure requirements or allow for reciprocity?	Yes – military licensures
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	Yes, similar certifications. No, they cannot be a substitute for the state curriculum.
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Department?	No
Is the Department permitted to exercise discretion in determining whether to register, certify, or license an individual?	Yes
<b>Other information</b> ( <i>Significant attributes or prerequisites to licensure not addressed in this chart.</i> )	Instructors must submit and meet the requirements for a BCI, driving record, and CPR and First Aid Certificate.

**Oversight and disciplinary authority of the Department respecting individuals engaged in the occupation.**

Contract instructors who conduct instructor assessments, Motorcycle Ohio and ODPS legal team.

**How much revenue is derived from fees charged by the Department to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

Approximately \$4,200 - \$5,600 per year. The revenue is used to pay the instructor contractors who conduct the instructor training.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

No

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

N/A

Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?

N/A

Are there any changes the Department would like to see implemented?

No

### Surrounding state comparison (LSC)

Motorcycle Instructor						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Type of regulation	Certification ( <i>R.C. 4508.08; O.A.C. 4501-53-03</i> ).	Rider coach trainer ( <i>Ind. Code 9-27-7-2 and 9-27-7-3</i> ).  Indiana uses only private trainers and allows them to set their own	Certification ( <i>Ky. Rev. Stat. 176.5063; 500 Ky. Admin. Regs. 15:010</i> ).	Certification ( <i>Mich. Comp. Laws 257.811a(3); Mich. Admin. Code R. 257.1708</i> ).	Certification, as determined by the Pennsylvania Department of Transportation ( <i>75 Pa. Cons. Stat. 7911</i> ).	Certification, as determined by the Department of Motor Vehicles ( <i>W. Va. Code 17B-1D-4</i> ).  West Virginia's Motorcycle Safety

Motorcycle Instructor						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
		instructor qualifications ( <i>Indiana Bureau of Motor Vehicles, <a href="#">Ride Safe Indiana</a>; see also, MSF: Motorcycle Safety Foundation, <a href="#">RiderCoaches</a></i> ).			Pennsylvania's Department of Transportation uses third-party motorcycle training providers ( <i>Pennsylvania Dept. of Transportation Driver &amp; Vehicle Services, <a href="#">Pennsylvania Motorcycle Safety Program</a></i> ).	Program uses third-party motorcycle training providers ( <i>West Virginia MSP, <a href="#">West Virginia Motorcycle Safety Program</a></i> ).
Education or training	High school diploma or GED, first aid and CPR trained and successful completion of instructor preparation course approved by Motorcycle Ohio (90+ hours, \$100) ( <i>R.C. 4508.08; O.A.C. 4501-53-03; Ohio Dept. of Public</i>	Subject to private provider's requirements.	High school diploma or its equivalent and successful completion of instructor training course ( <i>Ky. Rev. Stat. 176.5063; 500 Ky. Admin. Regs. 15:010</i> ).	Successful completion of a motorcycle safety education instructor preparation course that meets the standards established by the National Motorcycle Safety Foundation ( <i>Mich. Comp. Laws 257.811a(3); Mich.</i>	Subject to private provider's requirements.	Subject to private provider's requirements.

Motorcycle Instructor						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	<i>Safety, <a href="#">Instructor Preparation Course</a></i> .			<i>Admin. Code R. 257.1708).</i>		
Experience	Licensed to drive a motorcycle for at least the past three years and rides a motorcycle on a regular basis ( <i>R.C. 4508.08; O.A.C. 4501-53-03</i> ).	Subject to private provider's requirements.	At least 18 years of age; holds a valid motorcycle driver's license or endorsement; and at least two years of recent motorcycle riding experience, including riding 1,000 miles in the previous 12 months ( <i>Ky. Rev. Stat. 176.5063; 500 Ky. Admin. Regs. 15:010</i> ).	At least 18 years of age and holds a valid operator's license, including motorcycle endorsement, for at least one year ( <i>Mich. Comp. Laws 257.811a(3); Mich. Admin. Code R. 257.1708</i> ).	Subject to private provider's requirements.	Subject to private provider's requirements.
Exam	Course requires a riding skill evaluation and student teaching evaluation ( <i>Ohio Dept. of Public Safety, <a href="#">Instructor Preparation Course</a></i> ).	Subject to private provider's requirements.	N/A	Not specified ( <i>Michigan Dept. of State, <a href="#">Motorcycle Riders</a></i> ).	Subject to private provider's requirements.	Subject to private provider's requirements.

Motorcycle Instructor						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Continuing education	Annual instructor workshop ( <i>O.A.C. 4501-53-04(L)</i> ).	Subject to private provider's requirements.	Proof of teaching certain courses plus an instructor training course or teaching skills course in the prior year ( <i>500 Ky. Admin. Regs. 15:010, Section 2(2)</i> ).	Not specified ( <i>Michigan Dept. of State, <a href="#">Motorcycle Riders</a></i> ).	Subject to private provider's requirements.	Subject to private provider's requirements.
Initial licensure fee	\$50 ( <i>R.C. 4508.08(J)(2)</i> ).	Subject to private provider's requirements.	Not specified ( <i>Ride Smart Kentucky, <a href="#">Becoming an Instructor</a></i> ).	Not specified ( <i>Michigan Dept. of State, <a href="#">Motorcycle Riders</a></i> ).	Subject to private provider's requirements.	Subject to private provider's requirements.
License duration	One year ( <i>O.A.C. 4501-53-03</i> ).	Subject to private provider's requirements.	One year ( <i>500 Ky. Admin. Regs. 15:010, Section 2</i> ).	Not specified ( <i>Michigan Dept. of State, <a href="#">Motorcycle Riders</a></i> ).	Subject to private provider's requirements.	Subject to private provider's requirements.
Renewal fee	N/A	Subject to private provider's requirements.	Not specified ( <i>Ride Smart Kentucky, <a href="#">Becoming an Instructor</a></i> ).	Not specified ( <i>Michigan Dept. of State, <a href="#">Motorcycle Riders</a></i> ).	Subject to private provider's requirements.	Subject to private provider's requirements.

## Private provider site coordinator for motorcycle safety

### Survey responses (DPS)

Description
A person designated by the authorized official of a motorcycle training provider to carry out orders and conduct the business and manage the provider’s training program.

Type (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)
N/A – site coordinator is hired by the provider.

If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	N/A
Number renewed annually	N/A



**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	N/A
<b>Education or training requirements</b>	N/A
<b>Experience requirements</b>	N/A
<b>Examination requirements</b> ( <i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Department receive any proceeds of those fees? If so, how are the proceeds used?</i> )	N/A
<b>Continuing education requirements</b> ( <i>Including a description of the curriculum and the process of setting it.</i> )	N/A
<b>Initial fee</b>	N/A
<b>Duration</b>	N/A
<b>Renewal fee</b> ( <i>If different from initial fee, please explain why.</i> )	N/A

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<p><b>Does the Department recognize uniform licensure requirements or allow for reciprocity?</b></p>	<p>N/A</p>
<p><b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b></p>	<p>N/A</p>
<p><b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Department?</b></p>	<p>N/A</p>
<p><b>Is the Department permitted to exercise discretion in determining whether to register, certify, or license an individual?</b></p>	<p>N/A</p>
<p><b>Other information</b> <i>(Significant attributes or prerequisites to licensure not addressed in this chart.)</i></p>	<p>N/A</p>

**Oversight and disciplinary authority of the Department respecting individuals engaged in the occupation.**

All private provider site coordinators must submit a BCI when first hired.

**How much revenue is derived from fees charged by the Department to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

Motorcycle Ohio and Ohio Department of Public Safety legal team.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

None

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

N/A

Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?

N/A

Are there any changes the Department would like to see implemented?

No

### **Surrounding state comparison (LSC)**

LSC staff determined that motorcycle safety site coordinator certification is not an “occupational regulation” under the state’s general policy enacted by S.B. 255 of the 132<sup>nd</sup> General Assembly and is, therefore, beyond the scope of this report. *(See, R.C. 103.27 and 4798.01.)*

## Public provider site coordinator for motorcycle safety

### Survey responses (DPS)

Description
A person designated by the authorized official of a motorcycle training provider to carry out orders and conduct the business and manage the provider's training program.

Type (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)
N/A – site coordinator is hired by the provider.

If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	N/A
Number renewed annually	N/A

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	N/A
<b>Education or training requirements</b>	N/A
<b>Experience requirements</b>	N/A
<b>Examination requirements</b> ( <i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Department receive any proceeds of those fees? If so, how are the proceeds used?</i> )	N/A
<b>Continuing education requirements</b> ( <i>Including a description of the curriculum and the process of setting it.</i> )	N/A
<b>Initial fee</b>	N/A
<b>Duration</b>	N/A
<b>Renewal fee</b> ( <i>If different from initial fee, please explain why.</i> )	N/A

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<p><b>Does the Department recognize uniform licensure requirements or allow for reciprocity?</b></p>	<p>N/A</p>
<p><b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b></p>	<p>N/A</p>
<p><b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Department?</b></p>	<p>N/A</p>
<p><b>Is the Department permitted to exercise discretion in determining whether to register, certify, or license an individual?</b></p>	<p>N/A</p>
<p><b>Other information</b> <i>(Significant attributes or prerequisites to licensure not addressed in this chart.)</i></p>	<p>N/A</p>

**Oversight and disciplinary authority of the Department respecting individuals engaged in the occupation.**

Motorcycle Ohio and the Ohio Department of Public Safety legal counsel.

**How much revenue is derived from fees charged by the Department to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

N/A

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

N/A

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

N/A



Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?

N/A

Are there any changes the Department would like to see implemented?

No

### **Surrounding state comparison (LSC)**

LSC staff determined that motorcycle safety site coordinator certification is not an “occupational regulation” under the state’s general policy enacted by S.B. 255 of the 132<sup>nd</sup> General Assembly and is, therefore, beyond the scope of this report. (*See, R.C. 103.27 and 4798.01.*)

## Private investigator and security services

### Class A survey responses (DPS)

Description
“Class A license” means a license issued under section 4749.03 of the Revised Code that qualifies the person issued the license to engage in the business of private investigation and the business of security services.

Type (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)
License

If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	FY22: 42 new “Class A” licenses issued
Number renewed annually	FY22: 207 renewal “Class A” licenses issued

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<p><b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b></p>	<p>FY16:                      New: 22 "Class A" licenses issued                      Renewal: 182 "Class A" licenses issued</p> <p>FY17:                      New: 26 "Class A" licenses issued                      Renewal: 190 "Class A" licenses issued</p> <p>FY18:                      New: 28 "Class A" licenses issued                      Renewal: 187 "Class A" licenses issued</p> <p>FY19:                      New: 32 "Class A" licenses issued                      Renewal: 194 "Class A" licenses issued</p> <p>FY20:                      New: 23 "Class A" licenses issued                      Renewal: 194 "Class A" licenses issued</p> <p>FY21:                      New: 32 "Class A" licenses issued                      Renewal: 189 "Class A" licenses issued</p> <p>PISGS experienced a slight increase in new and renewal "Class A" licenses this past year.</p>
<p><b>Education or training requirements</b></p>	<p>None</p>

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<p><b>Experience requirements</b></p>	<p>An applicant for a class A license shall have at least four thousand working hours of experience consisting of at least one thousand working hours of experience in investigatory work and at least one thousand working hours of experience in security services work, and the remaining hours of working experience in either investigatory or security service work, or both. An applicant must have completed the hours required in the twenty-four month period immediately preceding the date an application for licensure is received by the department of public safety.</p> <p>Equivalent experience such as, but not limited to, specialized education in criminal justice or law enforcement, or honorable service in the military police or similar military security position in any of the branches of the armed forces of the United States, or significant experience as a law enforcement officer, or as a peace officer obtained within the last ten years prior to the date of application, may be deemed by the director of public safety to be sufficient to satisfy the experience requirement.</p> <p>If specialized education is submitted as equivalent experience, an applicant for a class A license shall also have at least one thousand working hours of experience in investigatory work and at least one thousand working hours in security services work.</p>
<p><b>Examination requirements</b> <i>(Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Department receive any proceeds of those fees? If so, how are the proceeds used?)</i></p>	<p>PISGS issues the Qualifying Agent Exam at the Department of Public Safety on a monthly basis. This exam was created and administered by PISGS staff.</p> <p>PISGS also allows proctoring of the examination for those who do not live near Columbus, Ohio. PISGS allows any facility to proctor the exam so long as they are able to utilize FastTest software and monitor the examinee while they are taking the exam.</p> <p>There is no fee for the initial exam provided at the Department of Public Safety. Proctored fees are subject to the proctor location's discretion. PISGS gets no portion of the proctor exam fees. There is a \$25 re-test fee assessed to exams at the Department of Public Safety and proctor locations for examinees who are re-taking the exam. PISGS receives the entirety of this fee.</p>
<p><b>Continuing education requirements</b> <i>(Including a description of the curriculum and the process of setting it.)</i></p>	<p>None</p>

If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>Initial fee</b>	The initial licensing fee is \$405.00 (\$375.00 for license application + \$30.00 for QA application).
<b>Duration</b>	One year; The license expires annually on March 1.
<b>Renewal fee</b> <i>(If different from initial fee, please explain why.)</i>	\$275
<b>Does the Department recognize uniform licensure requirements or allow for reciprocity?</b>	No
<b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b>	No
<b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Department?</b>	<p>Yes; per ORC 4749.01, (H) "Private investigator," "business of private investigation," "security guard provider," and "business of security services" do not include:</p> <ul style="list-style-type: none"> <li>(1) Public officers and employees whose official duties require them to engage in investigatory activities;</li> <li>(2) Attorneys at law or any expert hired by an attorney at law for consultation or litigation purposes;</li> <li>(3) A consumer reporting agency, as defined in the "Fair Credit Reporting Act," 84 Stat. 1128, 15 U.S.C.A. 1681a, as amended, provided that the consumer reporting agency is in compliance with the requirements of that act and that the agency's activities are confined to any of the following: <ul style="list-style-type: none"> <li>(a) The issuance of consumer credit reports;</li> </ul> </li> </ul>

**If the regulation is a registration, certification, or license requirement, please complete the following:**

(b) The conducting of limited background investigations that pertain only to a client's prospective tenant and that are engaged in with the prior written consent of the prospective tenant;

(c) The business of pre-employment background investigation. As used in division (H)(3)(c) of this section, "business of pre-employment background investigation" means, and is limited to, furnishing for hire, in person or through a partner or employees, the conducting of limited background investigations, in-person interviews, telephone interviews, or written inquiries that pertain only to a client's prospective employee and the employee's employment and that are engaged in with the prior written consent of the prospective employee.

(4) Certified public insurance adjusters that hold a certificate of authority issued pursuant to sections 3951.01 to 3951.09 of the Revised Code, while the adjuster is investigating the cause of or responsibility for a fire, accident, or other damage to property with respect to a claim or claims for loss or damage under a policy of insurance covering real or personal property;

(5) Personnel placement services and persons who act as employees of such entities engaged in investigating matters related to personnel placement activities;

(6) An employee in the regular course of the employee's employment, engaged in investigating matters pertinent to the business of the employee's employer or protecting property in the possession of the employee's employer, provided the employer is deducting all applicable state and federal employment taxes on behalf of the employee and neither the employer nor the employee is employed by, associated with, or acting for or on behalf of any private investigator or security guard provider;

(7) Any better business bureau or similar organization or any of its employees while engaged in the maintenance of the quality of business activities relating to consumer sales and services;

(8) An accountant who is registered or certified under Chapter 4701. of the Revised Code or any of the accountant's employees while engaged in activities for which the accountant is certified or registered;

If the regulation is a registration, certification, or license requirement, please complete the following:

(9) Any person who, for hire or otherwise, conducts genealogical research in this state.

As used in division (H)(9) of this section, “genealogical research” means the determination of the origins and descent of families, including the identification of individuals, their family relationships, and the biographical details of their lives. “Genealogical research” does not include furnishing for hire services for locating missing persons or natural or birth parents or children.

(10) Any person residing in this state who conducts research for the purpose of locating the last known owner of unclaimed funds, provided that the person is in compliance with Chapter 169. of the Revised Code and rules adopted thereunder. The exemption set forth in division (H)(10) of this section applies only to the extent that the person is conducting research for the purpose of locating the last known owner of unclaimed funds.

As used in division (H)(10) of this section, “owner” and “unclaimed funds” have the same meanings as in section 169.01 of the Revised Code.

(11) A professional engineer who is registered under Chapter 4733. of the Revised Code or any of his employees.

As used in division (H)(11) of this section and notwithstanding division (I) of this section, “employee” has the same meaning as in section 4101.01 of the Revised Code.

(12) Any person residing in this state who, for hire or otherwise, conducts research for the purpose of locating persons to whom the state of Ohio owes money in the form of warrants, as defined in division (S) of section 131.01 of the Revised Code, that the state voided but subsequently reissues.

(13) An independent insurance adjuster who, as an individual, an independent contractor, an employee of an independent contractor, adjustment bureau association, corporation, insurer, partnership, local recording agent, managing general agent, or self-insurer, engages in the business of independent insurance adjustment, or any person who supervises the handling of claims except while acting as an employee of an insurer licensed in this state while handling claims pertaining to specific policies written by that insurer.

**If the regulation is a registration, certification, or license requirement, please complete the following:**

	<p>As used in division (H)(13) of this section, “independent insurance adjustment” means conducting investigations to determine the cause of or circumstances concerning a fire, accident, bodily injury, or damage to real or personal property; determining the extent of damage of that fire, accident, injury, or property damage; securing evidence for use in a legislative, administrative, or judicial investigation or proceeding, adjusting losses; and adjusting or settling claims, including the investigation, adjustment, denial, establishment of damages, negotiation, settlement, or payment of claims in connection with insurance contractors, self-insured programs, or other similar insurance programs. “Independent adjuster” does not include either of the following:</p> <p style="padding-left: 40px;">(a) An attorney who adjusts insurance losses incidental to the practice of law and who does not advertise or represent that the attorney is an independent insurance adjuster;</p> <p style="padding-left: 40px;">(b) A licensed agent or general agent of an insurer licensed in this state who processes undisputed or uncontested losses for insurers under policies issued by that agent or general agent.</p> <p>(14) Except for a commissioned peace officer who engages in the business of private investigation or compensates others who engage in the business of private investigation or the business of security services or both, any commissioned peace officer as defined in division (B) of section 2935.01 of the Revised Code.</p>
<p><b>Is the Department permitted to exercise discretion in determining whether to register, certify, or license an individual?</b></p>	<p>Yes</p>
<p><b>Other information</b> <i>(Significant attributes or prerequisites to licensure not addressed in this chart.)</i></p>	<p>None</p>



### Oversight and disciplinary authority of the Department respecting individuals engaged in the occupation.

Per ORC 4749.04, (A) The director of public safety may revoke, suspend, or refuse to renew, when a renewal form has been submitted, the license of any private investigator or security guard provider, or the registration of any employee of a private investigator or security guard provider, for any of the following:

- (1) Violation of any of the provisions of division (B) or (C) of section 4749.13 of the Revised Code;
- (2) Conviction of a disqualifying offense as defined in section 4776.10 of the Revised Code if the offense occurred within the last three years;
- (3) Conviction of a crime involving moral turpitude as defined in section 4776.10 of the Revised Code;
- (4) Conviction of an offense that occurred after the individual was initially licensed, or after the most recent renewal.
- (5) Violation of any rule of the director governing private investigators, the business of private investigation, security guard providers, or the business of security services;
- (6) Testifying falsely under oath, or suborning perjury, in any judicial proceeding;
- (7) Failure to satisfy the requirements specified in division (D) of section 4749.03 of the Revised Code.

Any person whose license or registration is revoked, suspended, or not renewed when a renewal form is submitted may appeal in accordance with Chapter 119. of the Revised Code.

(B) In lieu of suspending, revoking, or refusing to renew the class A, B, or C license, or of suspending, revoking, or refusing to renew the registration of an employee of a class A, B, or C licensee, the director may impose a civil penalty of not more than one hundred dollars for each calendar day of a violation of any of the provisions of this section or of division (B) or (C) of section 4749.13 of the Revised Code or of a violation of any rule of the director governing private investigators, the business of private investigation, security guard providers, or the business of security services. (B) The director may investigate, on the director's own initiative, the actions or proposed actions of a class A, B, or C licensee, or registered employee of a class A, B, or C licensee to determine whether the person is, has been, or will be in violation of section 4749.13 of the Revised Code. The director shall investigate any of these persons if a verified written complaint is filed indicating that a person has violated, or is or will be violating, section 4749.13 of the Revised Code; the complaint is supported by evidence submitted with it; and the director determines that a prima-facie case exists that a violation of that section is being, has been, or will be committed by the person.

**How much revenue is derived from fees charged by the Department to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

During Fiscal Year 2022, the Department received \$1,496,925.00 in fee charged to individuals engaged in the occupation. This revenue is credited to the private investigator and security guard provider fund.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

N/A

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

The regulations outlined in ORC Chapter 4749 seek to prevent harm to public safety and welfare.

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

Yes, the regulation is effective at preventing the harm described above.

**Are there any changes the Department would like to see implemented?**

The Department, along with many licensees within the industry, would like to see training requirements codified for all registrants. There are currently no training requirements required by law.

### **Class B survey responses (DPS)**

**Description**

“Class B license” means a license issued under section 4749.03 of the Revised Code that qualifies the person issued the license to engage only in the business of private investigation.

**Type** (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)

License

**If the regulation is a registration, certification, or license requirement, please complete the following:**

**Number issued annually**

FY22: 29 new "Class B" licenses issued

**Number renewed annually**

FY22: 217 renewal "Class B" licenses issued

**Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?**

FY16:  
     New: 20 "Class B" licenses issued  
     Renewal: 246 "Class B" licenses issued

FY17:  
     New: 28 "Class B" licenses issued  
     Renewal: 251 "Class B" licenses issued

FY18:  
     New: 22 "Class B" licenses issued  
     Renewal: 253 "Class B" licenses issued

FY19:  
     New: 26 "Class B" licenses issued

<b>If the regulation is a registration, certification, or license requirement, please complete the following:</b>	
	<p>Renewal: 234 “Class B” licenses issued</p> <p>FY20:</p> <p style="padding-left: 40px;">New: 16 “Class B” licenses issued</p> <p style="padding-left: 40px;">Renewal: 244 “Class B” licenses issued</p> <p>FY21:</p> <p style="padding-left: 40px;">New: 13 “Class B” licenses issued</p> <p style="padding-left: 40px;">Renewal: 221 “Class B” licenses issued</p> <p>PISGS has experienced a decrease in Class B licensees renewing their licenses in the past several years.</p>
<b>Education or training requirements</b>	None
<b>Experience requirements</b>	<p>An applicant for a class B license shall have at least four thousand working hours of experience in investigatory work. An applicant must have completed the hours required in the twenty-four month period immediately preceding the date an application for licensure is received by the department of public safety.</p> <p>Equivalent experience such as, but not limited to, specialized education in criminal justice or law enforcement, or honorable service in the military police or similar military security position in any of the branches of the armed forces of the United States, or significant experience as a law enforcement officer, as defined in division (A)(11) of section 2901.01 of the Revised Code, or as a peace officer as defined in division (B) of section 2935.01 of the Revised Code obtained within the last ten years prior to the date of application, may be deemed by the director of public safety to be sufficient to satisfy the experience requirement.</p> <p>If specialized education is submitted as equivalent experience, an applicant for a class B license shall have at least two thousand working hours of experience in investigatory work.</p>

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<p><b>Examination requirements</b> (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Department receive any proceeds of those fees? If so, how are the proceeds used?</i>)</p>	<p>PISGS issues the Qualifying Agent Exam at the Department of Public Safety on a monthly basis. This exam was created and administered by PISGS staff.</p> <p>PISGS also allows proctoring of the examination for those who do not live near Columbus, Ohio. PISGS allows any facility to proctor the exam so long as they are able to utilize FastTest software and monitor the examinee while they are taking the exam.</p> <p>There is no fee for the initial exam provided at the Department of Public Safety. Proctored fees are subject to the proctor location's discretion. PISGS gets no portion of the proctor exam fees. There is a \$25 re-test fee assessed to exams at the Department of Public Safety and proctor locations for examinees who are re-taking the exam. PISGS receives the entirety of this fee.</p>
<p><b>Continuing education requirements</b> (<i>Including a description of the curriculum and the process of setting it.</i>)</p>	<p>None</p>
<p><b>Initial fee</b></p>	<p>The initial licensing fee is \$405.00 (\$375.00 for license application + \$30.00 for QA application).</p>
<p><b>Duration</b></p>	<p>One year; The license expires annually on March 1.</p>
<p><b>Renewal fee</b> (<i>If different from initial fee, please explain why.</i>)</p>	<p>\$275</p>
<p><b>Does the Department recognize uniform licensure requirements or allow for reciprocity?</b></p>	<p>No</p>
<p><b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b></p>	<p>No</p>

**If the regulation is a registration, certification, or license requirement, please complete the following:**

**Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Department?**

Yes; per ORC 4749.01, (H) "Private investigator," "business of private investigation," "security guard provider," and "business of security services" do not include:

- (1) Public officers and employees whose official duties require them to engage in investigatory activities;
- (2) Attorneys at law or any expert hired by an attorney at law for consultation or litigation purposes;
- (3) A consumer reporting agency, as defined in the "Fair Credit Reporting Act," 84 Stat. 1128, 15 U.S.C.A. 1681a, as amended, provided that the consumer reporting agency is in compliance with the requirements of that act and that the agency's activities are confined to any of the following:
  - (a) The issuance of consumer credit reports;
  - (b) The conducting of limited background investigations that pertain only to a client's prospective tenant and that are engaged in with the prior written consent of the prospective tenant;
  - (c) The business of pre-employment background investigation. As used in division (H)(3)(c) of this section, "business of pre-employment background investigation" means, and is limited to, furnishing for hire, in person or through a partner or employees, the conducting of limited background investigations, in-person interviews, telephone interviews, or written inquiries that pertain only to a client's prospective employee and the employee's employment and that are engaged in with the prior written consent of the prospective employee.
- (4) Certified public insurance adjusters that hold a certificate of authority issued pursuant to sections 3951.01 to 3951.09 of the Revised Code, while the adjuster is investigating the cause of or responsibility for a fire, accident, or other damage to property with respect to a claim or claims for loss or damage under a policy of insurance covering real or personal property;
- (5) Personnel placement services and persons who act as employees of such entities engaged in investigating matters related to personnel placement activities;

If the regulation is a registration, certification, or license requirement, please complete the following:

(6) An employee in the regular course of the employee’s employment, engaged in investigating matters pertinent to the business of the employee’s employer or protecting property in the possession of the employee’s employer, provided the employer is deducting all applicable state and federal employment taxes on behalf of the employee and neither the employer nor the employee is employed by, associated with, or acting for or on behalf of any private investigator or security guard provider;

(7) Any better business bureau or similar organization or any of its employees while engaged in the maintenance of the quality of business activities relating to consumer sales and services;

(8) An accountant who is registered or certified under Chapter 4701. of the Revised Code or any of the accountant’s employees while engaged in activities for which the accountant is certified or registered;

(9) Any person who, for hire or otherwise, conducts genealogical research in this state.

As used in division (H)(9) of this section, “genealogical research” means the determination of the origins and descent of families, including the identification of individuals, their family relationships, and the biographical details of their lives. “Genealogical research” does not include furnishing for hire services for locating missing persons or natural or birth parents or children.

(10) Any person residing in this state who conducts research for the purpose of locating the last known owner of unclaimed funds, provided that the person is in compliance with Chapter 169. of the Revised Code and rules adopted thereunder. The exemption set forth in division (H)(10) of this section applies only to the extent that the person is conducting research for the purpose of locating the last known owner of unclaimed funds.

As used in division (H)(10) of this section, “owner” and “unclaimed funds” have the same meanings as in section 169.01 of the Revised Code.

(11) A professional engineer who is registered under Chapter 4733. of the Revised Code or any of his employees.



If the regulation is a registration, certification, or license requirement, please complete the following:

As used in division (H)(11) of this section and notwithstanding division (I) of this section, “employee” has the same meaning as in section 4101.01 of the Revised Code.

(12) Any person residing in this state who, for hire or otherwise, conducts research for the purpose of locating persons to whom the state of Ohio owes money in the form of warrants, as defined in division (S) of section 131.01 of the Revised Code, that the state voided but subsequently reissues.

(13) An independent insurance adjuster who, as an individual, an independent contractor, an employee of an independent contractor, adjustment bureau association, corporation, insurer, partnership, local recording agent, managing general agent, or self-insurer, engages in the business of independent insurance adjustment, or any person who supervises the handling of claims except while acting as an employee of an insurer licensed in this state while handling claims pertaining to specific policies written by that insurer.

As used in division (H)(13) of this section, “independent insurance adjustment” means conducting investigations to determine the cause of or circumstances concerning a fire, accident, bodily injury, or damage to real or personal property; determining the extent of damage of that fire, accident, injury, or property damage; securing evidence for use in a legislative, administrative, or judicial investigation or proceeding, adjusting losses; and adjusting or settling claims, including the investigation, adjustment, denial, establishment of damages, negotiation, settlement, or payment of claims in connection with insurance contractors, self-insured programs, or other similar insurance programs. “Independent adjuster” does not include either of the following:

(a) An attorney who adjusts insurance losses incidental to the practice of law and who does not advertise or represent that the attorney is an independent insurance adjuster;

(b) A licensed agent or general agent of an insurer licensed in this state who processes undisputed or uncontested losses for insurers under policies issued by that agent or general agent.

(14) Except for a commissioned peace officer who engages in the business of private investigation or compensates others who engage in the business of private investigation or the

**If the regulation is a registration, certification, or license requirement, please complete the following:**

	business of security services or both, any commissioned peace officer as defined in division (B) of section 2935.01 of the Revised Code.
<b>Is the Department permitted to exercise discretion in determining whether to register, certify, or license an individual?</b>	Yes
<b>Other information</b> ( <i>Significant attributes or prerequisites to licensure not addressed in this chart.</i> )	None

**Oversight and disciplinary authority of the Department respecting individuals engaged in the occupation.**

Per ORC 4749.04, (A) The director of public safety may revoke, suspend, or refuse to renew, when a renewal form has been submitted, the license of any private investigator or security guard provider, or the registration of any employee of a private investigator or security guard provider, for any of the following:

- (1) Violation of any of the provisions of division (B) or (C) of section 4749.13 of the Revised Code;
- (2) Conviction of a disqualifying offense as defined in section 4776.10 of the Revised Code if the offense occurred within the last three years;
- (3) Conviction of a crime involving moral turpitude as defined in section 4776.10 of the Revised Code;
- (4) Conviction of an offense that occurred after the individual was initially licensed, or after the most recent renewal.
- (5) Violation of any rule of the director governing private investigators, the business of private investigation, security guard providers, or the business of security services;
- (6) Testifying falsely under oath, or suborning perjury, in any judicial proceeding;
- (7) Failure to satisfy the requirements specified in division (D) of section 4749.03 of the Revised Code.

Any person whose license or registration is revoked, suspended, or not renewed when a renewal form is submitted may appeal in accordance with Chapter 119. of the Revised Code.

**Oversight and disciplinary authority of the Department respecting individuals engaged in the occupation.**

(B) In lieu of suspending, revoking, or refusing to renew the class A, B, or C license, or of suspending, revoking, or refusing to renew the registration of an employee of a class A, B, or C licensee, the director may impose a civil penalty of not more than one hundred dollars for each calendar day of a violation of any of the provisions of this section or of division (B) or (C) of section 4749.13 of the Revised Code or of a violation of any rule of the director governing private investigators, the business of private investigation, security guard providers, or the business of security services. (B) The director may investigate, on the director's own initiative, the actions or proposed actions of a class A, B, or C licensee, or registered employee of a class A, B, or C licensee to determine whether the person is, has been, or will be in violation of section 4749.13 of the Revised Code. The director shall investigate any of these persons if a verified written complaint is filed indicating that a person has violated, or is or will be violating, section 4749.13 of the Revised Code; the complaint is supported by evidence submitted with it; and the director determines that a prima-facie case exists that a violation of that section is being, has been, or will be committed by the person.

**How much revenue is derived from fees charged by the Department to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

During Fiscal Year 2022, the Department received \$1,496,925.00 in fee charged to individuals engaged in the occupation. This revenue is credited to the private investigator and security guard provider fund.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

N/A

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

The regulations outlined in ORC Chapter 4749 seek to prevent harm to public safety and welfare.

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

Yes, the regulation is effective at preventing the harm described above.

**Are there any changes the Department would like to see implemented?**

The Department, along with many licensees within the industry, would like to see training requirements codified for all registrants. There are currently no training requirements required by law.

## Class C survey responses (DPS)

Description	
<p>“Class C license” means a license issued under section 4749.03 of the Revised Code that qualifies the person issued the license to engage only in the business of security services.</p>	
<b>Type</b> <i>(License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)</i>	
License	
<b>If the regulation is a registration, certification, or license requirement, please complete the following:</b>	
<b>Number issued annually</b>	FY22: 51 new “Class C” licenses issued
<b>Number renewed annually</b>	FY22: 324 renewal “Class C” licenses issued
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	FY16: New: 43 “Class C” licenses issued Renewal: 372 “Class C” licenses issued

**If the regulation is a registration, certification, or license requirement, please complete the following:**

	<p>FY17:  New: 33 "Class C" licenses issued  Renewal: 360 "Class C" licenses issued</p> <p>FY18:  New: 45 "Class C" licenses issued  Renewal: 356 "Class C" licenses issued</p> <p>FY19:  New: 39 "Class C" licenses issued  Renewal: 360 "Class C" licenses issued</p> <p>FY20:  New: 41 "Class C" licenses issued  Renewal: 365 "Class C" licenses issued</p> <p>FY21:  New: 34 "Class C" licenses issued  Renewal: 317 "Class C" licenses issued</p> <p>PISGS has experienced in an increase in new and renewal "Class C" licenses in the past year.</p>
<b>Education or training requirements</b>	None
<b>Experience requirements</b>	<p>An applicant for a class C license shall have at least four thousand working hours of experience in security services work. An applicant must have completed the hours required in the twenty-four month period immediately preceding the date an application for licensure is received by the department of public safety.</p> <p>Equivalent experience such as, but not limited to, specialized education in criminal justice or law enforcement, or honorable service in the military police or similar military security position in</p>

<b>If the regulation is a registration, certification, or license requirement, please complete the following:</b>	
	<p>any of the branches of the armed forces of the United States, or significant experience as a law enforcement officer, as defined in division (A)(11) of section 2901.01 of the Revised Code, or as a peace officer as defined in division (B) of section 2935.01 of the Revised Code obtained within the last ten years prior to the date of application, may be deemed by the director of public safety to be sufficient to satisfy the experience requirement.</p> <p>If specialized education is submitted as equivalent experience, an applicant for a class C license shall have at least two thousand working hours of experience in security services work.</p>
<b>Examination requirements</b> <i>(Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Department receive any proceeds of those fees? If so, how are the proceeds used?)</i>	<p>PISGS issues the Qualifying Agent Exam at the Department of Public Safety on a monthly basis. This exam was created and administered by PISGS staff.</p> <p>PISGS also allows proctoring of the examination for those who do not live near Columbus, Ohio. PISGS allows any facility to proctor the exam so long as they are able to utilize FastTest software and monitor the examinee while they are taking the exam.</p> <p>There is no fee for the initial exam provided at the Department of Public Safety. Proctored fees are subject to the proctor location's discretion. PISGS gets no portion of the proctor exam fees. There is a \$25 re-test fee assessed to exams at the Department of Public Safety and proctor locations for examinees who are re-taking the exam. PISGS receives the entirety of this fee.</p>
<b>Continuing education requirements</b> <i>(Including a description of the curriculum and the process of setting it.)</i>	None
<b>Initial fee</b>	The initial licensing fee is \$405.00 (\$375.00 for license application + \$30.00 for QA application).
<b>Duration</b>	One year; The license expires annually on March 1.
<b>Renewal fee</b> <i>(If different from initial fee, please explain why.)</i>	\$275

If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>Does the Department recognize uniform licensure requirements or allow for reciprocity?</b>	No
<b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b>	No
<b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Department?</b>	<p>Yes; per ORC 4749.01, (H) "Private investigator," "business of private investigation," "security guard provider," and "business of security services" do not include:</p> <ul style="list-style-type: none"> <li>(1) Public officers and employees whose official duties require them to engage in investigatory activities;</li> <li>(2) Attorneys at law or any expert hired by an attorney at law for consultation or litigation purposes;</li> <li>(3) A consumer reporting agency, as defined in the "Fair Credit Reporting Act," 84 Stat. 1128, 15 U.S.C.A. 1681a, as amended, provided that the consumer reporting agency is in compliance with the requirements of that act and that the agency's activities are confined to any of the following: <ul style="list-style-type: none"> <li>(a) The issuance of consumer credit reports;</li> <li>(b) The conducting of limited background investigations that pertain only to a client's prospective tenant and that are engaged in with the prior written consent of the prospective tenant;</li> <li>(c) The business of pre-employment background investigation. As used in division (H)(3)(c) of this section, "business of pre-employment background investigation" means, and is limited to, furnishing for hire, in person or through a partner or employees, the conducting of limited background investigations, in-person interviews, telephone interviews, or written inquiries that pertain only to</li> </ul> </li> </ul>



**If the regulation is a registration, certification, or license requirement, please complete the following:**

a client's prospective employee and the employee's employment and that are engaged in with the prior written consent of the prospective employee.

(4) Certified public insurance adjusters that hold a certificate of authority issued pursuant to sections 3951.01 to 3951.09 of the Revised Code, while the adjuster is investigating the cause of or responsibility for a fire, accident, or other damage to property with respect to a claim or claims for loss or damage under a policy of insurance covering real or personal property;

(5) Personnel placement services and persons who act as employees of such entities engaged in investigating matters related to personnel placement activities;

(6) An employee in the regular course of the employee's employment, engaged in investigating matters pertinent to the business of the employee's employer or protecting property in the possession of the employee's employer, provided the employer is deducting all applicable state and federal employment taxes on behalf of the employee and neither the employer nor the employee is employed by, associated with, or acting for or on behalf of any private investigator or security guard provider;

(7) Any better business bureau or similar organization or any of its employees while engaged in the maintenance of the quality of business activities relating to consumer sales and services;

(8) An accountant who is registered or certified under Chapter 4701. of the Revised Code or any of the accountant's employees while engaged in activities for which the accountant is certified or registered;

(9) Any person who, for hire or otherwise, conducts genealogical research in this state.

As used in division (H)(9) of this section, "genealogical research" means the determination of the origins and descent of families, including the identification of individuals, their family relationships, and the biographical details of their lives. "Genealogical research" does not include furnishing for hire services for locating missing persons or natural or birth parents or children.

(10) Any person residing in this state who conducts research for the purpose of locating the last known owner of unclaimed funds, provided that the person is in compliance

**If the regulation is a registration, certification, or license requirement, please complete the following:**

with Chapter 169. of the Revised Code and rules adopted thereunder. The exemption set forth in division (H)(10) of this section applies only to the extent that the person is conducting research for the purpose of locating the last known owner of unclaimed funds.

As used in division (H)(10) of this section, “owner” and “unclaimed funds” have the same meanings as in section 169.01 of the Revised Code.

(11) A professional engineer who is registered under Chapter 4733. of the Revised Code or any of his employees.

As used in division (H)(11) of this section and notwithstanding division (I) of this section, “employee” has the same meaning as in section 4101.01 of the Revised Code.

(12) Any person residing in this state who, for hire or otherwise, conducts research for the purpose of locating persons to whom the state of Ohio owes money in the form of warrants, as defined in division (S) of section 131.01 of the Revised Code, that the state voided but subsequently reissues.

(13) An independent insurance adjuster who, as an individual, an independent contractor, an employee of an independent contractor, adjustment bureau association, corporation, insurer, partnership, local recording agent, managing general agent, or self-insurer, engages in the business of independent insurance adjustment, or any person who supervises the handling of claims except while acting as an employee of an insurer licensed in this state while handling claims pertaining to specific policies written by that insurer.

As used in division (H)(13) of this section, “independent insurance adjustment” means conducting investigations to determine the cause of or circumstances concerning a fire, accident, bodily injury, or damage to real or personal property; determining the extent of damage of that fire, accident, injury, or property damage; securing evidence for use in a legislative, administrative, or judicial investigation or proceeding, adjusting losses; and adjusting or settling claims, including the investigation, adjustment, denial, establishment of damages, negotiation, settlement, or payment of claims in connection

**If the regulation is a registration, certification, or license requirement, please complete the following:**

	<p>with insurance contractors, self-insured programs, or other similar insurance programs. “Independent adjuster” does not include either of the following:</p> <p>(a) An attorney who adjusts insurance losses incidental to the practice of law and who does not advertise or represent that the attorney is an independent insurance adjuster;</p> <p>(b) A licensed agent or general agent of an insurer licensed in this state who processes undisputed or uncontested losses for insurers under policies issued by that agent or general agent.</p> <p>(14) Except for a commissioned peace officer who engages in the business of private investigation or compensates others who engage in the business of private investigation or the business of security services or both, any commissioned peace officer as defined in division (B) of section 2935.01 of the Revised Code.</p>
<p><b>Is the Department permitted to exercise discretion in determining whether to register, certify, or license an individual?</b></p>	<p>Yes</p>
<p><b>Other information</b> <i>(Significant attributes or prerequisites to licensure not addressed in this chart.)</i></p>	<p>None</p>

**Oversight and disciplinary authority of the Department respecting individuals engaged in the occupation.**

Per ORC 4749.04, (A) The director of public safety may revoke, suspend, or refuse to renew, when a renewal form has been submitted, the license of any private investigator or security guard provider, or the registration of any employee of a private investigator or security guard provider, for any of the following:

- (1) Violation of any of the provisions of division (B) or (C) of section 4749.13 of the Revised Code;
- (2) Conviction of a disqualifying offense as defined in section 4776.10 of the Revised Code if the offense occurred within the last three years;

**Oversight and disciplinary authority of the Department respecting individuals engaged in the occupation.**

- (3) Conviction of a crime involving moral turpitude as defined in section 4776.10 of the Revised Code;
- (4) Conviction of an offense that occurred after the individual was initially licensed, or after the most recent renewal.
- (5) Violation of any rule of the director governing private investigators, the business of private investigation, security guard providers, or the business of security services;
- (6) Testifying falsely under oath, or suborning perjury, in any judicial proceeding;
- (7) Failure to satisfy the requirements specified in division (D) of section 4749.03 of the Revised Code.

Any person whose license or registration is revoked, suspended, or not renewed when a renewal form is submitted may appeal in accordance with Chapter 119. of the Revised Code.

(B) In lieu of suspending, revoking, or refusing to renew the class A, B, or C license, or of suspending, revoking, or refusing to renew the registration of an employee of a class A, B, or C licensee, the director may impose a civil penalty of not more than one hundred dollars for each calendar day of a violation of any of the provisions of this section or of division (B) or (C) of section 4749.13 of the Revised Code or of a violation of any rule of the director governing private investigators, the business of private investigation, security guard providers, or the business of security services. (B) The director may investigate, on the director's own initiative, the actions or proposed actions of a class A, B, or C licensee, or registered employee of a class A, B, or C licensee to determine whether the person is, has been, or will be in violation of section 4749.13 of the Revised Code. The director shall investigate any of these persons if a verified written complaint is filed indicating that a person has violated, or is or will be violating, section 4749.13 of the Revised Code; the complaint is supported by evidence submitted with it; and the director determines that a prima-facie case exists that a violation of that section is being, has been, or will be committed by the person.

**How much revenue is derived from fees charged by the Department to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

During Fiscal Year 2022, the Department received \$1,496,925.00 in fee charged to individuals engaged in the occupation. This revenue is credited to the private investigator and security guard provider fund.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

N/A

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

The regulations outlined in ORC Chapter 4749 seek to prevent harm to public safety and welfare.

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

Yes, the regulation is effective at preventing the harm described above.

**Are there any changes the Department would like to see implemented?**

The Department, along with many licensees within the industry, would like to see training requirements codified for all registrants. There are currently no training requirements required by law.

**Surrounding state comparison for all classes (LSC)**

Private Investigator and Security Services						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Type of regulation	License, as follows: <ul style="list-style-type: none"> <li>▪ Class A license for private investigator and security guard provider;</li> <li>▪ Class B license for private investigator; and</li> <li>▪ Class C license for security guard provider.</li> </ul>	License, as follows: <ul style="list-style-type: none"> <li>▪ Private investigator firm license; and</li> <li>▪ Security guard agency license.</li> </ul> ( <i>Ind. Code 25-30-1-3 and 25-30-1.3-7.</i> )	License for private investigator. Additional certification required to conduct fire or arson investigations. ( <i>Ky. Rev. Stat. 329A.015 and 329A.095.</i> )	License for professional investigator ( <i>Mich. Comp. Laws 338.823(1)</i> ).	License for private detective or watch, guard, or patrol agency ( <i>22 Pa. Cons. Stat. 13(a)</i> ).	License, as follows: <ul style="list-style-type: none"> <li>▪ Private investigation business license; and</li> <li>▪ Security guard business license.</li> </ul> ( <i>W. Va. Code 30-18-2 and 30-18-5.</i> )

Private Investigator and Security Services

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	<i>(R.C. 4749.03(A).)</i>					
Education or training	<p>For any license, specialized education in criminal justice or law enforcement may satisfy half of the experience requirement <i>(O.A.C. 4501:7-1-06(C))</i>.</p> <p>To carry a firearm under any license, in lieu of obtaining a concealed handgun license, completion of (1) the Ohio Peace Officer Training Commission’s (OPOTC) basic firearm training program or (2) an equivalent OPOTC-certified or law enforcement training program.</p> <p>To carry a nonhandgun</p>	<p>For either license, in lieu of the experience requirement, a bachelor’s degree or higher in criminal justice or a related field from an accredited school <i>(874 Ind. Admin. Code 1-2-1(2) and 1-3-1(2))</i>.</p>	<p>A high school education or its equivalent <i>(Ky. Rev. Stat. 329A.035(3)(c))</i>.</p>	<p>A high school education or its equivalent <i>(Mich. Comp. Laws 338.826(1)(c))</i>.</p> <p>A bachelor’s or graduate degree from an accredited institution in police administration, security management, investigation, law, criminal justice, or computer forensics may satisfy the full-time experience requirement <i>(Mich. Comp. Laws 338.826(1)(f)(iv))</i>.</p>	<p>To carry a firearm, completion of an education and training program in the handling of lethal weapons, law enforcement, and protection of rights of citizens, except that such training may not be required for retired law enforcement officers with at least 20 years’ experience <i>(22 Pa. Cons. Stat. 44 and 48.1)</i>.</p>	<p>For a private investigation business license only, in lieu of the employment experience requirement, one year of private investigation-related coursework from an accredited school <i>(W. Va. Code 30-18-2(a)(7))</i>.</p>

Private Investigator and Security Services

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	firearm, five additional hours of training from an OPOTC-approved training program. <i>(R.C. 4749.10(A) and (C); O.A.C. 4501:7-1-22(A).)</i>					
Experience	<p>4,000 hours of experience, as follows:</p> <ul style="list-style-type: none"> <li>▪ For a Class A license, 1,000 hours each in investigatory work and security services work and 2,000 hours in either or both;</li> <li>▪ For a Class B license, all hours in investigatory work; and</li> <li>▪ For a Class C license, all</li> </ul>	<p>For either license, both of the following:</p> <ul style="list-style-type: none"> <li>▪ At least 21 years of age; and</li> <li>▪ 4,000 hours of experience in certain investigatory-related or security-related employment, as applicable.</li> </ul> <p><i>(Ind. Code 25-30-1-8(a)(1) and 25-30-1.3-9(a)(1); 874 Ind. Admin.)</i></p>	<p>At least 21 years of age <i>(Ky. Rev. Stat. 329A.035(3)(a)).</i></p>	<p>Both of the following:</p> <ul style="list-style-type: none"> <li>▪ At least 25 years of age; and</li> <li>▪ Three years full-time experience as a licensed investigator or investigative employee in another state; an employee of a licensed professional investigator; an investigative-related role</li> </ul>	<p>Both of the following:</p> <ul style="list-style-type: none"> <li>▪ At least 25 years of age; and</li> <li>▪ For at least three years, employed as a detective, an investigator for a U.S. government agency, or a law enforcement officer.</li> </ul> <p><i>(22 Pa. Cons. Stat. 14(a) and 16(a).)</i></p>	<p>For a private investigator business license only, both of the following:</p> <ul style="list-style-type: none"> <li>▪ At least 18 years of age; and</li> <li>▪ One year of experience as an investigator or law enforcement officer with the U.S. or a state or local government, as employee of a licensed private</li> </ul>



Private Investigator and Security Services

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	<p>hours in security services work.</p> <p>For any license, in lieu of the hours requirement, (1) experience as a law enforcement, peace, or military police officer or (2) management experience in the business of private investigation or security services.</p> <p><i>(O.A.C. 4501:7-1-06.)</i></p>	<p><i>Code 1-2-1(1) and 1-3-1(1).)</i></p>		<p>with a government entity; or an investigator for a business, attorney, or media outlet.</p> <p><i>(Mich. Comp. Laws 338.826(1)(b) and (f).)</i></p>		<p>investigative or detective agency; service as a magistrate, military service, or any other substantially equivalent training or experience.</p> <p><i>(W. Va. Code 30-18-2(a)(2) and (7).)</i></p> <p>For a security guard business license, both of the following:</p> <ul style="list-style-type: none"> <li>▪ At least 18 years of age; and</li> <li>▪ One year full-time employment conducting security guard business or private</li> </ul>

Private Investigator and Security Services

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
						investigation business working for a licensed firm or substantially equivalent training or experience. <i>(W. Va. Code 30-18-5(a)(6).)</i>
Exam	For each license, passage of an exam, except that an exam may not be required if (1) the individual applicant qualified a business for licensure or (2) the applicant is a nonresident licensed in a state that offers Ohio's residents an exam waiver ( <i>R.C. 4749.03(A)(1)(c) and 4749.12;</i>	N/A	Passage of the "Kentucky Private Investigator Examination," developed and administered by a state-approved exam service ( <i>Ky. Rev. Stat. 329A.035(3)(m); 201 Ky. Admin. Regs. 41:030.</i>	N/A	N/A	N/A

Private Investigator and Security Services

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	<i>O.A.C. 4501:7-1-07).</i>					
Continuing education	N/A	N/A	12 hours during the biennium license period ( <i>201 Ky. Admin. Regs. 41:070</i> ).	N/A	N/A	N/A
Initial licensure fee	\$375 for each license ( <i>R.C. 4749.03(B)(3); O.A.C. 4501:7-1-17(A)(3)</i> ).	\$300 for each license or \$150 if applying less than one year from the expiration date applicable to all licenses ( <i>874 Ind. Admin. Code 2-1-1(a) and (b)</i> ).	\$400 ( <i>201 Ky. Admin. Regs. 41:040, Section 1</i> ).	\$600 plus a \$150 processing fee ( <i>Mich. Comp. Laws 338.829(1)</i> ).	\$200 for individuals and \$300 for companies ( <i>22 Pa. Cons. Stat. 16(a)</i> ).	For each license, \$100 for individuals and \$200 for companies plus a \$50 processing service charge ( <i>W. Va. Code 30-18-3(g)(2) and 30-18-6(g)(2)</i> ).
License duration	One year for each license ( <i>R.C. 4749.03(D)</i> ).	Four years for each license ( <i>Ind. Code 25-30-1-16(a) and 25-30-1.3-17(a); 874 Ind. Admin. Code 1-1-3(a)</i> ).	Two years ( <i>Ky. Rev. Stat. 329A.045(1)</i> ).	Three years ( <i>Mich. Comp. Laws 338.825(1)</i> ).	Two years for an initially granted license and up to five years for renewed licenses ( <i>22 Pa. Cons. Stat. 16(a) and 21(b)</i> ).	Two years for each license ( <i>W. Va. Code 30-18-9</i> ).

Private Investigator and Security Services						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Renewal fee	\$275 for each license ( <i>R.C. 4749.03(D); O.A.C. 4501:7-1-17(A)(5)</i> ).	\$300 for each license ( <i>874 Ind. Admin. Code 2-1-1(c) and (d)</i> ).	\$250 ( <i>201 Ky. Admin. Regs. 41:040, Section 4</i> ).	\$300 ( <i>Mich. Comp. Laws 338.846(1)</i> ).	\$200 for individuals and \$300 for companies ( <i>22 Pa. Cons. Stat. 16(a) and 21(a)</i> ).	\$50 for each license ( <i>W. Va. Code 30-18-9</i> ).

## School bus driver

### Surrounding state comparison (LSC)

School Bus Driver						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Type of regulation	License and certificate, as follows: <ul style="list-style-type: none"> <li>▪ A CDL with a school bus endorsement; and</li> <li>▪ A certificate issued by the school district or the educational service center</li> </ul>	License and certificate, as follows: <ul style="list-style-type: none"> <li>▪ A public passenger chauffeur's license or CDL;</li> <li>▪ A physical exam certificate; and</li> <li>▪ A training certificate</li> </ul>	A CDL with a school bus endorsement ( <i>Ky. Rev. Stat. 189.540(3) and 281A.175; 702 Ky. Admin. Regs. 5:080, Section 1</i> ).	License and certificate, as follows: <ul style="list-style-type: none"> <li>▪ A chauffeur's license and a CDL with a passenger vehicle endorsement and a school bus endorsement; and</li> </ul>	License and certificate, as follows: <ul style="list-style-type: none"> <li>▪ A CDL with a school bus driver endorsement;</li> <li>▪ A physical exam certificate; and</li> </ul>	License and certificate, as follows: <ul style="list-style-type: none"> <li>▪ A CDL with a passenger and school bus endorsement; and</li> <li>▪ A certificate issued by the West Virginia Department of Education.</li> </ul>

School Bus Driver						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	governing board. <i>(R.C. 3327.10(A) and (B), 4506.10(B), and 4506.12; O.A.C. 3301-83-06(B)(5).)</i>	issued by the state School Bus Committee. <i>(Ind. Code 20-27-8-1(a)(6), 20-27-8-4, and 20-27-8-15.)</i>		<ul style="list-style-type: none"> <li>A certificate for completion of a school bus safety education course.</li> </ul> <i>(Mich. Comp. Laws 257.1849(2) and 257.1851(1).)</i>	<ul style="list-style-type: none"> <li>A skills certification.</li> </ul> <i>(75 Pa. Cons. Stat. 1509 and 1610; 67 Pa. Code 71.3 and 71.4.)</i>	<i>(W. Va. Code R. 126-92-17.1 and 17.2(l).)</i>
Education or training	Completion of the Ohio preservice school bus driver training program for beginning drivers, which includes 15 hours of classroom instruction and 12 hours of on-the-bus training <i>(O.A.C. 3301-83-06(B)(6) and 3301-83-10(A)).</i>	For the training certificate, completion of the Department of Education's preservice school bus driver safety education training course, which includes up to 40 hours of training <i>(Ind. Code 20-27-8-10).</i>	Completion of a 21 hour initial training course plus basic first aid and CPR training <i>(702 Ky. Admin. Regs. 5:080, Section 4(1)(a) and Section 5).</i>	Completion of one of the following: <ul style="list-style-type: none"> <li>The entry level school bus safety education course; or</li> <li>A school bus safety education course within the immediately preceding two years.</li> </ul>	14 hours of classroom instruction and six hours of on-the-bus training <i>(67 Pa. Code 71.5(c)).</i>	All of the following: <ul style="list-style-type: none"> <li>A high school diploma, GED, or equivalent;</li> <li>40 hours of nondriving instruction;</li> <li>12 hours of on-the-road training, including two hours of night driving; and</li> <li>First aid and CPR training.</li> </ul>

School Bus Driver						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
				<i>(Mich. Comp. Laws 257.1851(1).)</i>		<i>(W. Va. Code R. 126-92-17.2(b), (f), (g), and (i).)</i>
Experience	At least 21 years of age and two years of driving experience <i>(O.A.C. 3301-83-06(B)(1)).</i>	At least 21 years of age <i>(Ind. Code 20-27-8-1(5)(a)).</i>  For training certificate, in lieu of education training course, 30 days experience within the last three years <i>(Ind. Code 20-27-8-10(a)).</i>	N/A	At least 18 years of age <i>(Mich. Comp. Laws 257.1849(1)).</i>	At least 18 years of age <i>(75 Pa. Cons. Stat. 1509(a)(3)).</i>	At least 21 years of age <i>(W. Va. Code R. 126-92-17.2(a)).</i>  At least three years of experience as a licensed operator of any vehicle <i>(W. Va. Code R. 126-92-17.2(c)).</i>
Exam	An annual physical exam <i>(R.C. 3327.10(A) and (B); O.A.C. 3301-83-06(B)(2) and 3301-83-07).</i>  For initial certification and each renewal, completion of a performance evaluation <i>(O.A.C.</i>	For physical exam certificate, a physical exam <i>(Ind. Code 20-27-8-4).</i>	An annual physical exam <i>(702 Ky. Admin. Regs. 5:080, Section 2).</i>	A physical exam and, for certain drivers, a skills test <i>(Mich. Comp. Laws 257.1849(4) and 257.1853(1)(d)).</i>	Completion of all of the following: <ul style="list-style-type: none"> <li>▪ Annually, a physical exam;</li> <li>▪ Initially and every four years, a skills exam; and</li> <li>▪ Every four years, a multiple</li> </ul>	Completion of all of the following: <ul style="list-style-type: none"> <li>▪ Annually, a physical exam;</li> <li>▪ For initial certification, a skills and performance test;</li> <li>▪ For initial and recertification,</li> </ul>

School Bus Driver						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	3301-83-10(A)(4) and (F)(3)).				choice knowledge exam.  (67 Pa. Code 71.3, 71.4, and 71.6.)	a written knowledge exam; and  <ul style="list-style-type: none"> <li>For initial and recertification, a physical performance exam.</li> </ul> (W. Va. Code R. 126-92-17.2(j), (m), (n), and (o); 126-92-19; and 126-92-20.3 and 20.5.)
Continuing education	Both of the following: <ul style="list-style-type: none"> <li>Annually, four hours of in-service training; and</li> <li>Every six years, either nine hours of classroom instruction or completion of the Ohio preservice</li> </ul>	Attendance at an up to two-day annual safety meeting or workshop (Ind. Code 20-27-8-9).	Annually, eight hours of update training (702 Ky. Admin. Regs. 5:080, Section 4).	Every two years, six hours continuing education course (Mich. Comp. Laws 257.1851(1)).	Every four years, seven hours of classroom instruction and three hours of on-the-bus training (67 Pa. Code 71.5(d)).	Annually, 18 hours of professional development in transportation-related subjects (W. Va. Code R. 126-92-20.4).

School Bus Driver						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	advanced school bus driver training course. <i>(O.A.C. 3301-83-10(B) and (F)(1) and (5).)</i>					
Initial licensure fee	No costs specified for certification.	No costs specified for certifications	No cost specified for non-CDL requirements.	No costs specified for certification.	No costs specified for certification.	No costs specified for certification.
License duration	Six years for certification <i>(O.A.C. 3301-83-10(A)).</i>	Not specified for certifications, but a school district may require physical reexamination at any time <i>(Ind. Code 20-27-8-6).</i>	Not specified, but a school district may require physical reexamination at any time <i>(702 Ky. Admin. Regs. 5:080, Section 2(7)).</i>	Not specified, but an employer may require physical reexamination at any time <i>(Mich. Comp. Laws 257.1853(1)(c)).</i>	For physical certification, one year <i>(67 Pa. Code 71.3(c)).</i> For skills certification, four years <i>(67 Pa. Code 71.4(b)).</i>	For certification, one year <i>(W. Va. Code R. 126-92-20.6).</i>
Renewal fee	No costs specified for certification.	No costs specified for certifications	No costs specified for non-CDL requirements.	No costs specified for certification.	No costs specified for certification.	No costs specified for certification.



## DIVISION OF FINANCIAL INSTITUTIONS

### General information (COM)

#### Duties

The Division of Financial Institutions (the “Division”) is the primary regulator for all state-chartered banks, credit unions, and trust companies, with a focus on ensuring both the relative competitiveness and the overall fiscal safety and soundness of these institutions. In these endeavors, the Division works closely with industry stakeholders, most directly the Ohio Banking Commission, created pursuant to R.C. 1123.01, and the Ohio Credit Union Council, created pursuant to R.C. 1733.329. As of June 30, 2022, there were 107 state-chartered banks, with total assets over \$74 billion; 105 state-chartered credit unions, with assets over \$30 billion; and six non-depository trust companies. The Division also is responsible for administering and enforcing twelve distinct licensing regimes relating to consumer finance in some capacity. As of June 30, 2022, thousands of distinct licensees held over 28,000 licenses issued by the Division. Finally, the Division’s Office of Consumer Affairs provides a variety of information and resources with the goal of educating consumers about various financial products and services, as well as alerting the public to current and emerging financial scams. The Office of Consumer Affairs also facilitates an informal consumer complaint process involving state-chartered financial institutions and consumer finance companies.

#### Membership *(Current members, chairperson and other officers, and selection process.)*

Kevin Allard – Division Superintendent; appointed by the Governor

Ingrid White – Deputy Superintendent of Banks; appointed by the Superintendent

Robert Rutkowski – Deputy Superintendent of Credit Unions; appointed by the Superintendent

Pamela Prude-Smithers – Deputy Superintendent of Consumer Finance; appointed by the Superintendent

**Budget** *(Current budget, description of budgeting process, sources of funding, and expected increases or decreases in budget or funding in future years.)*

The Division's total budget for FY 2023 is \$24,063,056. The Division expects its budget to increase in future years. Anticipated budget increases are due to future IT projects and potentially adding staff to keep pace with increased workload in certain areas. The Division receives no general revenue funds. Rather, the Division is funded entirely from the following sources: (1) assessments on state-chartered banks and credit unions; (2) initial and other fees paid by licensees; and (3) annual assessments on certain licensees. The Division anticipates funding in category (1) to remain relatively stable in the near future. Funding in categories (2) and (3) is difficult to predict and can vary widely from year to year, particularly in the area of mortgage licensing. For example, total revenue derived from mortgage brokers and loan officers was \$3.5 million in FY 2020, \$4.9 million in FY 2021, \$8.1 million in FY 2022, but is expected to be \$5.1 million in FY 2023. The Division maintains cash reserves from year-to-year to account for unexpected changes to revenue and/or expenses.

**Workload** *(Assess current, past, and anticipated workload. Has the workload increased or decreased significantly in the preceding six years?)*

Within the Division, the workload for the Credit Union Unit and the Bank Unit's Banking Section and Trust Sections has remained relatively consistent the last 4-6 years and is expected to remain so. The workload for the Bank Unit's Money Transmitter Section has increased significantly over the last 4-6 years and is expected to continue to increase. The workload for the Consumer Finance Unit has increased significantly in the last 4-6 years, particularly in the area of mortgage licensing, and is expected to continue to increase.

**Staffing** *(How many staff are currently employed by the Division? What are their roles? Are staffing levels proportionate to the Division's current and anticipated workload?)*

The Division currently has 110 funded, FTE positions. There are 44.5 FTEs in the Bank Unit's Banking Section and Trust Section, 42 of which are financial institution examiners or specialists. There are 7 FTEs in the Bank Unit's Money Transmitter Section, 4 of which are examiners or specialists. There are 19.5 FTEs in the Credit Union Unit, 17 of which are examiners or specialists. There are 27 FTEs in the Consumer Finance Unit, 17 of which are examiners or specialists. There are 2 FTEs in the Office of Consumer Affairs and 10 FTEs in Division Administration. The Division is seeking to add 2 funded positions in the Money Transmitter Section and 1 funded position in the Consumer Finance Unit for the next budget cycle to keep pace with increased workload in recent years.

**Administrative hearings and public complaints** *(Describe the Division's processes for administering discipline and addressing complaints. Assess the efficiency of the processes.)*

The Division's enforcement efforts are focused primarily on compliance and safety and soundness issues. For banks, credit unions, trust companies, and many of the licensing regimes under the Division's jurisdiction, this is facilitated and accomplished through regularly scheduled, comprehensive examinations. Separately, entities and individuals requiring a license are subject to a thorough licensing review process. When warranted and necessary, discipline against licensees may be effectuated through the tools provided for in the specific statutory scheme. Through the administrative hearing process governed by R.C. Chapter 119, the Division typically has the authority to deny license applications in the first instance, issue cease and desist orders, refuse to renew licensees, or suspend or revoke licenses, and impose civil fines for violations of Ohio law. Finally, the Office of Consumer Affairs has a full-time staff member dedicated to handling public complaints. As indicated, the Office of Consumer Affairs provides immediate resources to complainants and, when appropriate, will attempt to facilitate an informal resolution by seeking a response from the entity or individual against who the complaint was made. Public complaints also are evaluated for possible enforcement activity by the Division. Overall, these processes are effective.

## **Small loan license**

### **Survey responses (COM)**

**Description**

Requires any person or entity engaging in the business of lending money in the amount of \$1,000 to \$5,000 to obtain a license. Limits the fees and interest that can be charged on such loans.

**Type** (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)

License

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Number issued annually</b>	6 in 2021
<b>Number renewed annually</b>	N/A Licenses remain in effect until surrendered, revoked, or cancelled by operation of law.
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	Yes; 78 licenses as of June 30, 2018; 33 licenses as of June 30, 2022
<b>Education or training requirements</b>	N/A
<b>Experience requirements</b>	N/A

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<p><b>Examination requirements</b> (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Division receive any proceeds of those fees? If so, how are the proceeds used?</i>)</p>	<p>N/A</p>
<p><b>Continuing education requirements</b> (<i>Including a description of the curriculum and the process of setting it.</i>)</p>	<p>N/A</p>
<p><b>Initial fee</b></p>	<p>\$200 investigation fee + license fee of up to \$300.  Additionally, applicants are required to pay a charge in order to access and use NMLS (see below). The Division does not set these charges, has no control over them, and does not receive any portion of them. As of July 1, 2022, the charges are \$100 for companies, \$20 for branches, and \$30 for individuals.</p>
<p><b>Duration</b></p>	<p>Annual/1 year</p>
<p><b>Renewal fee</b> (<i>If different from initial fee, please explain why.</i>)</p>	<p>License fee of up to \$300 + NMLS fee</p>
<p><b>Does the Division recognize uniform licensure requirements or allow for reciprocity?</b></p>	<p>The Division does utilize the Nationwide Multistate Licensing System &amp; Registry (NMLS), which standardizes certain aspects of the licensing process. However, the Division does not recognize any uniform, substantive requirements due to state-specific laws and rules. No reciprocity.</p>
<p><b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b></p>	<p>No</p>

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<p><b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Division?</b></p>	<p>There exists the opportunity for certain lending products to overlap between the Ohio Small Loan Act, the Ohio Consumer Installment Loan Act, and the General Loan Law.</p>
<p><b>Is the Division permitted to exercise discretion in determining whether to register, certify, or license an individual?</b></p>	<p>Yes</p>
<p><b>Other information</b> (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>)</p>	<p>Division must determine whether the financial responsibility, experience, and general fitness of the applicant—and its members, officers, and/or directors—indicate that the business will be operated lawfully, honestly, and fairly. Members, officers, and/or directors must also undergo criminal background check. Applicants must have at least \$25,000 readily available to fund operations.</p>

**Oversight and disciplinary authority of the Division respecting individuals engaged in the occupation.**

The Division has the authority to investigate applicants, licensees, and any individuals/entities suspected of engaging in the licensed activity, including through the issuance of subpoenas. The Division is required to conduct an annual examination of all licensees. Licensees are required to file an annual report. The Division has the authority, through the Chapter 119 administrative process, to deny a license application, suspend or revoke a license, and issue cease and desists orders. The Division also has the authority to file civil lawsuits to enjoin violations and/or appoint a receiver. The Division does not have the authority to issue or assess civil fines for violations.

**How much revenue is derived from fees charged by the Division to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

Revenue generated in FY 2022 was \$18,100 and is used to fund the operations of the Consumer Finance Unit.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

TILA, FDCPA, MLA, SCRA and Reg E are a few of the federal regulations and rules that govern lending for all states, in addition to state laws and rules. State law requires state licensure.

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

Protecting members of the general public from lending practices that the General Assembly has determined to be predatory. The “harm” that the regulation seeks to prevent focuses on ensuring that licensees are properly educated and licensed to mitigate any consumer harm when engaging in financial transactions with Ohio consumers. This is especially important as many of the loans that are obtained by Ohioans have a substantial impact on the financial wellbeing of an individual or family. In addition, often licensees have consumer-permitted access to debit consumers bank accounts and hold money to pay according to terms of the loan, making it critical that the Division ensures companies and individuals are properly licensed, educated, and adhere to applicable regulations for consumer protection.

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

Overall, the regulation has been effective, and there are no less restrictive ways to prevent the harm.

**Are there any changes the Division would like to see implemented?**

A 2-year (rather than annual) exam cycle. Authority to issue civil fines. There also may exist the possibility to evaluate the viability of combining certain small-dollar non-mortgage lending statutes. Currently, the existence of multiple licenses with overlapping requirements/restrictions leads to some industry and regulatory confusion as well as the potential for “over-licensure” to ensure compliance with all applicable requirements.

**Surrounding state comparison (LSC)**

Small Loan License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Type of regulation	License ( <i>R.C. 1321.01 to 1321.19</i> ).	License ( <i>Ind. Code 24-4.5-7-101, et seq.</i> ). <sup>18</sup>	Not distinguished from general consumer loan license, referred to as a “consumer	Not distinguished from general consumer loan license, referred	Not distinguished from general consumer loan license, referred to as a “consumer	Not distinguished from general consumer loan license, referred to as a “regulated

<sup>18</sup> See also page 1 of [To Applicants for a Small Loan License \(PDF\)](#), which is available on the Indiana Department of Financial Institutions’ website: [in.gov/dfi/](http://in.gov/dfi/) by clicking “Licensing and Applications,” then “Consumer Credit Licensing,” then “Small Loan License.”



Small Loan License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
			loan company license.”	to as a “regulatory loan license.”	discount company license.”	consumer lender.”
Education or training	N/A	N/A	N/A	N/A	N/A	N/A
Experience	Applicant must demonstrate financial responsibility, experience, and general fitness. Must have at least \$25,000 readily available for the operation of the business. (R.C. 1321.04.)	Applicant must have two years of related finance experience. Must also have a net worth of at least \$100,000 and at least \$50,000 in liquid assets. <sup>19</sup>	N/A	N/A	N/A	N/A
Exam	N/A	N/A	N/A	N/A	N/A	N/A
Continuing education	N/A	N/A	N/A	N/A	N/A	N/A

<sup>19</sup> See page 1 of [To Applicants for a Small Loan License \(PDF\)](#), which is available on the Indiana Department of Financial Institutions’ website: [in.gov/dfi/](http://in.gov/dfi/) by clicking “Licensing and Applications,” then “Consumer Credit Licensing,” then “Small Loan License.”

Small Loan License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Initial licensure fee	\$200 investigation fee and \$300 license fee ( <i>R.C. 1321.03</i> ). <sup>20</sup>	\$2,000 plus \$750 for each branch location. <sup>21</sup>	N/A	N/A	N/A	N/A
License duration	Annual ( <i>R.C. 1321.05</i> ).	Annual. <sup>22</sup>	N/A	N/A	N/A	N/A
Renewal fee	\$300 ( <i>R.C. 1321.05</i> ). <sup>23</sup>	\$2,000 plus \$750 for each branch location. Maximum \$10,000. <sup>24</sup>	N/A	N/A	N/A	N/A

<sup>20</sup> See also page 3 of [OH Small Loan Act License New Application Checklist \(PDF\)](#), which is available on NMLS’s website: [mortgage.nationwidelicensingsystem.org](http://mortgage.nationwidelicensingsystem.org) by clicking “State Licensing,” then “Ohio,” then, in the “Small Loan License” row of the table, “New Application.”

<sup>21</sup> See page 1 of [To Applicants for a Small Loan License \(PDF\)](#), which is available on the Indiana Department of Financial Institutions’ website: [in.gov/dfi/](http://in.gov/dfi/) by clicking “Licensing and Applications,” then “Consumer Credit Licensing,” then “Small Loan License.”

<sup>22</sup> See page 1 of [To Applicants for a Small Loan License \(PDF\)](#), which is available on the Indiana Department of Financial Institutions’ website: [in.gov/dfi/](http://in.gov/dfi/) by clicking “Licensing and Applications,” then “Consumer Credit Licensing,” then “Small Loan License.”

<sup>23</sup> See also page 3 of [OH Small Loan Act License New Application Checklist \(PDF\)](#), which is available on NMLS’s website: [mortgage.nationwidelicensingsystem.org](http://mortgage.nationwidelicensingsystem.org) by clicking “State Licensing,” then “Ohio,” then, in the “Small Loan License” row of the table, “New Application.”

<sup>24</sup> See page 1 of [To Applicants for a Small Loan License \(PDF\)](#), which is available on the Indiana Department of Financial Institutions’ website: [in.gov/dfi/](http://in.gov/dfi/) by clicking “Licensing and Applications,” then “Consumer Credit Licensing,” then “Small Loan License.”

## General loan certificate of registration

### Survey responses (COM)

Description
A General Loan Law registrant may make loans, other than a residential mortgage, that are for more than \$1,000 and that have a duration of over one year. Limits the fees and the interest that may be charged on these loans

Type (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)
License

If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	23 in 2021
Number renewed annually	244 in the most recent renewal period

If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	Yes; 1,523 licenses as of June 30, 2018; 265 licenses as of June 30, 2022
<b>Education or training requirements</b>	N/A
<b>Experience requirements</b>	N/A
<b>Examination requirements</b> ( <i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Division receive any proceeds of those fees? If so, how are the proceeds used?</i> )	N/A
<b>Continuing education requirements</b> ( <i>Including a description of the curriculum and the process of setting it.</i> )	N/A
<b>Initial fee</b>	\$200 investigation fee + license fee of \$300. Additionally, applicants are required to pay a charge in order to access and use NMLS (see below). The Division does not set these charges, has no control over them, and does not receive any portion of them. As of July 1, 2022, the charges are \$100 for companies, \$20 for branches, and \$30 for individuals.
<b>Duration</b>	Annual/1 year
<b>Renewal fee</b> ( <i>If different from initial fee, please explain why.</i> )	License fee of \$300 + NMLS fee

If the regulation is a registration, certification, or license requirement, please complete the following:	
Does the Division recognize uniform licensure requirements or allow for reciprocity?	The Division does utilize the Nationwide Multistate Licensing System & Registry (NMLS), which standardizes certain aspects of the licensing process. However, the Division does not recognize any uniform, substantive requirements due to state-specific laws and rules. No reciprocity.
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	No.
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Division?	There exists the opportunity for certain lending products to overlap between the Ohio Small Loan Act, the Ohio Consumer Installment Loan Act, and the General Loan Law.
Is the Division permitted to exercise discretion in determining whether to register, certify, or license an individual?	Yes
<b>Other information</b> ( <i>Significant attributes or prerequisites to licensure not addressed in this chart.</i> )	Each applicant must maintain net worth of \$50,000 + have access to \$50,000 for use in the operation of the business. The Division must determine whether the financial responsibility, experience, and general fitness of the applicant command the confidence of the public and warrant the belief that the business will be operated honestly and fairly in compliance with law. Any individual with the authority to direct or control the operations of the applicant must undergo civil and criminal background check.

**Oversight and disciplinary authority of the Division respecting individuals engaged in the occupation.**

The Division has the authority to investigate applicants, licensees, and any individuals/entities suspected of engaging in the licensed activity, including through the issuance of subpoenas. The Division is required to conduct an examination of all licensees once every 18 months. Licensees are required to file an annual report. The Division has the authority, through the Chapter 119 administrative process, to deny a license application; refuse to renew, suspend, or revoke a license; issue cease and desist orders; and impose civil fines. Additionally, the Division has the authority to file civil lawsuits to enjoin violations and for civil penalties.

**How much revenue is derived from fees charged by the Division to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

Revenue generated in FY 2022 was \$102,100 and is used to fund the operations of the Consumer Finance Unit.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

TILA, FDCPA, MLA, SCRA and Reg E are a few of the federal regulations and rules that govern lending for all states, in addition to state laws and rules. State law requires state licensure.

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

Protecting members of the general public from lending practices that the General Assembly has determined to be predatory. The “harm” that the regulation seeks to prevent focuses on ensuring that licensees are properly educated and licensed to mitigate any consumer harm when engaging in financial transactions with Ohio consumers. This is especially important as many of the loans that are obtained by Ohioans have a substantial impact on the financial wellbeing of an individual or family. In addition, often licensees have consumer-permitted access to debit consumers bank accounts and hold money to pay according to terms of the loan, making it critical that the Division ensures companies and individuals are properly licensed, educated, and adhere to applicable regulations for consumer protection.

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

Overall, the regulation has been effective, and there are no less restrictive ways to prevent the harm.

**Are there any changes the Division would like to see implemented?**

A 2-year exam cycle to match records retention timeframe. There may exist the possibility to evaluate the viability of combining certain small-dollar non-mortgage lending statutes. Currently, the existence of multiple licenses with overlapping requirements/restrictions leads to some industry and regulatory confusion as well as the potential for “over-licensure” to ensure compliance with all applicable requirements.

## Surrounding state comparison (LSC)

General Loan Certificate of Registration						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Type of regulation	License ( <i>R.C. 1321.51 to 1321.60</i> ).	License – “consumer loan license” ( <i>Ind. Code 24-4.5-3-502</i> ).	License – “consumer loan company license” ( <i>Ky. Rev. Stat. 286.4-420</i> ).	License – “regulatory loan license” ( <i>Mich. Comp. Laws 493.2</i> ).	License – “consumer discount company license” ( <i>7 Pa. Stat. 6203</i> ).	License – “regulated consumer lender license” ( <i>W. Va. Code 46A-4-101</i> ).
Education or training	N/A	Applicant must demonstrate professional training ( <i>Ind. Code 24-4.5-3-503(2)</i> ).	N/A	N/A	N/A	N/A
Experience	Applicant must demonstrate financial responsibility, experience, and general fitness to command the confidence of the public. Must have and maintain net worth of \$50,000, and available assets of at least \$50,000. ( <i>R.C. 1321.53(A)(6) and (B)</i> .)	Applicant must demonstrate experience, financial responsibility, character, and fitness. Must have net worth of at least \$100,000, and liquid assets of at least \$50,000. ( <i>Ind.</i> )	Applicant must demonstrate sufficient financial condition by having and maintaining net worth of at least \$50,000 for a privately held business with receivables of \$1 million or less, \$100,000 for a privately held business with receivables of more than \$1	Applicant must demonstrate financial responsibility, experience, character, and general fitness. Must have net worth of at least \$100,000 for each business location. ( <i>Mich. Comp. Laws 493.2(3) and 493.4(1)</i> .)	Applicant must be a business with capitalization of at least \$75,000. Capitalization requirement increases by \$25,000 for each additional place of business. ( <i>7 Pa. Stat. 6207</i> .)	Applicant must demonstrate financial responsibility, experience, character, and fitness. Must have and maintain \$10,000 in available capital plus an additional \$2,000 in available capital for each business location. ( <i>W. Va. Code 46A-4-102</i> .)



General Loan Certificate of Registration						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
		<i>Code 24-4.5-3-503(2).</i> <sup>25</sup>	million, or \$250,000 for a publicly traded business.  Managing principal must have at least two years of lending experience.  <i>(Ky. Rev. Stat. 286.4-450.)</i>			
Exam	N/A	N/A	N/A	N/A	N/A	N/A
Continuing education	N/A	N/A	N/A	N/A	N/A	N/A
Initial licensure fee	\$300 registration fee plus a \$200 investigation fee. For out-of-state applicants, the	\$1,000 <i>(Ind. Code 24-4.5-3-503 and 28-11-3-5).</i> <sup>26</sup>	\$500 investigation fee plus \$500 license fee for each business	\$1,000 operating fee plus \$450 investigation fee	\$200 for each business location <i>(7 Pa. Stat. 6206).</i>	\$750 investigation fee for each business location <i>(W. Va. Code 46A-4-102(1)).</i>

<sup>25</sup> See also page 3 of [IN Consumer Loan License New Application Checklist \(PDF\)](#), available on NMLS’s website: [mortgage.nationwidelicencingsystem.org](http://mortgage.nationwidelicencingsystem.org) by clicking “State Licensing,” then “Indiana,” then “Indiana Department of Financial Institutions (DFI),” then, in the “Consumer Loan License” row of the table, “New Application.”

<sup>26</sup> See also page 3 of [IN Consumer Loan License New Application Checklist \(PDF\)](#), available on NMLS’s website: [mortgage.nationwidelicencingsystem.org](http://mortgage.nationwidelicencingsystem.org) by clicking “State Licensing,” then “Indiana,” then “Indiana Department of Financial Institutions (DFI),” then, in the “Consumer Loan License” row of the table, “New Application.”

General Loan Certificate of Registration						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	investigation fee may exceed \$200 if necessary to cover the actual expenses of the Superintendent of Financial Institutions in conducting the investigation. Additional fee may apply for criminal records check conducted by the Bureau of Criminal Identification and Investigation. <i>(R.C. 1321.53(A)(2) and (4).)</i>		location <i>(Ky. Rev. Stat. 286.4-440).</i>	<i>(Mich. Comp. Laws 493.8).</i> <sup>27</sup>		
License duration	Annual <i>(R.C. 1321.53(A)(6)).</i>	Annual <i>(Ind. Code 24-4.5-3-503.6).</i>	Annual <i>(Ky. Rev. Stat. 286.4-440 and 286.4-480).</i>	Annual <i>(Mich. Comp. Laws 493.8).</i>	Annual <i>(7 Pa. Stat. 6206).</i>	Annual <i>(W. Va. Code 31A-2-8).</i>

<sup>27</sup> See also page 1 of [Schedule of Fees \(PDF\)](#), available on the Michigan Department of Insurance and Financial Institutions' website: [Michigan.gov/difs](http://Michigan.gov/difs) by conducting a keyword search for "Regulatory Loan Act Schedule of Fees."

General Loan Certificate of Registration						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Renewal fee	\$300 ( <i>R.C. 1321.53(A)(6)</i> ).	\$1,000 ( <i>Ind. Code 24-4.5-3-503 and 28-11-3-5</i> ). <sup>28</sup>	\$500 for each business location ( <i>Ky. Rev. Stat. 286.4-440 and 286.4-480</i> ).	Based upon the volume and types of activities conducted by the licensee during the previous year ( <i>Mich. Comp. Laws 493.8</i> ).	\$200 for each business location ( <i>7 Pa. Stat. 6206</i> ).	Based on outstanding gross loan balances and installment sales contract balances ( <i>W. Va. Code 31A-2-8(b)(2)</i> ).

## Insurance premium finance company

### Survey responses (COM)

Description
Prohibits a person from engaging in the business of or otherwise acquiring insurance premium finance agreements in Ohio without having a license. Generally, insurance premium finance agreements are agreements by which a finance company advances or pays insurance premiums on behalf of the insured, in exchange for the insured’s promise to repay the amount advanced plus a service fee. Proscribes and/or prohibits certain activities by licensees.

<sup>28</sup> See also page 3 of [IN Consumer Loan License New Application Checklist \(PDF\)](#), available on NMLS’s website: [mortgage.nationwidelicencingsystem.org](http://mortgage.nationwidelicencingsystem.org) by clicking “State Licensing,” then “Indiana,” then “Indiana Department of Financial Institutions (DFI),” then, in the “Consumer Loan License” row of the table, “New Application.”

**Type** (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)

License

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Number issued annually</b>	1 in 2021
<b>Number renewed annually</b>	45 in the most recent renewal period
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	No; 51 licenses as of June 30, 2018; 48 licenses as of June 30, 2022
<b>Education or training requirements</b>	N/A
<b>Experience requirements</b>	N/A

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<p><b>Examination requirements</b> (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Division receive any proceeds of those fees? If so, how are the proceeds used?</i>)</p>	<p>N/A</p>
<p><b>Continuing education requirements</b> (<i>Including a description of the curriculum and the process of setting it.</i>)</p>	<p>N/A</p>
<p><b>Initial fee</b></p>	<p>\$200 investigation fee + license fee of \$375 (or \$187.50 for applications submitted after July 1). Applicants also are required to pay a charge in order to access and use NMLS (see below). The Division does not set these charges, has no control over them, and does not receive any portion of them. As of July 1, 2022, the charges are \$100 for companies, \$20 for branches, \$30 for individuals.</p>
<p><b>Duration</b></p>	<p>Annual/1 year</p>
<p><b>Renewal fee</b> (<i>If different from initial fee, please explain why.</i>)</p>	<p>License fee of \$375 + NMLS fee</p>
<p><b>Does the Division recognize uniform licensure requirements or allow for reciprocity?</b></p>	<p>The Division does utilize the Nationwide Multistate Licensing System &amp; Registry (NMLS), which standardizes certain aspects of the licensing process. However, the Division does not recognize any uniform, substantive requirements due to state-specific laws and rules. No reciprocity.</p>
<p><b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b></p>	<p>No</p>

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Division?</b>	No
<b>Is the Division permitted to exercise discretion in determining whether to register, certify, or license an individual?</b>	Yes
<b>Other information</b> ( <i>Significant attributes or prerequisites to licensure not addressed in this chart.</i> )	The Division must determine whether the applicant is competent and trustworthy, has a good business reputation, and has had experience, training, or education to be qualified to conduct business as a licensee. Individuals who have the ability to materially influence the applicant's conduct are subject to a criminal background check. Applicant must have a net worth of at least \$50,000.

**Oversight and disciplinary authority of the Division respecting individuals engaged in the occupation.**

The Division has the authority to investigate applicants, licensees, and any individuals/entities suspected of engaging in the licensed activity, including through the issuance of subpoenas. The Division may, but is not required to, conduct examinations of licensees. Licensees are required to keep records but are not required to file any reports. The Division has the authority, through the Chapter 119 administrative process, to deny a license application; refuse to renew, suspend, or revoke a license; issue cease and desist orders; and impose civil fines. Additionally, the Division has the authority to file civil lawsuits to enjoin violations.

**How much revenue is derived from fees charged by the Division to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

Revenue generated in FY 2022 was \$19,187.50 and is used to fund the operations of the Consumer Finance Unit.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

TILA, FDCPA, MLA, SCRA and Reg E are a few of the federal regulations and rules that govern lending for all states, in addition to state laws and rules. State law requires state licensure.

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

Protecting members of the general public from lending practices that the General Assembly has determined to be predatory. The “harm” that the regulation seeks to prevent focuses on ensuring that licensees are properly educated and licensed to mitigate any consumer harm when engaging in financial transactions with Ohio consumers. This is especially important as many of the loans that are obtained by Ohioans have a substantial impact on the financial wellbeing of an individual or family. In addition, often licensees have consumer-permitted access to debit consumers bank accounts and hold money to pay according to terms of the loan, making it critical that the Division ensures companies and individuals are properly licensed, educated, and adhere to applicable regulations for consumer protection.

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

Overall, the regulation has been effective, and there are no less restrictive ways to prevent the harm.

**Are there any changes the Division would like to see implemented?**

No.

**Surrounding state comparison (LSC)**

Insurance Premium Finance Company License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Type of regulation	License ( <i>R.C. 1321.71 to 1321.84</i> ).	No clear equivalent.	License ( <i>Ky. Rev. Stat. 304.30-030</i> ).	License ( <i>Mich. Comp. Laws 500.1503(1)</i> ).	License ( <i>40 Pa. Stat. 3303</i> ).	No clear equivalent.
Education or training	Applicant must demonstrate adequate experience, training, or	N/A	Applicant must demonstrate sufficient training and education	Applicant must demonstrate sufficient experience, training, or	Individuals, officers, and members must demonstrate adequate	N/A



Insurance Premium Finance Company License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	education ( <i>R.C. 1321.74(B)</i> ).		( <i>Ky. Rev. Stat. 304.30-040</i> ).	education ( <i>Mich. Comp. Laws 500.1504(2)</i> ).	experience, training, or education ( <i>40 Pa. Stat. 3304</i> ).	
Experience	Applicant must demonstrate competence and trustworthiness, good business reputation, and net worth of at least \$50,000 ( <i>R.C. 1321.74(B)</i> ).	N/A	Applicant must demonstrate competence, trustworthiness, good faith, good business reputation, and sufficient experience. Must have net worth of at least \$150,000, or \$50,000 with a line of credit of at least \$100,000. ( <i>Ky. Rev. Stat. 304.30-040</i> .) <sup>29</sup>	Applicant must demonstrate competence, trustworthiness, and good business reputation. Must have and maintain net worth of at least \$50,000. ( <i>Mich. Comp. Laws 500.1504(2)</i> .)	Applicant must demonstrate competence, trustworthiness, good faith, and good business reputation. Must have and maintain net worth of at least \$50,000. ( <i>40 Pa. Stat. 3304</i> .)	N/A
Exam	N/A	N/A	N/A	N/A	N/A	N/A
Continuing education	N/A	N/A	N/A	N/A	N/A	N/A

<sup>29</sup> See also page 1 of [Checklist of Kentucky Requirements for Licensing an Insurance Premium Finance Company \(PDF\)](#), available on the Kentucky Department of Insurance’s website: [insurance.ky.gov](http://insurance.ky.gov) by clicking “Forms and Documents” and conducting a keyword search for “Insurance Premium Finance Company forms.”

Insurance Premium Finance Company License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Initial licensure fee	\$375 license fee, investigation fee of at least \$200 and not to exceed \$300 for in-state applicants or, for out-of-state applicants, the estimated cost of the investigation. (R.C. 1321.73(B) and 1321.74(A).) <sup>30</sup>	N/A	\$500 (806 Ky. Admin. Regs. 4:010(22)).	\$200 (Mich. Comp. Laws 500.1503(2)).	\$200 (40 Pa. Stat. 3303).	N/A
License duration	Annual (R.C. 1321.73(B)).	N/A	Annual (806 Ky. Admin. Regs. 4:010(22)).	Annual (Mich. Comp. Laws 500.1503(2)).	Annual (40 Pa. Stat. 3303).	N/A
Renewal fee	\$375 (R.C. 1321.73(B)). <sup>31</sup>	N/A	\$100 (806 Ky. Admin. Regs. 4:010(22)).	\$200 (Mich. Comp. Laws 500.1503(2)).	\$200 (40 Pa. Stat. 3303).	N/A

<sup>30</sup> See also page 3 of [OH Insurance Premium Finance License New Application Checklist \(PDF\)](#), available on NMLS’s website: [mortgage.nationwidelicencingsystem.org](http://mortgage.nationwidelicencingsystem.org) by clicking “State Licensing,” then “Ohio,” then, in the “Insurance Premium Finance License” row of the table, “New Application.”

<sup>31</sup> See also page 3 of [OH Insurance Premium Finance License New Application Checklist \(PDF\)](#), available on NMLS’s website: [mortgage.nationwidelicencingsystem.org](http://mortgage.nationwidelicencingsystem.org) by clicking “State Licensing,” then “Ohio,” then, in the “Insurance Premium Finance License” row of the table, “New Application.”

## Credit service organization certificate of registration

### Survey responses (COM)

Description
The Credit Services Organization Act requires credit service organizations to hold a certificate of registration. Services offered by credit service organizations can include improving an individual’s credit history or rating, obtaining extensions of credit for individuals, and providing advice or assistance as to other aspects of an individual’s credit history or record. Proscribes and/or prohibits certain activities by licensees.

Type (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)
License

If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	16 granted in 2021
Number renewed annually	29 in the most recent renewal period

If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	No; 47 licenses as of June 30, 2018; 40 licenses as of June 30, 2022
<b>Education or training requirements</b>	N/A
<b>Experience requirements</b>	N/A
<b>Examination requirements</b> ( <i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Division receive any proceeds of those fees? If so, how are the proceeds used?</i> )	N/A
<b>Continuing education requirements</b> ( <i>Including a description of the curriculum and the process of setting it.</i> )	N/A
<b>Initial fee</b>	License fee of \$100.  Applicants also are required to pay a charge in order to access and use NMLS (see below). The Division does not set these charges, has no control over them, and does not receive any portion of them. As of July 1, 2022, the charges are \$100 for companies, \$20 for branches, \$30 for individuals.
<b>Duration</b>	Annual/1 year

If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>Renewal fee</b> <i>(If different from initial fee, please explain why.)</i>	License fee of \$100 + NMLS fee
<b>Does the Division recognize uniform licensure requirements or allow for reciprocity?</b>	The Division does utilize the Nationwide Multistate Licensing System & Registry (NMLS), which standardizes certain aspects of the licensing process. However, the Division does not recognize any uniform, substantive requirements due to state-specific laws and rules. No reciprocity.
<b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b>	No
<b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Division?</b>	No
<b>Is the Division permitted to exercise discretion in determining whether to register, certify, or license an individual?</b>	Yes
<b>Other information</b> <i>(Significant attributes or prerequisites to licensure not addressed in this chart.)</i>	Applicants must maintain a \$50,000 surety bond. Applicants must disclose any litigation commenced against it, or any unresolved complaints filed against it. Criminal background check of any person that directly or indirectly owns 10% of the applicant.

**Oversight and disciplinary authority of the Division respecting individuals engaged in the occupation.**

The Division has the authority to investigate applicants, licensees, and any individuals/entities suspected of engaging in the licensed activity, including through the issuance of subpoenas. No examination authority. The Division has the authority, through the Chapter 119 administrative process, to deny a license application; refuse to renew, suspend, or revoke a license; and issue cease and desist orders. Additionally, the Division has the authority to file civil lawsuits to enjoin violations. No authority to issue civil fines.

**How much revenue is derived from fees charged by the Division to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

Revenue generated in FY 2022 was \$5,300 and is used to fund the operations of the Consumer Finance Unit.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

TILA, FDCPA, MLA, SCRA and Reg E are a few of the federal regulations and rules that govern lending for all states, in addition to state laws and rules. State law requires state licensure.

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

Protecting members of the general public from lending practices that the General Assembly has determined to be predatory. The “harm” that the regulation seeks to prevent focuses on ensuring that licensees are properly educated and licensed to mitigate any consumer harm when engaging in financial transactions with Ohio consumers. This is especially important as many of the loans that are obtained by Ohioans have a substantial impact on the financial wellbeing of an individual or family. In addition, the regulation prohibits most lenders from providing loans under the statute, thereby helping ensure that the services provided by licensees assists or provides a service to Ohio consumers.

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

Overall, the regulation has been effective, and there are no less restrictive ways to prevent the harm.

**Are there any changes the Division would like to see implemented?**

License branch offices. Increase license fee. Provide compliance examination/investigation authority “as often as the Superintendent deems necessary.” (See language in 1315.24(A).) Authority to issue civil fines.

## Surrounding state comparison (LSC)

Credit Service Organization Certificate of Registration						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Type of regulation	Registration ( <i>R.C. 4712.02</i> ).	Surety bond only ( <i>Ind. Code 24-5-15-8</i> ).	Registration – “debt adjuster” ( <i>Ky. Rev. Stat. 380.040(5); 40 Ky. Admin. Regs. 2:350</i> ).	Process regulations only ( <i>Mich. Comp. Laws 445.1823, et seq.</i> ).	Process regulations and surety bond only ( <i>73 Pa. Stat. 2181 to 2192</i> ).	Registration ( <i>W. Va. Code 46A-6C-4 and 46A-6C-5</i> ).
Education or training	N/A	N/A	N/A	N/A	N/A	N/A
Experience	N/A	N/A	N/A	N/A	N/A	N/A
Exam	N/A	N/A	N/A	N/A	N/A	N/A
Continuing education	N/A	N/A	N/A	N/A	N/A	N/A
Initial licensure fee	\$100 ( <i>R.C. 4712.02(A)</i> ).	N/A	\$250 ( <i>Ky. Rev. Stat. 380.040(5)</i> ).	N/A	N/A	\$50. <sup>32</sup>
License duration	Annual ( <i>R.C. 4712.02(H)(1)</i> ).	N/A	Annual ( <i>Ky. Rev. Stat. 380.040(5)</i> ).	N/A	N/A	One-time.
Renewal fee	\$100 ( <i>R.C. 4712.02(H)(2)</i> ).	N/A	\$250 ( <i>Ky. Rev. Stat. 380.040(5)</i> ).	N/A	N/A	N/A

<sup>32</sup> See page 1 of [Credit Services Organization Registration Statement \(PDF\)](#), available on the West Virginia Secretary of State’s website: [sos.wv.gov](https://sos.wv.gov) by conducting a keyword search for “Credit Services Organization.”



## Short-term lender license

### Survey responses (COM)

#### Description

Requires business that lend to customers in amounts less than \$1,000 to hold a Short Term Lender license. Limits the minimum and maximum durations of short-term lending and prohibits certain activity.

**Type** (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)

License

If the regulation is a registration, certification, or license requirement, please complete the following:

**Number issued annually**

8 granted in 2021

**Number renewed annually**

111 in the most recent renewal period

If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	Yes; 0 licenses as of June 30, 2018; 234 licenses as of June 30, 2019; 119 licenses as of June 30, 2022
<b>Education or training requirements</b>	N/A
<b>Experience requirements</b>	N/A
<b>Examination requirements</b> ( <i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Division receive any proceeds of those fees? If so, how are the proceeds used?</i> )	N/A
<b>Continuing education requirements</b> ( <i>Including a description of the curriculum and the process of setting it.</i> )	N/A
<b>Initial fee</b>	\$200 investigation fee + license fee of \$1,000 for applications submitted 1/1 – 6/30, or \$500 for applications submitted 7/1 – 12/31. Applicants also are required to pay a charge in order to access and use NMLS (see below). The Division does not set these charges, has no control over them, and does not receive any portion of them. As of July 1, 2022, the charges are \$100 for companies, \$20 for branches, \$30 for individuals.
<b>Duration</b>	Annual/1 year
<b>Renewal fee</b> ( <i>If different from initial fee, please explain why.</i> )	License fee of \$1,000 + NMLS fee

If the regulation is a registration, certification, or license requirement, please complete the following:	
Does the Division recognize uniform licensure requirements or allow for reciprocity?	The Division does utilize the Nationwide Multistate Licensing System & Registry (NMLS), which standardizes certain aspects of the licensing process. However, the Division does not recognize any uniform, substantive requirements due to state-specific laws and rules. No reciprocity.
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	No
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Division?	No
Is the Division permitted to exercise discretion in determining whether to register, certify, or license an individual?	Yes
<b>Other information</b> ( <i>Significant attributes or prerequisites to licensure not addressed in this chart.</i> )	Applicant must have a net worth of at least \$100,000 and maintain a surety bond of at least \$100,000 (or in the amounts of \$50,000 for nonprofit organizations). The financial responsibility, experience, and general fitness of the applicant must be such as to warrant the belief that the business will be operated lawfully, honestly, and fairly under Ohio law. Criminal and civil background checks for all senior officers or partners of the applicant. Applicant or senior officer or partner cannot have been convicted of a disqualifying offense per R.C. 9.79 or been the subject of an adverse judgment for conversion, fraud, breach of fiduciary duty, or the like.

**Oversight and disciplinary authority of the Division respecting individuals engaged in the occupation.**

The Division has the authority to investigate applicants, licensees, and any individuals/entities suspected of engaging in the licensed activity, including through the issuance of subpoenas. The Division is required to conduct an examination of all licensees annually. Licensees are required to keep records and file an annual report. The Division has the authority, through the Chapter 119 administrative process, to deny a license application; refuse to renew, suspend, or revoke a license; issue cease and desist orders; and impose civil fines. Additionally, the Division has the authority to file civil lawsuits to enjoin violations and for civil penalties.

**How much revenue is derived from fees charged by the Division to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

Revenue generated in FY 2022 was \$126,400 and is used to fund the operations of the Consumer Finance Unit.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

TILA, FDCPA, MLA, SCRA and Reg E are a few of the federal regulations and rules that govern lending for all states, in addition to state laws and rules. State law requires state licensure.

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

Protecting members of the general public from lending practices that the General Assembly has determined to be predatory. The “harm” that the regulation seeks to prevent focuses on ensuring that licensees are properly educated and licensed to mitigate any consumer harm when engaging in financial transactions with Ohio consumers. This is especially important as many of the loans that are obtained by Ohioans have a substantial impact on the financial wellbeing of an individual or family. In addition, often licensees have consumer-permitted access to debit consumers bank accounts and hold money to pay according to terms of the loan, making it critical that the Division ensures companies and individuals are properly licensed, educated, and adhere to applicable regulations for consumer protection.

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

Overall, the regulation has been effective, and there are no less restrictive ways to prevent the harm.

**Are there any changes the Division would like to see implemented?**

There may exist the possibility to evaluate the viability of combining certain small-dollar non-mortgage lending statutes. Currently, the existence of multiple licenses with overlapping requirements/restrictions leads to some industry and regulatory confusion as well as the potential for “over-licensure” to ensure compliance with all applicable requirements.

## Surrounding state comparison (LSC)

Short-Term Lender License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Type of regulation	License ( <i>R.C. 1321.35 to 1321.48</i> ).	Not distinguished from general consumer loan license, referred to as a “consumer loan license.”	Not distinguished from general consumer loan license, referred to as a “consumer loan company license.”	Not distinguished from general consumer loan license, referred to as a “regulatory loan license.”	Not distinguished from general consumer loan license, referred to as “consumer discount company license.”	Not distinguished from general consumer loan license, referred to as “regulated consumer lender.”
Education or training	N/A	N/A	N/A	N/A	N/A	N/A
Experience	Applicant must demonstrate financial responsibility, experience, and general fitness. Must be financially sound and have a net worth of at least \$100,000 or, in the case of a nonprofit corporation, at least \$50,000. Must pass background	N/A	N/A	N/A	N/A	N/A

Short-Term Lender License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	check. (R.C. 1321.37(B).)					
Exam	N/A	N/A	N/A	N/A	N/A	N/A
Continuing education	N/A	N/A	N/A	N/A	N/A	N/A
Initial licensure fee	\$200 investigation fee and \$1,000 license fee for each business location (R.C. 1321.37(A)).	N/A	N/A	N/A	N/A	N/A
License duration	Annual (R.C. 1321.37).	N/A	N/A	N/A	N/A	N/A
Renewal fee	\$1,000 for each business location (R.C. 1321.37(A)).	N/A	N/A	N/A	N/A	N/A

# Residential Mortgage Lending Act

## Survey responses (COM)

Description
<p>Passed in December 2017, the Ohio Residential Mortgage Lending Act (ORMLA) regulates all non-depository lending secured by residential real estate in the state. ORMLA requires entities engaged in business as a mortgage lender, mortgage servicer, or mortgage broker to hold a certification of registration or letter of exemption in one of the following categories: (1) standard registration; (2) letter of exemption; (3) nonprofit letter of exemption; or (4) third-party processor letter of exemption.</p>

Type <i>(License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)</i>
<p>License.</p>

If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>Number issued annually</b>	846 granted in 2021 (845 standard registrations and 1 letter of exemption)
<b>Number renewed annually</b>	2,522 in the most recent renewal period



If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	Yes; 1,649 licenses as of June 30, 2018; 3,251 licenses as of June 30, 2022 (3,174 standard registrations and 77 total letters of exemption)
<b>Education or training requirements</b>	Yes – Applicant’s operations manager must have satisfied the education requirements and passed the examination for mortgage loan originators.
<b>Experience requirements</b>	Yes – Applicant’s operations manager must have 3 years origination experience.
<b>Examination requirements</b> ( <i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Division receive any proceeds of those fees? If so, how are the proceeds used?</i> )	Yes – Applicant’s operations manager must have satisfied the education requirements and passed the examination for mortgage loan originators.
<b>Continuing education requirements</b> ( <i>Including a description of the curriculum and the process of setting it.</i> )	No
<b>Initial fee</b>	<ul style="list-style-type: none"> <li>• Standard registration: \$700 (plus may charge investigation fee)</li> <li>• Letter of exemption: \$350</li> <li>• Nonprofit letter of exemption: \$0</li> <li>• Third party processor letter of exemption: \$0</li> </ul> <p>Applicants also are required to pay a charge in order to access and use NMLS (see below). The Division does not set these charges, has no control over them, and does not receive any portion of them. As of July 1, 2022, the charges are \$100 for companies, \$20 for branches, \$30 for individuals.</p>

If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>Duration</b>	Annual/1 year
<b>Renewal fee</b> <i>(If different from initial fee, please explain why.)</i>	Same as initial fees.
<b>Does the Division recognize uniform licensure requirements or allow for reciprocity?</b>	The Division does utilize the Nationwide Multistate Licensing System & Registry (NMLS), which standardizes certain aspects of the licensing process. However, the Division does not recognize any uniform, substantive requirements due to state-specific laws and rules. No reciprocity.
<b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b>	No
<b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Division?</b>	There exists the potential to conduct activity outside of Ohio regulation, including companies that conduct business-to-business and/or commercial lending, and non-profit companies that originate mortgages with interest falling below the usury rate. Additionally, servicing-only companies that service fewer than 5 mortgage loans per year are not required to be licensed.
<b>Is the Division permitted to exercise discretion in determining whether to register, certify, or license an individual?</b>	Yes
<b>Other information</b> <i>(Significant attributes or prerequisites to licensure not addressed in this chart.)</i>	Applicant's financial responsibility, experience, and general fitness must command the confidence of the public and warrant the belief that the business will be operated honestly, fairly, and efficiently in compliance with Ohio law. Criminal and civil background checks for all individuals with 5% ownership interest, officers, or partners having control of the applicant. Neither applicant nor specified individuals have had a mortgage registration or license revoked by another state or been convicted of a disqualifying offense in accordance with R.C. 9.79. Applicant must have a surety bond between \$50,000 and \$150,000.

**Oversight and disciplinary authority of the Division respecting individuals engaged in the occupation.**

The Division has the authority to investigate applicants, licensees, and any individuals/entities suspected of engaging in the licensed activity, including through the issuance of subpoenas. The Division may examine the records of a registrant or holder of a letter of exemption as often as is considered necessary. Licensees are required to keep records and file quarterly reports. The Division has the authority, through the Chapter 119 administrative process, to deny a license application; refuse to renew, suspend, or revoke a license; issue cease and desist orders; and impose civil fines. Additionally, the Division has the authority to file civil lawsuits to enjoin violations and for civil penalties.

**How much revenue is derived from fees charged by the Division to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

Revenue generated in FY 2022 was \$2,676,480 and is used to fund the operations of the Consumer Finance Unit.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

TRID, RESPA, Reg X, Reg Z, TILA, FDCPA, MLA, SCRA and Reg E are a few of the federal regulations and rules that govern lending for all states, in addition to state laws and rules. State law requires state licensure.

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

The “harm” that the regulation seeks to prevent focuses on ensuring that licensees are properly educated and licensed to mitigate any consumer harm when engaging in financial transactions with Ohio consumers. For most consumers, a mortgage represents the single largest financial transaction that they will enter into in their lifetimes. Homeownership is also a significant determining factor in overall financial well-being, as homeowners build equity and develop a significant ownership asset. The mortgage crash of 2008 provides a stark reminder of the devastating and long-lasting consumer harm, as well as overall negative macroeconomic impact, that can occur from a loosely regulated mortgage market.

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

Overall, the regulation has been effective, and there are no less restrictive ways to prevent the harm.

**Are there any changes the Division would like to see implemented?**

Exempt servicing regulation rules from the requirements from the 2-1 requirement in SB 9. Adopt prudential standards for nonbank mortgage servicers

## Surrounding state comparison for mortgage broker (LSC)

Mortgage Broker Certificate of Registration						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Type of regulation	License ( <i>R.C. 1322.07(A)</i> ).	License ( <i>Ind. Code 23-2.5-1-14 and 23-2.5-3-1</i> ).	License ( <i>Ky. Rev. Stat. 286.8-030</i> ).	<p>Four licenses and registrations:</p> <ul style="list-style-type: none"> <li>▪ First mortgage broker license;</li> <li>▪ First mortgage broker registration;</li> <li>▪ Second mortgage broker license;</li> <li>▪ Second mortgage broker registration.</li> </ul> <p>Mortgage broker licenses and registrations may be combined with mortgage lender and mortgage servicer licenses and registrations.</p>	License ( <i>7 Pa. Cons. Stat. 6111</i> ).	License ( <i>W. Va. Code 31-17-2</i> ).

Mortgage Broker Certificate of Registration						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
				<i>(Mich. Comp. Laws 445.1652, 445.1656, 493.52, and 493.53a.)</i>		
Education or training	N/A	In the two years preceding the application for licensure, applicant must complete 20 hours of education acceptable to the Securities Commissioner and NMLS. Must include three hours of federal law and regulations, three hours of ethics, two hours of lending standards for nontraditional loans, and two hours of state law and rules. <i>(Ind. Code 23-2.5-4-1 and 23-2.5-6-1.)</i>	Must complete a 30-hour training course approved by the Department of Financial Institutions <i>(Ky. Rev. Stat. 286.8-032(7))</i> .	N/A	Must complete a 20-hour training course approved by NMLS. The course must include three hours on federal law, three hours on ethics, two hours on nontraditional mortgage products, and three hours on Pennsylvania law. <i>(7 Pa. Cons. Stat. 6131.1(b).)</i>	N/A

**Mortgage Broker Certificate of Registration**

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Experience	Applicant must demonstrate financial responsibility, experience, and general fitness to command the confidence of the public ( <i>R.C. 1322.10(A)(8)</i> ).	N/A	Applicant must demonstrate financial responsibility, financial condition, business expertise, and general fitness. Managing principal must have at least two years of experience in the mortgage industry. ( <i>Ky. Rev. Stat. 286.8-032(6) and 286.8-080.</i> )	First or second mortgage broker license: applicant must demonstrate experience, character, business reputation, and general fitness. Must generally have and maintain net worth of \$25,000. ( <i>Mich. Comp. Laws 445.1653, 445.1654, 493.55, and 493.56.</i> )  First or second mortgage broker registration: approved as a seller or servicer by the Federal National Mortgage Association or Federal Home Loan Mortgage Corporation, approved as an issuer or servicer	Applicant must possess financial responsibility, character, reputation, integrity, and general fitness ( <i>7 Pa. Cons. Stat. 6133</i> ).	Applicant must demonstrate financial responsibility, character, reputation, experience, and general fitness. Must have net worth of at least \$10,000. ( <i>W. Va. Code 31-17-4(f) and 31-17-5(a)(2).</i> )

Mortgage Broker Certificate of Registration

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
				by the Government National Mortgage Association, or a subsidiary or affiliate of a depository financial institution or a depository financial institution holding company that does not maintain a main office or branch in Michigan. ( <i>Mich. Comp. Laws 445.1656 and 493.53a.</i> )		
Exam	Office manager must pass mortgage loan originator license exam ( <i>R.C. 1322.10(A)(7) and 1322.27.</i> )	N/A	N/A	N/A	Must score at least 75% on NMLS exam and exam specific to Pennsylvania law ( <i>7 Pa. Cons. Stat. 6131.1(c).</i> )	N/A



Mortgage Broker Certificate of Registration						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Continuing education	N/A	Eight hours of continuing education annually, including three hours of federal law and regulations, two hours of ethics, and two hours on nontraditional loans ( <i>Ind. Code 23-2.5-6-2</i> ).	N/A	N/A	Eight hours of continuing education annually, including three hours on federal law and regulations, two hours on ethics, two hours on nontraditional loans, and one hour on Pennsylvania law ( <i>7 Pa. Cons. Stat. 6131.1(d)</i> ).	N/A
Initial licensure fee	\$700 for each business location ( <i>R.C. 1322.09(A)</i> ).	\$200 plus an additional \$100 for each equitable owner ( <i>Ind. Code 23-2.5-4-1</i> ).	\$5,000 ( <i>Ky. Rev. Stat. 286.8-034</i> ).	First mortgage broker license: \$1,050. <sup>33</sup> First mortgage broker	\$1,000 for the principal place of business plus an additional \$250 for each branch office. Fees subject to	\$350 license fee plus \$100 in additional NMLS fees ( <i>W. Va. Code 31-17-4(f)</i> ). <sup>37</sup>

<sup>33</sup> See page 1 of [Michigan 1<sup>st</sup> Mortgage Broker License \(PDF\)](#), available on NMLS’s website: [mortgage.nationwidelicencingsystem.org](http://mortgage.nationwidelicencingsystem.org) by clicking “State Licensing,” then “Michigan,” then, in the “1<sup>st</sup> Mortgage Broker License” row of the table, “New Application.”

<sup>37</sup> See also page 1 of [West Virginia Mortgage Broker License \(PDF\)](#), available on NMLS’s website: [mortgage.nationwidelicencingsystem.org](http://mortgage.nationwidelicencingsystem.org) by clicking “State Licensing,” then “West Virginia,” then, in the “Mortgage Broker License” row of the table, “New Application.”

Mortgage Broker Certificate of Registration						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
				registration: \$600. <sup>34</sup>  Second mortgage broker license: \$1,050. <sup>35</sup>  Second mortgage broker registration: \$600. <sup>36</sup>	increase in years with fewer license applicants. (7 Pa. Cons. Stat. 6132.)	
License duration	Annual (R.C. 1322.10(C)).	Annual (Ind. Code 23-2.5-4-5).	Annual (Ky. Rev. Stat. 286.8-034).	Annual (Mich. Comp. Laws 445.1657 and 493.56a).	Annual (7 Pa. Cons. Stat. 6131(h)).	Annual (W. Va. Code 31-17-7).
Renewal fee	\$700 per office location (R.C. 1322.10(C)(1)).	\$200 plus an additional \$100 for each equitable	Based on the volume of loans originated or	\$500 for all licenses and registrations. <sup>38</sup>	\$500 for the principal place of business plus an	\$450 plus \$5 for each residential mortgage loan

<sup>34</sup> See page 1 of [Michigan 1<sup>st</sup> Mortgage Broker Registration \(PDF\)](#), available on NMLS’s website: [mortgage.nationwidelicencingsystem.org](http://mortgage.nationwidelicencingsystem.org) by clicking “State Licensing,” then “Michigan,” then, in the “1<sup>st</sup> Mortgage Broker Registration” row of the table, “New Application.”

<sup>35</sup> See page 1 of [Michigan 2<sup>nd</sup> Mortgage Broker License \(PDF\)](#), available on NMLS’s website: [mortgage.nationwidelicencingsystem.org](http://mortgage.nationwidelicencingsystem.org) by clicking “State Licensing,” then “Michigan,” then, in the “2<sup>nd</sup> Mortgage Broker License” row of the table, “New Application.”

<sup>36</sup> See page 1 of [Michigan 2<sup>nd</sup> Mortgage Broker Registration \(PDF\)](#), available on NMLS’s website: [mortgage.nationwidelicencingsystem.org](http://mortgage.nationwidelicencingsystem.org) by clicking “State Licensing,” then “Michigan,” then, in the “2<sup>nd</sup> Mortgage Broker Registration” row of the table, “New Application.”

<sup>38</sup> See page 1 of [Schedule of Fees \(PDF\)](#), available on the Michigan Department of Insurance and Financial Institutions’ website: [Michigan.gov/difs](http://Michigan.gov/difs) by conducting a keyword search for “Mortgage Brokers, Lenders, and Services Act Schedule of Fees”; see page 1 of [Schedule of Fees \(PDF\)](#), available

Mortgage Broker Certificate of Registration						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
		owner ( <i>Ind. Code 23-2.5-4-6</i> ).	serviced by the licensee. The assessment fee must not be less than \$1,500 or more than \$15,000. ( <i>Ky. Rev. Stat. 286.8-034</i> .)		additional \$250 for each branch office. Fees subject to increase in years with fewer renewals. ( <i>7 Pa. Cons. Stat. 6132</i> .)	brokered in the preceding year ( <i>W. Va. Code 31-17-4(j) and 31-17-7</i> ).

### Surrounding state comparison for mortgage lender (LSC)

Mortgage Lender Certificate of Registration						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Type of regulation	License ( <i>R.C. 1322.07(A)</i> ).	License ( <i>Ind. Code 24-4.4-2-401</i> ).	License ( <i>Ky. Rev. Stat. 286.8-030</i> ).	Four distinct licenses and registrations: <ul style="list-style-type: none"> <li>▪ First mortgage broker/lender license;</li> <li>▪ First mortgage</li> </ul>	License ( <i>7 Pa. Cons. Stat. 6111</i> ).	License ( <i>W. Va. Code 31-17-2</i> ).

on the Michigan Department of Insurance and Financial Institutions’ website: [Michigan.gov/difs](https://www.michigan.gov/difs) by conducting a keyword search for “Secondary Mortgage Loan Act Schedule of Fees.”

**Mortgage Lender Certificate of Registration**

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
				broker/lender registration; <ul style="list-style-type: none"> <li>▪ Second mortgage broker/lender license;</li> <li>▪ Second mortgage broker/lender registration.</li> </ul> Mortgage broker/lender licenses and registrations may be combined with mortgage servicer licenses and registrations. <i>(Mich. Comp. Laws 445.1652, 445.1656, 493.52, and 493.53a.)</i>		
Education or training	N/A	N/A	N/A	N/A	Must complete a 20-hour training course approved by NMLS. The course must include three	N/A

Mortgage Lender Certificate of Registration						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
					hours on federal law, three hours on ethics, two hours on nontraditional mortgage products, and three hours on Pennsylvania law. ( <i>7 Pa. Cons. Stat. 6131.1(b).</i> )	
Experience	Applicant must demonstrate financial responsibility, experience, and general fitness to command the confidence of the public ( <i>R.C. 1322.10(A)(8)</i> ).	Applicant must demonstrate experience, financial responsibility, character, and fitness. Must have net worth of at least \$100,000, and at least \$50,000 in liquid assets. ( <i>Ind. Code 24-4.4-2-402.</i> ) <sup>39</sup>	Applicant must demonstrate financial responsibility, financial stability, business expertise, and general fitness. Must have and maintain a documented funding source of at least \$1 million, a net worth	First or second mortgage broker/lender license: applicant must demonstrate experience, character, business reputation, and general fitness. Must generally have and maintain net	Applicant must demonstrate financial responsibility, character, reputation, integrity, and general fitness ( <i>7 Pa. Cons. Stat. 6133</i> ).	Applicant must demonstrate financial responsibility, character, reputation, experience, and general fitness. Must have and maintain net worth of at least \$250,000. ( <i>W. Va. Code 31-17-4(e)</i> )

<sup>39</sup> See also page 3 of [IN-DFI Mortgage Lending License New Application Checklist \(PDF\)](#), available on NMLS’s website: [mortgage.nationwidelicingsystem.org](http://mortgage.nationwidelicingsystem.org) by clicking “State Licensing,” then “Indiana,” then “Indiana Department of Financial Institutions (DFI),” then, in the “Mortgage Lending License” row of the table, “New Application.”

Mortgage Lender Certificate of Registration

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
			<p>greater than \$1 million, or, if the applicant does not make or purchase loans secured by residential mortgages, a net worth greater than \$100,000. (Ky. Rev. Stat. 286.8-032(3) and 286.8-080).</p>	<p>worth of \$25,000. (Mich. Comp. Laws 445.1653, 445.1654, 493.55, and 493.56.)</p> <p>First or second mortgage broker registration: approved as a seller or servicer by the Federal National Mortgage Association or Federal Home Loan Mortgage Corporation, approved as an issuer or servicer by the Government National Mortgage Association, or a subsidiary or affiliate of a depository financial institution or a depository</p>		<p>and 31-17-5(a)(2).)</p>

**Mortgage Lender Certificate of Registration**

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
				financial institution holding company that does not maintain a main office or branch in Michigan. ( <i>Mich. Comp. Laws 445.1656 and 493.53a.</i> )		
Exam	Office manager must pass NMLS mortgage loan originator license exam ( <i>R.C. 1322.10(A)(7) and 1322.27</i> ).	N/A	N/A	N/A	Must score at least 75% on NMLS exam and exam specific to Pennsylvania law ( <i>7 Pa. Cons. Stat. 6131.1(c)</i> ).	N/A
Continuing education	N/A	N/A	N/A	N/A	Eight hours of continuing education annually, including three hours on federal law and regulations, two hours on ethics, two hours on nontraditional loans, and one	N/A

Mortgage Lender Certificate of Registration						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
					hour on Pennsylvania law (7 Pa. Cons. Stat. 6131.1(d)).	
Initial licensure fee	\$700 for each business location (R.C. 1322.09(A)).	\$1,000 application fee, \$100 NMLS processing fee, and \$36.25 for FBI criminal background check. <sup>40</sup>	\$5,000 (Ky. Rev. Stat. 286.8-034).	First mortgage broker/lender license: \$1,300. <sup>41</sup> First mortgage broker/lender registration: \$850. <sup>42</sup> Second mortgage broker/lender license: \$1,300. <sup>43</sup>	\$1,500 for the principal place of business plus an additional \$1,500 for each branch office. Fees subject to increase in years with fewer license applicants. (7 Pa. Cons. Stat. 6132.)	\$1,250 license fee plus \$100 in additional NMLS fees (W. Va. Code 31-17-4(e)). <sup>45</sup>

<sup>40</sup> See page 3 of [IN-DFI Mortgage Lending License New Application Checklist \(PDF\)](#), available on NMLS’s website: [mortgage.nationwidelicencingsystem.org](http://mortgage.nationwidelicencingsystem.org) by clicking “State Licensing,” then “Indiana,” then “Indiana Department of Financial Institutions (DFI),” then, in the “Mortgage Lending License” row of the table, “New Application.”

<sup>41</sup> See page 1 of [Michigan 1<sup>st</sup> Mortgage Broker/Lender License \(PDF\)](#), available on NMLS’s website: [mortgage.nationwidelicencingsystem.org](http://mortgage.nationwidelicencingsystem.org) by clicking “State Licensing,” then “Michigan,” then, in the “1<sup>st</sup> Mortgage Broker/Lender License” row of the table, “New Application.”

<sup>42</sup> See page 1 of [Michigan 1<sup>st</sup> Mortgage Broker/Lender Registration \(PDF\)](#), available on NMLS’s website: [mortgage.nationwidelicencingsystem.org](http://mortgage.nationwidelicencingsystem.org) by clicking “State Licensing,” then “Michigan,” then, in the “1<sup>st</sup> Mortgage Broker/Lender Registration” row of the table, “New Application.”

<sup>43</sup> See page 1 of [Michigan 2<sup>nd</sup> Mortgage Broker/Lender License \(PDF\)](#), available on NMLS’s website: [mortgage.nationwidelicencingsystem.org](http://mortgage.nationwidelicencingsystem.org) by clicking “State Licensing,” then “Michigan,” then, in the “2<sup>nd</sup> Mortgage Broker/Lender License” row of the table, “New Application.”

<sup>45</sup> See also page 1 of [West Virginia Mortgage Lender License \(PDF\)](#), available on NMLS’s website: [mortgage.nationwidelicencingsystem.org](http://mortgage.nationwidelicencingsystem.org) by clicking “State Licensing,” then “West Virginia,” then, in the “Mortgage Lender License” row of the table, “New Application.”



Mortgage Lender Certificate of Registration						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
				Second mortgage broker/lender registration: \$850. <sup>44</sup>		
License duration	Annual ( <i>R.C. 1322.10(C)</i> ).	Annual ( <i>Ind. Code 24-4.4-2-403</i> ).	Annual ( <i>Ky. Rev. Stat. 286.8-034</i> ).	Annual ( <i>Mich. Comp. Laws 445.1657 and 493.56a</i> ).	Annual ( <i>7 Pa. Cons. Stat. 6131(h)</i> ).	Annual ( <i>W. Va. Code 31-17-7</i> ).
Renewal fee	\$700 per office location ( <i>R.C. 1322.10(C)(1)</i> ).	\$1,000. <sup>46</sup>	Based on the volume of loans originated or serviced by the licensee. The assessment fee must not be less than \$1,500, or more than	\$750 for all licenses and registrations. <sup>47</sup>	\$750 for the principal place of business plus an additional \$750 for each branch office. Fees subject to increase in years with fewer	\$1,350 plus \$5 for each residential mortgage loan in the preceding year ( <i>W. Va. Code 31-17-4(j) and 31-17-7</i> ).

<sup>44</sup> See page 1 of [Michigan 2<sup>nd</sup> Mortgage Broker/Lender Registration \(PDF\)](#), available on NMLS's website: [mortgage.nationwidelicensingsystem.org](http://mortgage.nationwidelicensingsystem.org) by clicking "State Licensing," then "Michigan," then, in the "2<sup>nd</sup> Mortgage Broker/Lender Registration" row of the table, "New Application."

<sup>46</sup> See page 3 of [IN-DFI Mortgage Lending License New Application Checklist \(PDF\)](#), available on NMLS's website: [mortgage.nationwidelicensingsystem.org](http://mortgage.nationwidelicensingsystem.org) by clicking "State Licensing," then "Indiana," then "Indiana Department of Financial Institutions (DFI)," then, in the "Mortgage Lending License" row of the table, "New Application."

<sup>47</sup> See page 1 of [Schedule of Fees \(PDF\)](#), available on the Michigan Department of Insurance and Financial Institutions' website: [Michigan.gov/difs](http://Michigan.gov/difs) by conducting a keyword search for "Mortgage Brokers, Lenders, and Services Act Schedule of Fees"; see page 1 of [Schedule of Fees \(PDF\)](#), available on the Michigan Department of Insurance and Financial Institutions' website: [Michigan.gov/difs](http://Michigan.gov/difs) by conducting a keyword search for "Secondary Mortgage Loan Act Schedule of Fees."

Mortgage Lender Certificate of Registration						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
			\$15,000. ( <i>Ky. Rev. Stat. 286.8-034.</i> )		renewals. ( <i>7 Pa. Cons. Stat. 6132.</i> )	

## Mortgage loan originator

### Survey responses (COM)

Description
Requires an individual acting as a mortgage loan originator to hold a license.
<b>Type</b> ( <i>License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.</i> )
License

If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>Number issued annually</b>	7,351 granted in 2021
<b>Number renewed annually</b>	18,157 in the most recent renewal period
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	Yes; 13,258 licenses as of June 30, 2018; 23,996 licenses as of June 30, 2022
<b>Education or training requirements</b>	Applicants must complete 24 hours of education approved by and through the Nationwide Multistate Licensing System & Registry (NMLS). This includes 3 hours of Federal law, 3 hours of ethics, 2 hours of non-traditional mortgage lending, 12 hours of electives, and 4 hours of Ohio specific law.
<b>Experience requirements</b>	No
<b>Examination requirements</b> ( <i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Division receive any proceeds of those fees? If so, how are the proceeds used?</i> )	Per statute, examinations are administered by independent testing facilities through NMLS. Examinations are specifically proctored tests with an individual person. Fees are charged by the testing facility. The Division does not receive any monies.
<b>Continuing education requirements</b> ( <i>Including a description of the curriculum and the process of setting it.</i> )	Applicants must complete 8 hours of NMLS approved continuing education annually. This includes 3 hours of Federal law, 2 hours of ethics, 2 hours of nontraditional mortgage and 1 hour of elective content.
<b>Initial fee</b>	License fee of \$200. Applicants also are required to pay a charge in order to access and use NMLS. The Division does not set these charges, has no control over them, and does not receive

If the regulation is a registration, certification, or license requirement, please complete the following:	
	any portion of them. As of July 1, 2022, the charges are \$100 for companies, \$20 for branches, \$30 for individuals.
<b>Duration</b>	Annual/1 year
<b>Renewal fee</b> <i>(If different from initial fee, please explain why.)</i>	License fee of \$200 + NMLS fee
<b>Does the Division recognize uniform licensure requirements or allow for reciprocity?</b>	The Division utilizes NMLS, which standardizes certain aspects of the licensing process. New applicants that are licensed in another state may apply for temporary authority in Ohio, which allows them to work in the state until their license application is approved. In certain circumstances, education courses can satisfy the requirements for multiple states simultaneously.
<b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b>	No
<b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Division?</b>	Individuals employed by federal or state-chartered bank
<b>Is the Division permitted to exercise discretion in determining whether to register, certify, or license an individual?</b>	Yes
<b>Other information</b> <i>(Significant attributes or prerequisites to licensure not addressed in this chart.)</i>	Applicants must undergo a criminal and civil background check. An applicant's financial responsibility and general fitness must command the confidence of the public and warrant the belief he/she will operate honestly and fairly in compliance with Ohio law. Applicant must be employed by or associated with a company holding a certificate of registration or letter of

**If the regulation is a registration, certification, or license requirement, please complete the following:**

exemption (and cannot be employed by or associated with more than one) and covered by that entity's surety bond. Applicant has not had his/her license revoked by another state or been convicted of a disqualifying offense in accordance with R.C. 9.79

**Oversight and disciplinary authority of the Division respecting individuals engaged in the occupation.**

The Division has the authority to investigate applicants, licensees, and any individuals suspected of engaging in the licensed activity, including through the issuance of subpoenas. The Division has the authority, through the Chapter 119 administrative process, to deny a license application; refuse to renew, suspend, or revoke a license; issue cease and desist orders; and impose civil fines. Additionally, the Division has the authority to file civil lawsuits to enjoin violations and for civil penalties.

**How much revenue is derived from fees charged by the Division to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

Revenue generated in FY 2022 was \$5,455,930 and is used to fund the operations of the Consumer Finance Unit.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

Yes, the SAFE Act set the minimum requirements for licensure as an MLO. This law requires each state to regulate the occupation.

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

The “harm” that the regulation seeks to prevent focuses on ensuring that licensees are properly educated and licensed to mitigate any consumer harm when engaging in financial transactions with Ohio consumers. For most consumers, a mortgage represents the single largest financial transaction that they will enter into in their lifetimes. Homeownership is also a significant determining factor in overall financial well-being, as homeowners build equity and develop a significant ownership asset. The mortgage crash of 2008 provides a stark reminder of the devastating and long-lasting consumer harm, as well as overall negative macroeconomic impact, that can occur from a loosely regulated mortgage market.

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

Overall, the regulation has been effective, and there are no less restrictive ways to prevent the harm.

Are there any changes the Division would like to see implemented?

No

### Surrounding state comparison (LSC)

Mortgage Loan Originator License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Type of regulation	License ( <i>R.C. 1322.07(B)</i> ).	License ( <i>750 Ind. Admin. Code 9-3-1</i> ). <sup>48</sup>	License ( <i>Ky. Rev. Stat. 286.8-255</i> ).	License ( <i>Mich. Comp. Laws 493.135</i> ).	License ( <i>7 Pa. Cons. Stat. 6111</i> ).	License ( <i>W. Va. Code 31-17A-3</i> ).
Education or training	20 hours of instruction in an NMLS-approved education course and four hours of instruction in an Ohio course. Reciprocity available for person who	20 hours of instruction in an approved education course, including three hours on federal law, three hours on ethics, and two hours on nontraditional	20 hours of instruction in an approved education course ( <i>Ky. Rev. Stat. 286.8-255</i> ).	20 hours of instruction in an approved education course, including three hours on federal law, three hours on ethics, and two hours on nontraditional	20-hour training course approved by NMLS. The course must include three hours on federal law, three hours on ethics, two hours on nontraditional	24 hours of instruction approved by NMLS or the West Virginia Division of Financial Institutions, including three hours on federal law, three hours

<sup>48</sup> See page 2 of [IN-SOS Loan Originator License New Application Checklist \(PDF\)](#), available on NMLS's website: [mortgage.nationwidelicensingsystem.org](http://mortgage.nationwidelicensingsystem.org) by clicking "State Licensing," then "Indiana," then "Indiana Secretary of State (SOS)," then, in the "Mortgage Loan Originator" row of the table, "New Application."

Mortgage Loan Originator License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	completed a similar course of study in another NMLS state. ( <i>R.C. 1322.20(B)(1) and (3).</i> )	mortgage products ( <i>750 Ind. Admin. Code 9-3-5</i> ).		mortgage products ( <i>Mich. Comp. Laws 493.141</i> ).	mortgage products, and three hours on Pennsylvania law. ( <i>7 Pa. Cons. Stat. 6131.1(b).</i> )	on ethics, two hours on nontraditional mortgage products, and four hours on West Virginia law ( <i>W. Va. Code 31-17A-6</i> ).
Experience	Applicant must demonstrate financial responsibility and general fitness to command the confidence of the public ( <i>R.C. 1322.21(A)(5)</i> ).	Applicant must demonstrate experience, financial responsibility, character, and fitness to warrant belief that the applicant will operate honestly and fairly ( <i>750 Ind. Admin. Code 9-3-2</i> ).	N/A	Applicant must demonstrate financial responsibility, character, and general fitness ( <i>Mich. Comp. Laws 493.139(1)(d)</i> ).	Applicant must demonstrate financial responsibility, character, reputation, integrity, and general fitness ( <i>7 Pa. Cons. Stat. 6133</i> ).	Applicant must demonstrate financial responsibility, character, and general fitness ( <i>W. Va. Code 31-17A-5</i> ).



Mortgage Loan Originator License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Exam	Score of 75% or more on the NMLS exam for mortgage loan originators ( <i>R.C. 1322.27</i> ).	Score of 75% or more on the NMLS exam for mortgage loan originators ( <i>750 Ind. Admin. Code 9-3-6</i> ).	Must pass NMLS exam for mortgage loan originators. <sup>49</sup>	Score of 75% or more on the NMLS exam for mortgage loan originators ( <i>Mich. Comp. Laws 493.143</i> ).	Must score at least 75% on NMLS exam and exam specific to Pennsylvania law ( <i>7 Pa. Cons. Stat. 6131.1(c)</i> ).	Must pass NMLS exam for mortgage loan originators ( <i>W. Va. Code 31-17A-7</i> ).
Continuing education	Eight hours annually, including three hours on federal law, two hours on ethics, and two hours related to lending standards for nonqualified mortgages or the nontraditional mortgage product marketplace ( <i>R.C. 1322.28(A)</i> ).	Eight hours annually, including three hours on federal law, two hours related to lending standards for nontraditional mortgage products, and two hours of ethics ( <i>Ind. Code 23-2.5-6-2</i> ).	Eight hours annually, including one hour on predatory lending ( <i>Ky. Rev. Stat. 286.8-255, 286.8-260, and 360.100</i> ).	Eight hours annually, including three hours on federal law, two hours on ethics, and two hours on nontraditional mortgage products ( <i>Mich. Comp. Laws 493.147</i> ).	Eight hours of continuing education annually, including three hours on federal law and regulations, two hours on ethics, two hours on nontraditional loans, and one hour on Pennsylvania law ( <i>7 Pa. Cons. Stat. 6131.1(d)</i> ).	Nine hours annually, including three hours on federal law, two hours on ethics, two hours on nontraditional mortgage products, and two hours on West Virginia law ( <i>W. Va. Code 31-17A-9</i> ).

<sup>49</sup> See page 3 of [KY Loan Originator License New Application Checklist \(PDF\)](#), available on NMLS’s website: [mortgage.nationwidelicencingsystem.org](https://mortgage.nationwidelicencingsystem.org) by clicking “State Licensing,” then “Kentucky,” then, in the “Loan Originator License” row of the table, “New Application.”

Mortgage Loan Originator License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Initial licensure fee	\$200 plus actual expenses of the Superintendent of Financial Institutions in conducting background investigation ( <i>R.C. 1322.20(A) and (D)</i> ).	\$50 application fee, \$30 NMLS processing fee, \$15 for credit report, and \$36.25 for an FBI criminal background check. <sup>50</sup>	\$50 application fee, \$30 NMLS processing fee, \$15 for credit report, and \$36.25 for an FBI criminal background check ( <i>Ky. Rev. Stat. 286.8-255</i> ). <sup>51</sup>	\$50 operating fee (increases to \$75 in 2023), \$30 NMLS processing fee, \$15 for credit report, and \$36.25 for an FBI background check. <sup>52</sup>	\$200, but fee subject to increase in years with fewer license applicants ( <i>7 Pa. Cons. Stat. 6132</i> ).	\$230 plus additional fees for credit report and FBI criminal background check ( <i>W. Va. Code 31-17A-4</i> ). <sup>53</sup>
License duration	Annual ( <i>R.C. 1322.21(B)</i> ).	Annual ( <i>Ind. Code 23-2.5-4-5</i> ).	Annual ( <i>Ky. Rev. Stat. 286.8-255(5)</i> ).	Annual ( <i>Mich. Comp. Laws 493.145</i> ).	Annual ( <i>7 Pa. Cons. Stat. 6131(h)</i> ).	Annual ( <i>W. Va. Code 31-17A-8</i> ).

<sup>50</sup> See page 2 of [IN-SOS Loan Originator License New Application Checklist \(PDF\)](#), available on NMLS’s website: [mortgage.nationwidelicencingsystem.org](https://mortgage.nationwidelicencingsystem.org) by clicking “State Licensing,” then “Indiana,” then “Indiana Secretary of State (SOS),” then, in the “Mortgage Loan Originator” row of the table, “New Application.”

<sup>51</sup> See page 3 of [KY Loan Originator License New Application Checklist \(PDF\)](#), available on NMLS’s website: [mortgage.nationwidelicencingsystem.org](https://mortgage.nationwidelicencingsystem.org) by clicking “State Licensing,” then “Kentucky,” then, in the “Loan Originator License” row of the table, “New Application.”

<sup>52</sup> See page 3 of [MI Mortgage Loan Originator License New Application Checklist \(PDF\)](#), available on NMLS’s website: [mortgage.nationwidelicencingsystem.org](https://mortgage.nationwidelicencingsystem.org) by clicking “State Licensing,” then “Michigan,” then, in the “Mortgage Loan Originator License” row of the table, “New Application.”

<sup>53</sup> See also page 1 of [West Virginia Mortgage Loan Originator License \(PDF\)](#), available on NMLS’s website: [mortgage.nationwidelicencingsystem.org](https://mortgage.nationwidelicencingsystem.org) by clicking “State Licensing,” then “West Virginia,” then, in the “Mortgage Loan Originator License” row of the table, “New Application.”

Mortgage Loan Originator License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Renewal fee	\$200 ( <i>R.C. 1322.21(B)(1)</i> ).	\$50 ( <i>Ind. Code 23-2.5-4-6</i> ).	\$50 ( <i>Ky. Rev. Stat. 286.8-255(4)</i> ).	\$75 beginning in 2023. <sup>54</sup>	\$100, but fee subject to increase in years with fewer renewals ( <i>7 Pa. Cons. Stat. 6132</i> ).	\$230. <sup>55</sup>

## Pawnbroker

### Survey responses (COM)

Description
Requires a person engaged in the business of lending money on deposit or pledge of personal property, other than those enumerated in the statute, to obtain a license. Requires a pawnbroker to maintain records and provide information regarding those records to law enforcement.

<sup>54</sup> See page 1 of [Schedule of Fees \(PDF\)](#), available on the Michigan Department of Insurance and Financial Institutions’ website: [Michigan.gov/difs](https://Michigan.gov/difs) by conducting a keyword search for “Mortgage Loan Originator Act Schedule of Fees.”

<sup>55</sup> See also page 1 of [West Virginia Mortgage Loan Originator License \(PDF\)](#), available on NMLS’s website: [mortgage.nationwidelicencingsystem.org](https://mortgage.nationwidelicencingsystem.org) by clicking “State Licensing,” then “West Virginia,” then, in the “Mortgage Loan Originator License” row of the table, “New Application.”

**Type** (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)

License

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Number issued annually</b>	4 in 2021
<b>Number renewed annually</b>	197 in the most recent renewal period
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	Yes; 302 licenses as of June 30, 2018; 223 licenses as of June 30, 2022
<b>Education or training requirements</b>	Generalized requirement that the applicant must demonstrate “sufficient financial responsibility and experience in the pawnbroker business, or in a related business, to act as a pawnbroker in compliance with” Ohio law. To satisfy this requirement, an applicant must be able to demonstrate a “thorough working knowledge of all pawnbroker laws and rules as they relate to the actual operation of a pawnshop.”
<b>Experience requirements</b>	See “Education or training requirements”

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<p><b>Examination requirements</b> (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Division receive any proceeds of those fees? If so, how are the proceeds used?</i>)</p>	<p>Examinations are developed and administered by the Division. There is no fee.</p>
<p><b>Continuing education requirements</b> (<i>Including a description of the curriculum and the process of setting it.</i>)</p>	<p>At least one employee must complete at least 8 hours of continuing education every two years, through courses or programs approved by the Division.</p>
<p><b>Initial fee</b></p>	<p>\$200 investigation fee + license fee of \$600 (or \$300 for applications received between January 1 and June 30 of even-numbered years)</p>
<p><b>Duration</b></p>	<p>Biennial/2 years</p>
<p><b>Renewal fee</b> (<i>If different from initial fee, please explain why.</i>)</p>	<p>License fee of \$600</p>
<p><b>Does the Division recognize uniform licensure requirements or allow for reciprocity?</b></p>	<p>No</p>
<p><b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b></p>	<p>No</p>

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<p><b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Division?</b></p>	<p>Scrap yards, coin dealers, consignment shops, and resale/second-hand shops may be subject to local ordinances and not required to be licensed by the Division.</p>
<p><b>Is the Division permitted to exercise discretion in determining whether to register, certify, or license an individual?</b></p>	<p>Yes</p>
<p><b>Other information</b> (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>)</p>	<p>Applicant and all owners, managers, directors, officers, and employees must undergo a criminal background check. Applicant must have liquid assets of at least \$125,000 at the time of initial application and demonstrate the ability to maintain at least \$75,000 in liquid assets at all times. Applicants must maintain a surety bond of at least \$50,000.</p>

**Oversight and disciplinary authority of the Division respecting individuals engaged in the occupation.**

The Division has the authority to investigate applicants, licensees, and any individuals/entities suspected of engaging in the licensed activity, including through the issuance of subpoenas. The Division must examine the records of a licensee at least once every 18 months. Licensees are required to keep records. The Division has the authority, through the Chapter 119 administrative process, to deny a license application; refuse to renew, suspend, or revoke a license; and impose civil fines.

**How much revenue is derived from fees charged by the Division to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

Revenue generated in FY 2022 was \$30,000 and is used to fund the operations of the Consumer Finance Unit.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

TILA, FDCPA, MLA, SCRA and Reg E are a few of the federal regulations and rules that govern lending for all states, in addition to state laws and rules. State law requires state licensure.

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

The “harm” that the regulation seeks to prevent focuses on ensuring that licensees are properly educated and licensed to mitigate any consumer harm when engaging in financial transactions with Ohio consumers. The regulation also assists law enforcement and helps to control the purchase and sale of stolen goods.

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

Overall, the regulation has been effective, and there are no less restrictive ways to prevent the harm.

**Are there any changes the Division would like to see implemented?**

Change to annual renewal and license fee of \$300; update late renewal timeframe to one month.

**Surrounding state comparison (LSC)**

Pawnbroker License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Type of regulation	License ( <i>R.C. 4727.02</i> ).	License ( <i>Ind. Code 28-7-5-3</i> ).	Surety bond and process regulations only ( <i>Ky. Rev. Stat. 226.010, et seq.</i> ).	Local registration required by state law ( <i>Mich. Comp. Laws 446.201</i> ).	License ( <i>63 Pa. Stat. 281-3</i> ).	Process regulations only ( <i>W. Va. Code 47-26-1, et seq.</i> ).
Education or training	N/A	N/A	N/A	N/A	N/A	N/A



Pawnbroker License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Experience	Applicant must demonstrate sufficient financial responsibility and experience in the pawnbroker business or in a related business. Must have at least \$125,000 in liquid assets at time of initial licensure and maintain at least \$75,000 in liquid asset for the duration of the license. (R.C. 4727.03(A).)	All managers must have at least two years of finance related experience. For each location, must have a net worth of \$75,000 and at least \$50,000 in liquid assets. <sup>56</sup>	N/A	N/A	Applicant must demonstrate financial responsibility, experience, character, and general fitness. Must have at least \$10,000 in start-up capital for each office location. (63 Pa. Stat. 281-8(a); 10 Pa. Code 61.2.)	N/A
Exam	N/A	N/A	N/A	N/A	N/A	N/A
Continuing education	At least one person employed by a licensed pawnbroker must complete eight hours of	N/A	N/A	N/A	N/A	N/A

<sup>56</sup> See page 1 of [To Applicants for a Pawnbroking License \(PDF\)](#), which is available on the Indiana Department of Financial Institutions' website: [in.gov/dfi/](http://in.gov/dfi/) by clicking "Licensing and Applications," then "Consumer Credit Licensing," then "Pawnbroker License."

Pawnbroker License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	continuing education every two years ( <i>R.C. 4727.19</i> ).					
Initial licensure fee	\$200 investigation fee plus a license fee not to exceed \$600 ( <i>R.C. 4727.03(B) and (D) and 1321.20(B)(2)</i> ).	\$1,000 plus \$500 for each additional location. <sup>57</sup>	N/A	Set by local government. Not less than \$50, not more than \$500. ( <i>Mich. Comp. Laws 446.202.</i> )	\$500. <sup>58</sup>	N/A
License duration	Two years ( <i>R.C. 4727.03(E)(2)</i> ).	Annual ( <i>Ind. Code 28-7-5-11</i> ).	N/A	Annual ( <i>Mich. Comp. Laws 446.202(3)</i> ).	Annual ( <i>63 Pa. Stat. 281-6</i> ).	N/A
Renewal fee	Equal to license fee, not to exceed \$600 ( <i>R.C. 4727.03(F) and 1321.20(B)(2)</i> ).	\$1,000 plus \$500 for each	N/A	Set by local government. Not less than \$50, not more than \$500.	\$500. <sup>60</sup>	N/A

<sup>57</sup> See page 1 of [To Applicants for a Pawnbroking License \(PDF\)](#), which is available on the Indiana Department of Financial Institutions' website: [in.gov/dfi/](http://in.gov/dfi/) by clicking "Licensing and Applications," then "Consumer Credit Licensing," then "Pawnbroker License."

<sup>58</sup> See page 1 of [Pennsylvania Pawnbroker License \(PDF\)](#), which is available on NMLS's website: [mortgage.nationwidelicencingsystem.org](http://mortgage.nationwidelicencingsystem.org) by clicking "State Licensing," then "Pennsylvania," then, in the "Pawnbroker License" row of the table, "New Application."

<sup>60</sup> See page 1 of [Pennsylvania Pawnbroker License \(PDF\)](#), which is available on NMLS's website: [mortgage.nationwidelicencingsystem.org](http://mortgage.nationwidelicencingsystem.org) by clicking "State Licensing," then "Pennsylvania," then, in the "Pawnbroker License" row of the table, "New Application."

Pawnbroker License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
		additional location. <sup>59</sup>		<i>(Mich. Comp. Laws 446.202.)</i>		

## Money transmitter

### Survey responses (COM)

Description
<p>The law prohibits any person (in effect, any company) from engaging in the business of money transmission without a license. Money transmission means to receive money or its equivalent from a person in Ohio, and to deliver, pay, or make accessible that money or its equivalent to another person, at the same or another time, and at the same or another place. The transmission of cryptocurrency, as a monetary equivalent, is licensable. Governmental entities, the USPS, payroll processors, banks, and credit unions are exempt from licensure. Licensed securities, insurance, mortgage, and real estate brokers are also exempt.</p>
Type <i>(License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)</i>
<p>License</p>

<sup>59</sup> See page 1 of [To Applicants for a Pawnbroking License \(PDF\)](#), which is available on the Indiana Department of Financial Institutions' website: [in.gov/dfi/](http://in.gov/dfi/) by clicking "Licensing and Applications," then "Consumer Credit Licensing," then "Pawnbroker License."

If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>Number issued annually</b>	19 issued in 2021
<b>Number renewed annually</b>	N/A Once a license is issued, it is perpetual and does not need to be renewed every year.
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	Yes; 113 licenses as of June 30, 2018; 172 licenses as of June 30, 2022
<b>Education or training requirements</b>	N/A
<b>Experience requirements</b>	N/A
<b>Examination requirements</b> ( <i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Division receive any proceeds of those fees? If so, how are the proceeds used?</i> )	N/A
<b>Continuing education requirements</b> ( <i>Including a description of the curriculum and the process of setting it.</i> )	N/A
<b>Initial fee</b>	\$5,000. Applicants also are required to pay a charge in order to access and use NMLS (see below). The Division does not set these charges, has no control over them, and does not receive any portion of them. As of July 1, 2022, the charges are \$100 for companies.

If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>Duration</b>	Perpetual
<b>Renewal fee</b> <i>(If different from initial fee, please explain why.)</i>	NMLS fee. Licensees also pay an annual assessment to support the money transmitter operations of the Division. The assessment is calculated on a sliding scale, based on each company's Ohio volume of business.
<b>Does the Division recognize uniform licensure requirements or allow for reciprocity?</b>	<p>The Division utilize the Nationwide Multistate Licensing System &amp; Registry (NMLS), which standardizes certain aspects of the licensing process. The Division also participates in a voluntary licensing consortium of 32 states, as a signatory to the "MSB Multistate Licensing Agreement" or MMLA. As such, the Division chooses to accept a basic licensing review performed by another MMLA state based on agreed-upon parameters and protocols. The Division then performs a secondary review of the application based on specific Ohio law requirements before making a licensing decision.</p> <p>There is no reciprocal licensing requirement or agreement.</p>
<b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b>	No
<b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Division?</b>	Yes. R.C. 1315.02 (A) (11) permits the Superintendent to exempt any person from licensure if he or she determines it would not serve the intended purposes of the regulation.
<b>Is the Division permitted to exercise discretion in determining whether to register, certify, or license an individual?</b>	Yes. R.C. 1315.04(D) permits the Superintendent to impose any condition the superintendent determines to be appropriate when approving an application.

**If the regulation is a registration, certification, or license requirement, please complete the following:**

**Other information** (*Significant attributes or prerequisites to licensure not addressed in this chart.*)

The Superintendent must consider the corporate applicant’s financial condition; business practices; and the competence, experience, and history of compliance of the directors, officers, and control persons. These individuals must pass a criminal background check and a credit check. Applicant also must have a minimum net worth of \$500,000 and maintain a security device of up to \$2 million. Applicants for licensure must be legally established business entities that are capitalized separately and distinctly from every other legal entity and are qualified to do business in Ohio.

**Oversight and disciplinary authority of the Division respecting individuals engaged in the occupation.**

Prior to licensure, the Division may conduct an on-site examination of the applicant’s books, records, and operations. New licensees receive an examination within the first two years and then at least once every five years thereafter. Examinations are conducted by a team of examiners and last 2- 3 weeks. The Division has the authority to investigate applicants, licensees, and any individuals/entities suspected of engaging in the licensed activity, including through the issuance of subpoenas. Licensees are required to file separate annual and quarterly reports. The Division has the authority to deny a license application, suspend or revoke a license, and issue enforcement orders that are subject to the Chapter 119 process. Additionally, the Division has the authority file civil lawsuits to enjoin violations of law.

**How much revenue is derived from fees charged by the Division to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

Revenue generated in FY 2022 was \$1,495,550 and is used to fund the operations of the Money Transmitter Section.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

Anti-money laundering rules under the Bank Secrecy Act (BSA / AML) apply to money transmission. By agreement with the IRS and Federal Department of Treasury, state agencies such as the Division do examine for and regulate licensees for these operations. No federal agency examines these companies for compliance with BSA / AML rules.

Receipt and fee disclosure rules promulgated by the CFPB apply to the occupation. The CFPB reviews for compliance but only on a very limited basis. The Division monitors for compliance with this when we conduct exams.

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

The money transmitter licensing and examination program protects consumers by ensuring the safe and sound operation of companies that transmit money from the consumer to a designated third party. It requires the licensees maintain secure and solid investments to offset their transmission liabilities.

Consumers are also entitled to receive receipts and have full disclosure of the fees they are paying to transmit money, which provides accountability and transparency to the consumer.

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

Yes. The Division ensures compliance with BSA / AML receipt requirements, and monitors licensees for safe and sound operation. The Division is able to meet best practices for money transmitter regulation and operates in a similar fashion to most other states in this area.

**Are there any changes the Division would like to see implemented?**

A MSB Model Law has been developed that, if adopted in Ohio, would bring many benefits to both Ohio consumers and the companies that operate in Ohio. The model law was developed by a team of state regulators working together with a group of industry representatives.

**Surrounding state comparison (LSC)**

Money Transmitter License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Type of regulation	License ( <i>R.C. 1315.01 to 1315.99</i> ).	License ( <i>Ind. Code 28-8-4-20</i> ).	License ( <i>Ky. Rev. Stat. 286.11-005</i> ).	License ( <i>Mich. Comp. Laws 487.1011(1)</i> ).	License ( <i>7 Pa. Stat. 6102</i> ).	License ( <i>W. Va. Code 32A-2-2</i> ).
Education or training	N/A	N/A	N/A	N/A	N/A	N/A
Experience	Applicant must be a legally established business entity that is capitalized separately and distinctly from every other legal entity and is qualified to do business in this	Applicant must have a net worth of at least \$600,000 ( <i>Ind. Code 28-8-4-24(12) and 28-8-4-27</i> ).	Applicant must have and maintain net worth of at least \$500,000 ( <i>Ky. Rev. Stat. 286.11-011</i> ).	Applicant must demonstrate responsibility, financial and business experience, character, and general fitness. Must have and maintain net worth exceeding	Applicant must undertake and operate business honestly, fairly, and in accordance with state law. Must also demonstrate financial responsibility, character,	Applicant must demonstrate adequate financial condition, business experience, character, and general fitness. Must have and maintain net worth of at least



Money Transmitter License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	state. Applicant must have a minimum net worth of \$500,000. ( <i>R.C. 1315.04(C).</i> )			\$100,000 or, if the applicant intends to conduct business at more than one location, the lesser of \$1 million or \$100,000 plus \$25,000 for each such location. ( <i>Mich. Comp. Laws 487.1013 and 487.1014.</i> )	reputation, integrity, and general fitness. Must have net worth of at least \$500,000. ( <i>7 Pa. Stat. 6104.</i> )	\$100,000, or 3% of first \$100 million in total assets, 2% of assets between \$100 million and \$1 billion, and 0.5% of assets in excess of \$1 billion, whichever is greater. Maximum required net worth is \$1 million. ( <i>W. Va. Code 32A-2-8.</i> )
Exam	N/A	N/A	N/A	N/A	N/A	N/A
Continuing education	N/A	N/A	N/A	N/A	N/A	N/A
Initial licensure fee	\$5,000. <sup>61</sup>	\$1,000 application fee, \$36.25 fee for FBI criminal background check, and \$0.25	\$500 application fee plus \$500 license fee ( <i>Ky. Rev. Stat. 286.11-017</i> ).	\$3,000 base fee, \$50 fee for each location (\$3,000 maximum), and	\$5,000 ( <i>7 Pa. Stat. 6106</i> ).	\$1,000 plus \$20 for each business location. Total fee not to exceed

<sup>61</sup> See also page 3 of [OH Money Transmitter License New Application Checklist \(PDF\)](#), available on NMLS's website: [mortgage.nationwidelicensingsystem.org](http://mortgage.nationwidelicensingsystem.org) by clicking "State Licensing," then "Ohio," then, in the "Money Transmitter License" row of the table, "New Application."

Money Transmitter License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
		NMLS processing fee. <sup>62</sup>		\$600 investigation fee. <sup>63</sup>		\$25,000. ( <i>W. Va. Code 32A-2-5.</i> )
License duration	Annual ( <i>R.C. 1315.04(E).</i> )	Annual ( <i>Ind. Code 28-8-4-37.</i> )	Annual ( <i>Ky. Rev. Stat. 286.11-021.</i> )	Annual ( <i>Mich. Comp. Laws 487.1015.</i> )	Annual ( <i>7 Pa. Stat. 6108.</i> )	Annual ( <i>W. Va. Code 32A-2-4(e).</i> )
Renewal fee	\$5,000. <sup>64</sup>	\$1,000 application fee plus \$0.25 NMLS processing fee. <sup>65</sup>	\$500 ( <i>Ky. Rev. Stat. 286.11-021.</i> )	Based on business volume and number of locations ( <i>Mich. Comp. Laws 487.1015.</i> )	\$5,000 ( <i>7 Pa. Stat. 6109.</i> )	\$250 plus \$5 for each business location plus \$0.001 for every dollar serviced in the preceding year. Total fee not to exceed \$25,000. ( <i>W. Va. Code 32A-2-5.</i> )

<sup>62</sup> See also page 3 of [IN-DFI Money Transmitter License New Application Checklist \(PDF\)](#), available on NMLS’s website: [mortgage.nationwidelicencingsystem.org](http://mortgage.nationwidelicencingsystem.org) by clicking “State Licensing,” then “Indiana,” then “Indiana Department of Financial Institutions (DFI),” then, in the “Money Transmitter License” row of the table, “New Application.”

<sup>63</sup> See also page 1 of [Schedule of Fees \(PDF\)](#), available on the Michigan Department of Insurance and Financial Institutions’ website: [Michigan.gov/difs](http://Michigan.gov/difs) by conducting a keyword search for “Money Transmission Services Act Schedule of Fees.”

<sup>64</sup> See also page 3 of [OH Money Transmitter License New Application Checklist \(PDF\)](#), available on NMLS’s website: [mortgage.nationwidelicencingsystem.org](http://mortgage.nationwidelicencingsystem.org) by clicking “State Licensing,” then “Ohio,” then, in the “Money Transmitter License” row of the table, “New Application.”

<sup>65</sup> See also page 3 of [IN-DFI Money Transmitter License New Application Checklist \(PDF\)](#), available on NMLS’s website: [mortgage.nationwidelicencingsystem.org](http://mortgage.nationwidelicencingsystem.org) by clicking “State Licensing,” then “Indiana,” then “Indiana Department of Financial Institutions (DFI),” then, in the “Money Transmitter License” row of the table, “New Application.”

## Precious metals dealer

### Survey responses (COM)

Description	
<p>This license is required for any entity or person engaged in the business of purchasing articles made of or containing gold, silver, platinum, or other precious metals or jewels of any description if, in any manner, including any form of advertisement or solicitation of customers, the person holds himself, herself, or itself out to the public as willing to purchase such articles pursuant to Ohio Revised Code 4728.01 to 4728.14, 4728.99, 1321.20 and 1321.21 and Ohio Administrative Code Chapter 1301:8-6.</p>	
Type <i>(License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)</i>	
License	
If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>Number issued annually</b>	3 in 2021
<b>Number renewed annually</b>	73 (main and branches) in the most recent renewal period

If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	Yes; 111 licenses as of June 30, 2018; 78 licenses as of June 30, 2022
<b>Education or training requirements</b>	Generalized requirement that the applicant must demonstrate sufficient “financial responsibility and experience in business of precious metals dealers, or in a related business, to act as a precious metals dealer in compliance with” Ohio law.
<b>Experience requirements</b>	See “Education or training requirements”
<b>Examination requirements</b> ( <i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Division receive any proceeds of those fees? If so, how are the proceeds used?</i> )	N/A
<b>Continuing education requirements</b> ( <i>Including a description of the curriculum and the process of setting it.</i> )	N/A
<b>Initial fee</b>	\$200 investigation fee + \$300 license fee (or \$150.00 for applications submitted after July 1). Applicants also are required to pay a charge in order to access and use NMLS (see below). The Division does not set these charges, has no control over them, and does not receive any portion of them. As of July 1, 2022, the charges are \$100 for companies, \$20 for branches, \$30 for individuals.
<b>Duration</b>	Annual/1 year

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Renewal fee</b> <i>(If different from initial fee, please explain why.)</i>	License fee of \$300 + NMLS fee
<b>Does the Division recognize uniform licensure requirements or allow for reciprocity?</b>	The Division does utilize the Nationwide Multistate Licensing System & Registry (NMLS), which standardizes certain aspects of the licensing process. However, the Division does not recognize any uniform, substantive requirements due to state-specific laws and rules. No reciprocity.
<b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b>	No
<b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Division?</b>	Retail jewelry establishments may be exempt from licensure if the purchases of precious metals fall under a certain threshold percentage. Scrap yards, coin dealers, consignment shops, and resale/second-hand shops may be subject to local ordinances and not required to be licensed by the Division.
<b>Is the Division permitted to exercise discretion in determining whether to register, certify, or license an individual?</b>	Yes
<b>Other information</b> <i>(Significant attributes or prerequisites to licensure not addressed in this chart.)</i>	Applicant must either maintain a net worth <b>or</b> obtain a surety bond of at least \$10,000. Applicants must undergo a criminal background check.

**Oversight and disciplinary authority of the Division respecting individuals engaged in the occupation.**

The Division has the authority to investigate applicants, licensees, and any individuals/entities suspected of engaging in the licensed activity, including through the issuance of subpoenas. The Division has the authority to conduct examinations. Licensees are required to keep records. The Division has the authority, through the Chapter 119 administrative process, to deny a license application; refuse to renew, suspend, or revoke a license; issue cease and desist orders; and impose civil fines. Additionally, the Division has the authority to file civil lawsuits to enjoin violations.

**How much revenue is derived from fees charged by the Division to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

Revenue generated in FY 2022 was \$25,100 and is used to fund the operations of the Consumer Finance Unit.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

The FDCPA, and SCRA are a few of the federal regulations and rules that govern consumer rights for all states. State law requires state licensure.

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

The “harm” that the regulation seeks to prevent focuses on ensuring that licensees are properly educated and licensed to mitigate any consumer harm when engaging in financial transactions with Ohio consumers. This is especially important in light of the valuable and unique nature of precious metals, and the likelihood that licensee interactions with Ohioans could have a substantial impact on the financial wellbeing of an individual or family. This makes it critical that the Division ensures companies and individuals are properly licensed, educated, and adhere to applicable regulations for consumer protection.

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

Overall, the regulation has been effective, and there are no less restrictive ways to prevent the harm.

**Are there any changes the Division would like to see implemented?**

Some stores and pawnbrokers are exempt from getting a license.

## Surrounding state comparison (LSC)

Precious Metals Dealer License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Type of regulation	License ( <i>R.C. 4728.02</i> ).	Registration ( <i>Ind. Code 24-4-19-13</i> ).	Process regulations only ( <i>Ky. Rev. Stat. 433.890 et seq.</i> ).	Local registration required by state law ( <i>Mich. Comp. Laws 445.483</i> ).	Local license required by state law ( <i>73 Pa. Stat. 1932</i> ).	Process regulations only ( <i>W. Va. Code 61-3-51</i> ).
Education or training	N/A	N/A	N/A	N/A	N/A	N/A
Experience	Applicant must demonstrate sufficient financial responsibility and experience in the business of a precious metals dealer or a related business. Must maintain at least \$10,000 in net worth or post a surety bond. ( <i>R.C. 4728.03(A) and (G)</i> .)	N/A	N/A	N/A	N/A	N/A
Exam	N/A	N/A	N/A	N/A	N/A	N/A
Continuing education	N/A	N/A	N/A	N/A	N/A	N/A



Precious Metals Dealer License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Initial licensure fee	\$200 investigation fee plus a license fee not to exceed \$300. Superintendent of Financial Institutions may increase investigation fee for out-of-state applicants based on actual expenditures. (R.C. 4728.03(C) and (F).)	\$100 for each place of business plus \$50 to each law enforcement agency in which a business is located (Ind. Code 24-4-19-13).	N/A	\$50 (Mich. Comp. Laws 445.483(4)).	No more than \$50 (73 Pa. Stat. 1932).	N/A
License duration	Annual (R.C. 4728.03(D)).	Annual (Ind. Code 24-4-19-13).	N/A	Not specified. Appears to be a one-time registration.	Annual (73 Pa. Stat. 1932).	N/A
Renewal fee	\$300. <sup>66</sup>	\$100 for each place of business plus \$50 to each law enforcement agency in which a	N/A	N/A	No more than \$50 (73 Pa. Stat. 1932).	N/A

<sup>66</sup> See page 3 of [OH Precious Metals Dealer License New Application Checklist \(PDF\)](#), available on NMLS's website: [mortgage.nationwidelicencingsystem.org](http://mortgage.nationwidelicencingsystem.org) by clicking "State Licensing," then "Ohio," then, in the "Precious Metals Dealer License" row of the table, "New Application."

Precious Metals Dealer License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
		business is located ( <i>Ind. Code 24-4-19-13</i> ).				

## Check-cashing business

### Survey responses (COM)

Description
Requires a person that engages in the business of cashing check for a fee to obtain a license. Limits the fees that can be charged.
Type ( <i>License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.</i> )
License

If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>Number issued annually</b>	5 in 2021
<b>Number renewed annually</b>	209 in the most recent renewal period
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	Yes; 936 licenses as of June 30, 2018; 226 licenses as of June 30, 2022
<b>Education or training requirements</b>	N/A
<b>Experience requirements</b>	N/A
<b>Examination requirements</b> ( <i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Division receive any proceeds of those fees? If so, how are the proceeds used?</i> )	N/A
<b>Continuing education requirements</b> ( <i>Including a description of the curriculum and the process of setting it.</i> )	N/A
<b>Initial fee</b>	\$250 investigation fee + license fee of \$500 (or \$250 for applications submitted after July 1)  Applicants also are required to pay a charge in order to access and use NMLS (see below). DFI does not set these charges, has no control over them, and does not receive any portion of them. As of July 1, 2022, the charges are \$100 for companies, \$20 for branches, \$30 for individuals.

If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>Duration</b>	Annual/1 year
<b>Renewal fee</b> <i>(If different from initial fee, please explain why.)</i>	License fee of \$500 + NMLS fee
<b>Does the Division recognize uniform licensure requirements or allow for reciprocity?</b>	The Division does utilize the Nationwide Multistate Licensing System & Registry (NMLS), which standardizes certain aspects of the licensing process. However, the Division does not recognize any uniform, substantive requirements due to state-specific laws and rules. No reciprocity.
<b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b>	No
<b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Division?</b>	Companies that demonstrate less than 5% of their gross income is derived from check cashing proceeds are exempt from the licensure requirement.
<b>Is the Division permitted to exercise discretion in determining whether to register, certify, or license an individual?</b>	Yes
<b>Other information</b> <i>(Significant attributes or prerequisites to licensure not addressed in this chart.)</i>	Applicants must maintain a net worth of at least \$25,000. Applicants and each director, officer, partner, and/or member must undergo a criminal background check. Applicant must not have had a check-cashing licensed revoked or been convicted of a disqualifying offense in accordance with R.C. 9.79.

**Oversight and disciplinary authority of the Division respecting individuals engaged in the occupation.**

The Division has the authority to investigate applicants, licensees, and any individuals/entities suspected of engaging in the licensed activity, including through the issuance of subpoenas. The Division has the authority, through the Chapter 119 administrative process, to deny a license application and refuse to renew, suspend, or revoke a license; the Division has the authority impose civil fines, but only in lieu of suspension or revocation. Additionally, the Division has the authority to file civil lawsuits to enjoin violations.

**How much revenue is derived from fees charged by the Division to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

Revenue generated in FY 2022 was \$122,065 and is used to fund the operations of the Consumer Finance Unit.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

TILA, FDCPA, MLA, SCRA and Reg E are a few of the federal regulations and rules that govern lending for all states, in addition to state laws and rules. State law requires state licensure.

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

Protecting members of the general public from financial practices that the General Assembly has determined to be predatory. The “harm” that the regulation seeks to prevent focuses on ensuring that licensees are properly educated and licensed to mitigate any consumer harm when engaging in financial transactions with Ohio consumers. This is especially important given the types of individuals most likely to utilize check cashing services. This makes it critical that the Division ensures companies and individuals are properly licensed, educated, and adhere to applicable regulations for consumer protection.

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

Overall, the regulation has been effective, and there are no less restrictive ways to prevent the harm.

**Are there any changes the Division would like to see implemented?**

No

## Surrounding state comparison (LSC)

Check-Cashing Business License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Type of regulation	License ( <i>R.C. 1315.21 to 1315.30, 1315.99, and 1321.21; O.A.C. 1301:8-8</i> ).	License ( <i>Ind. Code 28-8-5-11</i> ).	License ( <i>Ky. Rev. Stat. 286.9-020</i> ).	No clear equivalent.	License ( <i>63 Pa. Stat. 2311</i> ).	License ( <i>W. Va. Code 32A-3-1(d) and 32A-2-2</i> ).
Education or training	N/A	N/A	N/A	N/A	N/A	N/A
Experience	Applicant must demonstrate financial stability, ability, and fitness. Must have net worth of at least \$25,000. ( <i>R.C. 1315.23(B)</i> .)	Applicant must demonstrate financial responsibility, business experience, character, and general fitness. Must have at least two years of finance related experience, net worth of at least \$100,000, and \$50,000 in liquid	Applicant must demonstrate financial responsibility, financial stability, business experience, character, and general fitness ( <i>Ky. Rev. Stat. 286.9-040</i> ).	N/A	Applicant must demonstrate financial responsibility, experience, character, and general fitness ( <i>63 Pa. Stat. 2314</i> ).	Applicant must demonstrate adequate financial condition, business experience, character, and general fitness. Must have and maintain net worth of at least \$100,000, or 3% of first \$100 million in total assets, 2% of assets between \$100 million and \$1 billion, and 0.5% of assets in excess of \$1

Check-Cashing Business License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
		assets. ( <i>Ind. Code 28-8-5-12.</i> ) <sup>67</sup>				billion, whichever is greater. Maximum required net worth is \$1 million. ( <i>W. Va. Code 32A-2-8.</i> )
Exam	N/A	N/A	N/A	N/A	N/A	N/A
Continuing education	N/A	N/A	N/A	N/A	N/A	N/A
Initial licensure fee	\$250 investigation fee for in-state applicants, \$1,000 investigation fee for out-of-state applicants, initial license fee not to exceed \$250 ( <i>R.C. 1315.22(D).</i> )	\$1,000 ( <i>Ind. Code 28-8-5-11(c).</i> ) <sup>68</sup>	\$500 ( <i>Ky. Rev. Stat. 286.9-060.</i> )	N/A	\$500 for each business location ( <i>63 Pa. Stat. 2312.</i> )	\$1,000 plus \$20 for each business location. Total fee not to exceed \$25,000. ( <i>W. Va. Code 32A-2-5.</i> )
License duration	Annual ( <i>R.C. 1315.22(D).</i> )	Annual ( <i>Ind. Code 28-8-5-14.</i> )	Annual ( <i>Ky. Rev. Stat. 286.9-070.</i> )	N/A	Annual ( <i>63 Pa. Stat. 2312.</i> )	Annual ( <i>W. Va. Code 32A-2-4(e).</i> )

<sup>67</sup> See also page 1 of [To Applicants for a Check Cashing License \(PDF\)](#), which is available on the Indiana Department of Financial Institutions' website: [in.gov/dfi/](http://in.gov/dfi/) by clicking "Licensing and Applications," then "Consumer Credit Licensing," then "Check Cashing License."

<sup>68</sup> See also page 1 of [To Applicants for a Check Cashing License \(PDF\)](#), which is available on the Indiana Department of Financial Institutions' website: [in.gov/dfi/](http://in.gov/dfi/) by clicking "Licensing and Applications," then "Consumer Credit Licensing," then "Check Cashing License."



Check-Cashing Business License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Renewal fee	Not more than \$500 ( <i>R.C. 1315.22(D)</i> ).	\$500 plus \$250 for each business location. Total fee not to exceed \$2,000. ( <i>Ind. Code 28-8-5-15.</i> ) <sup>69</sup>	\$500 ( <i>Ky. Rev. Stat. 286.9-060</i> ).	N/A	\$350 for each business location ( <i>63 Pa. Stat. 2312</i> ).	\$250 plus \$5 for each business location plus \$0.001 for every dollar serviced in the preceding year. Total fee not to exceed \$25,000. ( <i>W. Va. Code 32A-2-5.</i> )

## Consumer installment loan license

### Survey responses (COM)

Description
Prohibits person engaged in the business of lending money from operating without a license. This license is required for lending of money for terms of six months or more that is not secured by real property and that is not covered by any other Ohio loan laws.

<sup>69</sup> See also page 1 of [To Applicants for a Check Cashing License \(PDF\)](#), which is available on the Indiana Department of Financial Institutions' website: [in.gov/dfi/](http://in.gov/dfi/) by clicking "Licensing and Applications," then "Consumer Credit Licensing," then "Check Cashing License."

**Type** (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)

License

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Number issued annually</b>	43 in 2021
<b>Number renewed annually</b>	259 in the most recent renewal period
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	Yes; 126 licenses as of June 30, 2018; 282 licenses as of June 30, 2022
<b>Education or training requirements</b>	N/A
<b>Experience requirements</b>	N/A

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<p><b>Examination requirements</b> (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Division receive any proceeds of those fees? If so, how are the proceeds used?</i>)</p>	<p>N/A</p>
<p><b>Continuing education requirements</b> (<i>Including a description of the curriculum and the process of setting it.</i>)</p>	<p>N/A</p>
<p><b>Initial fee</b></p>	<p>\$200 investigation fee + license fee of \$300.  Applicants also are required to pay a charge in order to access and use NMLS (see below). The Division does not set these charges, has no control over them, and does not receive any portion of them. As of July 1, 2022, the charges are \$100 for companies, \$20 for branches, \$30 for individuals.</p>
<p><b>Duration</b></p>	<p>Annual/1 year</p>
<p><b>Renewal fee</b> (<i>If different from initial fee, please explain why.</i>)</p>	<p>License fee of \$300 + NMLS fee</p>
<p><b>Does the Division recognize uniform licensure requirements or allow for reciprocity?</b></p>	<p>The Division does utilize the Nationwide Multistate Licensing System &amp; Registry (NMLS), which standardizes certain aspects of the licensing process. However, the Division does not recognize any uniform, substantive requirements due to state-specific laws and rules. No reciprocity.</p>
<p><b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b></p>	<p>No</p>

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Division?</b>	There exists the opportunity for certain lending products to overlap between the Ohio Small Loan Act, the Ohio Consumer Installment Loan Act, and the General Loan Law
<b>Is the Division permitted to exercise discretion in determining whether to register, certify, or license an individual?</b>	Yes
<b>Other information</b> ( <i>Significant attributes or prerequisites to licensure not addressed in this chart.</i> )	The Division must find that the financial responsibility, experience, and general fitness of the applicant command the confidence of the public and warrant the belief that the business will be operated honestly and fairly in compliance with Ohio law. Applicants must have at least \$50,000 both in net worth and readily available for use in the conduct of the business. Applicants must undergo a criminal background check and credit check.

**Oversight and disciplinary authority of the Division respecting individuals engaged in the occupation.**

The Division has the authority to investigate applicants, licensees, and any individuals/entities suspected of engaging in the licensed activity, including through the issuance of subpoenas. The Division is required to conduct an examination of all licensees at least once every two years. Licensees are required to keep certain records. The Division has the authority, through the Chapter 119 administrative process, to deny a license application; refuse to renew, suspend, or revoke a license; issue cease and desist orders; and impose civil fines. Additionally, the Division has the authority file civil lawsuits to enjoin violations and impose civil penalties.

**How much revenue is derived from fees charged by the Division to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

Revenue generated in FY 2022 was \$103,900 and is used to fund the operations of the Consumer Finance Unit.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

TILA, FDCPA, MLA, SCRA and Reg E are a few of the federal regulations and rules that govern lending for all states, in addition to state laws and rules. State law requires state licensure.

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

Protecting members of the general public from lending practices that the General Assembly has determined to be predatory. The “harm” that the regulation seeks to prevent focuses on ensuring that licensees are properly educated and licensed to mitigate any consumer harm when engaging in financial transactions with Ohio consumers. This is especially important as many of the loans that are obtained by Ohioans have a substantial impact on the financial wellbeing of an individual or family. In addition, often licensees have consumer-permitted access to debit consumers bank accounts and hold money to pay according to terms of the loan, making it critical that the Division ensures companies and individuals are properly licensed, educated, and adhere to applicable regulations for consumer protection.

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

Overall, the regulation has been effective, and there are no less restrictive ways to prevent the harm.

**Are there any changes the Division would like to see implemented?**

There may exist the possibility to evaluate the viability of combining certain small-dollar non-mortgage lending statutes. Currently, the existence of multiple licenses with overlapping requirements/restrictions leads to some industry and regulatory confusion as well as the potential for “over-licensure” to ensure compliance with all applicable requirements

**Surrounding state comparison (LSC)**

Consumer Installment Loan License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Type of regulation	License ( <i>R.C. 1321.62 to 1321.702</i> ).	Not distinguished from general consumer loan license, referred to as “consumer loan license.”	Not distinguished from general consumer loan license, referred to as “consumer loan company license.”	Not distinguished from general consumer loan license, referred to as a “regulatory loan license.”	Not distinguished from general consumer loan license, referred to as “consumer discount company license.”	Not distinguished from general consumer loan license, referred to as “regulated consumer lender.”

Consumer Installment Loan License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Education or training	N/A	N/A	N/A	N/A	N/A	N/A
Experience	Applicant must demonstrate net worth of at least \$50,000, available assets of at least \$50,000, and experience and general fitness sufficient to command the confidence of the public ( <i>R.C. 1321.64 and 1321.65</i> ).	N/A	N/A	N/A	N/A	N/A
Exam	N/A	N/A	N/A	N/A	N/A	N/A
Continuing education	N/A	N/A	N/A	N/A	N/A	N/A
Initial licensure fee	\$200 investigation fee (additional fee may apply for actual expenses incurred by the Superintendent of Financial	N/A	N/A	N/A	N/A	N/A

**Consumer Installment Loan License**

	<b>Ohio</b>	<b>Indiana</b>	<b>Kentucky</b>	<b>Michigan</b>	<b>Pennsylvania</b>	<b>West Virginia</b>
	Institutions in conducting an investigation of an out-of-state applicant), \$300 registration fee, an additional fee may be assessed by the Nationwide Multistate Licensing System (NMLS) (R.C. 1321.64).					
License duration	Annual (R.C. 1321.641).	N/A	N/A	N/A	N/A	N/A
Renewal fee	\$300, but subject to increase based on expenditures of the Division of Financial Institutions (R.C. 1321.641).	N/A	N/A	N/A	N/A	N/A



## DIVISION OF INDUSTRIAL COMPLIANCE

### General information (COM)

#### Duties

**The Division of Industrial Compliance** is one of eight divisions within the Ohio Department of Commerce. The Division reviews and approves building plans for the construction and renovation of commercial and public building projects. The Division also provides regulatory certification and inspection of boiler and elevator systems essential to public welfare and safety. DIC staff members conduct inspections of plumbing, manufactured homes communities, manufactured home installations, electrical and structural systems; elevators; boilers; bedding and upholstered products. DIC provides testing, certification, licensing, and continuing education services for numerous skilled trades in Ohio’s building industry, as well as backflow technicians, and manufactured homes inspectors and installers. The Ohio Bureau of Wage & Hour operates within the Division, which is responsible for enforcing Ohio minor labor laws, minimum wage laws, prevailing wage laws, and workers with disabilities laws. The Division also provides and administratively oversees staff for the Ohio Construction Industry Licensing Board, the Ohio Board of Building Appeals, the Historical Boiler Licensing Board, and the Ohio Board of Building Appeals.

#### Membership *(Current members, chairperson and other officers, and selection process.)*

The Division consists of multiple sections with subject matter experts typically acting as the “chief” of those sections. The sections include: Administration (including the Superintendent, the Deputy Superintendent, and Legal Counsel), Operations and Maintenance, Elevators, Boilers, Wage & Hour, Bedding, Manufactured Homes, and the Bureau of Code Compliance (the State of Ohio Building Department).

The Division also assists in staffing administrative personnel for several statutory boards: the Board of Building Standards, the Board of Building Appeals, the Ohio Construction Industry Licensing Board, the Historical Boiler Licensing Board, the Backflow Advisory Board, and the Manufactured Homes Advisory Board.

**Budget** *(Current budget, description of budgeting process, sources of funding, and expected increases or decreases in budget or funding in future years.)*

The Division of Industrial Compliance (DIC) aligns with Fund 5560 and ALI 800615. This ALI supports services within the Division of Industrial Compliance related to inspections and licensing of Building Code Compliance (BCC); Plumbing; Bedding; Boilers; Elevators; and the Board of Building Standards (BBS); Board of Building Appeals (BBA); Manufactured Homes; Ohio Construction Industry Licensing Board (OCILB); and Wage and Hour.

The primary sources of revenue for this fund include: Elevator Inspection Fees; Plan Examination Fees; Boiler Fees; Board of Building Standards revenue; Bedding Fees; OCILB fees; and Manufactured Homes revenue.

Historically, revenue has been influenced by the state of the economy and specifically how the economy affects the building and construction industry. Total Revenue increased 4% in FY 2022 compared to FY 2021. While revenue related to inspection services remains relatively stable even during the pandemic, revenue received from the construction industry is seasonal and depends on the weather conditions with January and February being the low revenue receipt months and May and June being the high receipt months. Supply chain issues along with economic disruptions have created greater uncertainty in projecting revenue. Legislative changes resulting in the availability of a 3-year license renewal in OCILB in FY2021 continue to cause distortions in revenue for that board.

The budget process for DIC includes review of historical spending patterns, consideration of goals and improvement projects, and consideration of the economy and projected revenue. The requests for budgets in the near term is expected to remain relatively flat.

**Workload** *(Assess current, past, and anticipated workload. Has the workload increased or decreased significantly in the preceding six years?)*

With post COVID construction in Ohio booming, the workload at the Division level remains heavy and constant.

**Staffing** *(How many staff are currently employed by the Division? What are their roles? Are staffing levels proportionate to the Division's current and anticipated workload?)*

The Division of Industrial Compliance currently has 204 positions including vacancies, with an additional 43 Board Member positions. The division staffing levels are proportionate to the current and anticipated workload, and hiring to fill vacancies is a priority to shorten wait time for Division services.

**Administrative hearings and public complaints** *(Describe the Division's processes for administering discipline and addressing complaints. Assess the efficiency of the processes.)*

The vast majority of procedures regarding discipline is covered through administrative hearing conducted in accordance with Chapter 119 of the Ohio Revised Code. The Division has access to a number of hearing officer retained and approved by the Department of Commerce and hearing officers under state terms with DAS. The process may involve the assistance of counsel with the Ohio Attorney General's Office, aided by in-house staff like administrators and legal staff. The process is fair and efficient.

Complaints and concerns are handled by a number of division-wide customer service staff who in turn answer questions or concerns that they have the ability to and forward the ones that are more specific or involve complaints about a process, procedure, or individual to section chiefs or more senior level administrators. The process is efficient and addressed concerns as expeditiously as the individual fact pattern permits.

## Manufactured home park operator

### Survey responses (COM)

Description
Anyone who maintains or operates a manufactured home park in Ohio must possess a manufactured home park operator license pursuant to R.C. 4781.27.

Type (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)
Registration

If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	120
Number renewed annually	1,443

If the regulation is a registration, certification, or license requirement, please complete the following:	
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	No
Education or training requirements	None
Experience requirements	None
Examination requirements ( <i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Division receive any proceeds of those fees? If so, how are the proceeds used?</i> )	None
Continuing education requirements ( <i>Including a description of the curriculum and the process of setting it.</i> )	None
Initial fee	\$150.00 base fee, \$3.50 eLicense transaction fee, and lot fee of \$4.15 per lot licensed in the manufactured home park
Duration	1 calendar year (e.g., 1/1/2022 to 12/31/2022)
Renewal fee ( <i>If different from initial fee, please explain why.</i> )	No. While this is referred to as a license, it is a “registration,” as defined by R.C. 4798.01(A), as there are no personal qualification requirements. Any individual or entity that owns or operates a manufactured home park operator is required to apply for a manufactured home park operator license with the Division.

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<p><b>Does the Division recognize uniform licensure requirements or allow for reciprocity?</b></p>	<p>No.</p>
<p><b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b></p>	<p>No.</p>
<p><b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Division?</b></p>	<p>No. (There are several ways in which groups of manufactured homes may not qualify as a park or community subject to regulation, but if it does qualify then it is regulated.)</p>
<p><b>Is the Division permitted to exercise discretion in determining whether to register, certify, or license an individual?</b></p>	<p>No</p>
<p><b>Other information</b> (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>)</p>	

**Oversight and disciplinary authority of the Division respecting individuals engaged in the occupation.**

The Division may discipline licensed manufactured home park operators for any failure to comply with sections 4781.26 to 4781.35 of the Revised Code or any rule adopted under section 4781.26 of the Revised Code.

The Division may also impose a fine on any individuals who violate section 4781.57 of the Revised Code.

**How much revenue is derived from fees charged by the Division to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

In 2021, the revenue derived from licensing fees for manufactured home park operators was \$809,148.89. In accordance with R.C. 4781.28, revenues are used for the purpose of administering and enforcing sections 4781.26 to 4781.35 of the Ohio Revised Code and the rules adopted thereunder.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

None.

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

The harm the regulations seek to prevent is injury, death, or damages sustained by manufactured home park operator residents and the public due to a manufactured home park being developed or maintained in an unsafe or unsanitary manner.

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

Yes, the regulations are effective at preventing the harm described above. The regulations require inspections to be performed annually and anytime development is occurring in or of a manufactured home park to protect the park residents and the public at large from unsafe or unsanitary conditions in the manufactured home park. Inspections are the appropriate state action when intending to protect consumers against unsanitary facilities and general health, safety, or welfare concerns. See R.C. 4798.02(B)(2). The Division has drafted a number of orders directed at manufactured homes parks that have resulted in repair, maintenance, and remedies by park owners in favor of residents and neighboring communities.

**Are there any changes the Division would like to see implemented?**

The Division currently has no authority over the conditions of individual units within manufactured homes parks unless those conditions directly impact the safety or sanitation of the park as a whole; however a clear delineation by the legislature that the individual homes are not subject to the oversight of the Division unless the above conditions are met, but are however, still subject to local authorities (like health departments) could settle some confusion over jurisdiction in this area.

**Surrounding state comparison (LSC)**

LSC staff determined that the manufactured home park operator registration is not an “occupational regulation” under the state’s general policy enacted by S.B. 255 of the 132<sup>nd</sup> General Assembly and is, therefore, beyond the scope of this report. (See, R.C. 103.27 and 4798.01.)



## Manufactured housing installer

### Survey responses (COM)

Description
An individual who installs manufactured housing in Ohio is required to possess a manufactured home installer license issued pursuant to R.C. 4781.08.

Type (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)
Occupational license

If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	5
Number renewed annually	57

If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	No.
<b>Education or training requirements</b>	Prospective manufactured home installers must complete a 12-hour installation training course the Division approves. A training course must include instruction on Ohio law governing manufactured home installation; manufacturers' installation manuals and requirements; preparation of manufactured home sites, including drainage; installation of foundation systems; blocking, perimeter support, and leveling of manufactured homes; connections of sections and components; installation of anchoring systems and components; installation of vapor barriers, curtain walls, access, and ventilation for crawl space areas; instruction in all areas on inspection checklists; work place safety; and code of ethics for installers.
<b>Experience requirements</b>	Prospective manufactured home installers must have at least one year of experience installing manufactured housing under the supervision of a licensed manufactured home installer.
<b>Examination requirements</b> ( <i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Division receive any proceeds of those fees? If so, how are the proceeds used?</i> )	The Ohio Department of Commerce, Division of Industrial Compliance administers the exam via <a href="http://mhpexam.commerce.ohio.gov">mhpexam.commerce.ohio.gov</a> . The fee to take the exam is \$25.00 per exam attempt. The Division directly receives the \$25.00 exam fee and uses the proceeds toward the administration and enforcement of regulating manufactured home installers, as required by R.C. 4781.04.
<b>Continuing education requirements</b> ( <i>Including a description of the curriculum and the process of setting it.</i> )	A manufactured home installer must complete at least eight (8) credit hours of continuing education courses approved by the Division during each two-year license period. Continuing education courses must ensure that licensees possess the knowledge, skills, and competency necessary to function as manufactured home installers in a manner that protects and serves the public interest. The knowledge or skills taught in any education course shall enable the licensee to better serve manufactured homes consumers and shall be directly related to manufactured homes installations or inspection operations. Continuing education courses must accurately and completely address any unique Ohio laws, codes, rules, customary practices, or approved

If the regulation is a registration, certification, or license requirement, please complete the following:	
	methods, relevant to manufactured home installation. Training agencies must apply to the Division for approval as a training agency and for each continuing education course they wish to receive continuing education credit before they can offer an approved continuing education course for manufactured home installers.
<b>Initial fee</b>	\$250.00 plus \$3.50 eLicense transaction fee
<b>Duration</b>	2 years after issuance
<b>Renewal fee</b> <i>(If different from initial fee, please explain why.)</i>	\$250.00 plus \$3.50 eLicense transaction fee
<b>Does the Division recognize uniform licensure requirements or allow for reciprocity?</b>	There are no uniform licensure requirements. The Division's rules allow for the waiver of testing and training requirements for a non-resident provided the applicant holds a valid manufactured home installer's license issued by a state with which the Division has entered into a reciprocal licensing agreement. The Division's rules also allow for non-residents who live in a state that Ohio does not have a reciprocal licensing agreement to be issued a license with lessened application requirements if the applicant holds a manufactured home installer license from a state that maintains licensure requirements considered by the Division to be substantially similar to or exceed Ohio's requirements for manufactured home installers.
<b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b>	No.
<b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Division?</b>	Yes, an unlicensed individual may perform installation work of a manufactured home in either of the following circumstances: <ul style="list-style-type: none"> <li>• The unlicensed individual is being supervised by a licensed manufactured home installer, who is present during installation; and/or</li> </ul>

If the regulation is a registration, certification, or license requirement, please complete the following:	
	<ul style="list-style-type: none"> <li>The unlicensed individual is installing their own manufactured home for their own occupancy on private property owned by the licensed individual and that is not located in a manufactured home park.</li> </ul>
Is the Division permitted to exercise discretion in determining whether to register, certify, or license an individual?	No.
Other information (Significant attributes or prerequisites to licensure not addressed in this chart.)	

**Oversight and disciplinary authority of the Division respecting individuals engaged in the occupation.**

The Division may discipline licensed manufactured home installers for any of the following reasons:

- Failure to satisfy the requirements of section 4781.08 or 4781.10 of the Revised Code
- Violation of Chapter 4781 of the Revised Code or any rule adopted pursuant to it
- Making a material misstatement in an application for a license
- Installing manufactured housing without a license or without being under the supervision of a licensed installer
- Failure to appear for a hearing before the Division or to comply with a final adjudication order of the Division issued pursuant to Chapter 4781 of the Revised Code
- Conviction of a disqualifying offense
- Having had a license revoked, suspended, or denied by another state or jurisdiction during the preceding two years
- Engaging in conduct in another state or jurisdiction that would violate Chapter 4781 of the Revised Code if committed in Ohio
- Failure to provide a written notification of installation under R.C. 4781.11(D)

The Division may also impose a fine on any individuals who violate section 4781.11 of the Revised Code or any rule adopted pursuant to section 4781.04 of the Revised Code.

**How much revenue is derived from fees charged by the Division to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

In 2021, the revenue derived from licensing fees for manufactured home installers was \$17,300.00. In accordance with R.C. 4781.04 and R.C. 4781.54, revenues are used for the purpose of administering and enforcing sections 4781.04 to 4781.14 of the Ohio Revised Code and the rules adopted thereunder.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

42 U.S.C. 5404 requires a manufactured home installation program be established in each state that includes the regulation of “the training and licensing of manufactured home installers[.]” 42 U.S.C. 5404(c)(3)(B). Each state can either establish their own manufactured home installation program that meets the federal requirements or the U.S. Department of Housing and Urban Development (HUD) will implement their manufactured home installation program in the state. The requirements for the state installation programs are set forth in 24 C.F.R. 3286, Subpart I. The purpose of the requirement is to ensure that new manufactured homes are installed in accordance with the federal manufactured home installation standards (24 C.F.R. 3285).

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

The regulations seek to protect consumers from being harmed or sustaining damages due to the improper and/or unsafe installation of a manufactured home used as a dwelling. Federal law established manufactured home installation standards for new manufactured homes and requires a manufactured home installation program to be imposed in each state that regulates the training and licensing of manufactured home installers who perform installations within each state. The manufactured home installation program must set forth regulations over manufactured home installers to ensure they are performing installations in compliance with the installation standards and also holding installers “responsible for the work they perform[.]” 24 C.F.R. 3286.803(b)(4).

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

Yes, the regulations are effective at protecting consumers from improper and/or unsafe manufactured home installations, as they require installers to be trained and tested on the manufactured home installation standards and the state and federal requirements for installations. They also ensure there is a process to hold installers responsible for the work they perform. There are no less restrictive ways to prevent the harm because federal law requires manufactured home installers in every state to be trained, licensed, and overseen by a manufactured home installation program. The Department’s requirements for a manufactured home installer license are substantially similar to HUD’s license requirements in their manufactured home installation program: minimum experience, 12 hours of training, a score of at least 70 percent on a licensing exam, and bonding/insurance coverage. See 24 C.F.R. 3286.205.

**Are there any changes the Division would like to see implemented?**

**Surrounding state comparison (LSC)**

Manufactured Housing Installer License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania <sup>70</sup>	West Virginia
Type of regulation	License ( <i>R.C. 4781.08 and 4781.11</i> ).	License ( <i>Ind. Code 25-23.7-5-1</i> ).	License ( <i>Ky. Rev. Stat. 227.570; 815 Ky. Admin. Regs. 25:060</i> ).	For new manufactured homes, no clear equivalent (must	No clear state equivalent (must hold a HUD manufactured	License (contractor) ( <i>W. Va. Code 21-9-2 and 21-9-9; W.</i>

<sup>70</sup> While state law references issuing an equivalent license, only a HUD license is currently required (35 Pa. Stat. 1658.5; 12 Pa. Code 149.4; 49 Pa. Bulletin 5217).

Manufactured Housing Installer License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania <sup>70</sup>	West Virginia
				<p>hold a U.S. Department of Housing and Urban Development (HUD) manufactured home installer license to install new manufactured housing).</p> <p>For previously occupied manufactured homes, license.<sup>71</sup></p> <p><i>(Mich. Comp. Laws 125.2321; Mich. Admin. Code R. 125.1214i; LARA, <a href="#">Manufactured Home Installer and Repairer (Installer-Servicer) License Notification.</a>)</i></p>	<p>home installer license (<i>49 Pa. Bulletin 5217</i>).</p>	<p><i>Va. Code R. 42-19-3 and 42-19-6.</i></p>

<sup>71</sup> Table addresses only the requirements for a state license.

**Manufactured Housing Installer License**

	<b>Ohio</b>	<b>Indiana</b>	<b>Kentucky</b>	<b>Michigan</b>	<b>Pennsylvania<sup>70</sup></b>	<b>West Virginia</b>
Education or training	Must complete a 12-hour installation training course approved by the Division of Industrial Compliance ( <i>R.C. 4781.08; O.A.C. 4781-8-01 and 4781-8-06</i> ).	Must complete both of the following: <ul style="list-style-type: none"> <li>▪ An eight-hour installation training course approved by Indiana’s Manufactured Home Installer Licensing Board; and</li> <li>▪ A Board-approved course concerning Indiana law.</li> </ul> ( <i>Ind. Code 25-23.7-5-2; 879 Ind. Admin. Code 1-4-2</i> ).	Must complete a 15-hour course of education ( <i>815 Ky. Admin. Regs. 25:060</i> ).	Must complete 12 hours of approved installation programs ( <i>Mich. Admin. Code R. 125.1214i</i> ).	N/A	N/A
Experience	Must be at least 18 years of age. Must have both of the following:	Must be at least 18 years of age. Must have one of the following:	Must submit proof of regularly assisting in site preparation and installation	N/A	N/A	N/A



Manufactured Housing Installer License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania <sup>70</sup>	West Virginia
	<ul style="list-style-type: none"> <li>▪ At least one year of experience installing manufactured housing under a licensed manufactured home installer's supervision; and</li> <li>▪ Three references from persons who are retailers, manufacturers, or manufactured home park operators familiar with the person's installation work experience and competency, with at least</li> </ul>	<ul style="list-style-type: none"> <li>▪ At least one year of experience installing manufactured homes under the direction and supervision of a licensed installer; or</li> <li>▪ Three references, two of whom are licensed installers familiar with the individual's work experience and competency.</li> </ul> <p><i>(Ind. Code 25-23.7-5-2.)</i></p>	<p>functions under the supervision of a certified installer for at least 60 days and on at least five homes <i>(815 Ky. Admin. Regs. 25:060)</i>.</p>			

Manufactured Housing Installer License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania <sup>70</sup>	West Virginia
	two being from licensed manufactured housing installers. <i>(R.C. 4781.08; O.A.C. 4781-8-01.)</i>					
Exam	Yes <i>(R.C. 4781.08; O.A.C. 4781-8-01 and 4781-8-07).</i>	N/A	Yes <i>(815 Ky. Admin. Regs. 25:060).</i>	N/A	N/A	N/A
Continuing education	Eight credit hours every two years <i>(R.C. 4781.10; O.A.C. 4781-8-04 and Chapter 4781-9).</i>	Ten hours every four years <i>(Ind. Code 25-23.7-6-4; 879 Ind. Admin. Code 1-8-1).</i>	Five hours every year <i>(815 Ky. Admin. Regs. 2:010).</i>	12 hours every three years <i>(Mich. Admin. Code R. 125.1214i).</i>	N/A	Eight hours every three years <i>(W. Va. Code R. 42-19-6a; 42 U.S.C. 5404; 24 C.F.R 3286.205).</i>
Initial licensure fee	\$250 <i>(O.A.C. 4781-8-01).</i>	\$150 <i>(879 Ind. Admin. Code 1-4-1).</i>	\$100 <i>(815 Ky. Admin. Regs. 25:060).</i>	\$150 <i>(Mich. Comp. Laws 125.2321).</i>	N/A	\$125 <i>(W. Va. Code R. 42-19-6).</i>
License duration	Two years <i>(R.C. 4781.08).</i>	Four years <i>(Ind. Code 25-23.7-6-1).</i>	One year <i>(815 Ky. Admin. Regs. 25:060).</i>	Three years <i>(Mich. Comp. Laws 125.2321).</i>	N/A	One year <i>(W. Va. Code 21-9-9).</i>
Renewal fee	\$250 <i>(O.A.C. 4781-8-01).</i>	\$50 <i>(879 Ind. Admin. Code 1-4-1).</i>	\$50 <i>(815 Ky. Admin. Regs. 25:060).</i>	\$150 <i>(Mich. Comp. Laws 125.2321).</i>	N/A	\$125 <i>(W. Va. Code R. 42-19-6).</i>

## Manufactured home inspector and plan reviewer

### Survey responses (COM)

#### Description

An individual who reviews plans for and inspects installations of manufactured housing is required to be certified by the Division pursuant to R.C. 4781.07 and O.A.C. 4781-7-02(A).

**Type** *(License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)*

Occupational license

**If the regulation is a registration, certification, or license requirement, please complete the following:**

**Number issued annually**

4

**Number renewed annually**

13

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<p><b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b></p>	<p>No.</p>
<p><b>Education or training requirements</b></p>	<p>Prospective manufactured home inspectors must complete a manufactured home inspector training course the Division approves.</p>
<p><b>Experience requirements</b></p>	<p>An applicant must meet at least one of the following:</p> <ol style="list-style-type: none"> <li>(1) 3 years' experience in a position of responsibility, directly related to construction, such as foreman, which required the ability to effectively read and interpret building plans and specifications; or</li> <li>(2) 3 years' experience in an architect or engineer office performing building design or drafting duties or construction supervision; or</li> <li>(3) An associate degree (2 years) from a college or university in architecture, engineering, or building technology; or</li> <li>(4) 3 years as a quality assurance inspector or field service technician in a manufactured homes manufacturing plant; or</li> <li>(5) 3 years as an Ohio licensed manufactured home installer; or</li> <li>(6) International Code Council or Board of Building Standards current and active certification as a building inspector, residential inspector, or plans reviewer; or</li> <li>(7) Any combination of experience and education in the manufactured homes construction industry or building construction industry totaling 3 years as approved by the Division; or</li> <li>(8) Other equivalent experience as approved by the Division.</li> </ol>

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<p><b>Examination requirements</b> (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Division receive any proceeds of those fees? If so, how are the proceeds used?</i>)</p>	<p>The Ohio Department of Commerce, Division of Industrial Compliance administers the exam via <a href="http://mhpexam.com.ohio.gov">mhpexam.com.ohio.gov</a>. The fee to take the exam is \$25.00 per exam attempt. The Division directly receives the \$25.00 exam fee and uses the proceeds toward the administration and enforcement of regulating manufactured home inspectors, as required by R.C. 4781.04.</p>
<p><b>Continuing education requirements</b> (<i>Including a description of the curriculum and the process of setting it.</i>)</p>	<p>A manufactured home inspector must complete at least twelve (12) credit hours of continuing education courses approved by the Division during each three-year certification period. Continuing education courses must ensure that inspectors possess the knowledge, skills, and competency necessary to function as manufactured home inspectors in a manner that protects and serves the public interest. The knowledge or skills taught in any education course shall enable the inspector to better serve manufactured homes consumers and shall be directly related to manufactured homes installations or inspection operations. Continuing education courses must accurately and completely address any unique Ohio laws, codes, rules, customary practices, or approved methods, relevant to manufactured home installation. Training agencies must apply to the Division for approval as a training agency and for each continuing education course they wish to receive continuing education credit before they can offer an approved continuing education course for manufactured home inspectors.</p>
<p><b>Initial fee</b></p>	<p>\$50.00 plus \$3.50 eLicense transaction fee</p>
<p><b>Duration</b></p>	<p>3 years from issuance</p>
<p><b>Renewal fee</b> (<i>If different from initial fee, please explain why.</i>)</p>	<p>\$50.00 plus \$3.50 eLicense transaction fee</p>
<p><b>Does the Division recognize uniform licensure requirements or allow for reciprocity?</b></p>	<p>No.</p>

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<p><b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b></p>	<p>No.</p>
<p><b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Division?</b></p>	<p>Yes, an individual employed by the Division of Industrial Compliance may inspect manufactured home installations without needing to possess a manufactured home inspector certification.</p>
<p><b>Is the Division permitted to exercise discretion in determining whether to register, certify, or license an individual?</b></p>	<p>No.</p>
<p><b>Other information</b> (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>)</p>	

**Oversight and disciplinary authority of the Division respecting individuals engaged in the occupation.**

The Division may discipline certified manufactured home inspectors for any of the following reasons:

- Failure to satisfy the requirements for a certification or renewal under Chapter 4781 of the Revised Code
- Failure to meet the continuing education requirements for renewal under Chapter 4781 of the Revised Code
- Violation of Chapter 4781 of the Revised Code
- Making a false or material misstatement in an application for certification
- Inspecting manufactured homes in Ohio without a certification or without being employed as an inspector by a certified building department, health department, or third party agency
- Failure to appear for a hearing before the Division or to comply with a final adjudication order of the Division issued pursuant to Chapter 4781 of the Revised Code

**Oversight and disciplinary authority of the Division respecting individuals engaged in the occupation.**

- Conviction of a disqualifying offense
- Having had a certification revoked, suspended, or denied by another state or jurisdiction
- Engaging in conduct in another state or jurisdiction that would violate Chapter 4781 of the Revised Code if committed in Ohio
- Failure to provide electronic permit/inspection updates on the Division’s seal report website in a timely manner as determined by the Division
- Acting in a manner that violates the code of ethics for manufactured home inspectors
- Violations of the Division’s rules and/or policies

The Division may also impose a fine for any violations of any rule adopted pursuant to section 4781.04 of the Revised Code.

**How much revenue is derived from fees charged by the Division to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

In 2021, the revenue derived from licensing fees for manufactured home inspectors was \$925.00. In accordance with R.C. 4781.04 and R.C. 4781.54, revenues are used for the purpose of administering and enforcing sections 4781.04 to 4781.14 of the Ohio Revised Code and the rules adopted thereunder.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

42 U.S.C. 5404 requires a manufactured home installation program be established in each state that includes the regulation of “inspection of the installation of manufactured homes.” 42 U.S.C. 5404(c)(3)(C). Each state can either establish their own manufactured home installation program that meets the federal requirements or the U.S. Department of Housing and Urban Development (HUD) will implement their manufactured home installation program in the state. The requirements for the state installation programs are set forth in 24 C.F.R. 3286, Subpart I. The purpose of the requirement is to ensure that new manufactured homes are installed in accordance with the federal manufactured home installation standards (24 C.F.R. 3285).

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

The regulations seek to protect consumers from being harmed or sustaining damages due to the improper and/or unsafe installation of a manufactured home used as a dwelling. Federal law established manufactured home installation standards for new manufactured homes and requires a manufactured home installation program to be imposed in each state that regulates the inspection of installation of manufactured homes. The manufactured home installation program must set forth regulations to ensure new manufactured home installations are being performed in compliance with the installation standards. See 24 C.F.R. 3286.803(b).

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

Yes, the regulations are effective at protecting consumers from improper and/or unsafe manufactured home installations, as they require inspectors to be trained and tested on the manufactured home installation standards and the state and federal requirements for installations. They also provide a process to hold inspectors responsible for the work they perform. There are no less restrictive ways to prevent the harm. Federal law requires each manufactured home installation program to create a process for the inspection of new manufactured home installations. The Department's requirements for a manufactured home inspector certification are narrowly tailored to ensure inspectors are qualified but not unnecessarily burdensome, with an inspector only needing to meet minimum experience standards, complete an approved training course, and pass an exam on the installation standards and federal and state installation requirements.

**Are there any changes the Division would like to see implemented?**



## Surrounding state comparison (LSC)

Manufactured Home Inspector Certification						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Type of regulation	License ( <i>R.C. 4781.281</i> ).	No clear equivalent (mobile home community plans must be certified by an Indiana registered engineer or architect) ( <i>410 Ind. Admin. Code 6-6-12</i> ).	No clear equivalent (manufactured homes are inspected by state-employed inspectors under specified circumstances) ( <i>Ky. Rev. Stat. 227.660; 815 Ky. Admin. Regs. 25:001 and 25:050</i> ).	No clear equivalent.	No clear equivalent (building code officials who inspect the manufactured home installation must complete a training program approved by Pennsylvania's Department of Community and Economic Development ( <i>35 Pa. Stat. 1658.5; 12 Pa. Code 149.5</i> ).	No clear equivalent (West Virginia Manufactured Housing Construction and Safety Board is the primary inspection agency) ( <i>W. Va. Code 21-9-11</i> ).
Education or training	Must complete an approved inspector training course. See also, "Experience." ( <i>O.A.C. 4781-7-02</i> .)	N/A	N/A	N/A	N/A	N/A

**Manufactured Home Inspector Certification**

	<b>Ohio</b>	<b>Indiana</b>	<b>Kentucky</b>	<b>Michigan</b>	<b>Pennsylvania</b>	<b>West Virginia</b>
Experience	Must meet one of the following: <ul style="list-style-type: none"> <li>▪ Have at least three years of experience in a position of responsibility, directly related to construction that required the ability to effectively read and interpret building plans and specifications;</li> <li>▪ Have at least three years of experience in an architect or engineer office performing building design, drafting, or</li> </ul>	N/A	N/A	N/A	N/A	N/A

**Manufactured Home Inspector Certification**

	<b>Ohio</b>	<b>Indiana</b>	<b>Kentucky</b>	<b>Michigan</b>	<b>Pennsylvania</b>	<b>West Virginia</b>
	construction supervision; <ul style="list-style-type: none"> <li>▪ Have an associate degree in architecture, engineering, or building technology;</li> <li>▪ Have at least three years as a quality assurance inspector or field service technician in a manufactured home manufacturing plant;</li> <li>▪ Have at least three years as an Ohio licensed manufactured home installer;</li> <li>▪ Hold an International</li> </ul>					

**Manufactured Home Inspector Certification**

	<b>Ohio</b>	<b>Indiana</b>	<b>Kentucky</b>	<b>Michigan</b>	<b>Pennsylvania</b>	<b>West Virginia</b>
	<p>Code Council or Board of Building Standards certification as a building inspector, residential inspector, or plans reviewer;</p> <ul style="list-style-type: none"> <li>▪ Have any combination of experience and education in the manufactured home construction industry or building construction industry totaling three years as approved by the Division;</li> <li>▪ Have other equivalent experience as</li> </ul>					

**Manufactured Home Inspector Certification**

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	approved by the Division. <i>(O.A.C. 4781-7-02).</i>					
Exam	Yes <i>(O.A.C. 4781-7-02 and 4781-8-07).</i>	N/A	N/A	N/A	N/A	N/A
Continuing education	12 hours every three years <i>(O.A.C. 4781-7-02).</i>	N/A	N/A	N/A	N/A	N/A
Initial licensure fee	\$50 <i>(R.C. 4781.281; O.A.C. 4781-7-02).</i>	N/A	N/A	N/A	N/A	N/A
License duration	Three years <i>(R.C. 4781.281; O.A.C. 4781-7-02).</i>	N/A	N/A	N/A	N/A	N/A
Renewal fee	\$50 <i>(R.C. 4781.281; O.A.C. 4781-7-02).</i>	N/A	N/A	N/A	N/A	N/A

## Boiler and pressure vessel inspector

### Survey responses (COM)

#### Description

There are two broad categories of inspections required by Chapter 4104. of the Revised Code: Construction inspections and In-service Inspections. Construction inspections are inspections performed during the construction and fabrication of a boiler or pressure vessel. See R.C. 4104.10 and 4104.12. Whereas in-service inspections include inspection of the installation of a boiler as well as interval inspections of the boiler after it has been put into service. See R.C. 4104.11 and 4104.12. While both boilers and pressure vessels are required to undergo construction inspections, only boilers are subject to in-service inspections. See *generally* R.C. 4104.10; 4104.11; and 4104.12; *see also* R.C. 4104.04 (listing various devices that are exempt from the inspection requirements of Chapter 4104. of the Revised Code).

Similarly, there are two broad categories of inspectors of boilers and pressure vessels: general inspectors and special inspectors. R.C. 4104.08. General inspectors are appointed by the Director of Commerce and perform inspections of boilers and pressure vessels as employees of the state of Ohio. R.C. 4104.08(A); O.A.C. 4101:4-1-01(W). Special Inspectors, by contrast, “are typically employed by an insurance company authorized to write boiler and pressure vessel insurance in the state of Ohio but can also be employed as an inspector by the owner-user of the boiler or pressure vessel which is proposed for use or is operating within the state of Ohio. The owner-user must maintain an established inspection program meeting the requirements of the ‘National Board’ publication ‘NB-371, Accreditation of Owner-User Inspection Organizations (OUIO)’ referenced in rule 4101:4-3-01 of the Administrative Code. In their capacity as a special inspector, they are a representative of the state boiler inspection department, acting independently of their relationship with their employer.” O.A.C. 4101:4-1-01(X); *see also* R.C. 4104.08(B). While both general and special inspectors are authorized to perform in-service inspections of boilers, construction inspections may only be performed by an “authorized inspector” who is employed by an “authorized inspection agency.” O.A.C. 4101:4-2-02(A)-(B). And given that an authorized inspector is employed by an authorized inspection agency, and *not* the state of Ohio, all authorized inspectors, by definition, are categorized as special inspectors. See *id.*; O.A.C. 4101:4-1-01(W)-(X).

“The inspection of boilers and their appurtenances and pressure vessels shall be made by the inspectors mentioned in sections 4104.07 to 4104.20 of the Revised Code.” R.C. 4104.06(A). Those sections of the Revised Code, among other things, require that such inspectors obtain a certificate of competency and commission authorizing the holder thereof to inspect boilers and pressure vessels in this state. See R.C. 4104.07; 4104.08(D).

**Type** (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)

Section 4104.06 of the Revised Code requires that inspections of boilers and pressure vessels “be made by the inspectors mentioned in sections 4104.07 to 4104.20 of the Revised Code.” R.C. 4104.06(A). And those sections of the Revised Code go on to provide that an inspector of boilers and pressure vessels must obtain a certificate of competency and commission authorizing him or her to inspect boilers and pressure vessels in this state. As such, a certificate of competency and commission to inspect boilers would constitute an “occupational license” under section 4798.01(B)(2) of the Revised Code.

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Number issued annually</b>	Approximately 15 new Ohio boiler inspector commissions are issued annually.
<b>Number renewed annually</b>	Approximately 180 Ohio commissions are renewed each year.
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	No.
<b>Education or training requirements</b>	“An applicant for examination as an inspector of boilers and pressure vessels shall be qualified as prescribed in the ‘National Board’ publication ‘NB-263, Rules for National Board Inservice and New Construction Commissioned Inspectors’ as referenced in rule 4101:4-3-01 of the Administrative Code.” O.A.C. 4101:4-2-02(C).
<b>Experience requirements</b>	In order to become a commissioned inspector of boilers by the national board of boiler and pressure vessel inspectors an applicant must obtain a high school education or its equivalent and either obtain five credit points of experience as set forth in Table 1 of the NB-263 (“Rules for Commissioned Inspectors”) or complete the National Board’s Inservice Inspector Training Program. Completion of an accredited apprenticeship program, for example, grants 2 credit points, as does obtaining a two-year degree or certificate in engineering, technology, science, or

If the regulation is a registration, certification, or license requirement, please complete the following:	
	mathematics from an accredited institution. See NB-263: "RCI-1 Rules for Commissioned Inspectors," Nat'l Bd. of Boiler & Pressure Vessel Inspectors, <i>available at</i> <a href="https://www.nationalboard.org/SiteDocuments/Commissioned%20Inspectors/NB-263_RCI-1_2021.pdf">https://www.nationalboard.org/SiteDocuments/Commissioned%20Inspectors/NB-263_RCI-1_2021.pdf</a> .
<b>Examination requirements</b> ( <i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Division receive any proceeds of those fees? If so, how are the proceeds used?</i> )	"The written examination administered by the superintendent shall be the 'National Board Commission Examination.'" O.A.C. 4101:4-2-02(D). The examination is generally administered by the National Board directly, but the "superintendent may allow an applicant to sit for the examination at an 'On-Demand' location accepted by the 'National Board' in accordance with 'Part 2' of the 'National Board' publication 'NB-263, Rules for the National Board Inservice and New Construction Commissioned Inspectors' as referenced in rule 4101:4-3-01 of the Administrative Code." O.A.C. 4101:4-2-02(E).
<b>Continuing education requirements</b> ( <i>Including a description of the curriculum and the process of setting it.</i> )	In order for an inspector to maintain their commission with the National Board of Boiler and Pressure Vessel Inspectors, the inspector must complete one National Board continuing education training course each year. The specifics of this requirement are detailed in paragraph 1-8 of NB- 263 "Rules for Commissioned Inspectors (RCI-1)," which has been adopted by the board of building standards as set forth in rule 4101:4-3-01 of the Administrative Code.
<b>Initial fee</b>	\$10.00 is charged for obtaining a commission as a special inspector. General inspectors, as employees of the Division of Industrial Compliance, are not charged a fee for issuance of the Ohio Commission.
<b>Duration</b>	1 year.
<b>Renewal fee</b> ( <i>If different from initial fee, please explain why.</i> )	
<b>Does the Division recognize uniform licensure requirements or allow for reciprocity?</b>	Yes, the examination required to become a boiler and pressure vessel inspector in Ohio is the "National Board Commission Examination." O.A.C. 4101:4-2-02(D). Similarly, the qualifications prescribed by the Board of Building Standards to become a commissioned boiler inspector in Ohio requires the individual to be qualified as "prescribed in the 'National Board' publication



If the regulation is a registration, certification, or license requirement, please complete the following:	
	'NB-263, Rules for National Board Inservice and New Construction Commissioned Inspectors' as referenced in rule 4101:4-3-01 of the Administrative Code." O.A.C. 4101:4-2-02(C). Both the exam and necessary qualifications are nationally recognized and industry-accepted standards for becoming a boiler inspector in other jurisdictions. Additionally, insurance companies may designate "holders of certificates of competency or commissions issued by other states or nations whose examinations for certificates or commissions have been approved by the board of building standards" as special inspectors. R.C. 4104.08(B).
<b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b>	No.
<b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Division?</b>	"The inspection of boilers and their appurtenances and pressure vessels shall be made by the inspectors mentioned in sections 4104.07 to 4104.20 of the Revised Code. The superintendent of industrial compliance shall administer and enforce such sections and rules adopted by the board of building standards pursuant to section 4104.02 of the Revised Code." R.C. 4104.06(A). Inspection of boilers and their appurtenances not required by section 4104.07 to 4104.20 of the Revised Code, however, may be performed by individuals without obtaining a boiler inspector commission from the State of Ohio.
<b>Is the Division permitted to exercise discretion in determining whether to register, certify, or license an individual?</b>	No.
<b>Other information</b> ( <i>Significant attributes or prerequisites to licensure not addressed in this chart.</i> )	

**Oversight and disciplinary authority of the Division respecting individuals engaged in the occupation.**

“The certificate of competency issued under section 4104.07 of the Revised Code or the commission provided for in section 4104.08 of the Revised Code may be revoked by the superintendent of industrial compliance for the incompetence of the holder thereof, or for willful falsification of any matter or statement contained in the holder’s application or in a report of any inspection in accordance with Chapter 119. of the Revised Code. If a certificate or commission is lost or destroyed, a new certificate or commission shall be issued in its place without another examination.” R.C. 4104.09.

**How much revenue is derived from fees charged by the Division to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

The Division is unaware of a federal regulation that would apply to the occupation and federal law does not appear to require the state to regulate the occupation.

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

Boilers and pressure vessels that malfunction or are improperly maintained and operated can experience an equipment failure resulting in catastrophic damage to the equipment, the building in which it is located (including surrounding buildings/structures), and serious injury or death to individuals near the area.

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

Yes, inspection of boilers and pressure equipment at the time of installation as well as in-service inspections thereafter help to ensure that such equipment is properly operated and maintained, and, thereby can continue to operate in a safe manner as intended.

**Are there any changes the Division would like to see implemented?**

## Surrounding state comparison (LSC)

Boiler and Pressure Vessel Inspector						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Type of regulation	License (general inspectors, special inspectors, and authorized inspectors; special and authorized inspectors must hold a National Board of Boiler and Pressure Vessel Inspectors (National Board) commission) ( <i>R.C. 4104.07(D) and 4104.08; O.A.C. 4101:4-1-01 and 4101:4-2-02</i> ).	License ( <i>Ind. Code 22-15-6-5; 675 Ind. Admin. Code 30-3-3(2)</i> ).	License (owner-user inspectors employed by a company operating a pressure vessel, boiler inspectors, and special boiler inspectors) ( <i>Ky. Rev. Stat. 236.070, 236.080, and 236.095</i> ).	Special inspector license ( <i>Mich. Comp. Laws 339.5925</i> ).	License ( <i>35 Pa. Stat. 1331.12; 34 Pa. Code 3a.5</i> ).	License (inspector and general inspector) ( <i>W. Va. Code 21-3-7; W. Va. Code R. 42-3-3, 42-3-11, and 42-3-12</i> ).
Education or training	Must be qualified as prescribed by the National Board, which includes completion of a high school education or equivalent, 80 hours of on-the-	Must satisfy at least one of the following: <ul style="list-style-type: none"> <li>▪ Hold a bachelor’s degree in engineering;</li> <li>▪ Hold an associate degree in</li> </ul>	N/A	See “Experience.”	Must hold National Board commission ( <i>34 Pa. Code 3a.5 and NB-263, 1-1 and Table 1 incorporated by reference through 34 Pa. Code 3a.4</i> ).	Must hold National Board commission ( <i>W. Va. Code R. 42-3-11 and 42-3-12; NB-263, 1-1 and Table 1</i> ).

**Boiler and Pressure Vessel Inspector**

	<b>Ohio</b>	<b>Indiana</b>	<b>Kentucky</b>	<b>Michigan</b>	<b>Pennsylvania</b>	<b>West Virginia</b>
	<p>job training, completion of the National Board Authorized Inspector Commission Course, and completion of five credits based on a mix of specified education and experience. (O.A.C. 4101:4-2-02(C); NB-263, 1-1 and Table 1 incorporated by reference through O.A.C. 4101:4-3-01).</p>	<p>mechanical technology; or</p> <ul style="list-style-type: none"> <li>▪ Hold a high school diploma or the equivalent.</li> </ul> <p>(675 Ind. Admin. Code 30-3-3(3)).</p>				
Experience	See "Education or training."	If hold a bachelor's degree described above, have one year of experience in the design, construction, operation, or inspection of high-pressure	For boiler inspectors, must have not less than five years of practical experience in the construction, maintenance, repair, or operation of high-	Must have at least three years of inspection experience as an inspector of high-pressure boilers. Credits two years of experience to an applicant holding a degree	See "Education or training."	See "Education and training" (W. Va. Code R. 42-3-11 and 42-3-12).

**Boiler and Pressure Vessel Inspector**

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
		<p>boilers and pressure vessels.</p> <p>If hold an associate’s degree as described above, have two years of experience in the design, construction, operation, or inspection of high-pressure boilers and pressure vessels.</p> <p>If hold a high school diploma or equivalent, have three years of experience in the design, construction, operation, or inspection of high-pressure boilers and pressure vessels.</p> <p><i>(675 Ind. Admin. Code 30-3-3(3).)</i></p>	<p>pressure boilers and pressure vessels, as a mechanical engineer, practical steam operating engineer, boilermaker, pressure vessel inspector, or boiler inspector</p> <p><i>(Ky. Rev. Stat. 236.070).</i></p>	<p>in engineering, mathematics, or science from an accredited college or university</p> <p><i>(Mich. Admin. Code R. 408.4067).</i></p>		

**Boiler and Pressure Vessel Inspector**

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Exam	National Board commission exam ( <i>R.C. 4104.07; O.A.C. 4101:4-2-02(D)</i> ).	Yes, unless the applicant holds a boiler and pressure vessel inspector’s license issued by another state with substantially equal licensure qualifications or a National Board commission ( <i>Ind. Code 22-15-6-5(b)(2); 675 Ind. Admin. Code 30-3-4.1</i> ).	National Board commission exam, unless either of the following applies: <ul style="list-style-type: none"> <li>▪ If applying for a special inspector commission, the applicant holds a National Board commission or holds a commission or certificate of competency as an inspector of boilers and pressure vessels for a state that has a standard of exam substantially</li> </ul>	Yes, unless hold a National Board license or a license or certificate of competency as a boiler inspector for a state that has an exam substantially similar to Michigan’s exam ( <i>Mich. Comp. Laws 339.5925 and 339.5927 and Mich. Admin. Code R. 408.4071</i> ).	Yes, in addition to the National Board commission exam ( <i>35 Pa. Stat. 1331.12(a); 34 Pa. Code 3a.5</i> ).	N/A (but must take exam to receive National Board commission) ( <i>W. Va. Code R. 42-3-11 and 42-3-12; NB-263</i> ).

Boiler and Pressure Vessel Inspector						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
			<p>equal to Kentucky's; or</p> <ul style="list-style-type: none"> <li>If applying for an owner-user inspector commission, the applicant holds a National Board commission.</li> </ul> <p><i>(Ky. Rev. Stat. 236.080, 236.090, and 236.095).</i></p>			
Continuing education	Special inspectors and authorized inspectors must comply with National Board requirements (O.A.C. 4101:4-1-01(D) and (X)); NB-263, 1-8, incorporated by reference through O.A.C. 4101:4-3-01).	Comply with the National Board requirements or its equivalent requirements approved by the Department of Homeland Security (Indiana Dept. of Homeland Security, <a href="#">Boilers and Pressure Vessels</a> ; 675 Ind.	Six hours (815 Ky. Admin. Regs. 2:010).	N/A	Must comply with National Board commission requirements (NB-263, 1-8 incorporated by reference through 34 Pa. Code 3a.4).	Must comply with National Board commission requirements (W. Va. Code R. 42-3-11 and 42-3-12; NB-263).



**Boiler and Pressure Vessel Inspector**

	<b>Ohio</b>	<b>Indiana</b>	<b>Kentucky</b>	<b>Michigan</b>	<b>Pennsylvania</b>	<b>West Virginia</b>
		<i>Admin. Code 30-1-2(Sec. 2(d)).</i>				
Initial licensure fee	\$150 exam fee ( <i>R.C. 4104.07(A)</i> ).	\$100 exam fee, if applicable, plus \$25 license fee ( <i>675 Ind. Admin. Code 12-3-13(g) and (h)</i> ).	N/A	\$100 exam fee, if applicable, plus \$80 license fee ( <i>Mich. Admin. Code R. 408.4038</i> ).	\$44 exam fee plus \$22 certificate of competency and commission fee ( <i>34 Pa. Code 3a.2</i> ).	For a special inspector, \$35 ( <i>W. Va. Code R. 42-3-12.2 and 42-3-14</i> ).
License duration	One year ( <i>R.C. 4104.08(C)</i> ).	One year ( <i>Ind. Code 22-15-6-2(d)</i> ).	One year ( <i>815 Ky. Admin. Regs. 2:010</i> ).	One year ( <i>Mich. Admin. Code R. 408.4079</i> ).	One year ( <i>35 Pa. Stat. 1331.12(a)</i> ).	One year ( <i>W. Va. Code R. 42-3-11 and 42-3-12</i> ).
Renewal fee	Annual fee in an amount determined by the Director of Commerce ( <i>R.C. 4104.08(C)</i> ).	\$25 ( <i>675 Ind. Admin. Code 12-3-13(h)</i> ).	N/A	\$50 ( <i>Mich. Admin. Code R. 408.4038</i> ).	\$15 annual new credential card fee ( <i>34 Pa. Code 3a.2</i> ).	For a special inspector, \$35 ( <i>W. Va. Code R. 42-3-12.5</i> ).

## Steam engineer or boiler operator

### Survey responses (COM)

#### Description

Broadly speaking, boilers, including stationary steam engines, fall into one of two categories: (1) “historical boilers,” which refer to “a steam boiler of riveted construction that is preserved, restored, or maintained for hobby or demonstration,” R.C. 4104.31(B), and what is commonly referred to in the industry as a “modern-day boiler,” which generally captures all boilers not of “riveted” construction, i.e., those constructed through a process of welding and/or brazing. Unless an exception applies, a license is generally required to operate modern-day boilers. See R.C. 4104.05. And there are three types of boiler operator and pressure equipment licensees: Low pressure boiler operators, high pressure boiler operators, and steam engineers. See R.C. 4104.05(A)(1); 4104.19(A).

**Type** (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)

Because a steam engineer or boiler operator must possess certain personal qualifications in order to obtain an operator’s license under section 4104.19 of the Revised Code, such licenses constitute an “occupational license” as that term is defined in section 4798.01 of the Revised Code.

#### If the regulation is a registration, certification, or license requirement, please complete the following:

##### Number issued annually

Approximately 125 operator licenses are issued under section 4104.19 of the Revised Code annually.

##### Number renewed annually

Approximately 6500 such licenses are renewed annually.

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<p><b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b></p>	<p>There was a temporary drop of roughly 1000 operator license renewals during the initial period of the COVID-19 pandemic.</p>
<p><b>Education or training requirements</b></p>	<p>See experience requirements below.</p>
<p><b>Experience requirements</b></p>	<p>To qualify to take the examination required to obtain a steam engineer, high pressure boiler operator, or low pressure boiler operator license, a person shall meet both of the following requirements:</p> <ul style="list-style-type: none"> <li>(1) Be at least eighteen years of age;</li> <li>(2) Have one year of experience in the operation of steam engines, high pressure boilers, or low pressure boilers as applicable to the type of license being sought, or a combination of experience and education for the type of license sought as determined to be acceptable by the superintendent.</li> </ul> <p>R.C. 4104.19(B)(1)-(2).</p> <p>Experience sufficient to meet the statutory requirement has been set by rule for each category of pressure equipment license:</p> <ul style="list-style-type: none"> <li>(A) No person shall be examined for licensing as a low-pressure boiler operator who has not first demonstrated that they meet one of the following experience qualifications: <ul style="list-style-type: none"> <li>(1) Two thousand hours of operating experience associated in the direct care, custody, and control of the fuel, combustion air, water level, steam pressure, system load, and supporting equipment of a steam boiler not exceeding fifteen pounds per square inch; or</li> <li>(2) Six hundred hours of operating experience associated in the direct care, custody, and control of the fuel, combustion air, water level, steam pressure, system load, and supporting equipment of a steam boiler not exceeding fifteen pounds per square inch and the successful completion of a fifty hour steam boiler operation course approved by the superintendent.</li> </ul> </li> </ul>

**If the regulation is a registration, certification, or license requirement, please complete the following:**

- (B) No person shall be examined for licensing as a high-pressure boiler operator who has not first demonstrated that they meet one of the following experience qualifications:
- (1) Two thousand hours of operating experience associated in the direct care, custody, and control of the fuel, combustion air, water level, steam pressure, system load, and supporting equipment of a steam boiler exceeding fifteen pounds per square inch;
  - (2) One thousand hours of operating experience associated in the direct care, custody, and control of the fuel, combustion air, water level, steam pressure, system load, and supporting equipment of a steam boiler exceeding fifteen pounds per square inch and the successful completion of a seventy-five hour steam boiler operation course approved by the superintendent; or
  - (3) Current possession of a low-pressure boiler operator license with an additional five hundred hours of operating experience associated in the direct care, custody, and control of the fuel, combustion air, water level, steam pressure, system load, and supporting equipment of a steam boiler exceeding fifteen pounds per square inch and the successful completion of a seventy-five hour steam boiler operation course approved by the superintendent.
- (C) No person shall be examined for licensing as a stationary steam engineer who has not first demonstrated that they meet one of the following experience qualifications:
- (1) Two thousand hours of operating experience associated in the direct care, custody, and control of the system load, turbine speed, lubrication, temperatures, and vibrations of a steam turbine exceeding thirty horsepower or two thousand hours of operating experience associated in the direct care, custody, and control of the fuel, combustion air, water level, steam pressure, system load, and supporting equipment of a steam boiler exceeding fifteen pounds per square inch;
  - (2) One thousand hours of operating experience associated in the direct care, custody, and control of the system load, turbine speed, lubrication, temperatures, and vibrations of a steam turbine exceeding thirty horsepower or one thousand hours of operating experience associated in the direct care, custody, and control of the fuel, combustion air, water level, steam pressure, system load, and supporting equipment of a steam boiler exceeding fifteen

If the regulation is a registration, certification, or license requirement, please complete the following:	
	<p>pounds per square inch and the successful completion of a one hundred twenty-five hour steam boiler and steam turbine operation course approved by the superintendent;</p> <p>(3) Current possession of a high-pressure boiler operator license with an additional five hundred hours of operating experience associated in the direct care, custody, and control of the system load, turbine speed, lubrication, temperatures, and vibrations of a steam turbine exceeding thirty horsepower and the successful completion of a one hundred twenty-five hour steam boiler and steam turbine operation course approved by the superintendent;</p> <p>(4) Two thousand hours of operating experience associated in the direct care, custody, and control of the system load, turbine speed, lubrication, temperatures, and vibrations of a steam turbine in excess of one hundred horsepower; or</p> <p>(5) Two thousand hours of operating experience associated in the direct care, custody, and control of the system load, turbine speed, lubrication, temperatures, and vibrations of a steam turbine for electrical generation.</p> <p>O.A.C. 1301:3-5-10(A)-(C).</p>
<b>Examination requirements</b> ( <i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Division receive any proceeds of those fees? If so, how are the proceeds used?</i> )	Applicants for boiler operator and steam engineer licenses must obtain a passing score on the required examination under section 4104.19 of the Revised Code. The examination is administered by a third-party testing agency and the Division does not receive any proceeds from administration of the examination. The examination fee is paid directly to the testing agency. The administrator was selected through a request for proposal process. The fee paid to the testing administrator to sit for the examination is \$100.00.
<b>Continuing education requirements</b> ( <i>Including a description of the curriculum and the process of setting it.</i> )	None.
<b>Initial fee</b>	\$99.00. O.A.C. 1301:3-5-05.1(D).
<b>Duration</b>	One year. R.C. 4104.19(F).

If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>Renewal fee</b> <i>(If different from initial fee, please explain why.)</i>	\$72.00. O.A.C. 1301:3-5-05.1(D).
<b>Does the Division recognize uniform licensure requirements or allow for reciprocity?</b>	The Division does not recognize uniform licensure requirements or allow for reciprocity. Experience obtained by individuals operating under other state's licenses, as well as relevant operator experience obtained during military service, however, is relevant and such experience is considered by the Division when reviewing an applicant's qualification to obtain an operator's license in Ohio.
<b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b>	No.
<b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Division?</b>	An operator license is not required in order to operate a boiler with less than three hundred sixty square feet of heating surface. Additionally, an unlicensed individual may perform duties relevant to operating a boiler or stationary steam engine if they are being supervised by a license holder for the equipment at issue. See O.A.C. 4101:4-10-01.
<b>Is the Division permitted to exercise discretion in determining whether to register, certify, or license an individual?</b>	No.
<b>Other information</b> <i>(Significant attributes or prerequisites to licensure not addressed in this chart.)</i>	

**Oversight and disciplinary authority of the Division respecting individuals engaged in the occupation.**

“The superintendent, in accordance with Chapter 119. of the Revised Code, may suspend or revoke any license, or may refuse to issue a license under this chapter upon finding that a licensee or an applicant for a license has violated or is violating the requirements of this chapter.” R.C. 4104.19(G).

**How much revenue is derived from fees charged by the Division to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

The Division is unaware of a federal regulation that would apply to the occupation and federal law does not appear to require the state to regulate the occupation.

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

If a boiler or stationary steam engine malfunctions or experiences a low-water event, it can result in catastrophic damage to the equipment, the building in which it is located, and serious bodily harm to those in the vicinity, including death. Moreover, a low-water event can occur quickly and, in some instances, requires very quick correction in order to avoid potential failure of the equipment.

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

Yes, the license requirement for operation of boilers and pressure equipment above certain size thresholds helps to ensure that if a boiler or stationary steam engine begins to malfunction that the equipment can be returned to safe operating parameters and damage/harm to the equipment and individuals in and around the boiler can, thereby, be prevented.

**Are there any changes the Division would like to see implemented?**



## Surrounding state comparison (LSC)

Steam Engineer or Boiler Operator						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Type of regulation	<p>License issued for the following:</p> <ul style="list-style-type: none"> <li>▪ Low-pressure boiler operator;</li> <li>▪ High-pressure boiler operator; or</li> <li>▪ Stationary steam engineer.</li> </ul> <p>(R.C. 4104.19).</p>	<p>No clear equivalent (permit applies to device) (<i>Ind. Code 22-15-6-2; 675 Ind. Admin. Code 12-3-13(a)</i>).</p>	<p>No clear equivalent.</p>	<p>Certification (<i>Mich. Comp. Laws 339.5931; Mich. Admin. Code R. 408.5601</i>).</p>	<p>No clear equivalent (certificate applies to device) (<i>35 Pa. Stat. 1331.11</i>).</p>	<p>No clear equivalent (permit applies to the device) (<i>W. Va. Code 21-3-7; W. Va. Code R. 42-3-8</i>).</p>
Education or training	See "Experience."	N/A	N/A	See "Experience."	N/A	N/A
Experience	<p>Must be at least 18 years of age.</p> <p>For a low-pressure boiler operator, one of the following:</p> <ul style="list-style-type: none"> <li>▪ 2,000 hours of experience operating a low-pressure</li> </ul>	N/A	N/A	<p>For a low-pressure boiler operator registration, at least one year of experience operating or maintaining low- or high-pressure boilers, steam prime movers, or</p>	N/A	N/A

**Steam Engineer or Boiler Operator**

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	<p>steam boiler; or</p> <ul style="list-style-type: none"> <li>▪ 600 hours of such experience and complete a 50-hour steam boiler operation course approved by the Superintendent of Industrial Compliance.</li> </ul> <p>For a high-pressure boiler operator, one of the following:</p> <ul style="list-style-type: none"> <li>▪ 2,000 hours of experience operating a high-pressure steam boiler;</li> <li>▪ 1,000 hours of experience operating a high-pressure</li> </ul>			<p>associated auxiliaries.</p> <p>For a high-pressure boiler operator registration, at least one of the following:</p> <ul style="list-style-type: none"> <li>▪ At least two years of experience in the operation of a high-pressure boiler;</li> <li>▪ A low-pressure boiler operator's registration and at least one year of experience in low-pressure boiler operation; or</li> <li>▪ At least one year of either a qualified</li> </ul>		

Steam Engineer or Boiler Operator

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	<p>steam boiler and complete a 75-hour Superintendent-approved steam boiler operation course; or</p> <ul style="list-style-type: none"> <li>▪ Hold a low-pressure boiler operator license and complete 500 hours of experience operating a high-pressure steam boiler and a 75-hour Superintendent-approved steam boiler operation course.</li> </ul> <p>For a stationary steam engineer, one of the following:</p>			<p>training or technical education program or an approved apprenticeship program.</p> <p><i>(Mich. Comp. Laws 339.5937(2) and (3)).</i></p>		

Steam Engineer or Boiler Operator						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	<ul style="list-style-type: none"> <li>▪ 2,000 hours of experience operating a steam turbine or a high-pressure steam boiler;</li> <li>▪ 1,000 hours of experience operating a steam turbine or a high-pressure steam boiler and complete a 125-hour Superintendent-approved steam boiler and steam turbine operation course;</li> <li>▪ Hold a high-pressure boiler operator license and complete 500 hours of</li> </ul>					

Steam Engineer or Boiler Operator						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	<p>experience operating a steam turbine and a 125-hour Superintendent-approved steam boiler and steam turbine operation course;</p> <ul style="list-style-type: none"> <li>▪ 2,000 hours of experience operating a steam turbine in excess of 100 horsepower; or</li> <li>▪ 2,000 hours experience operating a steam turbine for electrical generation.</li> </ul> <p><i>(R.C. 4104.19; O.A.C. 1301:3-5-10.)</i></p>					

Steam Engineer or Boiler Operator						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Exam	Yes ( <i>R.C. 4104.19</i> ).	N/A	N/A	National Institute for the Uniform Licensing of Power Engineers exam ( <i>Mich. Admin. Code R. 408.5606(1)</i> ).	N/A	N/A
Continuing education	N/A	N/A	N/A	N/A	N/A	N/A
Initial licensure fee	\$99 application fee plus \$100 exam fee and \$72 license fee ( <i>R.C. 4104.18; O.A.C. 1301:3-5-05.1(D); Dept. of Commerce, <a href="#">Boiler Operator &amp; Steam Engineer Licenses</a></i> ).	N/A	N/A	\$50 exam application fee plus \$100 exam fee and \$80 registration fee ( <i>Mich. Admin. Code R. 408.4038(1) and 408.5606(2)</i> ).	N/A	N/A
License duration	One year ( <i>R.C. 4104.19(F)</i> ).	N/A	N/A	One year ( <i>Mich. Admin. Code R. 408.5608</i> ).	N/A	N/A

Steam Engineer or Boiler Operator						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Renewal fee	\$72 renewal fee (R.C. 4104.18(D) and (E); O.A.C. 1301:3-5-05.1(D)).	N/A	N/A	\$80 (Mich. Admin. Code R. 408.4038(1)).	N/A	N/A

## Boiler contractor

### Survey responses (COM)

Description
<p>A “boiler contractor” refers to “any person, firm, partnership, company, or corporation that engages in the practice of installing or making major repairs or modifications to any boiler that is subject to the provisions of Chapter 4101:4-1 to 4101:4-10 and 1301:3-5 of the Administrative Code.” O.A.C. 4101:4-1-01(T). Boiler contractors are required to register annually with the superintendent of industrial compliance. R.C. 4104.101. While all boiler contractors may make routine repairs that involve welding or a major repair to an existing boiler, see O.A.C. 4101:4-7-01(D), only boiler contractors that have obtained a “National Board ‘R’ Certificate of Authorization,” commonly referred to as an “R-stamp holder,” may perform boiler alterations, see O.A.C. 4101:4-7-01(E).</p>
<p><b>Type</b> (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)</p> <p>Because boiler contractors are required by section 4104.101 of the Revised Code to register annually prior to “install[ing], mak[ing] major repairs to, or modify[ing] any boiler,” such registration is an “occupational license” as that term is defined in section 4798.01 of the Revised Code.</p>

If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>Number issued annually</b>	Approximately 50 new boiler contractor registrations are issued annually.
<b>Number renewed annually</b>	Approximately 1400 boiler contractor registrations are renewed each year.
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	No.
<b>Education or training requirements</b>	The boiler contractor must have the necessary ASME Codes depending upon the type of alteration, modification, or repair being performed on the boiler or pressure equipment. <i>See generally</i> O.A.C. 4101:4-7-01; O.A.C. 4101:4-3-01.
<b>Experience requirements</b>	See education or training requirements above.
<b>Examination requirements</b> ( <i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Division receive any proceeds of those fees? If so, how are the proceeds used?</i> )	No examination is required in order to register as a boiler contractor under section 4104.101 of the Revised Code.
<b>Continuing education requirements</b> ( <i>Including a description of the curriculum and the process of setting it.</i> )	None.
<b>Initial fee</b>	The annual registration processing fee is fifty dollars. O.A.C. 4101:4-7-01(B).



If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>Duration</b>	One year.
<b>Renewal fee</b> <i>(If different from initial fee, please explain why.)</i>	
<b>Does the Division recognize uniform licensure requirements or allow for reciprocity?</b>	No.
<b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b>	No.
<b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Division?</b>	<p>Rule 4101:4-2-01 of the Ohio Administrative Code provides exceptions for certain devices not subject to the boiler contractor registration requirements:</p> <p>The following boilers and pressure vessels shall comply with the rules of the board for construction but shall not be subjected to the superintendent’s inspection requirements or contractor registration requirements prescribed in Chapter 1301:3-5 or 4101:4-7, respectively, of the Administrative Code:</p> <ul style="list-style-type: none"> <li>(1) Portable boilers or pressure vessels when located on farms and used solely for agricultural purposes;</li> <li>(2) Low pressure boilers which are located in private residences or in apartment houses of less than or equal to five family units (these boilers are regulated by Chapters 4101:8-1 to 4101:8-44 of the Administrative Code known as the “Residential Code of Ohio” or Chapters 4101:2-1 to 4101:2-15 of the Administrative Code known as the “Ohio Mechanical Code”);</li> <li>(3) Pressure vessels containing only water under pressure for domestic supply purposes, including those containing air, the compression of which serves only as a cushion or airlift pumping system, when located in private residences or in apartment</li> </ul>

**If the regulation is a registration, certification, or license requirement, please complete the following:**

	<p>houses of less than or equal to five family units (these pressure vessels, hot water expansion tanks, and pressure tanks are regulated by the Chapters 4101:2-1 to 4101:2-15 of the Administrative Code known as the “Ohio Mechanical Code” and Chapters 4101: 3-1 to 4101:3-13 of the Administrative Code known as the “Ohio Plumbing Code”);</p> <p>(4) Portable boilers used in pumping, heating, steaming, and drilling, in the open field, for water, gas, and oil;</p> <p>(5) Portable boilers used in the construction of and repair to public roads, railroads, and bridges.</p> <p>O.A.C. 4101:4-2-01(B). Accordingly, the requirement that individuals “install[ing], mak[ing] major repairs to, or modify[ing] any boiler” register annually with the superintendent does not apply to work performed by individuals on such exempted equipment.</p>
<p><b>Is the Division permitted to exercise discretion in determining whether to register, certify, or license an individual?</b></p>	<p>No.</p>
<p><b>Other information</b> <i>(Significant attributes or prerequisites to licensure not addressed in this chart.)</i></p>	

**Oversight and disciplinary authority of the Division respecting individuals engaged in the occupation.**

Depending upon the type of work being performed by the boiler contractor, inspection of the work being performed may be required in order to comply with the requirements of Chapter 4104. of the Revised Code. This does not, however, include direct oversight of the boiler contractor while the work is being performed.

**How much revenue is derived from fees charged by the Division to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

The Division is unaware of a federal regulation applying to the occupation and no federal law appears to require the state to regulate the occupation.

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

A boiler or pressure equipment that malfunctions or is repaired improperly can result in catastrophic damage to the equipment, the building it is located within, and serious injury, including death, to those in the proximity when the malfunction or low-water event occurs.

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

Yes, by requiring boiler contractor registration, including the requirement that the contractor obtain a permit to perform the work at issue, the requirement for registration ensures that the work is performed by an individual using proper procedures.

**Are there any changes the Division would like to see implemented?**

**Surrounding state comparison (LSC)**

Boiler Contractor						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Type of regulation	Registration ( <i>R.C. 4104.101</i> ).	No clear equivalent.	Boiler and pressure vessel contractor license ( <i>Ky. Rev. Stat. 236.210(1)</i> ).	License (a boiler installer’s license or a boiler repairer’s license ( <i>Mich. Admin. Code R. 408.4033, 408.4089, and 408.4117</i> ).	No clear equivalent (must hold a National Board “R,” “VR,” or “NR” certificate of authorization issued by the National Board)	No clear equivalent (permit applies to the device) ( <i>W. Va. Code 21-3-7; W. Va. Code R. 42-3-5</i> ).

Boiler Contractor						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
					<i>(35 Pa. Stat. 1331.8).</i>	
Education or training	N/A	N/A	N/A	N/A	N/A	N/A
Experience	N/A	N/A	Must be at least 18 years of age <i>(815 Ky. Admin. Regs. 15:080).</i>	For a boiler installer's license, at least five years of experience in all phases of boiler installation in the class of license for which the applicant is applying. A credit of two years of experience may be given for experience in the design, construction, manufacture, or inspection of boilers. <i>(Mich. Admin. Code R. 408.4091.)</i>  For a boiler repairer's license, at least five years	N/A	N/A

Boiler Contractor						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
				of experience in all phases of boiler repair in the class of license for which the applicant is applying. A credit of three years of experience may be given for experience in the design, construction, manufacture, or inspection of boilers ( <i>Mich. Admin. Code R. 408.4119.</i> )		
Exam	N/A	N/A	Yes ( <i>Ky. Rev. Stat. 236.210(2); 815 Ky. Admin. Regs. 15:080.</i> )	Yes, for both licenses ( <i>Mich. Admin. Code R. 408.4103 and 408.4121.</i> )	N/A	N/A
Continuing education	N/A	N/A	Six hours ( <i>815 Ky. Admin. Regs. 2:010.</i> )	N/A	N/A	N/A

Boiler Contractor						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Initial licensure fee	\$50 ( <i>O.A.C. 4101:4-7-01(B)</i> ).	N/A	\$250 ( <i>Ky. Admin. Regs. 15:080</i> ).	For both types of licenses, \$100 exam fee plus \$80 license fee ( <i>Mich. Admin. Code R. 408.4038</i> ).	N/A	N/A
License duration	One year ( <i>R.C. 4104.101(C)</i> ).	N/A	One year ( <i>Ky. Rev. Stat. 236.210</i> ).	For both types of licenses, one year ( <i>Mich. Admin. Code R. 408.4107 and 408.4125</i> ).	N/A	N/A
Renewal fee	\$50 ( <i>O.A.C. 4101:4-7-01(B)</i> ).	N/A	\$175 ( <i>815 Ky. Admin. Regs. 15:080(4)</i> ).	For both types of licenses, \$80 ( <i>Mich. Admin. Code R. 408.4038</i> ).	N/A	N/A

## Backflow technician

### Survey responses (COM)

#### Description

A backflow prevention device is a device installed on a building's water pipes that allows water to flow in one direction and prevents the flow of water in the opposite direction. This type of device ensures that drinking water is not contaminated as a result of "backflow" of water moving from the building back to the source of water, whether that source of water be a private water system, such as a well, or a public drinking water system.

There are two categories of backflow prevention devices: "isolation" and "containment" backflow prevention devices. An "[i]solation backflow prevention device" means a device for the prevention of the backflow of liquids, solids, or gases that is regulated by the building code adopted pursuant to section 3781.10 of the Revised Code and rules adopted pursuant to this section." R.C. 3703.21(F)(1). Whereas a "[c]ontainment backflow prevention device" means a device for the prevention of the backflow of liquids, solids, or gases that is installed by the supplier of, or as a requirement of, any public water system as defined in division (A) of section 6109.01 of the Revised Code." R.C. 3703.21(F)(2).

The distinction between isolation and containment backflow prevention devices is important for two reasons. First, the Division of Industrial Compliance only has jurisdiction over *isolation* backflow prevention devices. *See generally* R.C. 3703.21(C). And second, a backflow technician certificate is only required for installation, testing, or repair of isolation backflow prevention devices. *Id.* Whereas a backflow technician certificate is not required for "installation, testing, or repair of any containment backflow prevention device." *Id.*

There are three classes of backflow technician certificates, each granting authority to a backflow technician to test specific categories of isolation backflow prevention devices:

- (1) If the backflow prevention device is, or will be, located within a lawn irrigation process piping system, the individual must possess a valid "Class A" or "Class B" backflow technician certification issued in accordance with section 3703.21 of the Revised Code and rules promulgated thereunder.
- (2) If the backflow prevention device is an isolation device that is owned by the public water system, the individual must possess a valid "Class A" or "Class C" backflow technician certification issued in accordance with section 3703.21 of the Revised Code and rules promulgated thereunder.
- (3) For all other isolation backflow prevention devices not subject to paragraph (A)(1) or (A)(2) of this rule, the individual must possess a valid "Class A" backflow technician certification issued in accordance with section 3703.21 of the Revised Code and rules promulgated thereunder.



**Description**

O.A.C. 1301:3-7-02(A)(1)-(3).

The superintendent of industrial compliance is responsible for overseeing enforcement of backflow technician certification. *See generally* R.C. 3703.21. The backflow advisory board was established under section 3703.21 of the Revised Code to “advise the superintendent on matters pertaining to the training and certification of backflow technicians.” R.C. 3703.21(A).

**Type** (*License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.*)

Because a certified backflow technician must possess certain personal qualifications in order to obtain a backflow technician certificate under section 3703.21 of the Revised Code, such certificates constitute an “occupational license” as that term is defined in section 4798.01 of the Revised Code.

**If the regulation is a registration, certification, or license requirement, please complete the following:**

**Number issued annually**

In 2021, roughly 280 backflow technician certificates were issued.

**Number renewed annually**

In 2021, roughly 950 backflow technician certificates were renewed.

**Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?**

No.

**If the regulation is a registration, certification, or license requirement, please complete the following:**

**Education or training requirements**

Backflow technician certification requires: “[c]ompletion of a twenty-four hour backflow course by an approved training agency that includes a mandatory hands-on testing and repairing examination administered by an approved training agency.” O.A.C. 1301:3-7-03(C)(2).

**Experience requirements**

Rule 1301:3-7-02 of the Administrative Code provides:

In order to qualify to sit for the backflow technician examination, the applicant must successfully demonstrate to the satisfaction of the superintendent or the superintendent’s designee . . . the following:

- (1) Significant workplace experience relevant to backflow technician work, as follows:
  - (a) If the applicant is experienced in the plumbing industry, the applicant must possess five years of experience with a plumbing contractor, a hydronic contractor, or a fire protection company certified by the Ohio state fire marshal; or, the applicant must hold a current plumbing inspector certification from the division or bureau of building standards.
  - (b) If the applicant is experienced in the water purveyor or industry business, the applicant must possess five years of experience in the water purveyor industry; or, the applicant must possess a minimum of an Ohio environmental protection agency license class I distribution of an Ohio environmental protection agency water treatment operator license.
  - (c) If the applicant does not have the experience set forth in paragraph (B)(1)(a) or (B)(1)(b) of this rule, the board may consider other acceptable experience related to the performance of backflow technician duties, including consideration of such experience as it relates to the class of backflow technician certification that is being applied for.

O.A.C. 1301:3-7-02(C)(1)(a)-(c).

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<p><b>Examination requirements</b> (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Division receive any proceeds of those fees? If so, how are the proceeds used?</i>)</p>	<p>In order to obtain a backflow technician certificate, an individual must obtain a passing score on the backflow technician examination as required by rule 1301:3-7-03 of the Administrative Code. The exam is administered by Division personnel. The exam is selected by the Division’s plumbing section supervisor and is approved by the superintendent. The examination fee is \$50.00, and, if re-examination is required, an additional \$50.00 fee must be submitted. Proceeds from the examination are used to cover the administrative costs associated with preparing, proctoring, and scoring the exam.</p>
<p><b>Continuing education requirements</b> (<i>Including a description of the curriculum and the process of setting it.</i>)</p>	<p>Certified backflow technicians must complete eight hours of approved continuing education courses every three years in order to renew their backflow technician certificates. Training agencies offering these courses, as well as the initial twenty-four-hour training course, must obtain approval from the superintendent as training agencies in order for the courses they offer to count toward the requirements for backflow technician education under section 3703.21 of the Revised Code.</p>
<p><b>Initial fee</b></p>	<p>The initial application fee is \$50.00. O.A.C. 1301:3-7-04(A)(1).</p>
<p><b>Duration</b></p>	<p>Three years.</p>
<p><b>Renewal fee</b> (<i>If different from initial fee, please explain why.</i>)</p>	<p>\$75.00.</p>
<p><b>Does the Division recognize uniform licensure requirements or allow for reciprocity?</b></p>	<p>While there are no uniform license requirements recognized by the Division, experience obtained by applicants in other states will be considered when reviewing their application to ascertain whether they meet the experience and training requirements to obtain an Ohio backflow technician certificate.</p>

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<p><b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b></p>	<p>No.</p>
<p><b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Division?</b></p>	<p>A backflow technician certificate issued by the Division is not required to test or install a “containment” backflow prevention device. See R.C. 3703.21(C) &amp; (F)(1)-(2). Under section 3703.21 of the Revised Code, however, “isolation” backflow prevention devices may only be installed and tested by individuals holding the applicable backflow technician certificate relevant to the category of isolation backflow device at issue.</p>
<p><b>Is the Division permitted to exercise discretion in determining whether to register, certify, or license an individual?</b></p>	<p>Applicants must demonstrate they possess the necessary experience to meet the requirements for certification as set forth in rule 1301:3-7-02 of the Ohio Administrative Code. This requires exercise of some degree of discretion to ascertain, for example, whether the applicant has “other acceptable experience related to the performance of backflow technician duties, including consideration of such experience as it relates to the class of backflow technician certification that is being applied for.” O.A.C. 1301:3-7-02(C)(1)(c).</p>
<p><b>Other information</b> (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>)</p>	

**Oversight and disciplinary authority of the Division respecting individuals engaged in the occupation.**

Disciplinary authority over certified backflow technicians is provided for in rule 1301:3-7-07 of the Ohio Administrative Code, which provides, in part:

(A) An application for a backflow technician certificate, and a backflow technician certificate issued in accordance with Chapter 1301:3-7 of the Administrative Code, may be denied, revoked, suspended, or refused to be renewed, in accordance with Chapters 119. and 3703. of the Revised Code if the applicant for, or holder of, the backflow technician certificate has engaged in any of the following:

(1) Falsified documentation;

**Oversight and disciplinary authority of the Division respecting individuals engaged in the occupation.**

- (2) Violated any provision of Chapter 3703. of the Revised Code or rules adopted pursuant thereto;
- (3) Obtained a license by fraud, misrepresentation, or deception;
- (4) Engaged in fraud, misrepresentation, deception, malfeasance, misfeasance, or nonfeasance in the conduct of business; or
- (5) Performed work that exceeds the scope of the class of backflow technician certificate that the individual holds, in violation of rule 1301:3-7-02 of the Administrative Code.

(B) In accordance with Chapters 119. and 3703. of the Revised Code, the superintendent may:

- (1) Suspend or revoke a backflow technician certificate for a specified period of time, from a minimum of six months to a maximum of life; and/or
- (2) Require a holder of a backflow technician certificate to complete additional continuing education courses within a specified time period.

O.A.C. 1301:3-7-07(A)-(B)(2).

**How much revenue is derived from fees charged by the Division to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

The Division is unaware of a federal regulation that would apply to the occupation. Similarly, it does not appear that federal law requires the state to regulate the occupation.

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

If contaminated water from a building “backflows” into the water source (whether that be a private well or the public drinking water system), it can result in serious harm to those exposed to the contaminants, including all users of the drinking water system. Backflow prevention devices ensure that water moves in only one direction into a building and cannot “backflow” into the drinking water system, thereby preventing any harmful contaminants from leaving a building and entering the public water system.

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

Yes, backflow prevention devices must be properly installed, tested, and repaired in order for such devices to serve their purpose and protect the drinking water system from backflow contamination. Requiring certification of backflow technicians who will perform the installation, testing, and repair of such devices ensures they will serve their purposes and safeguard users of the drinking water system as well as the system itself.

Are there any changes the Division would like to see implemented?

### Surrounding state comparison (LSC)

Backflow Technician (Class A, B, and C Certificates)						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Type of regulation	License (O.A.C. 1301:3-7-02.)	No clear equivalent. Cross connection (backflow) control devices are inspected and tested by state-registered inspectors. (327 Ind. Admin. Code 8-10-8 and 8-10-9.)	No clear equivalent. Must hold a plumbing permit to install a backflow prevention device. (815 Ky. Admin. Regs. 20:050.)	No clear equivalent. Local regulations apply. (Mich. Admin. Code R. 325.11402.)	No clear equivalent.	No clear equivalent. Backflow prevention devices are tested by state-certified testers. (W. Va. Code 16-1-9 and W. Va. Code R. 64-25-1 et seq.)
Education or training	24 hour backflow course taught by an approved training agency	N/A	N/A	N/A	N/A	N/A

**Backflow Technician (Class A, B, and C Certificates)**

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	(O.A.C. 1301:3-7-02).					
Experience	<p>One of the following:</p> <ul style="list-style-type: none"> <li>▪ Five years of experience with a plumbing or hydronic contractor, a state-certified fire protection company, or in the water purveyor industry; or</li> <li>▪ Possess a current Ohio plumbing inspector certification or an Ohio Environmental Protection Agency class I water treatment</li> </ul>	N/A	N/A	N/A	N/A	N/A



**Backflow Technician (Class A, B, and C Certificates)**

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	operator license. <i>(O.A.C. 1301:3-7-02.)</i>					
Exam	Yes <i>(O.A.C. 1301:3-7-03).</i>	N/A	N/A	N/A	N/A	N/A
Continuing education	Eight-hour backflow course by an approved training agency <i>(O.A.C. 1301:3-7-05).</i>	N/A	N/A	N/A	N/A	N/A
Initial licensure fee	\$50 application fee and \$50 exam fee <i>(O.A.C. 1301:3-7-04).</i>	N/A	N/A	N/A	N/A	N/A
License duration	Three years <i>(O.A.C. 1301:3-7-05).</i>	N/A	N/A	N/A	N/A	N/A
Renewal fee	\$75 <i>(O.A.C. 1301:3-7-05).</i>	N/A	N/A	N/A	N/A	N/A

## Plumbing inspector

### Survey responses (COM)

#### Description

Jurisdiction over inspection of plumbing under Chapter 3703. of the Revised Code may fall to a number of governmental entities. *See generally* R.C. 3703.01. For example, municipal corporations that have been certified by the board of building standards may exercise enforcement authority for plumbing in buildings within their respective jurisdiction. *See* R.C. 3703.01(B)(1)(a). Similarly, health districts may exercise enforcement authority if they employ a plumbing inspector certified pursuant to section 3781.10 of the Revised Code or the health district may contract with a board of county commissioners or another board of health to authorize the county building department or the other board of health to inspect plumbing in the contracting health district’s jurisdiction. R.C. 3703.01(B)(1)(b)(i)-(ii). And unless an exception applies, the “division of industrial compliance in the department of commerce shall . . . [i]inspect all nonresidential buildings within the meaning of section 3781.06 of the Revised Code.” R.C. 3703.01(A)(1). The Division’s jurisdiction for plumbing inspections functions as a “reserve” jurisdiction; meaning the Division may exercise enforcement authority in all areas where another entity has not first availed itself of exercising its own jurisdiction (assuming the other entity is authorized to do so as set forth in section 3703.01 of the Revised Code by becoming certified or contracting with another entity as discussed above). *See generally* R.C. 3703.01.

Until September 2021, the superintendent of the division of industrial compliance was charged with “prescribing minimum qualifications based on education, training, experience, or demonstrated ability, that the superintendent shall use in certifying or recertifying *plumbing inspectors to do plumbing inspections for health districts and county building departments* that are authorized to perform inspections pursuant to a contract under division (C)(1) of this section, and for continuing education of plumbing inspectors. Those minimum qualifications shall be related to the types of buildings for which a person seeks certification.” *Former* R.C. 3703.01 (emphasis added). And at that time, jurisdiction for certification of plumbing inspectors performing inspections on behalf of certified building departments fell to the Board of Building Standards. The Division’s authority for certifying plumbing inspectors employed by health districts, however, was removed in House Bill 110 in September 2021.

Now, authority for certification of “departments, personnel, and persons to enforce the state residential building code, to enforce the nonresidential building code, or to enforce both the residential and the nonresidential building codes,” lies *exclusively* with the Board of Building Standards. *See generally* R.C. 3781.10.

Nonetheless, the Division will provide report responses for its prior role of certifying plumbing inspectors employed by health districts. These responses, however, concern only plumbing inspectors employed by health districts and the process of obtaining certification from the Division to perform inspections on behalf of health districts. Information regarding personnel of certified building departments that were certified by the Board of Building Standards is beyond the scope of this report.

**Type** (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)

Because a certified plumbing inspector employed by a health district previously was required to possess certain personal qualifications in order to obtain a plumbing inspector certification under rule 1301:3-2-03 of the Ohio Administrative Code, such certificates constituted an “occupational license” as that term is defined in section 4798.01 of the Revised Code.

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Number issued annually</b>	Prior to the Division’s certification program for plumbing inspectors being terminated, the Division generally issued roughly a dozen new certifications to plumbing inspectors each year.
<b>Number renewed annually</b>	Prior to the Division’s certification program for plumbing inspectors being terminated, the Division generally renewed roughly 160 plumbing inspector certifications each year.
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	Yes, there has been a drastic decrease in the number of active certifications for plumbing inspectors (as it pertains to certification from the Division), because the Division no longer certifies plumbing inspectors for health districts. Prior to that time, however, the number of active certifications issued by the Division had remained relatively consistent in the preceding six years, with the exception of a small decline during the period of the COVID-19 pandemic.
<b>Education or training requirements</b>	“High school education or equivalent.” O.A.C. 1301:3-2-03(B)(1).
<b>Experience requirements</b>	“Seven years of practical experience in the installation of plumbing; or . . . A professional engineer pursuant to section 4733.01 of the Revised Code and three years of experience in plumbing system design, estimating, or supervision of plumbing systems installations.” O.A.C. 1301:3-2-03(B)(2)-(3).

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<p><b>Examination requirements</b> (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Division receive any proceeds of those fees? If so, how are the proceeds used?</i>)</p>	<p>Previously, the Division administered the examination, which included subject matter such as plumbing code, plumbing drawings, and multi-story building plans. The examination also included a multiple-choice section. A \$25.00 examination fee was charged by the Division, and this cost was used to cover the administrative costs associated with preparing, proctoring, and scoring the examination.</p>
<p><b>Continuing education requirements</b> (<i>Including a description of the curriculum and the process of setting it.</i>)</p>	<p>Ten credit hours of annual training offered by the plumbing supervisor of the Division of Industrial Compliance was required. This training included plumbing and building code updates, administration updates, and general plumbing code best practices. Such training is now offered by the Board of Building Standards for inspectors certified by the Board.</p>
<p><b>Initial fee</b></p>	<p>Previously, the application fee was \$50.00, examination fee was \$25.00, and certification fee was \$25.00.</p>
<p><b>Duration</b></p>	<p>One year.</p>
<p><b>Renewal fee</b> (<i>If different from initial fee, please explain why.</i>)</p>	<p>The renewal fee was \$60.00.</p>
<p><b>Does the Division recognize uniform licensure requirements or allow for reciprocity?</b></p>	<p>No, but prior experience obtained in other jurisdictions would be considered when determining whether the applicant had sufficient experience to obtain a certification as a plumbing inspector in Ohio.</p>
<p><b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b></p>	<p>No.</p>

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<p><b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Division?</b></p>	<p>As previously discussed, if the individual were employed by the health district, they were required to obtain a certification from the Division in order to perform plumbing inspections under Chapter 3703. of the Revised Code. If, however, the plumbing inspection (as required by Chapter 3703.) were being performed by personnel of a certified building department, those personnel were required to obtain a certification from the Board of Building Standards. As such, there were circumstances where inspections could be performed without obtaining a certification from the Division.</p>
<p><b>Is the Division permitted to exercise discretion in determining whether to register, certify, or license an individual?</b></p>	<p>No.</p>
<p><b>Other information</b> (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>)</p>	

**Oversight and disciplinary authority of the Division respecting individuals engaged in the occupation.**

A plumbing inspector certificate could be denied, revoked, or suspended if the applicant was found to have done any of the following:

- (1) Falsify documentation;
- (2) Violate any provision of Chapter 3703. of the Revised Code or rules adopted pursuant thereto;
- (3) Obtain a license by fraud, misrepresentation, or deception; or
- (4) Engage in fraud, misrepresentation, deception, malfeasance, misfeasance, or nonfeasance in the conduct of business.

O.A.C. 1301:3-2-08(A)(1)-(4).

**How much revenue is derived from fees charged by the Division to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

The Division is unaware of federal regulations that would apply to the occupation, and it does not appear that federal law requires the state to regulate the occupation.

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

Safety codes, such as the Ohio Building Code and Plumbing Code are established to ensure buildings and structures, including plumbing therein, are built in a safe manner. Inspections of building and structures ensures that the buildings comply with applicable safety codes, including the plumbing code. Given the technical nature and complexity of such systems, inspections must be performed by individuals that have the requisite education, training, and experience to conduct the inspection competently.

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

Yes, requiring inspectors to obtain certification ensures such individuals are sufficiently competent to properly understand the systems that are being inspected as well as to make accurate determinations as to whether such systems conform with the plans that have been approved for each project as well as to determine whether the work complies with applicable safety codes.

**Are there any changes the Division would like to see implemented?**

**Surrounding state comparison (LSC)**

Plumbing Inspector ( <i>Plumbing Code</i> )						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Type of regulation	License ( <i>O.A.C. 1301:3-2</i> ).	No clear equivalent.	Plumbing inspectors assigned to each county by the state and city-county appointed inspectors may be certified by the Department of	License (plumbing inspector registration) ( <i>Mich. Admin. Code R. 408.30001 through 408.30055</i> ).	Plumbing inspector certificate ( <i>34 Pa. Code 401.3</i> ).	Plumbing inspector certificate ( <i>W. Va. Code R. 103-6-3</i> ).

Plumbing Inspector ( <i>Plumbing Code</i> )						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
			Housing, Buildings, and Construction ( <i>Ky. Rev. Stat. 198B.090 by reference to Ky. Rev. Stat. 318.090 and 318.140</i> ). <sup>72</sup>			
Education or training	High school education or equivalent ( <i>O.A.C. 1301:3-2-03</i> ).	N/A	N/A	18 hours of approved education or training in administration, communication, technical, plan review, and specialty areas ( <i>Mich. Admin. Code R. 408.30031</i> ).	N/A	N/A
Experience	One of the following: <ul style="list-style-type: none"> <li>Seven years of practical experience in</li> </ul>	N/A	Eight years of experience as a master or journeyman plumber ( <i>Ky. Rev.</i>	Licensed journeyman plumber for no less than two years or licensed	N/A	N/A

<sup>72</sup> Kentucky law requires the Department of Housing, Buildings, and Construction to create and administer a plumbing inspector certificate program, but it does not appear the Department has adopted rules to do so (*Ky. Rev. Stat. 198B.090*).



**Plumbing Inspector (*Plumbing Code*)**

	<b>Ohio</b>	<b>Indiana</b>	<b>Kentucky</b>	<b>Michigan</b>	<b>Pennsylvania</b>	<b>West Virginia</b>
	<p>the installation of plumbing; or</p> <ul style="list-style-type: none"> <li>▪ If the applicant for licensure is a registered professional engineer, three years-of experience in plumbing system design, estimating, or supervision of plumbing systems installations. </li></ul> <p><i>(O.A.C. 1301:3-2-03.)</i></p>		<p><i>Stat. 198B.090, by reference to Ky. Rev. Stat. 318.090 and 318.140.</i></p>	<p>master plumber for any amount of time (<i>Mich. Admin. Code R. 408.30046</i>).</p>		
Exam	<p>Yes (<i>O.A.C. 1301:3-2-03</i>).</p>	N/A	N/A	N/A	<p>Exam administered by the Department of Labor and Industry (DLI), the National Certification Program for</p>	<p>International Code Council plumbing inspector exam (P1 residential or P2 commercial); exam is waived if applicant is a</p>

Plumbing Inspector ( <i>Plumbing Code</i> )						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
					Construction Code Inspectors, Assessment Services Incorporated, or other nationally recognized DLI approved testing program (34 Pa. Code 401.6).	state-licensed architect or professional engineer ( <i>W. Va. Code R. 103-6-3</i> ).
Continuing education	Ten hours ( <i>O.A.C. 1301:3-2-06</i> ).	N/A	N/A	47 hours per three-year renewal cycle ( <i>Mich. Admin. Code R. 408.30055</i> ).	15 credit hours (34 Pa. Code 401.9).	N/A
Initial licensure fee	\$50 application fee plus \$25 exam fee plus \$25 certification fee ( <i>O.A.C. 1301:3-2-07</i> ).	N/A	N/A	\$75 (\$25 per year of registration) ( <a href="#">Application for Registration of Building Officials, Inspectors, and Plan Reviewers (PDF)</a> ).	\$109.70 ( <a href="#">DLI Bureau of Occupational and Industrial Safety CAL Division Fee Schedule</a> ).	\$75 ( <i>W. Va. Code R. 103-6-3</i> ).
License duration	One year ( <i>O.A.C. 1301:3-2-06</i> ).	N/A	N/A	Three years ( <i>Mich. Admin.</i>	Three years (34 Pa. Code 401.4).	Three years ( <i>W. Va. Code R. 103-6-5</i> ).

Plumbing Inspector ( <i>Plumbing Code</i> )						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
				<i>Code R. 408.30055).</i>		
Renewal fee	\$60 ( <i>O.A.C. 1301:3-2-07</i> ).	N/A	N/A	\$75 ( <i>Application for Registration of Building Officials, Inspectors, and Plan Reviewers (PDF)</i> ).	\$109.70 ( <i>DLI Bureau of Occupational and Industrial Safety CAL Division Fee Schedule</i> ).	\$75 ( <i>W. Va. Code R. 103-6-5</i> ).

## Elevator inspector

### Survey responses (COM)

Description
<p>Elevator inspectors perform inspections of elevators and lifting apparatus as required by Chapter 4105. of the Revised Code. R.C. 4105.01(E)-(G). There are two categories of elevator inspectors: general inspectors and special inspectors. <i>Id.</i> General inspectors refer to state inspectors examined and hired to inspect elevators and lifting apparatus “for the state” (i.e., on behalf of the Division of Industrial Compliance (the “Division”). R.C. 4105.01(E). Special inspectors refer to inspectors examined and commissioned by the superintendent of industrial compliance to inspect elevators and lifting apparatus <i>in</i> the state (i.e., on behalf of an insurance company). R.C. 4105.01(F). Elevators insured by a company authorized to insure elevators in the state of Ohio may be inspected by a special inspector of such company. R.C. 4105.07. If an elevator has not been inspected by a special inspector, then general inspectors may perform the inspections required by Chapter 4105. of the Revised Code. R.C. 4105.08.</p>

**Type** (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)

In order to act as inspectors of elevators, both general inspectors and special inspectors are required to hold a “certificate of competency” under section 4105.02 of the Revised Code. Accordingly, a certificate of competency would constitute an “occupational license” under section 4798.01(B)(2) of the Revised Code.

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Number issued annually</b>	In general, between zero and three new certificates of competency are issued by the Division per year.
<b>Number renewed annually</b>	Roughly 65 certificates of competency are renewed annually.
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	No, there has not been a significant increase or decreases in active licenses in the preceding six years.
<b>Education or training requirements</b>	<p>Pursuant to section 4105.02 of the Revised Code, applicants for certificates of competency submit a written application to the Division stating the school education of the applicant. The statute further provides that the applicant may sit for the required examination “if the division considers the applicant’s history and experience sufficient.” R.C. 4105.02.</p> <p>The Division has determined that individuals that hold an ASME QEI-1 (“Standard for the Qualification of Elevator Inspectors”) certification from an accredited organization are deemed to meet the education and training requirements to obtain a certificate of competency.</p>
<b>Experience requirements</b>	Pursuant to section 4105.02 of the Revised Code, applicants for certificates of competency submit a written application to the Division that includes a list of their employers, the period of

<b>If the regulation is a registration, certification, or license requirement, please complete the following:</b>	
	<p>employment they held with each employer, and the position they held with each. In addition, the applicant submits “a letter from one or more of the applicant’s prior employers certifying as to the applicant’s character and fitness.” R.C. 4105.02.</p> <p>The Division has determined that individuals that have obtained an ASME QEI-1 (“Standard for the Qualification of Elevator Inspectors”) certification from an accredited organization are deemed to meet the experience requirements to obtain a certificate of competency.</p>
<b>Examination requirements</b> ( <i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Division receive any proceeds of those fees? If so, how are the proceeds used?</i> )	<p>Under section 4105.02 of the Revised Code, applicants for certificates of competency are to be “examined by the superintendent of industrial compliance by a written examination dealing with the construction, installation, operation, maintenance, and repair of elevators and their appurtenances.” R.C. 4105.02. One examination relied upon for this purpose is the examination associated with obtaining the ASME QEI-1 certification. The QEI-1 certification examination is administered by an accredited certifying agency. The Division does not receive proceeds for administration of the QEI certification examination.</p>
<b>Continuing education requirements</b> ( <i>Including a description of the curriculum and the process of setting it.</i> )	<p>Holders of certificates of competency must “[c]omply with the continuing education requirements as set forth in ASME QEI-1 2018: Standard for the Qualification of Elevator Inspectors, as well as maintaining a current QEI certification issued by as certifying agency.” O.A.C. 1301:3-6-02(D)(1). This generally requires an individual to complete ten hours of continuing education approved by the certifying agency with which the individual obtained his or her QEI-1 certification. In addition, attendance at an annual meeting hosted by the elevator section of the Division is also required. O.A.C. 1301:3-6-02(D)(2).</p>
<b>Initial fee</b>	<p>There is a twenty-five-dollar application fee for special inspectors. General inspectors are hired by the Division and are not charged a fee for obtaining a certificate of competency as this is included in their on-boarding process as new employees.</p>
<b>Duration</b>	<p>One year.</p>

<b>If the regulation is a registration, certification, or license requirement, please complete the following:</b>	
<b>Renewal fee</b> <i>(If different from initial fee, please explain why.)</i>	There is a twenty-five-dollar application fee for special inspectors. General inspectors are employees of the Division and are not charged a fee for renewing a certificate of competency as this is included as part of Division’s employee development program for such positions.
<b>Does the Division recognize uniform licensure requirements or allow for reciprocity?</b>	Yes, the Division recognizes uniform licensing requirements by issuing certificates of competency to applicants that hold the ASME QEI-1 (“Standard for the Qualification of Elevator Inspectors”) Certification, which is issued by any of a number of accredited certifying agencies. Similarly, QEI-1 certification is a standard for elevator inspectors recognized nationally. As such, reciprocity is allowed for individuals licensed in other states where QEI-1 Certification is required to obtain an inspector’s “license” and, as such, such individuals may obtain their certificate of competency in Ohio with such a credential as well.
<b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b>	Yes, the ASME QEI-1 (“Standard for the Qualification of Elevator Inspectors”) certification is a nationally recognized certification (i.e., “license” as that term is used in section 4798.01 of the Revised Code) that the Division accepts as sufficient to demonstrate the necessary education and experience for individuals to obtain a certificate of competency in Ohio. There are, however, some differences regarding Ohio’s elevator inspection requirements and industry practices that are addressed in the required annual meeting of elevator inspectors, which is required as part of renewing the certificate of competency. As such, the Division does not believe the QEI-1 certification is a one-for-one substitute for the requirement to obtain a certificate of competency in Ohio.
<b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Division?</b>	No, in accordance with section 4105.02 of the Revised Code, “No person may act, either as a general inspector or as a special inspector, of elevators, unless the person holds a certificate of competency from the division of industrial compliance.” This means that all inspections required by Chapter 4105. of the Revised Code must be completed by a holder of a certificate of competency. A certificate of competency, however, is not required if an inspection is being performed and the inspection is <i>not</i> being conducted to meet the requirements for compliance with Chapter 4105. of the Revised Code. For example, inspections performed by an elevator service company (an industry where no occupational license is required) in conjunction with routine maintenance work on an elevator.

**If the regulation is a registration, certification, or license requirement, please complete the following:**

**Is the Division permitted to exercise discretion in determining whether to register, certify, or license an individual?**

No.

**Other information** (*Significant attributes or prerequisites to licensure not addressed in this chart.*)

**Oversight and disciplinary authority of the Division respecting individuals engaged in the occupation.**

Applicants for certificates of competency may have their applications denied and holders of certificates of competency may have their certificates suspended or revoked for (1) failing to meet, or maintain, the requirements for obtaining a certificate of competency; (2) “[m]isfeasance, misfeasance, nonfeasance, incompetence, or untrustworthiness of the applicant or holder thereof; or (3)[f]alsification of any matter by a certificate holder or applicant before the division.” O.A.C. 1301:3-6-02(B)(1)-(3).

**How much revenue is derived from fees charged by the Division to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

The application fee for issuance and renewal of a certificate of competency to inspect elevators is only \$25.00. And the fee is not charged to general inspectors, of which there are 61. The fee, however, is charged for special inspectors, of which there are only 4 at present. As such, only \$100.00 is generated annually for this fee. This revenue is used to cover the administrative costs associated with processing the certificate of competency application and is used, in part, to defray the costs associated with enforcing Chapter 4105. Of the Revised Code and rules promulgated thereunder.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

Federal law does not apply to the occupation, nor does it require the state to regulate the occupation.

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

Chapter 4105. of the Revised Code requires inspections of elevators and lifting apparatus at the time of installation of the conveyance and when alterations or modifications are made to the conveyance Similarly, performance of regularly scheduled inspections of such conveyances (generally two inspections per year of most conveyances) is also required by Chapter 4105. This is required to ensure that elevators and lifting apparatus are operating in a safe manner and in compliance with industry standards. Moreover, the overwhelming majority of elevator use is performed by individuals that do not own the elevators that they are using. And, therefore, have no way of ensuring independently that such conveyances are safe to operate.

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

Yes, the regulation is effective at preventing the harm described above. Given the complexity and technical nature of elevators and lifting apparatus, the variability associated with differing types of such conveyances, and the potential harm that a malfunctioning conveyance could cause, it is crucial that inspections be performed in a consistent manner by competent individuals. As such, no less restrictive way exists to prevent the harm.



Are there any changes the Division would like to see implemented?

No.

### Surrounding state comparison (LSC)

Elevator Inspector ( <i>General Inspector and Special Inspector</i> )						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Type of regulation	License (certificate of competency) ( <i>R.C. 4105.02</i> ).	Elevator inspector license ( <i>Ind. Code 22-15-5-11</i> ).	License (certificate of competency in the inspection of elevators) ( <i>Ky. Rev. Stat. 198B.410</i> ).	License (certificate of competency for the inspection of elevators) ( <i>Mich. Comp. Laws 408.810</i> ).	License (elevator inspector certification) ( <i>34 Pa. Code 401.3, 401.6, and 401.7</i> ).	License (certificate of competency for elevator inspections) ( <i>W. Va. Code 21-3C-2</i> ).
Education or training	Requires a current Qualified Elevator Inspector (QEI) certification, which is offered by at least two private organizations and involves education and	Requires QEI certification or another certification approved by the Fire Prevention and Building Safety Commission ( <i>Ind. Code 22-15-5-11</i> ).	N/A	N/A	Requires QEI certification ( <i>Pennsylvania Dept. of Labor &amp; Industry, <a href="#">Uniform Construction Code (UCC) Certification Booklet (PDF)</a></i> ).	Requires QEI certification ( <i>W. Va. Code 21-3C-2; W. Va. Code R. 42-21-11</i> ).

**Elevator Inspector (General Inspector and Special Inspector)**

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	experience requirements and an exam ( <i>R.C. 4105.02 and 4105.12; Ohio Dept. of Commerce, <a href="#">Elevator Inspector Application (PDF)</a></i> ).					
Experience	Requires QEI certification ( <i>R.C. 4105.02 and 4105.12; O.A.C. 1301:3-6-02; Ohio Dept. of Commerce, <a href="#">Elevator Inspector Application (PDF)</a></i> ).	Requires QEI certification or another approved certification ( <i>Ind. Code 22-15-5-11</i> ).	Some experience is required, but the amount is unspecified in state law ( <i>Ky. Rev. Stat. 198B.410</i> ).	For a general inspector, three years of experience in elevator construction or the equivalent as determined by the Elevator Safety Board.  For a special inspector, three years of experience in designing, installing, maintaining, or inspecting elevators.	Requires QEI certification ( <i>Pennsylvania Dept. of Labor &amp; Industry, <a href="#">Uniform Construction Code (UCC) Certification Booklet (PDF)</a></i> ).	Requires QEI certification.  Must be at least 21 years of age. ( <i>W. Va. Code 21-3C-2; W. Va. Code R. 42-21-11.</i> )

Elevator Inspector ( <i>General Inspector and Special Inspector</i> )						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
				( <i>Mich. Comp. Laws 408.810.</i> )		
Exam	Yes, as part of the QEI certification ( <i>R.C. 4105.02 and 4105.011.</i> )	Yes, as part of the QEI certification ( <i>Ind. Code 22-15-5-11.</i> )	Yes ( <i>Ky. Rev. Stat. 198B.410.</i> )	Yes ( <i>Mich. Comp. Laws 408.810; Mich. Admin. Code R. 408.7017.</i> )	Yes, as part of QEI certification ( <i>34 Pa. Code 401.6; Pennsylvania Dept. of Labor &amp; Industry, <a href="#">Uniform Construction Code (UCC) Certification Booklet (PDF)</a>.</i> )	Yes, either one required by the West Virginia Division of Labor or the exam required as part of the QEI certification ( <i>W. Va. Code R. 42-21-11.</i> )
Continuing education	Comply with the requirements to maintain the QEI certification.  Attend an annual meeting held by the Elevator Section of the Division of Industrial Compliance.  ( <i>O.A.C. 1301:3-6-02.</i> )	Eight hours that must be completed within one year before license renewal in addition to QEI certification requirements ( <i>Ind. Code 22-15-5-15.</i> )	Eight hours through the National Elevator Industry Educational Program, the National Association of Elevator Contractors (NAEC), or another approved provider ( <i>Ky. Rev. Stat. 198B.4023.</i> )	N/A	15 hours every three years ( <i>34 Pa. Code 401.8 and 401.9.</i> )	None prescribed by state law, but continuing education is required to maintain the QEI certification ( <i>see, for example, NAEC, <a href="#">QEI Handbook and Application (PDF)</a>.</i> )

**Elevator Inspector (General Inspector and Special Inspector)**

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Initial licensure fee	For a special inspector, \$25 (O.A.C. 1301:3-6-02).	\$100 (675 Ind. Admin. Code 12-3-15).	\$10 (Ky. Rev. Stat. 198B.410).	\$50 (Mich. Admin. Code R. 408.7019).	\$50 (34 Pa. Code 401.2).	\$10 (W. Va. Code 21-3C-2; W. Va. Code R. 42-21-11).
License duration	One year (R.C. 4105.04 (for special inspectors) and O.A.C. 1301:3-6-02).	Two years (Ind. Code 22-15-5-11).	One year (Ky. Rev. Stat. 198B.4023).	N/A	Three years (34 Pa. Code 401.4 and 401.8).	One year (W. Va. Code R. 42-21-11).
Renewal fee	For a special inspector, \$25 (O.A.C. 1301:3-6-02).	\$100 (675 Ind. Admin. Code 12-3-15).	\$10 (Ky. Rev. Stat. 198B.410 and 198B.4023).	N/A	\$50 (34 Pa. Code 401.2).	\$10 (W. Va. Code R. 42-21-11; West Virginia Division of Labor, <a href="#">Renewal Application for Private Elevator Inspector (PDF)</a> ).

## Stuffed toy and bedding registration

### Survey responses (COM)

Description
Unless an exception applies, under section 3713.02 of the Revised Code, anyone manufacturing, renovating, wholesaling, or reupholstering stuffed toys or articles of bedding in this state, or selling or offering for sale any second-hand stuffed toy or any second-hand article of bedding in this state, may not do so without first registering with the superintendent of industrial compliance in accordance with section 3713.05 of the Revised Code. Accordingly, the Division issues registrations to importers, manufacturers, renovators, wholesalers, reupholsterers, as well as second-hand dealers of bedding. Additionally, “[a]ll persons required to register under division (A) of section 3713.02 of the Revised Code manufacturing, making, or wholesaling bedding or stuffed toys, or both, that are sold or offered for sale shall have the material content of their products tested and analyzed at an established laboratory designated by the superintendent of industrial compliance before the bedding or stuffed toys are sold or offered for sale.” R.C. 3713.08(A).

Type (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)
Because obtaining a bedding registration under Chapter 3713. of the Revised Code only requires that an individual give notice to the Division of certain information, rather than demonstrate that the individual meets certain qualifications, bedding registrations required under section 3713.02 of the Revised Code and issued under section 3713.05 of the Revised Code constitute a “registration,” as that term is defined in section 4798.01 of the Revised Code.

If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	1134 new bedding registrations in total were issued in 2021.
Number renewed annually	Roughly 6300 registrations were renewed in 2021.

If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	No, the bedding section receives approximately 1,000 new applications a year. And, in general, roughly that same number of registrations are cancelled each year.
<b>Education or training requirements</b>	N/A
<b>Experience requirements</b>	N/A
<b>Examination requirements</b> ( <i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Division receive any proceeds of those fees? If so, how are the proceeds used?</i> )	N/A
<b>Continuing education requirements</b> ( <i>Including a description of the curriculum and the process of setting it.</i> )	N/A
<b>Initial fee</b>	Importer: \$50.00; Manufacturer: \$50.00; Wholesaler: \$50.00; Reupholsteror: \$50.00; Secondhand dealers: \$50.00; Renovators: \$35.00; Mobile home and recreational vehicle dealers: \$50.00; auction houses: \$50.00. O.A.C. 4101:6-1-03(B).
<b>Duration</b>	One year.
<b>Renewal fee</b> ( <i>If different from initial fee, please explain why.</i> )	

<b>If the regulation is a registration, certification, or license requirement, please complete the following:</b>	
<b>Does the Division recognize uniform licensure requirements or allow for reciprocity?</b>	Yes, registrations are recognized by other states that have bedding registration requirements and, similarly, registration with the state of Ohio is recognized in other states that require bedding registration.
<b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b>	No.
<b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Division?</b>	<p>Pursuant to section 3713.05 of the Revised Code:</p> <p style="padding-left: 40px;">[T]he following are exempt from registration:</p> <ul style="list-style-type: none"> <li>(1) An organization described in section 501(c)(3) of the “Internal Revenue Code of 1986,” and exempt from income tax under section 501(a) of that code and that is operated exclusively to provide recreation or social services;</li> <li>(2) A person who is not regularly engaged in the business of manufacturing, making, wholesaling, or importing stuffed toys but who manufactures or makes stuffed toys as a leisure pursuit and who sells one hundred or fewer stuffed toys within one calendar year;</li> <li>(3) A person who is not regularly engaged in the business of manufacturing, making, wholesaling, or importing quilts, comforters, pillows, or cushions, but who manufactures or makes these items as a leisure pursuit and who sells five or fewer quilts, ten or fewer comforters, or twenty or fewer pillows or cushions within one calendar year.</li> </ul> <p>R.C. 3713.05(C)(1)-(3).</p>
<b>Is the Division permitted to exercise discretion in determining whether to register, certify, or license an individual?</b>	No, the Division is not permitted to exercise discretion in determining whether to register an individual under section 3713.05 of the Revised Code. It should be noted, however, that in addition to the registration requirement, Chapter 3713. of the Revised Code also includes a requirement that articles of bedding, upholstered furniture, and stuffed toys are labeled in accordance with section 3713.08 of the Revised Code. As part of the labeling process, manufacturers are required to have the contents of the regulated article tested and analyzed to

**If the regulation is a registration, certification, or license requirement, please complete the following:**

	confirm that the material contained in the articles conform with what is represented on the label of the article. Although the testing and analysis is not discretionary in its application by the bedding laboratory, the tester does apply his or her education, training, and technical expertise in performing such test and analysis to determine the content and make-up of the article when performing the required laboratory testing.
<b>Other information</b> ( <i>Significant attributes or prerequisites to licensure not addressed in this chart.</i> )	N/A

**Oversight and disciplinary authority of the Division respecting individuals engaged in the occupation.**

The Division has authority to “periodically inspect and investigate any establishment where bedding or stuffed toys are manufactured, made, remade, renovated, repaired, sanitized, sold, or offered for sale, or where previously used material is processed for use in the manufacture of bedding or stuffed toys.” R.C. 3713.09(A). If inspectors find that regulated articles are not properly labeled as required by section 3713.08 of the Revised Code, the inspector may place the article “off sale” until such time as the product is tagged or labeled in accordance with Chapter 3713. Additionally, contents of articles may be examined if there is cause to believe the product is not labeled properly. *See* R.C. 3713.09(B)(1). The superintendent may also examine “records of any importer, manufacturer, or wholesaler of stuffed toys or articles of bedding, mobile home and recreational vehicle dealer, conversion van dealer, secondhand dealer, or auction house to determine compliance with this chapter.” R.C. 3713.09(C).

**How much revenue is derived from fees charged by the Division to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

Revenue is used to cover the administrative costs associated with maintenance of the bedding section of the Division of Industrial Compliance. Additionally, fees collected by registrants is used to cover the costs of inspecting bedding retailers and secondhand dealers to verify that articles of bedding, upholstered furniture, and stuffed toys are labeled in accordance with section 3713.08 of the Revised Code, and that secondhand dealers are properly labeling secondhand articles of bedding and stuffed toys as well as confirming that secondhand articles have been properly sanitized as required by section 3713.02(D) of the Revised Code.



**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

The Division is unaware of a federal regulation requiring registration of bedding, upholstered furniture, and stuffed toy industry participants. Such products, however, are subject to various consumer products safety regulations. For example, regulations promulgated by the U.S. Consumer Product Safety Commission include federal flammability standards applicable to mattresses sold in the United States. See 16 C.F.R. Parts 1632 and 1633.

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

Bedding, upholstered furniture, and stuffed toy regulations seek to protect the public from several types of harms. First, that the public is adequately informed of the contents of the articles of such products available in the marketplace. Second, that such products' labels accurately reflect the contents of the materials contained therein. Third, that such products are made of materials that are safe for bodily use. And fourth, with regard to secondhand products, that such articles are properly labeled so that consumers know that the products have previously been put to bodily use and also that secondhand articles have been sanitized and/or sterilized.

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

Yes, both the labeling and testing requirements, which are applicable to those required to register with the Division under section 3713.05 of the Revised Code, applicable to articles of bedding, upholstered furniture, and stuffed toys, help to ensure that regulated articles are properly labeled so as to adequately inform the public of the contents of regulated articles; ensures that the products' labels accurately represent what is actually contained within the articles; and ensures that such products are made with materials that are safe for bodily use. Similarly, with regard to secondhand articles, labeling and sanitization ensure consumers do not mistakenly purchase an article of bedding or stuffed toys believing it to be new when it has in fact been previously put to bodily use.

Are there any changes the Division would like to see implemented?

### Surrounding state comparison (LSC)

Stuffed Toy or Bedding Importer, Manufacturer, Renovator, Wholesaler, Maker, or Reupholsterer						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Type of regulation	Registration ( <i>R.C. 3713.02</i> ).	No clear equivalent.	No clear equivalent.	No clear equivalent. Local regulations apply.	Stuffed toy registration ( <i>35 Pa. Stat. 5203</i> ). Bedding and upholstery registration ( <i>35 Pa. Stat. 979; 34 Pa. Code 47.12</i> ).	Bedding and upholstery registration ( <i>W. Va. Code 47-1A-7 and 47-1A-14</i> ).
Education or training	N/A	N/A	N/A	N/A	N/A	N/A
Experience	N/A	N/A	N/A	N/A	N/A	N/A
Exam	N/A	N/A	N/A	N/A	N/A	N/A
Continuing education	N/A	N/A	N/A	N/A	N/A	N/A

**Stuffed Toy or Bedding Importer, Manufacturer, Renovator, Wholesaler, Maker, or Reupholsterer**

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Initial licensure fee	\$50, or if only engaging in renovation, \$35 ( <i>R.C. 3713.05</i> ).	N/A	N/A	N/A	For stuffed toy registration, \$82.27.  For bedding and upholstery registration, \$164.55.  ( <i>71 Pa. Stat. 240.13A; 51 Pa. Bulletin 6849.</i> )	\$90 ( <i>W. Va. Code 47-1A-14</i> ).
License duration	One year ( <i>R.C. 3713.07</i> ).	N/A	N/A	N/A	For stuffed toy registration, one year ( <i>35 Pa. Stat. 5203</i> ).  For bedding and upholstery registration, one year ( <i>35 Pa. Stat. 979</i> ).	One year ( <i>W. Va. Code 47-1A-14</i> ).
Renewal fee	\$50, or if only engaging in renovation, \$35 ( <i>R.C. 3713.05 and O.A.C. 4101:6-1-03</i> ).	N/A	N/A	N/A	For stuffed toy registration, \$82.27.  For bedding and upholstery registration, \$164.55.	\$90 ( <i>W. Va. Code 47-1A-14</i> ).

Stuffed Toy or Bedding Importer, Manufacturer, Renovator, Wholesaler, Maker, or Reupholsterer						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
					(71 Pa. Stat. 240.13A and 51 Pa. Bulletin 6849.)	

## Tramway operator

### Surrounding state comparison (LSC)

Tramway Operator						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Type of regulation	Registration ( <i>R.C. 4169.03(D)</i> ).	License (regulated amusement device operating permit) ( <i>Ind. Code 22-12-1-19.1 and 22-15-7-9</i> ).	Registration ( <i>Ky. Rev. Stat. 198B.460</i> ).	Registration (permit) ( <i>Mich. Comp. Laws 408.329</i> ).	Registration (certificate of operation) ( <i>34 Pa. Code 401.1 and 405.6(a)</i> ).	No clear equivalent.
Education or training	N/A	An affidavit affirming that personnel who operate or maintain the device have sufficient background, knowledge, and skills to	N/A	N/A	N/A	N/A

Tramway Operator						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
		adequately operate and maintain device ( <i>Ind. Code 22-15-7-2(c)</i> ).				
Experience	N/A	N/A	N/A	N/A	N/A	N/A
Exam	N/A	N/A	N/A	N/A	N/A	N/A
Continuing education	N/A	N/A	N/A	N/A	N/A	N/A
Initial licensure fee	<p>A separate fee for each of the following:</p> <ul style="list-style-type: none"> <li>▪ Aerial passenger tramway (\$500);</li> <li>▪ Skimobile (\$200);</li> <li>▪ Chair lift (\$200);</li> <li>▪ J-bar, T-bar, or platter pull (\$100);</li> </ul>	<p>A separate fee for each of the following:</p> <ul style="list-style-type: none"> <li>▪ Surface-level ski lift, passenger tramway, aerial tramway or lift, or surface lift or tow (\$144);</li> <li>▪ Above-surface ski lift, passenger tramway, aerial</li> </ul>	<p>\$100 for a stair lift, chairlift, platform lift, or fixed guideway system.</p> <p>If the operator has not yet constructed or installed the equipment, the operator must pay the following additional fees for plan approval:</p> <ul style="list-style-type: none"> <li>▪ \$85 for a zero to five</li> </ul>	<p>The greater of an annual permit fee of \$25 or an application fee of the following amounts for each piece of equipment:</p> <ul style="list-style-type: none"> <li>▪ Rope tow (\$2);</li> <li>▪ J-bar, T-bar, or platter pull (\$5);</li> <li>▪ Chair lift or skimobile (\$15); and</li> </ul>	<p>A separate fee for each of the following:</p> <ul style="list-style-type: none"> <li>▪ Ski lift that is a surface lift (\$658.19); and</li> <li>▪ Ski lift that is an aerial passenger ropeway (\$3,071.56).</li> </ul> <p><i>(71 Pa. Stat. 240.13A(a)(2)(i); Pennsylvania. Dept. of Labor</i></p>	N/A

**Tramway Operator**

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	<ul style="list-style-type: none"> <li>▪ Rope tow (\$50);</li> <li>▪ Wire rope tow (\$75); and</li> <li>▪ Conveyor (\$100).</li> </ul> <p>If an aerial passenger tramway, skimobile, or chair lift are operated during both a winter and a summer season, the fee is 1.5 times the standard fee. <i>(R.C. 4169.03(A).)</i></p>	<p>tramway or lift, or surface lift or tow (\$288); and</p> <ul style="list-style-type: none"> <li>▪ Other amusement device (\$144).</li> </ul> <p><i>(Ind. Code 22-15-7-2(c); 675 Ind. Admin. Code 23-1-63.)</i></p>	<p>horsepower system;</p> <ul style="list-style-type: none"> <li>▪ \$100 for a six to ten horsepower system; and</li> <li>▪ \$100 plus \$10 for each additional horsepower exceeding ten.</li> </ul> <p><i>(815 Ky. Admin. Regs. 4:010 and 4:025.)</i></p>	<ul style="list-style-type: none"> <li>▪ Aerial tramway (\$30).</li> </ul> <p>If the operator has not yet constructed the equipment, the operator must pay an additional \$200 fee for plan approval.</p> <p><i>(Mich. Comp. Laws 408.336(a) and (c).)</i></p>	<p><i>and Industry, <a href="#">Fee Schedule.</a></i></p>	
License duration	One year <i>(R.C. 4169.03(B)).</i>	One year <i>(Ind. Code 22-15-7-2(b)).</i>	One year <i>(Ky. Rev. Stat. 198B.470; 815 Ky. Admin. Regs. 4:010).</i>	One year <i>(Mich. Comp. Laws 408.329 and 408.331).</i>	Four years <i>(34 Pa. Code 405.6(b) and 405.7(b)).</i>	N/A
Renewal fee	Same as initial registration fee <i>(R.C. 4169.03(A)).</i>	Same as initial permit fee <i>(675</i>	Same as initial registration fee	Same as initial permit fee <i>(Mich.</i>	\$157.97 to renew the certificate and an inspection fee	N/A

Tramway Operator						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
		<i>Ind. Admin. Code 23-1-63).</i>	<i>(815 Ky. Admin. Regs. 4:010).</i>	<i>Comp. Laws 408.336(a)).</i>	for each of the following: <ul style="list-style-type: none"> <li>▪ Ski lift that is a surface lift (\$191.97); and</li> <li>▪ Ski lift that is an aerial passenger ropeway (\$855.65).</li> </ul> <i>(71 Pa. Stat. 240.13A; Pennsylvania Dept. of Labor and Industry, <a href="#">Fee Schedule</a>.)</i>	

## DIVISION OF UNCLAIMED FUNDS

### General information (COM)

#### Duties

A registered finder is authorized to recover a fee, not to exceed 10% of the amount recovered by a claimant, to locate, deliver, recover or assist in the recovery of unclaimed funds reported to the Director of Commerce.

#### Budget *(Current budget, description of budgeting process, sources of funding, and expected increases or decreases in budget or funding in future years.)*

#### Workload *(Assess current, past, and anticipated workload. Has the workload increased or decreased significantly in the preceding six years?)*

Two Researcher II staff members average cumulatively 60-65 hours/week on finder-related work responsibilities. Increased significantly over the past six years.



**Staffing** *(How many staff are currently employed by the Director? What are their roles? Are staffing levels proportionate to the Director's current and anticipated workload?)*

Two full-time research and outreach Researcher II staff members review finder applications and finder claims and agreements to verify compliance with the law.

**Administrative hearings and public complaints** *(Describe the Director's processes for administering discipline and addressing complaints. Assess the efficiency of the processes.)*

Registered finders may request an administrative hearing pursuant to Chapter 119 of the Revised Code if their application for the issuance of a certificate of registration is denied or their registration is suspended, or its renewal denied.

## Professional finder

### Survey responses (COM)

Description
Individual who wishes to engage in activity for the purpose of locating, delivering, recovering, or assisting in the recovery of unclaimed funds or the contents of a safe deposit box reported to the Director of Commerce as unclaimed funds and receive a fee, compensation, commission, or other remuneration for such activity must first register with the Division of Unclaimed Funds.

Type (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)
Certificate of registration required to engage in finder activity in Ohio.

If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	FY2021 16 new finder registrations; FY2022 19 new finder registrations
Number renewed annually	FY2021 23 finder renewal registrations; FY2022 28 finder renewal registrations

If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	Steady increase in finder registrations since 2019
<b>Education or training requirements</b>	Applicant certification read and will abide by the requirements of Ohio's Unclaimed Funds Law codified in Chapter 169 of the Revised Code.
<b>Experience requirements</b>	None.
<b>Examination requirements</b> ( <i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Director receive any proceeds of those fees? If so, how are the proceeds used?</i> )	None.
<b>Continuing education requirements</b> ( <i>Including a description of the curriculum and the process of setting it.</i> )	None.
<b>Initial fee</b>	None.
<b>Duration</b>	One year registration period
<b>Renewal fee</b> ( <i>If different from initial fee, please explain why.</i> )	None.

If the regulation is a registration, certification, or license requirement, please complete the following:	
Does the Director recognize uniform licensure requirements or allow for reciprocity?	No reciprocity.
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	No national registrations available.
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Director?	No.
Is the Director permitted to exercise discretion in determining whether to register, certify, or license an individual?	No.
<b>Other information</b> ( <i>Significant attributes or prerequisites to licensure not addressed in this chart.</i> )	Must provide criminal background check. Applicants pay fee to vendor providing reporting to Division of approximately \$25.00.

**Oversight and disciplinary authority of the Director respecting individuals engaged in the occupation.**

R.C. 1639.16 requires a finder obtain a certificate of registration from the director.

R.C. 169.17 authorizes the director to investigate applicants and deny registration or registration renewal.

R.C. 19.13(C) states a finder cannot receive a fee pursuant to an agreement that it is not compliant with R.C. 169.13.

R.C. 169.99 states a violation of R.C. 169.13(C) (attempting to recover a fee pursuant to a non-compliant finder agreement) or R.C. 169.16(A) (engaging in finder activity without a certificate of registration) is a misdemeanor of the first degree on a first offense and felony of the fifth degree for any subsequent offense.

**How much revenue is derived from fees charged by the Director to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

\$0.00

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

No, registered finders are a product of state law.

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

Abuse to consumers. Deceptive consumer practices resulting in Ohioans paying exorbitant fees to recover their lost and forgotten funds from the Department of Commerce. Finder law caps authorized fees and requires and ensures adequate disclosures are made to prospective claimants.

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

Yes, the regulation is effective in ensuring adequate disclosures are provided claimants.

No, there are not less restrictive ways. Arguably it would be in the best interest of consumers if some education and testing was provided to applicants for finder registration to ensure they are knowledgeable about Ohio’s Unclaimed Funds Law and qualified to provide meaningful assistance to prospective claimants.

**Are there any changes the Director would like to see implemented?**

**Surrounding state comparison (LSC)**

Professional Finder						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Type of regulation	Registration ( <i>R.C. 169.16</i> ).	No clear equivalent.	No clear equivalent.	No clear equivalent.	Registration ( <i>72 Pa. Cons. Stat. 1301.11a</i> ).	No clear equivalent.
Education or training	N/A	N/A	N/A	N/A	N/A	N/A
Experience	N/A	N/A	N/A	N/A	N/A	N/A

Professional Finder						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Exam	N/A	N/A	N/A	N/A	N/A	N/A
Continuing education	N/A	N/A	N/A	N/A	N/A	N/A
Initial licensure fee	Not specified.	N/A	N/A	N/A	Not specified.	N/A
License duration	One year ( <i>R.C. 169.16</i> ).	N/A	N/A	N/A	Two years ( <i>72 Pa. Cons. Stat. 1301.11a</i> ).	N/A
Renewal fee	Not specified.	N/A	N/A	N/A	Not specified.	N/A

# OHIO BOARD OF MOTOR VEHICLE REPAIR

## General information (CRB)

### Duties

The Motor Vehicle Repair Board is charged with registering Ohio collision repair shops, auto glass repair and replacement businesses, airbag repair and replacement companies, paintless dent repairers and window tint installers.

### Membership *(Current members, chairperson and other officers, and selection process.)*

The Board is made up of seven members, 5 collision repair members, 1 mechanical member and 1 public member. Board members are appointed by the Governor and approved by the Senate. Each Board serves two, three terms. Current Board Members are Keenan McKee, Chairperson, Chis Speck, Vice-Chair, Randall Blanchard, Michael Giarrizzo, Bruce Hale, and William Graf, Mechanical Member. The Public Member position is currently vacant.

### Budget *(Current budget, description of budgeting process, sources of funding, and expected increases or decreases in budget or funding in future years.)*

Our current budget is \$656,915. Our budget is submitted through OBM and approved by the House and Senate. Our only source of funding is registration fees collected from licensees. There are no plans for any changes in our budget amount at this time.



**Workload** *(Assess current, past, and anticipated workload. Has the workload increased or decreased significantly in the preceding six years?)*

We average approximately 2000 licensees annually. This number has not significantly changed in several years. We average 300 to 500 complaints a year. I do not anticipate a significant change in our workload in the years ahead.

**Staffing** *(How many staff are currently employed by the Board? What are their roles? Are staffing levels proportionate to the Board's current and anticipated workload?)*

There is currently one Executive Director, one Program Administrator, two Field Investigators, and one Investigator Assistant. All the administrative duties are carried out by the Executive Director and Program Administrator. All complaints and eLicensing updates are done by the Investigators, with the exception of renewals which are done by the Program Administrator. Staff levels are proportionate with current and anticipated work loads.

**Administrative hearings and public complaints** *(Describe the Board's processes for administering discipline and addressing complaints. Assess the efficiency of the processes.)*

Complaints are investigated and logged in the eLicensing system by the Investigators as they are received. Administrative hearings are held as required by law and are supervised by the Attorney General's Office. Once an administrative hearing is complete, the Board determines the disciplinary action to be taken depending mainly on the record of the business that's non-compliant. The process is as efficient as the law allows.

# Motor vehicle repair operator

## Survey responses (CRB)

Description
<p>“Motor vehicle collision repair operator” means any person, sole proprietorship, foreign or domestic partnership, limited liability corporation, or other legal entity that is not an employee or agent of a principal and performs five or more motor vehicle collision repairs in a calendar year. “Motor vehicle window tint operator” means any person, sole proprietorship, foreign or domestic partnership, limited liability corporation, or other legal entity that is not an employee or agent of a principal and installs tinted glass, or transparent, nontransparent, translucent, and reflectorized material in or on five or more motor vehicle windshields, side windows, sidewings, and rear windows in a calendar year.</p>

Type (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)
<p>Our Board registers businesses, it does not license individuals. We have only one type of registration, a Motor Vehicle Repair Registration, which covers collision repair, auto glass, airbags, paintless dent repair and window tint installation.</p>

If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	In FY22, there were 97 new registrations issued by the Board.
Number renewed annually	1900

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	No.
<b>Education or training requirements</b>	N/A
<b>Experience requirements</b>	N/A
<b>Examination requirements</b> ( <i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Board receive any proceeds of those fees? If so, how are the proceeds used?</i> )	N/A
<b>Continuing education requirements</b> ( <i>Including a description of the curriculum and the process of setting it.</i> )	N/A
<b>Initial fee</b>	\$225.00
<b>Duration</b>	1 year
<b>Renewal fee</b> ( <i>If different from initial fee, please explain why.</i> )	Same

If the regulation is a registration, certification, or license requirement, please complete the following:	
Does the Board recognize uniform licensure requirements or allow for reciprocity?	No
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation? No.	Yes. Several States have similar regulations and requirements.
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Board?	Yes. They can perform under 5 jobs a year without registration.
Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?	Yes.
Other information (Significant attributes or prerequisites to licensure not addressed in this chart.)	N/A

**Oversight and disciplinary authority of the Board respecting individuals engaged in the occupation.**

ORC 4775.99 - (A) Whoever violates section [4775.02](#) of the Revised Code shall be fined not more than one thousand dollars on a first offense. On each subsequent offense, the offender shall be fined not less than one thousand nor more than five thousand dollars.

(B) After conducting an investigation and upon establishing that a violation of section [4775.02](#) of the Revised Code has occurred, the motor vehicle repair board, in addition to any other action it may take or any other penalty imposed pursuant to this chapter, may impose an administrative fine on the person or entity that committed the violation in an amount of not more than one thousand dollars on a first offense. On each subsequent offense, the board may impose an administrative fine of not less than one thousand dollars nor more than five

**Oversight and disciplinary authority of the Board respecting individuals engaged in the occupation.**

thousand dollars. If the administrative fine is not paid, the attorney general, upon the board's request, shall commence a civil action to collect the administrative fine.

**How much revenue is derived from fees charged by the Board to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

FY22 revenue was \$615,808. These fees are used solely to operate the Board.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

None.

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

The regulation is intended to protect the consumer from inadequate repairs that could cause injury or death in a secondary collision.

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

The regulation requires licensees to maintain garage-keeper liability insurance covering the consumers vehicles. It appears to be very effective. There is no other restrictive ways to prevent harm.

**Are there any changes the Board would like to see implemented?**

The Board would like to see mechanical shops added to ORC 4775 for the same reasons collision shops are regulated.

## Surrounding state comparison (LSC)

Motor Vehicle Repair Operator						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Type of regulation	Registration ( <i>R.C. 4775.02</i> ).	No clear equivalent.	No clear equivalent.	No occupational equivalent, but there is a business license for motor vehicle repair facilities ( <i>Mich. Comp. Laws 257.1306 and 257.1314</i> ).	No clear equivalent.	No clear equivalent.
Education or training	N/A	N/A	N/A	N/A	N/A	N/A
Experience	N/A	N/A	N/A	N/A	N/A	N/A
Exam	N/A	N/A	N/A	N/A	N/A	N/A
Continuing education	N/A	N/A	N/A	N/A	N/A	N/A
Initial licensure fee	\$228.50 plus \$3.50 administrative filing fee. Statute and rule state \$150 or fee "determined by board of motor vehicle repairs,	N/A	N/A	N/A	N/A	N/A

Motor Vehicle Repair Operator						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	office of budget and management, and Ohio controlling board.” (R.C. 4775.08; O.A.C. 4775:2-02(B).) <sup>73</sup>					
License duration	One year (R.C. 4775.07(C)).	N/A	N/A	N/A	N/A	N/A
Renewal fee	\$228.50 plus \$3.50 administrative filing fee (R.C. 4775.08; O.A.C. 4775:2-02(B)). <sup>74</sup>	N/A	N/A	N/A	N/A	N/A

<sup>73</sup> See also [Program Registration & Requirements](#), which is available on the Ohio Board of Motor Vehicle Repair’s website: [mvrboard.ohio.gov](http://mvrboard.ohio.gov) by clicking “Registration,” then “Registration Information.”

<sup>74</sup> See also [Program Registration & Requirements](#), which is available on the Ohio Board of Motor Vehicle Repair’s website: [mvrboard.ohio.gov](http://mvrboard.ohio.gov) by clicking “Registration,” then “Registration Information.”



# OHIO CASINO CONTROL COMMISSION

## General information (CAC)

### Duties

The Ohio Casino Control Commission ensures the integrity of casino gaming, sports gaming, skill-based amusement machines and fantasy contests by licensing, regulating, investigating, and enforcing state laws.

### Membership *(Current members, chairperson and other officers, and selection process.)*

The bipartisan Ohio Casino Control Commission is comprised of a Chair and six Commissioners appointed by the Governor with the advice and consent of the Senate. No more than four Commissioners can be members of the same political party, and all must be Ohio residents. At least one Commissioner must have experience in each of the following areas: law enforcement and criminal investigation, certified public accounting with auditing, or hold an Ohio law license. In addition, at least one Commission member must reside in a county with a casino facility. R.C. 3772.02. There are currently six appointed members of the Commission: Chair June Taylor, Vice-Chair John Steinhauer, Commissioner Lynn Slaby, Commissioner McKinley Brown, Commissioner Will Lucas, and Commissioner Sheetal Bajoria.

### Budget *(Current budget, description of budgeting process, sources of funding, and expected increases or decreases in budget or funding in future years.)*

The Commission endeavors to hold itself and those it regulates to very high standards and strives to be a good steward of public funds. The original budget for the Commission in FY 2023 was \$13.7 million. Due to the passage of HB 29 during the legislative term, the Commission sought and obtained approval from the Controlling Board to increase appropriations for FY 2023. The increase in appropriation has allowed the Commission to increase staff and make enhancements to the eLicense system to accommodate the sports gaming regulatory process. Funding for the Commission is derived from two primary sources: a percentage of the tax on gross gaming revenue (casino gaming and sports gaming) and license and renewal fees (all regulated industries). During the budgeting process, the Commission carefully reviews previous budget data, including historical revenue and expenses as well as historical trends. As Commission revenue is partly derived from industry sources, the Commission also monitors trends in gaming, both within Ohio but also nationally, to make careful and informed budget

**Budget** *(Current budget, description of budgeting process, sources of funding, and expected increases or decreases in budget or funding in future years.)*

estimates. As sports gaming is a new industry to Ohio, the Commission also reviewed market analyses and revenue projections for the sports gaming industry, along with reviewing sports gaming revenue and licenses issued in other jurisdictions, to make reasonable estimates as to the projected tax and fee revenue expected in FY 2023. Overall, gaming in Ohio is in a state of considerable growth that will increase revenue to the Commission, but also require a commiserate increase in Commission expenses to accommodate these additional duties and responsibilities. Accordingly, it is likely that the Commission's budget will need to increase over the next few fiscal years.

**Workload** *(Assess current, past, and anticipated workload. Has the workload increased or decreased significantly in the preceding six years?)*

In the last six years, the General Assembly has expanded the regulatory programs overseen by the Commission, including the launch of a regulatory framework for skill-based amusement machines in 2018 and fantasy contests in 2019. The increase in responsibility to regulate these areas requires the creation and implementation of new administrative code provisions, issuance of relevant licenses, and regular work to ensure compliance with Ohio law. The Commission's workload has also significantly increased due to the additional responsibility of regulating sports gaming in Ohio. The launch of legal sports gaming on January 1, 2023, will be the largest simultaneous launch of sports gaming nationwide and will cause the Commission to review and issue around 3,000 new licenses and ensure the compliance of up to 50 online sportsbook operators and 40 Las Vegas style retail sportsbooks.

**Staffing** *(How many staff are currently employed by the Commission? What are their roles? Are staffing levels proportionate to the Commission's current and anticipated workload?)*

The Commission currently employs 101 full-time employees and 1 intermittent employee. The Commission organizes its staff into subject-matter divisions: Licensing & Investigations, Regulatory Compliance, Responsible Gambling, Skill Games, Enforcement, Operations, Communications, and Legal. The Licensing & Investigations and Skill Games divisions employ licensing analysts and professionals focused on the review and maintenance of gaming licenses issued by the Commission. The Regulatory Compliance division is comprised of auditors and technology specialists who ensure ongoing compliance with regulatory requirements by all licensees, with specific emphasis on gaming entity compliance. The Responsible Gambling division employs professionals with experience in problem gambling-related services to manage the Commission's Voluntary Exclusion Program and ensure licensee compliance with responsible gambling requirements. The Enforcement division employs Ohio peace officers who serve as gaming enforcement agents and investigators who investigate gaming-related criminal activity at the casinos and throughout the state. The Operations division is comprised of budget & fiscal, administrative, and human resources

**Staffing** *(How many staff are currently employed by the Commission? What are their roles? Are staffing levels proportionate to the Commission's current and anticipated workload?)*

staff that support the agency's day to day operations. The Communications division provides public and media relations, and the Legal division employs attorneys and a paralegal who provide general counsel to the Commission.

Although the Commission has added some staff to accommodate the increased workload anticipated for sports gaming, the Commission is still evaluating its needs. After the launch of sports gaming in 2023, the Commission will be in a better position to fully understand the staffing needs for this new responsibility. As such, the Commission has hired conservatively and will add staff, if necessary, once the true staffing needs for sports gaming are determined.

**Administrative hearings and public complaints** *(Describe the Commission's processes for administering discipline and addressing complaints. Assess the efficiency of the processes.)*

**Administrative Hearings:** The Commission follows the R.C. Chapter 119 process for all its administrative actions. To begin, once the Commission becomes aware of a matter, a Notice of Opportunity for Hearing ("NOH") or a Notice of Violation ("NOV") is issued. After a NOH or NOV is issued, the person may request a hearing within 30 days. If the person requests a hearing, a hearing will take place before a neutral hearing examiner. Once the hearing has concluded, the hearing examiner will issue a Report and Recommendation ("R&R"). After the R&R is received, the person will have 30 days to file objections. After that window has closed, the matter will be presented to the Commission for consideration at a public meeting. If a person does not request a hearing, the matter will still be considered by the Commission at a public meeting. Appeals of the Commission's decision follow the process outlined in R.C. 119.12. This process, proscribed in R.C. Chapter 119, ensures the due process of the parties involved while ensuring the Commission can take appropriate administrative action to ensure the integrity of casino gaming, sports gaming, skill gaming, and fantasy contests.

**Complaints:** Patrons and the general public can file complaints with the Commission on the Commission's website, by e-mail, or by phone. Information on how to file a complaint is made readily available on the Commission's website. Once received, the complaint is reviewed to determine if the Commission has jurisdiction over the matter. If the Commission does have jurisdiction, the incident will be reviewed to determine if any laws were violated or if any additional action is warranted. If a licensee is found to be in violation of Ohio law, the Commission will, to the extent possible or practicable under the circumstances, seek for the licensee to take corrective action to remediate any harm to patrons and ensure future compliance. If sanctions are needed, the Commission follows the administrative hearing process outlined above. Using this process, the Commission has issued sanctions rarely and, instead, achieves continuing compliance through a collaborative dialogue with licensees.

## Key employee

### Survey responses (CAC)

Description
A key employee is any executive, employee, agent, or other individual who has the power to exercise significant influence over decisions concerning any part of the operation of a person that has applied for or holds a casino operator, management company, or gaming-related vendor license or the operation of a holding company of a person that has applied for or holds a casino operator, management company, or gaming-related vendor license. R.C. 3772.01(P).

Type (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)
License

If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	The Commission issues licenses on a rolling basis and licenses are eligible for renewal every three years. In FY 2021, the Commission issued 35 initial/new key employee licenses.
Number renewed annually	In FY 2021, the Commission renewed 70 key employee licenses.

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<p><b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b></p>	<p>As key employee licenses are not renewed annually, the Commission does experience variations from year to year in the number of key employee applications it receives and processes that can render year to year comparisons unhelpful. Overall, there has been a trending increase in the number of key employee applications received by the Commission in the previous six years. In years in which the Commission has licensed a new casino operator (such as with the acquisition of the Cincinnati casino by Hard Rock) the number of key employee licenses is higher than usual.</p>
<p><b>Education or training requirements</b></p>	<p>No specific education or training is required by the Commission.</p>
<p><b>Experience requirements</b></p>	<p>No specific experience is required by the Commission; however, the Commission considers the suitability of each individual in accordance with the factors laid out in R.C. 3772.10 and Ohio Adm.Code 3772-5-05. This consideration includes the reputation and experience of the individual, among other factors.</p>
<p><b>Examination requirements</b> (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Commission receive any proceeds of those fees? If so, how are the proceeds used?</i>)</p>	<p>No examination is required by the Commission.</p>
<p><b>Continuing education requirements</b> (<i>Including a description of the curriculum and the process of setting it.</i>)</p>	<p>No continuing education is required by the Commission.</p>
<p><b>Initial fee</b></p>	<p>Key employee applicants pay an application fee of \$2,000.00. A license fee of \$500.00 is paid upon licensure.</p>
<p><b>Duration</b></p>	<p>Three (3) years</p>

If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>Renewal fee</b> <i>(If different from initial fee, please explain why.)</i>	The application and licensee fees are the same for renewals as the initial fees.
<b>Does the Commission recognize uniform licensure requirements or allow for reciprocity?</b>	Applicants for key employee licensure are required to complete the Multi-Jurisdictional Personal History Disclosure Form. This form allows applicants to complete one form that is acceptable to most U.S. gaming jurisdictions. Additionally, temporary or permanent reciprocity is provided for an individual on military duty in Ohio, or that individual's spouse, if the individual holds a license issued by any other jurisdiction, the individual is in good standing in that jurisdiction, and the individual provides adequate proof of qualifying military duty.
<b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b>	There are no similar national registrations, certifications, or licenses.
<b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Commission?</b>	No, all individuals serving in a key employee capacity, as defined in R.C. Chapter 3772, must be licensed by the Commission.
<b>Is the Commission permitted to exercise discretion in determining whether to register, certify, or license an individual?</b>	Yes, the Commission is required by R.C. 3772.10 to consider the overall suitability of key employee applicants through the evaluation of several factors. The determination of that suitability lies within the discretion of the Commission.
<b>Other information</b> <i>(Significant attributes or prerequisites to licensure not addressed in this chart.)</i>	

**Oversight and disciplinary authority of the Commission respecting individuals engaged in the occupation.**

All key employee applicants and licensees are required to prove their suitability by clear and convincing evidence and maintain that suitability throughout the license period. The Commission utilizes criminal background checks, credit checks, and general background investigations to ensure the suitability of its licensees. Licensees are also required to update the Commission should any information change during the licensure period and must comply with all statutory and regulatory requirements. Licensing investigations can be reopened at any point during the license period to ensure suitability is maintained by the licensee.

The Commission has the authority to discipline individuals engaged in this occupation through the administrative hearing process described above.

**How much revenue is derived from fees charged by the Commission to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

In fiscal year 2021, key employee fees totaled \$310,807. As described above, license and application fees are a primary revenue source for the Commission to fund its operational costs including the wages and benefits of employees, supplies, maintenance, and equipment necessary to accomplish the Commission's mission of ensuring the integrity of gaming in Ohio.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

No federal regulations apply to this occupation nor are there federal laws that require the state to regulate the occupation. Rather, the requirement to regulate this occupation is detailed in R.C. Chapter 3772.

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

The regulation of this occupation is required by R.C. 3772.10 and 3772.13 to ensure the integrity of casino gaming by confirming the suitability of those who exercise significant influence or control over the operation of casino operators, management companies, and gaming-related vendors or any holding company of those entities. Integrity protects gaming patrons and the public but also protects state revenue derived from gross gaming revenue.

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

The licensing of key employees in casino gaming is a common practice in the gaming industry and has proven effective in Ohio, as well as other state gaming jurisdictions, in ensuring the integrity of casino gaming.

**Are there any changes the Commission would like to see implemented?**

The Commission does not have any changes related to key employee licensing but is always happy to serve as a resource to the General Assembly on any gaming considerations.



## Surrounding state comparison (LSC)

Key Employee License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Type of regulation	Key employee license ( <i>R.C. 3772.01(P) and 3772.13; O.A.C. 3772-5-01 to 3772-5-05</i> ).	Casino owner's license and level 1 occupational license ( <i>Ind. Code 4-33-2-17, 4-33-6-1, and 4-33-8-2; 68 Ind. Admin. Code 1-1-13.4, 2-1-4, 2-3-1(i), and 27-2-16</i> ).	No clear equivalent.	Casino license ( <i>Mich. Comp. Laws 432.205 and 432.206</i> ).	Key employee license ( <i>4 Pa. Cons. Stat. 1311.2; 58 Pa. Code 435a.2</i> ).	License to be a provider of management services for racetrack table games, sports wagering, interactive wagering, and gaming facilities ( <i>W. Va. Code 29-22C-14, 29-22D-7, 29-22E-7, and 29-25-33</i> ).
Education or training	N/A	Training for all occupational licensees is available but does not appear to be mandatory ( <i>Ind. Code 4-33-8-9; 68 Ind. Admin. Code 2-5-1 to 7</i> ).	N/A	N/A	N/A	N/A
Experience	Must be at least 21 years of age ( <i>R.C. 3772.13(D)</i> ).	Must be at least 21 years of age (for any occupational	N/A	The statutes and rules do not explicitly provide an age	Must be at least 18 years of age	For racetrack table games and authorized gaming facilities:

Key Employee License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
		licenses) (68 Ind. Admin. Code 2-3-1(g) and 2-3-5(c)(12)).		requirement, but it appears that a person who is 18 years of age or older may be employed by a gaming operation, provided that a person who is less than 21 years of age is not in an area of a casino where gaming is being conducted (Mich. Comp. Laws 432.209(9)).	(58 Pa. Code 435a.1(d)).	applicant must have good moral character and reputation, and the necessary experience and financial ability to carry out the functions of a management services provider (W. Va. Code 29-22C-14(b), 29-25-33(b); W. Va. Code R. 179-8-39.2).
Exam	N/A	N/A	N/A	N/A	N/A	N/A
Continuing education	N/A	N/A	N/A	N/A	N/A	N/A
Initial licensure fee	\$2,000 application fee, which may be increased to the extent that the cost of the background investigation exceeds this amount; \$500	Casino owner's license: \$50,000 application fee; \$25,000 license fee.  Level 1 occupational license: \$1,000	N/A	\$50,000 application fee. If the costs of investigation exceed \$50,000, the applicant must pay the	\$2,500, although an applicant may be subject to additional fees based on actual expenses incurred to conduct a background investigation	For racetrack table games: \$100 (includes both license and application fee, to be paid in lieu of the first year's license fee).

Key Employee License

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	license fee ( <i>O.A.C. 3772-5-03(A) to (C)</i> ).	application fee; \$100 license fee. ( <i>68 Ind. Admin. Code 2-1-2(b), 2-1-3(b), 2-3-2(a)(1), and 2-3-3(a)(1).</i> )		additional amount. \$25,000 license fee. <i>(Mich. Comp. Laws 432.205(5) and 432.206(1).)</i>	<i>(58 Pa. Code 471a.1(d) and (e) and 471a.2; Pennsylvania Gaming Control Board, <a href="#">Schedule of Fees</a>).</i>	For sports wagering: \$1,000 (includes both license and application fee).  For interactive wagering: \$100,000 (includes both license and application fee).  For gaming facilities: \$100 application fee; \$100 license fee.  <i>(W. Va. Code 29-22C-14(d)(3) and (f), 29-22D-7(b), 29-22E-7(b), 29-25-33(d)(3) and (f)); W. Va. Code R. 179-8-19.2.d, 179-4-22.2.d.)</i>
License duration	Three years ( <i>R.C. 3772.10(B); O.A.C. 3772-5-02(B)</i> ).	Casino owner's license: five years (initially), then one year (thereafter).	N/A	One year ( <i>Mich. Comp. Laws 432.206(8); Mich. Admin. Code R. 432.1312(1)</i> ).	Three years ( <i>58 Pa. Code 435a.4(a)</i> ).	For racetrack table games, sports wagering, interactive wagering, and

Key Employee License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
		Level 1 occupational license: one year.  (68 Ind. Admin. Code 2-1-3(b), 2-1-9, 2-3-3(e), and 2-3-8(a).)				gaming facilities: one year (W. Va. Code 29-22C-14(f), 29-22D-7(c), 29-22E-7(c), 29-25-33(f); W. Va. Code R. 179-8-19.3, 179-4-22.4).
Renewal fee	It is unclear whether the \$2,000 application fee and the \$500 license fee in O.A.C. 3772-5-03 are the “reasonable fee” for a license renewal application and license renewal fee (R.C. 3772.15(A)).	Casino owners: \$5,000.  For level 1 occupational license: \$100.  (Ind. Code 4-33-6-12(a)(1) and 4-33-8-2(d); 68 Ind. Admin. Code 2-1-9 and 2-3-3(a)(1).)	N/A	\$25,000 (Mich. Comp. Laws 432.206(1) and (8); Mich. Admin. Code R. 432.1312(2)).	It is unclear whether the renewal fee is the same as the initial fee. An applicant for a renewal will be required to provide reimbursement for additional costs, based on the actual expenses incurred, in conducting a background investigation. (58 Pa. Code 421a.3(c).)	For racetrack table games and gaming facilities: \$100.  For sports wagering: \$1,000.  For interactive wagering: \$100,000.  (W. Va. Code 29-22C-14(f), 29-22D-17(c), 29-22E-7(c), 29-25-33(f), and 29-25-33; W. Va. Code R. 179-8-19.3.d, 179-4-22.3.d.)

## Casino gaming employee

### Survey responses (CAC)

Description
Casino gaming employees are involved in daily casino gaming activities, including dealers, clerks, hosts and junket representatives; individuals involved in handling money, such as cashiers, change persons, count teams, and coin wrappers; individuals involved in operating casino games; individuals involved in operating and maintaining slot machines, including mechanics, floor persons, and change and payoff persons; individuals involved in security, such as guards and game observers; and individuals the Commission determines should be licensed. R.C. 3772.131(A). A casino gaming employee does not include those employees that are not involved in casino gaming, such as entertainment and food and beverage employees. R.C. 3772.131(A)(6).

**Type** (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)

License
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**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Number issued annually</b>	Licenses are issued on a rolling basis and eligible to be renewed every three years. The Commission issued 515 initial/new casino gaming employee licenses in FY 2021.
<b>Number renewed annually</b>	The Commission renewed 438 casino gaming employee licenses in FY 2021

If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	The number of licenses issued or renewed has doubled in the last six years. Additionally, the Commission has noted a significant increase in the number of applications received since 2019, given the high turnover rate of employees at all casino facilities.
<b>Education or training requirements</b>	No education or training is required by the Commission.
<b>Experience requirements</b>	No experience is required by the Commission; however, the Commission considers suitability factors pursuant to R.C. 3772.10, including the reputation and experience of the applicant, when determining whether to grant the license.
<b>Examination requirements</b> ( <i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Commission receive any proceeds of those fees? If so, how are the proceeds used?</i> )	No examination is required by the Commission.
<b>Continuing education requirements</b> ( <i>Including a description of the curriculum and the process of setting it.</i> )	No continuing education is required by the Commission.
<b>Initial fee</b>	Applicants submit an application fee of \$250.00 and pay a license fee of \$250.00, if the license is granted.
<b>Duration</b>	Three (3) years
<b>Renewal fee</b> ( <i>If different from initial fee, please explain why.</i> )	The application for renewal applicants is \$100.00. If the license is renewed, a renewal license fee of \$50.00 is paid. These renewal fees were once the same as the initial application and license fees but were reduced when the Commission determined that the higher renewal fees were not necessary to cover the Commission's cost in conducting renewal investigations. The

If the regulation is a registration, certification, or license requirement, please complete the following:	
	Commission continues to evaluate its revenue from fees to ensure that fees assessed to the regulated community are commiserate with the revenue needed to fulfill the Commission's statutory obligation to regulate the industry.
<b>Does the Commission recognize uniform licensure requirements or allow for reciprocity?</b>	Temporary or permanent reciprocity is provided for an individual on military duty in Ohio, or that individual's spouse, if the individual holds a license to practice the trade issued by any other jurisdiction, the individual is in good standing in that jurisdiction, and the individual provides adequate proof of qualifying military duty.
<b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b>	There are no similar national registrations, certifications, or licenses.
<b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Commission?</b>	No, all individuals employed in a casino gaming capacity must be regulated by the Commission to be employed in that position. R.C. 3772.131(A).
<b>Is the Commission permitted to exercise discretion in determining whether to register, certify, or license an individual?</b>	Yes, the Commission is required by R.C. 3772.10 to consider the overall suitability of casino gaming employee applicants through the evaluation of several factors. The determination of that suitability lies within the discretion of the Commission.
<b>Other information</b> <i>(Significant attributes or prerequisites to licensure not addressed in this chart.)</i>	

**Oversight and disciplinary authority of the Commission respecting individuals engaged in the occupation.**

All casino gaming employee applicants and licensees are required to prove their suitability by clear and convincing evidence and maintain that suitability throughout the license period. The Commission utilizes criminal, financial, and regulatory background investigations to ensure the suitability of its licensees. Licensees are also required to update the Commission should any information change during the licensure period and must comply with all statutory and regulatory requirements. Licensing investigations can be reopened at any point during the license period to ensure suitability is maintained by the licensee.

The Commission has the authority to discipline individuals engaged in this occupation through the administrative hearing process described above.

**How much revenue is derived from fees charged by the Commission to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

In fiscal year 2021, casino gaming employee fees totaled \$396, 317. As described above, license and application fees are a primary revenue source for the Commission to fund its operational costs including the wages and benefits of employees, supplies, maintenance, and equipment necessary to accomplish the Commission’s mission of ensuring the integrity of gaming in Ohio.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

No federal regulations apply to this occupation nor are there federal laws that require the state to regulate the occupation. Rather, this license is required by R.C. 3772.10 and 3772.131.



**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

The regulation of this occupation is required by R.C. 3772.10 and 3772.131 to ensure the integrity of casino gaming by confirming the suitability of those who directly engage in daily casino gaming operations. Integrity protects gaming patrons and the public but also protects state tax revenue derived from gross gaming revenue.

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

The licensing of casino gaming employees in casino gaming is a common practice in the gaming industry and has proven effective in Ohio, as well as other state gaming jurisdictions, in ensuring the integrity of casino gaming.

**Are there any changes the Commission would like to see implemented?**

Although the Commission does not have any specific changes, the Commission is always happy to be a resource to the General Assembly on any gaming-related considerations.

## Surrounding state comparison (LSC)

Casino Gaming Employee License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Type of regulation	License ( <i>R.C. 3772.131; O.A.C. 3772-8-01</i> ).	Level 2 and 3 occupational licenses ( <i>Ind. Code 4-33-8-2; 68 Ind. Admin. Code 2-3-1(j) and (k)</i> ).	No clear equivalent.	Occupational license. There are three levels of occupational licenses:  Level 1: an individual employed by a casino licensee who holds certain specified supervisory or managerial roles.  Level 2: an individual employed by a casino licensee whose duties involve specified work or work in a restricted casino area.  Level 3: an individual employed by a casino licensee	Occupation permit ( <i>4 Pa. Cons. Stat. 1318; 58 Pa. Code 435a.3</i> ).	Occupational license to be employed by an operator of a gaming facility, occupational license to be employed in a race track with West Virginia Lottery table games and sports-wagering, occupational license to engage in activity regarding interactive wagering ( <i>W. Va. Code 29-22C-13, 29-22D-9, 29-22E-9, 29-25-12; W. Va. Code R. 179-8-18.1.c, 179-8-43, and 179-4-47</i> ).

Casino Gaming Employee License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
				<p>whose duties do not require a level 1 or level 2 license but are performed in a casino gaming area or affect gambling occupations, including a person who serves food or beverages in the casino gaming area to patrons.</p> <p><i>(Mich. Comp. Laws 432.208; Mich. Admin. Code R. 432.1331, 432.1332, 432.1333, and 432.1334.)</i></p>		
Education or training	N/A	Training for all occupational licensees is available but does not appear to be mandatory. Trainers must also have an	N/A	N/A	N/A	N/A

Casino Gaming Employee License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
		occupational license. ( <i>Ind. Code 4-33-8-9; 68 Ind. Admin. Code 2-5-1 to 7.</i> )				
Experience	Must be at least 21 years of age ( <i>R.C. 3772.131 (C)</i> ).	Must be at least 21 years of age for any occupational license ( <i>68 Ind. Admin. Code 2-3-1(g) and 2-3-5(c)(12).</i> )	N/A	Must be at least 21 years of age if the applicant will perform any function involved in gaming by patrons.  Must be at least 18 years of age if the applicant will perform only nongaming functions.  ( <i>Mich. Comp. Laws 432.208(3)(a) and (b).</i> )	Must be at least 18 years of age ( <i>4 Pa. Cons. Stat. 1318(c); 58 Pa. Code 435a.1(d)</i> ).	For racetrack table games and gaming facilities, must have good moral character and reputation and offered employment contingent on licensure ( <i>W. Va. Code 29-22C-13(b) and 29-25-12(b)</i> ).
Exam	N/A	N/A	N/A	N/A	N/A	N/A
Continuing education	N/A	N/A	N/A	N/A	N/A	N/A

Casino Gaming Employee License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Initial licensure fee	\$250 application fee, which may be increased to the extent that the cost of the background investigation relating to the applicant exceeds this amount; \$250 license fee ( <i>O.A.C. 3772-8-03(A)(1) and (3) and (B)(1)</i> ).	Level 2 occupational license: \$200 application fee; \$50 license fee.  Level 3 occupational license: \$75 application fee; \$25 license fee.  ( <i>68 Ind. Admin. Code 2-3-2(a)(2) and (3) and 2-3-3(a)(2) and (3)</i> .)	N/A	Level 1: \$500 application fee; \$250 license fee.  Level 2: \$100 application fee; \$100 license fee.  Level 3: \$50 application fee; \$50 license fee.  An additional background investigation charge may be assessed to the extent the board's direct investigative costs exceed the application fees.  ( <i>Mich. Admin. Code R. 432.1303(2)(c) to (e), (3), and (5)(c) and (d)</i> .)	\$350, although an applicant may be subject to additional fees based on actual expenses incurred to conduct a background investigation ( <i>58 Pa. Cons. Stat. 471a.1(d) and (e) and 471a.2; Pennsylvania Gaming Control Board, <a href="#">Schedule of Fees</a></i> ).	For occupational licenses, generally: \$100 application fee; \$100 license fee.  For racetrack table games: \$100 application fee.  License fee is to be set by rule by the Commission by June 30 each year; the fee may vary based on the job classification of the applicant but cannot exceed \$100.  For interactive wagering: \$100 application fee; \$100 license fee.  For limited gaming facility: \$100 application fee.  ( <i>W. Va. Code 29-22C-13(c)(3) and</i>

Casino Gaming Employee License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
						(e), 29-22E-9(c) and (d); W. Va. Code R. 179-4-22.2.c and 179-8-19.2.c).
License duration	Three years (R.C. 3772.10(B); O.A.C. 3772-8-02(B)).	One year (68 Ind. Admin. Code 2-3-3(e) and 2-3-8(a)).	N/A	Two years (Mich. Admin. Code R. 432.1341(1)).	Three years (58 Pa. Code 435a.4(a)).	For all occupational licenses: one year (W. Va. Code 29-22C-13(e), 29-22E-9(d), 29-25-12(d)).
Renewal fee	\$100 application fee, which may be increased to the extent that the cost of the background investigation relating to the applicant exceeds this fee; \$50 license fee. (O.A.C. 3772-8-03(A)(2) and (3) and (B)(2).)	Level 2 occupational license: \$50 license fee. Level 3 occupational license: \$25 license fee. (Ind. Code 4-33-8-2(d); 68 Ind. Admin. Code 2-3-3(a)(2) and (3).)	N/A	Level 1: \$500 application fee; \$250 license fee. Level 2: \$100 application fee; \$100 license fee. Level 3: \$50 application fee; \$50 license fee. A licensee may also be assessed the board's direct investigative costs arising from a background	\$200 (Pennsylvania Gaming Control Board, <a href="#">Schedule of Fees</a> ). An applicant for a renewal will be required to provide reimbursement for additional costs, based on the actual expenses incurred, in conducting a	For all occupational licenses: \$100 (W. Va. Code 29-22E-9(d); W. Va. Code R. 179-4-22.3.c and 179-8-19.3.c).

Casino Gaming Employee License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
				investigation for the renewal of a license to the extent that such costs exceed the application fees.  <i>(Mich. Admin. Code R. 432.1303(2)(c) and (d), (4), and (5)(c) and (d).)</i>	background investigation.  <i>(58 Pa. Code 421a.3(c).)</i>	

## Sports gaming

### Survey responses (CAC)

Description
<p>R.C. 3775.03 and 3775.06 requires the occupational licensing of individuals engaged in certain aspects of sports gaming. The Commission has further defined these roles into two license types, Sports Gaming Key Employees and Standard Sports Gaming Employees. Ohio Adm.Code 3775-4-09(C).</p> <p>Key employee: Individuals that have the ability to control the activities of a Type A, B, or C sports gaming applicant or elect a majority of the board of directors; each person that directly or indirectly holds a beneficial or proprietary interest in the applicant’s business; or key personnel of an applicant including any executive, employee, or agency having the power to exercise significant influence over decisions concerning any part of the applicant’s business operation. R.C. 3775.03; Ohio Adm.Code 3775-4-09(C)(2); 3775-1-01(B)(10).</p> <p>Standard employee: Persons who accept wagers on behalf of sports gaming proprietors, handle money as part of operating sports gaming, provide security for the operation of sports gaming, or have the ability to alter material aspects of sports gaming. R.C. 3775.06(A)(1); Ohio Adm.Code 3775-4-09(C).</p>

**Type** (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)

License

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Number issued annually</b>	No licenses have been issued yet.
<b>Number renewed annually</b>	N/A
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	Although licensing of sports gaming employees has not yet occurred, the Commission will begin issuing licenses in late 2022 (effective no earlier than January 1, 2023) and anticipates approximately 2,000 new applications to be received in 2022.
<b>Education or training requirements</b>	No education or training is required by the Commission for either key or standard sports gaming employee licensure.
<b>Experience requirements</b>	No experience is required by the Commission for either key or standard sports gaming employees; however, the Commission will evaluate the suitability of such applicants, including their reputation and experience, in accordance with R.C. 3775.041.



**If the regulation is a registration, certification, or license requirement, please complete the following:**

<p><b>Examination requirements</b> (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Commission receive any proceeds of those fees? If so, how are the proceeds used?</i>)</p>	<p>No examination is required by the Commission for either key or standard sports gaming employees.</p>
<p><b>Continuing education requirements</b> (<i>Including a description of the curriculum and the process of setting it.</i>)</p>	<p>No continuing education is required by the Commission for either key or standard sports gaming employees.</p>
<p><b>Initial fee</b></p>	<p>Both key and standard sports gaming employees pay an application fee of \$100 and a license fee of \$50 if the license is granted. Fees are established in R.C. 3775.06(C)(1) &amp; (2).</p>
<p><b>Duration</b></p>	<p>Three (3) years for both key and standard sports gaming employees. R.C. 3775.06(E).</p>
<p><b>Renewal fee</b> (<i>If different from initial fee, please explain why.</i>)</p>	<p>The renewal fee for key and standards sports gaming employees is the same as the initial fee. R.C. 3775.06(C)(1) &amp; (2).</p>
<p><b>Does the Commission recognize uniform licensure requirements or allow for reciprocity?</b></p>	<p>Applicants for key sports gaming employee licensure are required to complete the Multi-Jurisdictional Personal History Disclosure Form. This form allows applicants to complete one form that is accepted in multiple gaming jurisdictions. Further, applicants that hold an active license issued under R.C. Chapters 3770. or 3772. or hold an active sports gaming occupational license in another jurisdiction are eligible to receive reciprocal licensing consideration by the Commission, upon meeting specific conditions. Ohio Adm.Code 3775-4-09(G) &amp; (H).</p> <p>Temporary or permanent reciprocity for a key or standard sports gaming employee is provided for an individual on military duty in Ohio, or that individual's spouse, if the individual holds a license issued by any other jurisdiction, the individual is in good standing in that jurisdiction, and the individual provides adequate proof of qualifying military duty.</p>

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<p><b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b></p>	<p>There are no similar national registrations, certifications, or licenses for either key or standard sports gaming employees.</p>
<p><b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Commission?</b></p>	<p>R.C. 3775.03 obligates the Commission to determine that each individual in control of a sports gaming entity applicant and the key personnel of the entity applicant meet the qualification for licensure under Chapter 3775. R.C. 3775.06 further requires those who perform specific sports gaming-related duties to maintain an occupational license at all times. Accordingly, both key and standard sports gaming employees must be licensed and regulated by the Commission.</p>
<p><b>Is the Commission permitted to exercise discretion in determining whether to register, certify, or license an individual?</b></p>	<p>Yes, the Commission considers the overall suitability of key and standard sports gaming employee applicants through the evaluation of several factors. Ohio Adm.Code 3775-4-09. The determination of that suitability lies within the discretion of the Commission.</p>
<p><b>Other information</b> (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>)</p>	

**Oversight and disciplinary authority of the Commission respecting individuals engaged in the occupation.**

The Commission will maintain regulatory oversight of both key and standard employees to ensure they maintain their suitability throughout their licensure period. The Commission will conduct criminal, financial, and regulatory background checks on each applicant and has the authority to reopen a suitability investigation at any point, should additional investigation be necessary. Licensees must also comply with all statutory and administrative requirements during licensure.

The Commission has the authority to discipline individuals engaged in this occupation through the administrative hearing process described above.

**How much revenue is derived from fees charged by the Commission to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

As no key or standard sports gaming licenses have been issued, and the Commission is still in the process of receiving the anticipated applications in advance of January 1, 2023, meaningful revenue data is not yet available. The application and license fees that will be generated will be used to fund the Commission's licensing and regulatory oversight of the regulated community, including the hiring of additional staff, as further explained above.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

No federal regulations apply to this occupation nor are there federal laws that require the state to regulate the occupation. Rather, sports gaming occupational licenses are required by R.C. 3775.03 and 3775.06.

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

The regulation of this occupation is required by R.C. Chapter 3775 to ensure the integrity of sports gaming by confirming the suitability of those who have control over an entity participating in sports gaming in Ohio or those that directly engage in daily sports gaming operations, such as accepting or paying out wagers. Integrity protects sports gaming patrons and the public but also protects state tax revenue derived from sports gaming.

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

The licensing of gaming employees in sports gaming is a common practice and has proven effective in other jurisdictions in ensuring the integrity of the industry. Although Ohio has not yet launched sports gaming, the Commission anticipates that licensing of the key and standard sports gaming employees will help ensure the Ohio sports gaming industry is operated fairly and with integrity.

**Are there any changes the Commission would like to see implemented?**

The Commission does not have any suggested changes, but appreciates the responsibility entrusted to it by the General Assembly and seeks to be a resource to the General Assembly for any future sports gaming considerations.

**Surrounding state comparison (LSC)**

Sports Gaming Occupational License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Type of regulation	License ( <i>R.C. 3775.06; O.A.C. 3775-4</i> ).	License. All key persons and substantial owners of a sports wagering operator applicant must obtain a Level 1 occupational	No clear equivalent.	License. A person who holds a casino license may be issued a sports betting operator license.  A person whose duties directly	Gaming employee occupation permit ( <i>58 Pa. Code 1406a.1 and 1406a.4</i> ).	License to engage in activity regarding sports wagering ( <i>W. Va. Code 29-22D-9</i> ).

**Sports Gaming Occupational License**

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
		<p>license. An employee, independent contractor, agent, or subagent of a sports wagering operator must obtain a level 2 occupational license if the executive director or their designee determines it is necessary.</p> <p><i>(68 Ind. Admin. Code 1-1-65, 27-1-2, and 27-2-16.)</i></p>		<p>impact the integrity of internet sports betting must have an occupational license.</p> <p><i>(Mich. Admin. Code R. 432.723.)</i></p>		
Education or training	N/A	<p>Training for all occupational licensees is available but does not appear to be mandatory. Trainers must also have an occupational license. <i>(Ind. Code 4-33-8-9; 68 Ind.</i></p>	N/A	N/A	N/A	N/A

Sports Gaming Occupational License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
		<i>Admin. Code 2-5-1 to 7.)</i>				
Experience	N/A	Must be at least 21 years of age for any occupational license ( <i>68 Ind. Admin. Code 2-3-1(g) and 2-3-5(c)(12)</i> ).	N/A	Must be at least 21 years of age to be licensed as a sports betting operator ( <i>Mich. Admin. Code R. 432.725b(2)(g)</i> ).	Must be at least 18 years of age ( <i>58 Pa. Code 1406a.1(d)</i> ).	N/A
Exam	N/A	N/A	N/A	N/A	N/A	N/A
Continuing education	N/A	N/A	N/A	N/A	N/A	N/A
Initial licensure fee	\$100 application fee and a reasonable fee for providing a criminal records check, as established by the Superintendent of the Bureau of Criminal Identification and Investigation; \$50 license fee ( <i>R.C.</i>	Level 1 license: \$1,000 application fee; \$100 license fee. Level 2 license: \$200 application fee; \$50 license fee. ( <i>68 Ind. Admin. Code 2-3-2(a)(1) and (2) and 2-3-3(a)(1) and (2)</i> .)	N/A	Operator license: \$50,000 application fee; \$100,000 license fee.  Occupational license: \$250 application fee; \$250 license fee.  ( <i>Mich. Comp. Laws 432.406(9) and Mich. Admin. Code R.</i>	\$350 ( <i>Pennsylvania Gaming Control Board, <a href="#">Schedule of Fees</a></i> ).	\$100 application fee; \$100 license fee ( <i>W. Va. Code 29-22D-9(c) and (d)</i> ).

Sports Gaming Occupational License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	<i>3775.06(C) and 109.572(C)(3).</i>			<i>432.724(3)(a) and (c) and (7)(a) and (c).</i>		
License duration	Three years ( <i>R.C. 3775.06(E).</i> )	One year ( <i>68 Ind. Admin. Code 2-3-3(e) and 2-3-8(a).</i> )	N/A	Operator license: five years.  Occupational license: two years.  ( <i>Mich. Comp. Laws 432.406(3); Mich. Admin. Code R. 432.723(14) and 432.727(1).</i> )	Five years ( <i>58 Pa. Code 1406a.4(c).</i> )	One year ( <i>W. Va. Code 29-22D-9(d).</i> )
Renewal fee	\$100 application and a reasonable fee for providing a criminal records check, as established by the Superintendent of the Bureau of Criminal Identification and Investigation; \$50 license fee ( <i>R.C. 3775.06(C) and 109.572(C)(3).</i> )	Level 1 license: \$100 license fee.  Level 2 license: \$50 license fee.  ( <i>68 Ind. Admin. Code 2-3-3(a)(1) and (2) and 2-3-8.</i> )	N/A	Operator license: \$50,000 (annual).  Occupational license: \$250 (biennial).  ( <i>Mich. Comp. Laws 432.406(9); Mich. Admin. Code R. 432.724(8).</i> )	\$200 ( <i>Pennsylvania Gaming Control Board, <a href="#">Schedule of Fees</a>.</i> )	\$100 ( <i>W. Va. Code 29-22D-9(d).</i> )

## Electronic instant BINGO distributor endorsement to distributor license

### Survey responses (CAC)

Description
The Commission does not regulate electronic instant bingo or issue any licenses related to bingo; however, bingo is regulated by the Attorney General's Office, Charitable Law Section.

Type (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)
N/A

If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	N/A
Number renewed annually	N/A



If the regulation is a registration, certification, or license requirement, please complete the following:	
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	N/A
Education or training requirements	N/A
Experience requirements	N/A
Examination requirements ( <i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Commission receive any proceeds of those fees? If so, how are the proceeds used?</i> )	N/A
Continuing education requirements ( <i>Including a description of the curriculum and the process of setting it.</i> )	N/A
Initial fee	N/A
Duration	N/A
Renewal fee ( <i>If different from initial fee, please explain why.</i> )	N/A

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<p><b>Does the Commission recognize uniform licensure requirements or allow for reciprocity?</b></p>	<p>N/A</p>
<p><b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b></p>	<p>N/A</p>
<p><b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Commission?</b></p>	<p>N/A</p>
<p><b>Is the Commission permitted to exercise discretion in determining whether to register, certify, or license an individual?</b></p>	<p>N/A</p>
<p><b>Other information</b> <i>(Significant attributes or prerequisites to licensure not addressed in this chart.)</i></p>	<p>N/A</p>

**Oversight and disciplinary authority of the Commission respecting individuals engaged in the occupation.**

N/A

**How much revenue is derived from fees charged by the Commission to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

N/A

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

N/A

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

N/A

Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?

N/A

Are there any changes the Commission would like to see implemented?

N/A

### Surrounding state comparison (LSC)

Electronic Instant Bingo Distributor Endorsement To Distributor Licenses						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Type of regulation	Endorsement to a distributor license ( <i>R.C. 2915.081(F)</i> ).	No clear equivalent.	No clear equivalent.	No clear equivalent.	No clear equivalent.	No clear equivalent.
Education or training	N/A	N/A	N/A	N/A	N/A	N/A
Experience	N/A	N/A	N/A	N/A	N/A	N/A

**Electronic Instant Bingo Distributor Endorsement To Distributor Licenses**

	<b>Ohio</b>	<b>Indiana</b>	<b>Kentucky</b>	<b>Michigan</b>	<b>Pennsylvania</b>	<b>West Virginia</b>
Exam	N/A	N/A	N/A	N/A	N/A	N/A
Continuing education	N/A	N/A	N/A	N/A	N/A	N/A
Initial licensure fee	\$10,000 endorsement fee; \$10,000 fee for the cost of monitoring electronic instant bingo and inspecting each electronic bingo system ( <i>O.A.C. 109:1-5-09 and 109:1-5-10</i> ).	N/A	N/A	N/A	N/A	N/A
License duration	The period of the underlying distributor license, which is one year ( <i>R.C. 2915.081(B)(1) and (F)(4)</i> ); see <i>O.A.C. 109:1-5-09 and 109:1-5-10</i> .	N/A	N/A	N/A	N/A	N/A

**Electronic Instant Bingo Distributor Endorsement To Distributor Licenses**

	<b>Ohio</b>	<b>Indiana</b>	<b>Kentucky</b>	<b>Michigan</b>	<b>Pennsylvania</b>	<b>West Virginia</b>
Renewal fee	\$10,000 endorsement fee; \$10,000 fee plus a pro rata fee based on the gross revenue from the previous year for the cost of monitoring electronic instant bingo and inspecting each electronic bingo system ( <i>O.A.C. 109:1-5-09 and 109:1-5-10</i> ).	N/A	N/A	N/A	N/A	N/A

# DIVISION OF REAL ESTATE AND PROFESSIONAL LICENSING

## General information (COM)

### Duties

The Division of Real Estate and Professional Licensing is part of the Ohio Department of Commerce. The Division of Real Estate is responsible for licensing:

- Real Estate brokers, salespersons, and companies
- Appraisers and appraisal management companies
- Foreign real estate dealers and salespersons
- Manufactured homes dealers, brokers, and salespersons
- Home inspectors

Additionally, the Division registers:

- Ohio cemeteries
- Land professionals
- Real estate developments located in other states but marketed in Ohio
- Video Service Authorization (VSA)

### Membership *(Current members, chairperson and other officers, and selection process.)*

For many of the above listed programs, there is a board or commission, each addressed by a separate survey.

- Real Estate Commission
- Appraiser Board
- Cemetery Dispute Resolution Commission

**Budget** *(Current budget, description of budgeting process, sources of funding, and expected increases or decreases in budget or funding in future years.)*

There are 11 budgetary funds within the Division of Real Estate and Professional Licensing. Overall, the budget has remained flat with the exception of cost of living increases and pay raises.

**Workload** *(Assess current, past, and anticipated workload. Has the workload increased or decreased significantly in the preceding six years?)*

Over the last few years, the Division of Real Estate has taken on new programs, without increasing the staff size. In addition, the number of licensees has increased.

As of October 2022:

42,859 Active Brokers and Salespersons (compared to 41,617 in October 2021)

3,251 Active Appraisers and 132 Active Appraisal Management Companies (compared to 3,348 total in October 2021)

**Staffing** *(How many staff are currently employed by the Division? What are their roles? Are staffing levels proportionate to the Division's current and anticipated workload?)*

38 Full Time.

Superintendent, Assistant to Superintendent, Deputy Superintendent, Division Counsel, 3 Staff Attorneys, 4 Program Managers, 9 Licensing team members, 6 Customer Service team members, 6 Investigators, 1 Enforcement Supervisor, 1 Enforcement Assistant, 1 Cemetery Investigator, 1 VSA team member, 1 Hearing Officer

1 Intermittent (Customer Service.)

We Currently have 8 vacancies.



**Staffing** *(How many staff are currently employed by the Division? What are their roles? Are staffing levels proportionate to the Division's current and anticipated workload?)*

See above

**Administrative hearings and public complaints** *(Describe the Division's processes for administering discipline and addressing complaints. Assess the efficiency of the processes.)*

The Division has multiple programs that it administers. This question is addressed below for the Manufactured Homes Program and the Land Professional registration. Other surveys were completed for the Appraisal Program, the Real Estate Program and the Cemetery Program and the question was addressed on those surveys.

## **Manufactured housing dealer, broker, or salesperson**

### **Survey responses (COM)**

#### **Description**

The Division licenses and regulates Ohio's manufactured home dealers, brokers and salespeople. In this role the Division processes applications and answers questions from applicants, licensees, and the public. The Division receives and investigates complaints, takes part in hearings before a hearing officer, issues orders, and responds to public records requests. The Division also investigates, inspects, and approves the sites where manufactured homes may be sold to assist dealers and brokers with complying with Ohio laws and rules regarding these locations.

**Type** (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)

Manufactured home dealers, brokers and salespeople must be licensed to sell new or used manufactured homes. Dealers and brokers are also required to maintain bonds. Finally, dealer and broker locations must pass an inspection.

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Number issued annually</b>	Approximately 63 new sales licenses were issued in 2021 and 32 new dealer licenses.
<b>Number renewed annually</b>	Renewals occur biennially. In the year 2021, 231 sales licenses were renewed, and 243 dealer/broker licenses were renewed.
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	The Division has not seen increases that it would deem significant. As new licensees are added, some existing licensees fail to renew. Therefore, large increases or decreases are not typically seen.
<b>Education or training requirements</b>	N/A
<b>Experience requirements</b>	N/A

If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>Examination requirements</b> ( <i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Division receive any proceeds of those fees? If so, how are the proceeds used?</i> )	N/A
<b>Continuing education requirements</b> ( <i>Including a description of the curriculum and the process of setting it.</i> )	N/A
<b>Initial fee</b>	The initial fee for sales applications is \$153.50. The initial fee for dealer and broker licenses is \$253.50
<b>Duration</b>	Licenses expire every two years on odd numbered years.
<b>Renewal fee</b> ( <i>If different from initial fee, please explain why.</i> )	The renewal fees are the same as the initial application fees.
<b>Does the Division recognize uniform licensure requirements or allow for reciprocity?</b>	The Division does not recognize uniform licensure or allow for reciprocity. However, an applicant whose principal place of business is located outside of Ohio can obtain a foreign business license in order to sell at retail, display, offer for sale, or deal in manufactured housing that is to be delivered into Ohio.
<b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b>	No. N/A

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Division?</b>	Individual may complete five or less casual sales of manufactured homes in a twelve-month period without obtaining a license as a dealer. Real estate brokers may also broker the sale of manufactured homes without a manufactured home broker license.
<b>Is the Division permitted to exercise discretion in determining whether to register, certify, or license an individual?</b>	Applicants must meet certain qualifications and obtain a criminal background check prior to becoming licensed.
<b>Other information</b> ( <i>Significant attributes or prerequisites to licensure not addressed in this chart.</i> )	

**Oversight and disciplinary authority of the Division respecting individuals engaged in the occupation.**

The Division may, upon its own motion, and shall, upon the verified complaint in writing of any person, investigate the conduct of any manufactured home salesperson, dealer or broker. The division shall suspend, revoke, or refuse to renew any manufactured housing dealer's, manufactured housing broker's, or manufactured housing salesperson's license, if any ground existed upon which the license might have been refused, or if a ground exists that would be cause for refusal to issue a license.

**How much revenue is derived from fees charged by the Division to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

The Division estimates \$175,000.00 in revenue from fees to individuals engaged in the occupation. The revenue is used for payroll and operating expenses for the program.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

N/A

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

Manufactured housing dealers, brokers, and salespersons assist members of the public with high dollar transactions involving the purchase, lease, and sale of manufactured homes. The consumer places trust in the manufactured housing licensee. During the course of the transaction, licensees may handle consumers' money such as the purchase price, earnest money deposits, rents, and security deposits. Consumers also often enter the business establishment of dealers and brokers. The rules provide for minimum guidelines for business locations, professional responsibility for the licensees and establish a code of ethics for the licensees. Further, the rules permit increased efficiency in the division processing license applications and investigating enforcement actions.

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

The regulations are very minimal. There is not a less restrictive way to prevent the harm.

**Are there any changes the Division would like to see implemented?**

The Division would like to see a slight change to the confidentiality statute regarding license applications to permit the names, addresses and phone numbers of applicants who eventually become licensed to be published on the Division’s website for consumer access. The Division would also like to see the statutes amended to bring them into line with Ohio Revised Code Section 9.79 regarding the use and limitations on use of criminal history in license applications.

**Surrounding state comparison (LSC)**

Manufactured Housing Dealer, Manufactured Housing Broker, Manufactured Housing Salesperson						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Type of regulation	License ( <i>R.C. 4781.16</i> ).	License (dealer only) ( <i>Ind. Code 9-32-11-1</i> ).	License ( <i>Ky. Rev. Stat. 227.580</i> ).	License ( <i>Mich. Comp. Laws 125.2321</i> ).	License ( <i>63 Pa. Stat. 818.303</i> ).	License ( <i>W. Va. Code 21-9-9; W. Va. Code R. 42-19-5</i> ).
Education or training	N/A	Accreditation through the Quality Assurance Program of the	One employee must complete the Kentucky Department of	N/A	N/A	N/A

**Manufactured Housing Dealer, Manufactured Housing Broker, Manufactured Housing Salesperson**

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
		National Mobility Equipment Dealers Association ( <i>Ind. Code 9-32-11-8</i> ).	Housing, Buildings, and Construction licensing course and test for manufactured home installation ( <i>815 Ky. Admin. Regs. 25:060</i> ).			
Experience	N/A	N/A	N/A	N/A	N/A	N/A
Exam	N/A	N/A	Yes (retailers only) ( <i>Ky. Rev. Stat. 227.610</i> ).	N/A	N/A	N/A
Continuing education	N/A	N/A	N/A	N/A	N/A	Continuing education required under federal law every three years ( <i>W. Va. Code R. 42-19-5a</i> ).
Initial licensure fee	\$250 plus a \$3.50 system fee for a dealer or broker ( <i>Ohio Dept. of Commerce, <a href="#">Dealer/Broker Application</a></i> ); \$150	\$30 ( <i>Ind. Secretary of State, <a href="#">Guidance and Policy Documents</a></i> ).	\$250 ( <i>815 Ky. Admin. Regs. 25:060</i> ).	\$450 ( <i>Mich. Comp. Laws 125.2321</i> ).	\$65 for a dealer; \$25 for a salesperson ( <i>49 Pa. Code 19.4</i> ).	\$250 ( <i>W. Va. Code 21-9-9; W. Va. Code R. 42-19-5</i> ).

**Manufactured Housing Dealer, Manufactured Housing Broker, Manufactured Housing Salesperson**

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	plus a \$3.50 system fee for a salesperson ( <i>Ohio Dept. of Commerce, <a href="#">Manufactured Home Salesperson Licensing Information (PDF)</a></i> ).					
License duration	Two years ( <i>R.C. 4781.19; O.A.C. 4781-11-05</i> ).	One year ( <i>Ind. Secretary of State, <a href="#">License and Plate Renewals</a></i> ).	One year ( <i>815 Ky. Admin. Regs. 25:060</i> ).	Three years ( <i>Mich. Comp. Laws 125.2321</i> ).	Two years ( <i>63 Pa. Stat. 818.304</i> ).	One year ( <i>W. Va. Code 21-9-9; W. Va. Code R. 42-19-5</i> ).
Renewal fee	\$250 plus a \$3.50 system fee for a dealer or broker ( <i>Ohio Dept. of Commerce, <a href="#">Dealer/Broker Application</a></i> ); \$150 plus a \$3.50 system fee for a salesperson ( <i>Ohio Dept. of Commerce, <a href="#">Manufactured Home Salesperson</a></i> ).	\$30 ( <i>75 Ind. Admin. Code 6-2-2.2; Ind. Secretary of State, <a href="#">Guidance and Policy Documents</a></i> ).	\$250 ( <i>815 Ky. Admin. Regs. 25:060</i> ).	\$450 ( <i>Mich. Comp. Laws 125.2321; Mich. Admin. Code R. 125.1212</i> ).	\$175 for a dealer; \$90 for a salesperson ( <i>49 Pa. Code 19.4</i> ).	\$250 ( <i>W. Va. Code 21-9-9; W. Va. Code R. 42-19-5</i> ).



Manufactured Housing Dealer, Manufactured Housing Broker, Manufactured Housing Salesperson						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	<a href="#"><u>Licensing Information</u></a>					

## Oil and gas land professional

### Survey responses (COM)

Description
<p>In order to sell, exchange, purchase, rent, lease, or negotiate real estate in Ohio, a person would either need to hold an Ohio real estate salesperson license, broker license or fall under one of the exemptions found in ORC 4735.01(I). Real estate “includes leaseholds as well as any and every interest or estate in land situated in this state, whether corporeal or incorporeal, whether freehold or non-freehold, and the improvements on the land, but does not include cemetery interment rights.” ORC 4735.01(B).</p> <p>One exemption under ORC 4735.01(I) is for oil and gas land professionals. ORC 4735.01(GG) defines an oil and gas land professional as “a person regularly engaged in the preparation and negotiation of agreements for the purpose of exploring for, transporting, producing, or developing oil and gas mineral interests, including, but not limited to, oil and gas leases and pipeline easements.”</p>
Type (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)
<p>Registration as an exemption to real estate licensure.</p>

If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>Number issued annually</b>	As of October 11, 2022 there are 324 actively registered oil and gas land professionals.
<b>Number renewed annually</b>	For the 2022 renewal, 326 registered land professionals received a renewal notice.
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	No
<b>Education or training requirements</b>	N/A
<b>Experience requirements</b>	N/A
<b>Examination requirements</b> ( <i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Division receive any proceeds of those fees? If so, how are the proceeds used?</i> )	N/A
<b>Continuing education requirements</b> ( <i>Including a description of the curriculum and the process of setting it.</i> )	N/A
<b>Initial fee</b>	\$100
<b>Duration</b>	Registrations expire annually on April 30th.

If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>Renewal fee</b> <i>(If different from initial fee, please explain why.)</i>	\$100
<b>Does the Division recognize uniform licensure requirements or allow for reciprocity?</b>	N/A
<b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b>	No. This registration is an exemption to holding a real estate salesperson license or broker license in Ohio under ORC 4735.
<b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Division?</b>	Only if they fall under another exemption listed in ORC 4735.01(I).
<b>Is the Division permitted to exercise discretion in determining whether to register, certify, or license an individual?</b>	If an applicant files a complete application pursuant to ORC 4735.023 there is no discretion in determining whether to register an oil and gas land professional.
<b>Other information</b> <i>(Significant attributes or prerequisites to licensure not addressed in this chart.)</i>	Pursuant to ORC 4735.023, to qualify for an oil & gas land professional registration exemption in Ohio you need to be a member in good standing with a national, state, or local professional organization that has been in existence for at least three years and developed a set of standards of performance and ethics specifically for oil and gas land professionals.

**Oversight and disciplinary authority of the Division respecting individuals engaged in the occupation.**

The Division maintains the registration of oil and gas land professionals. Any oil and gas land professional who does any activities listed in ORC 4735.01(A) related to oil and gas and fails to register with the Division is subject to the penalties for unlicensed activity as found in section 4735.052 of the Revised Code.

Any registered oil and gas land professional that ceases to be a member in good standing of an organization described in ORC 4735.023(A)(1)(a)(ii) is required to report the change to the superintendent within thirty days. A failure to report the change in membership status shall result in the automatic suspension of registration status and subject the registrant to the penalties for unlicensed activity as found in section 4735.052 of the Revised Code.

**How much revenue is derived from fees charged by the Division to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

The Division estimates revenue of \$25,500.00 derived from fees charged by the Division to those engaged in the occupation. The revenue is used for payroll and operating expenses for the program.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

N/A

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

In *Dundics v. Eric Petro. Corp.*, 2018-Ohio-3826, the Ohio Supreme Court found that an oil and gas lease falls within the definition of ‘real estate’ in RC 4735.01(A) and 4735.02(A) and that by negotiating oil and gas leases for a fee, for another; the individual would need to hold a real estate salesperson license or a real estate broker license. Following this decision, Senate Bill 263 was enacted providing a specific exemption for oil and gas land professionals who are not otherwise permitted to engage in the activities described in ORC 4735.01(A) by creating the registration program.

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

This regulation is effective and is the least restrictive way to allow oil and gas land professionals to conduct business in Ohio. The Division worked closely with industry leaders and professional organizations when the registration program was being crafted.

**Are there any changes the Division would like to see implemented?**

Not at this time.

## Surrounding state comparison (LSC)

Oil and Gas Land Professional						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Type of regulation	Registration ( <i>R.C. 4735.023</i> ).	No clear equivalent.	No clear equivalent.	No clear equivalent.	No clear equivalent.	No clear equivalent.
Education or training	Membership in a national, state, or local professional organization that has been established for at least three years ( <i>R.C. 4735.023</i> ).	N/A	N/A	N/A	N/A	N/A
Experience	N/A	N/A	N/A	N/A	N/A	N/A
Exam	N/A	N/A	N/A	N/A	N/A	N/A
Continuing education	N/A	N/A	N/A	N/A	N/A	N/A
Initial licensure fee	\$100 ( <i>Ohio Dept. of Commerce, <a href="#">Oil and Gas Land Professional Registration Form (PDF)</a></i> ).	N/A	N/A	N/A	N/A	N/A
License duration	One year ( <i>R.C. 4735.023</i> ).	N/A	N/A	N/A	N/A	N/A

Oil and Gas Land Professional						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Renewal fee	\$100 ( <i>Ohio Dept. of Commerce, <a href="#">Oil and Gas Land Professional Renewal Form (PDF)</a></i> ).	N/A	N/A	N/A	N/A	N/A

## Home inspector

### Surrounding state comparison (LSC)

Home Inspector License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Type of regulation	License ( <i>R.C. 4764.02</i> ).	License ( <i>Ind. Code 25-20.2-5-1</i> ).	License ( <i>Ky. Rev. Stat. 198B.712</i> ).	No clear equivalent.	No clear equivalent.	Certification ( <i>W. Va. Code 15A-11-5; W. Va. Code R. 87-5-2</i> ).
Education or training	A high school diploma or equivalent and at least 80 hours of qualifying education approved by the Ohio Home Inspector Board,	A high school diploma or equivalent and 60 hours of qualifying education approved by the Indiana Home Inspectors	A high school diploma or equivalent and 64 credit hours of education approved by the Kentucky Board of Home Inspectors, which must	N/A	N/A	A high school diploma or equivalent and 80 hours of instruction approved by the State Fire Marshal or three years of experience as a

Home Inspector License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	which may cover foundations, framing, building enclosure, roof systems, plumbing systems, electrical systems, HVAC (heating, ventilation, and air conditioning) systems, appliances, Ohio standards of practice, Ohio home inspector law, and Ohio report writing ( <i>R.C. 4764.07; O.A.C. 1301:17-1-07</i> ).	Licensing Board, which must cover heating, cooling, electrical, and plumbing systems as well as structural components, foundations, roof coverings, exterior and interior, and Indiana licensure law and report writing ( <i>Ind. Code 25-20.2-5-2; 878 Ind. Admin. Code 1-3-2</i> ).	include two hours of manufactured housing; 12 hours of Kentucky standards of practice, contracts, report writing, and communications; six hours of exterior, roofing, insulation, and ventilation; nine hours of structure and interior; nine hours of electrical and plumbing; six hours of heating and air conditioning; 16 hours of field training; three hours of general residential construction; and one hour of environmental hazards, mitigation, water quality, and			home inspector ( <i>W. Va. Code R. 87-5-4</i> ).



Home Inspector License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
			indoor air quality <i>(Ky. Rev. Stat. 198B.712; 831 Ky. Admin. Regs. 2:040).</i>			
Experience	At least 18 years of age. Completion of 40 hours of work in the home inspection field, a peer review session, and ten parallel inspections or equivalent experience. <i>(R.C. 4764.07; O.A.C. 1301:17-1-13 to 1301:17-1-15).</i>	At least 18 years of age. 12 hours of on-site inspection experience acquired during approved education course. <i>(878 Ind. Admin. Code 1-3-2.)</i>	At least 18 years of age. Three unpaid home inspections under supervision. <i>(Ky. Rev. Stat. 198B.712; 831 Ky. Admin. Regs. 2:040.)</i>	N/A	N/A	At least 18 years of age <i>(W. Va. Code R. 87-5-4).</i>
Exam	National Home Inspector Examination <i>(R.C. 4764.07).</i>	National Home Inspector Examination <i>(878 Ind. Admin. Code 1-3-3).</i>	Yes <i>(831 Ky. Admin. Regs. 2:040).</i>	N/A	N/A	National Home Inspector Examination <i>(W. Va. Code R. 87-5-4).</i>

Home Inspector License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Continuing education	14 hours every year ( <i>R.C. 4764.08; O.A.C. 1301:17-1-10</i> ).	32 hours every two years ( <i>Ind. Code 25-20.2-6-4; 878 Ind. Admin. Code 1-5-1</i> ).	28 hours every two years ( <i>Ky. Rev. Stat. 198B.722; 831 Ky. Admin. Regs. 2:040</i> ).	N/A	N/A	16 hours every year ( <i>W. Va. Code R. 87-5-6</i> ).
Initial licensure fee	\$235 ( <i>R.C. 4764.05; O.A.C. 1301:17-1-03</i> ).	\$50 ( <i>878 Ind. Admin. Code 1-3-1</i> ).	\$250 ( <i>831 Ky. Admin. Regs. 2:020</i> ).	N/A	N/A	\$150 (\$125 certification fee plus \$25 application fee) ( <i>W. Va. Code R. 87-5-7</i> ).
License duration	Three years ( <i>R.C. 4764.09</i> ).	Two years ( <i>Ind. Code 25-20.2-6-1</i> ).	Two years ( <i>Ky. Rev. Stat. 198B.722</i> ).	N/A	N/A	One year ( <i>W. Va. Code R. 87-5-6</i> ).
Renewal fee	\$235 ( <i>R.C. 4764.05; O.A.C. 1301:17-1-03</i> ).	\$50 ( <i>878 Ind. Admin. Code 1-3-1</i> ).	\$400 ( <i>831 Ky. Admin. Regs. 2:020</i> ).	N/A	N/A	\$100 ( <i>W. Va. Code R. 87-5-7</i> ).

# OHIO CEMETERY DISPUTE RESOLUTION COMMISSION

## General information (COM)

### Duties

The Commission is vested with the authority to mediate and make recommendations on how to resolve complaints against registered cemeteries, to refer alleged violations of certain cemetery laws to a county prosecutor, or to refer matters to the Ohio Attorney General for possible violations of the Ohio Consumer Sales Practices Act. ORC 4767.08(A) permits the Commission to review the financial records of trust accounts required to be maintained pursuant to ORC Sections 1721.21 and 1721.211 to ensure compliance with the laws. Under ORC 4767.06(G), the Commission also reviews all proposed transfers of cemeteries that would transfer substantially all of the assets or stock of that cemetery. In addition, the Commission adopts and publishes suggested maintenance guidelines for all cemeteries registered in the state of Ohio.

### Membership *(Current members, chairperson and other officers, and selection process.)*

Current members are: Chairperson Kirk Roberts, Vice Chairperson Rick E. Meade, Secretary Ronald Puff, Jimmie J. Blevins, Mark A. Funke, Ann Meyer, Robert Winter. There are two vacant positions.

Nine Ohioans serve on the Commission representing religious, government, non-profit/company cemetery groups and two members of the public. Members of the Commission may serve two consecutive four year terms. According to ORC 4767.05(A), one member shall be the management authority of a municipal, township, or union cemetery recommended by the Ohio Township Association and the Ohio Municipal League; four members shall be individuals employed in a management position by a cemetery company or cemetery association and recommended by the Ohio Cemetery Association; two members shall be employed in a management position by a cemetery that is owned or operated by a religious, fraternal, or benevolent society and recommended by the Ohio Cemetery Association and two members, at least one of whom shall be at least sixty-five years of age, shall be representatives of the public with no financial interest in the death care industry. Each member of the commission, except for the two members who represent the public, shall, at the time of appointment, have had a minimum of five consecutive years of experience in the active administration and management of a cemetery in this state. They are appointed by the Governor of the State of Ohio with the advice and consent of the Ohio Senate.

**Budget** *(Current budget, description of budgeting process, sources of funding, and expected increases or decreases in budget or funding in future years.)*

There are two sources of funding for the Commission. One source is from the cemetery registration and renewal fees. ORC 4767.03(A)(1) sets the amount of this fee as twenty-five dollars for one cemetery, forty dollars for two cemeteries, and fifty dollars for three or more cemeteries. Political subdivisions do not pay a fee to register. All registration and renewal fees collected are paid into the state treasury to the credit of the Division to be used by the Division and the Commission to carry out its powers and duties under Chapter 4767 of the Revised Code. [RC 4767.03(D)]. The Cemetery Operating fund is estimated to have \$200,000 in revenue. The revenue varies on burial permit fees filed each year.

The registration and renewal fees generate approximately \$19,000.00 per fiscal year.

The second source of funding comes from the issuance of burial permit fees. ORC 3705.17 provides that:

“[w]hen a funeral director or other person obtains a burial permit from a local registrar or sub-registrar, the registrar or subregistrar shall charge a fee of three dollars for the issuance of the burial permit. Two dollars and fifty cents of each fee collected for a burial permit shall be paid into the state treasury to the credit of the Division of Real Estate in the Department of Commerce to be used by the Division in discharging its duties prescribed in Chapter 4767 of the Revised Code and the Ohio Cemetery Dispute Resolution Commission created by section 4767.05 of the Revised Code.”

Burial permit fees generate to the operating fund approximately \$181,000.00 per fiscal year to the Division. The cemetery grant program receives one dollar of every two dollars and fifty cents of each burial permit fee collected. The cemetery grant fund is estimated in \$125,000 in revenue.

**Workload** *(Assess current, past, and anticipated workload. Has the workload increased or decreased significantly in the preceding six years?)*

The workload has been increasing over the years. The number of cemeteries that are actively registered has increased as has the number of complaints filed with the Commission. There are currently 4,176 registered cemeteries. As of October 7, 2022, the Division has received 47 cemetery complaints – compared to 38 complaints in all of 2021.

Additionally, in 2018, Sub. House Bill 168 added additional duties. The Division now audits the financial records of approximately 400 cemeteries to ensure compliance with sections 1721.21 and 1721.211 of the Revised Code at least every five years, or more often as the section deems necessary. Sub. House Bill 168 also included the Cemetery Grant Fund. The fund defrays the costs of exceptional cemetery maintenance or training cemetery personnel in the maintenance and operation of a cemetery. The program offers annual grants on a state fiscal year timeline. Staff also handles over 1,100 phone calls a year. There has been a sharp increase in the number of emails with over 2,000 received and responded to in 2021.

**Staffing** *(How many staff are currently employed by the Commission? What are their roles? Are staffing levels proportionate to the Commission's current and anticipated workload?)*

Two full-time staff members; a Section Chief who is also an attorney, and an external auditor; handle the day-to-day administration of the program, registrations and renewals, audits, consumer complaints and the grant program.

In addition to the cemetery program, the Section Chief also handles the land professional registration program, any cemetery public records requests, cemetery rule-review, public speaking at stakeholder events and heads the mediation program for real estate/appraiser/home inspector enforcement sections. The external auditor is a trained mediator and also helps handle mediations for the enforcement section.

With the current and anticipated workload for the cemetery program and other duties previously mentioned, the staffing levels are strained for this program

**Administrative hearings and public complaints** *(Describe the Commission's processes for administering discipline and addressing complaints. Assess the efficiency of the processes.)*

This Commission is a non-adjudicatory body. The dual purpose of the Commission is to assist in resolving complaints against registered cemeteries by using informal techniques of mediation, conciliation and persuasion and to audit cemetery trust accounts to ensure compliance with the laws created to protect consumer funds. ORC Section 1721.21 has trust requirements for endowment care money and Section 1721.211 has trust requirements for merchandise and services sold pre-need by cemeteries.

Complaints are opened within 7 days of receipt. Division staff then works with the parties to try and resolve the complaint. Complaints are heard by the Commission within one hundred eighty days after filing unless it has been resolved by the parties or has been continued upon the request of the parties.

The Commission uses informal mediation techniques to resolve complaints. The Commission is required to meet at least four times a year; typically scheduled in the months of March, June, October and December. Additional meetings may be called. In addition to resolving consumer complaints, they also advise cemetery operators on best practices in the industry. The Commission can also refer alleged criminal violations of certain cemetery laws to the appropriate county prosecutor or matters to the Ohio Attorney General for possible violations of the Ohio Consumer Sales Practices Act.

## Cemetery registration and internment rights sales registration

### Survey responses for cemetery registration (COM)

Description
<p>According to ORC 4767.02(A), no person, church, religious society, established fraternal organization or political subdivision of the state shall own, operate or maintain a cemetery unless the cemetery is registered with the Ohio Department of Commerce, Division of Real Estate and Professional Licensing. The only two exceptions to the registration requirement are for cemeteries in which there has not been a burial in the previous 25 years and for family cemeteries. A family cemetery is defined as a cemetery "...containing the human remains of persons at least three fourths of whom have a common ancestor or who are the spouse or adopted child of that common ancestor."</p>

Type <i>(License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)</i>
<p>The following are all registrations:</p> <p>CEO - cemetery operators</p> <p>CGR - governmental cemeteries</p> <p>CBR - religious/benevolent/established fraternal organization cemeteries</p> <p>CRC - cemetery associations</p>

If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>Number issued annually</b>	There are 2,100 active cemetery operators as of October 7, 2022. Those operators have a total of 4,176 registered cemeteries.
<b>Number renewed annually</b>	For the 2022 renewal, 772 operators received a renewal notice. They operate 1,148 cemeteries. The remaining operators are political subdivisions and their cemetery registrations do not expire.

If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	There has been a slight increase in active registrations.
<b>Education or training requirements</b>	N/A
<b>Experience requirements</b>	N/A
<b>Examination requirements</b> ( <i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Commission receive any proceeds of those fees? If so, how are the proceeds used?</i> )	N/A
<b>Continuing education requirements</b> ( <i>Including a description of the curriculum and the process of setting it.</i> )	N/A
<b>Initial fee</b>	ORC 4767.03(A)(1) sets the amount of this fee based on the number of cemeteries an operator has registered: twenty-five dollars for one cemetery, forty dollars for two cemeteries, and fifty dollars for three or more cemeteries.  Political subdivisions do not pay a fee to register.
<b>Duration</b>	Political subdivisions' registration does not expire.  Association cemeteries and religious/benevolent cemeteries renewal annually.

If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>Renewal fee</b> <i>(If different from initial fee, please explain why.)</i>	Same as initial fee.
<b>Does the Commission recognize uniform licensure requirements or allow for reciprocity?</b>	N/A
<b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b>	No.
<b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Commission?</b>	N/A
<b>Is the Commission permitted to exercise discretion in determining whether to register, certify, or license an individual?</b>	<p>If an applicant files a complete application pursuant to ORC Chapter 4767 there is no discretion in determining whether to register a cemetery operator.</p> <p>Pursuant to OAC1301:13-5-02, if a registered cemetery operator loses their registration due to a conviction under the trust laws found in ORC 1721.21 and/or 1721.211; they may attempt to reapply for registration and must prove that the operator is honest, truthful and of good reputation. However, the Division is not aware of a circumstance that this has occurred in at least 15 years.</p>
<b>Other information</b> <i>(Significant attributes or prerequisites to licensure not addressed in this chart.)</i>	N/A



**Oversight and disciplinary authority of the Commission respecting individuals engaged in the occupation.**

This Commission is a non-adjudicatory body.

**How much revenue is derived from fees charged by the Commission to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

Please see budget answer above. The revenue received is used to cover the costs of labor and materials necessary for the administration of the program.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

N/A

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

The Commission was created in 1993 due, in part, to a rash of fraud and theft by cemetery operators around the Nation. The Commission works to assist in resolving complaints against registered cemeteries by using informal techniques of mediation, conciliation and persuasion and to audit cemetery trust accounts to ensure compliance with the laws created to protect consumer funds. ORC Section 1721.21 has trust requirements for endowment care money and Section 1721.211 has trust requirements for merchandise and services sold pre-need by cemeteries.

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

The Commission’s work helps to reduce and prevent theft and fraud in the Ohio cemetery industry. The Commission is also an important forum for the public and cemetery operators to air out grievances before a panel of cemetery experts and public advocates. The dispute resolution process is a valuable resource for Ohio cemetery operators to receive advice from the Commission regarding standard industry practices and procedures and provides both consumers and cemetery operators with an alternative to costly litigation.

This body has been highly successful in resolving disputes between the public and Ohio cemetery operators regarding the activities, practices, policies, and procedures of Ohio cemeteries. As a result of the complaint process, consumers have received full refunds, discounted services or merchandise for no cost. In addition, multiple consumers have seen monuments and memorials placed after they had suffered through year-long delays and minimal communication from the cemeteries; burial locations of loved ones were verified; many gravestones have been repaired or replaced; and there is improved overall maintenance at cemeteries around Ohio. The Commission frequently, because of complaints filed, advises cemetery operators about best cemetery practices including cemetery maintenance, drainage options to prevent flooding, decoration policies, rules and regulations, contracts and much more. Additionally, criminal referrals to county prosecutors have resulted in cemeteries coming back into compliance with cemetery laws and in criminal convictions related to the theft of trust money.

**Are there any changes the Commission would like to see implemented?**

Not at this time. Please see Division response.

## Survey responses for interment rights sales registration (COM)

### Description

Pursuant to ORC 4767.031, a cemetery operator is responsible for providing to the Division a list of names and residence addresses of all people employed or authorized by that operator to sell interment rights. This form must be updated within the calendar quarter immediately following a change in the list of persons authorized to sell interment rights.

**Type** (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)

No registration is issued to the people listed on an operator's list.

If the regulation is a registration, certification, or license requirement, please complete the following:

**Number issued annually**

N/A

**Number renewed annually**

N/A

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	N/A
<b>Education or training requirements</b>	N/A
<b>Experience requirements</b>	N/A
<b>Examination requirements</b> ( <i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Commission receive any proceeds of those fees? If so, how are the proceeds used?</i> )	N/A
<b>Continuing education requirements</b> ( <i>Including a description of the curriculum and the process of setting it.</i> )	N/A
<b>Initial fee</b>	N/A
<b>Duration</b>	N/A
<b>Renewal fee</b> ( <i>If different from initial fee, please explain why.</i> )	N/A

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<p><b>Does the Commission recognize uniform licensure requirements or allow for reciprocity?</b></p>	<p>N/A</p>
<p><b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b></p>	<p>N/A</p>
<p><b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Commission?</b></p>	<p>N/A</p>
<p><b>Is the Commission permitted to exercise discretion in determining whether to register, certify, or license an individual?</b></p>	<p>N/A</p>
<p><b>Other information</b> <i>(Significant attributes or prerequisites to licensure not addressed in this chart.)</i></p>	<p>N/A</p>

**Oversight and disciplinary authority of the Commission respecting individuals engaged in the occupation.**

N/A. Any complaints filed must be filed against a registered cemetery or a cemetery that should be registered.

**How much revenue is derived from fees charged by the Commission to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

N/A

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

N/A

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

N/A

Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?

N/A

Are there any changes the Commission would like to see implemented?

N/A

### Surrounding state comparison (LSC)

Cemetery Registration (Cemetery Registration and Internment-Rights Sales Registration)						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Type of regulation	Registration required to own a cemetery and to sell internment rights ( <i>R.C. 4767.02 and 4767.031</i> ).	Registration required to own a cemetery ( <i>Ind. Code 25-15-9-17</i> ).	Registration required to sell internment rights ( <i>Ky. Rev. Stat. 367.946</i> ).	Permit required to establish a cemetery; registration required to operate a cemetery ( <i>Mich.</i>	Registration required to sell internment rights ( <i>9 Pa. Cons. Stat. 304; 63 Pa. Stat. 455.301</i> ).	Registration required to own a cemetery and to sell internment rights ( <i>W. Va. Code 35-5B-2</i> ).

Cemetery Registration (Cemetery Registration and Internment-Rights Sales Registration)						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
				<i>Comp. Laws 456.532).</i>		
Education or training	N/A	N/A	N/A	N/A	N/A	N/A
Experience	N/A	N/A	N/A	N/A	N/A	N/A
Exam	N/A	N/A	N/A	N/A	N/A	N/A
Continuing education	N/A	N/A	N/A	N/A	N/A	N/A
Initial licensure fee	One cemetery: \$25; two cemeteries: \$40; three or more cemeteries: \$50 (R.C. 4767.03).	\$100 ( <i>Ind. Professional Licensing Agency, "Application for Cemetery Registration," <a href="#">Cemetery Applications</a></i> ).	\$50 ( <i>Ky. Rev. Stat. 367.946</i> ).	\$20 for registration; \$1,500 for permit ( <i>Mich. Comp. Laws 456.531 and 456.533</i> ).	\$25 ( <i>9 Pa. Cons. Stat. 304</i> ).	\$200 ( <i>W. Va. State Tax Dept., <a href="#">Business Registration – Cemeteries</a></i> ).
License duration	One year ( <i>R.C. 4767.03</i> ).	One year ( <i>see Ind. Code 30-2-13-31</i> ).	One year ( <i>Ky. Rev. Stat. 367.946</i> ).	One year (registration only) ( <i>Mich. Comp. Laws 456.531</i> ).	Two years ( <i>9 Pa. Cons. Stat. 304</i> ).	One year ( <i>W. Va. State Tax Dept., <a href="#">Business Registration – Cemeteries</a></i> ).



**Cemetery Registration (Cemetery Registration and Internment-Rights Sales Registration)**

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Renewal fee	One cemetery: \$25; two cemeteries: \$40; three or more cemeteries: \$50 (R.C. 4767.03).	\$10 ( <i>Ind. Professional Licensing Agency, "Annual Report Pursuant to IC 30-2-13," <a href="#">Other Forms</a></i> ).	\$10 ( <i>Ky. Rev. Stat. 367.946</i> ).	\$20 (registration only) ( <i>Mich. Comp. Laws 456.531</i> ).	\$25 ( <i>9 Pa. Cons. Stat. 304</i> ).	\$200 ( <i>W. Va. State Tax Dept., <a href="#">Business Registration – Cemeteries</a></i> ).

# REAL ESTATE APPRAISER BOARD

## General information (COM)

### Duties

Duties of the Ohio Real Estate Appraiser Board, the Superintendent of the Division of Real Estate & Professional Licensing and Division staff include the issuance of credentials to Ohio real estate appraisers (Ohio Revised Code Section 4763.05), enforcement of license law requirements established in Ohio law and regulation (Ohio Revised Code Section 4763.11 & Ohio Administrative Code 1301:11) and the administration the Ohio real estate appraiser recovery fund (Ohio Revised Code Section 4763.16).

### Membership *(Current members, chairperson and other officers, and selection process.)*

Board member requirements are established in Ohio Revised Code Section 4763.02. Generally speaking, there are five Board members appointed by the Governor with the advice and consent of the Senate. Four of the Board members are appraisers, and one member is a member of the public. Two of the appraiser Board members must hold a general appraiser certificate and one must be an Ohio real estate broker and another must be a controlling person, owner or management level employee in an Ohio appraisal management company. The Ohio Director of Commerce is an ex officio member of the Board and may appoint the Superintendent to be an executive officer of the Board. The Board selects among them a chairperson and vice-chairperson for the Board.

### Budget *(Current budget, description of budgeting process, sources of funding, and expected increases or decreases in budget or funding in future years.)*

The administration of the Ohio real estate appraiser program is funded exclusively from the fees generated by the program. Application fees are the most typical form of funding received by the Division. Minimal funding is received by the Division from enforcement cases. The Division estimates future application fees will remain stable. Most application fees are between \$100 to \$265 per application. A portion of these application fees are deposited into the Ohio real estate appraiser recovery fund. Another portion is set aside to cover the federal pass through fee assessed upon appraisers by the federal government and any remaining portion of the fees is used to cover the expenses of the Division and the Board. The current budget is \$1,128,096. We estimate annual revenue at \$950,000.00. Our budgeting process is outline by the Office of Budget and Management.

**Workload** *(Assess current, past, and anticipated workload. Has the workload increased or decreased significantly in the preceding six years?)*

With regards to its duties, the Division's and Board's workload has remained mostly stable in the last six years. Industry conditions will decide whether future administrative workload will increase or decrease. With the absence of any reliable indicators of future industry conditions, it is anticipated future administrative workloads will remain stable compared to current administrative workload conditions.

**Staffing** *(How many staff are currently employed by the board? What are their roles? Are staffing levels proportionate to the board's current and anticipated workload?)*

There are five members on the Ohio Real Estate Appraiser Board. The Superintendent of the Division of Real Estate & Professional Licensing leads the Division (administrative) team. There is one staff attorney assigned to the appraiser program, one enforcement supervisor, two investigators, two licensing application examiners, and one education compliance officer, one licensing manager and one assistant to the Superintendent who all split time between the appraiser program and other licensing programs under the Division of Real Estate's regulatory authority. Staffing levels for the appraiser program have remained the same over the years, but as more industries have been recently assigned by the Ohio Legislature to the Division for regulation, the amount of time available for some Division staff to administer the appraiser program has experienced some reduction.

**Administrative hearings and public complaints** *(Describe the Board's processes for administering discipline and addressing complaints. Assess the efficiency of the processes.)*

The administrative hearing process and public complaints against Ohio real estate appraisers can be found in Ohio Revised Code Section 4763.11. To summarize, complaints can be mediated by the complaining party and the Ohio real estate appraiser through a Division mediator. If mediation fails to occur between the complaining party and the Ohio real estate appraiser, then the complaint is investigated by a Division investigator. The Division investigator collects information and evidence from the complaining party, the appraiser and any other relevant sources of information. Once the investigation is complete, the Division investigator will complete an investigator report which is reviewed by the Division's staff attorney and the Superintendent. If there is insufficient evidence to show a violation of appraiser license law has occurred, then the case is closed with no further action taken. However, this outcome can be appealed by the complaining party to the Board for reversal or for confirmation. If the investigation yields sufficient evidence of an appraiser license law violation, then charges are issued. A hearing before a hearing officer will be held unless the Ohio real estate appraiser and Superintendent reach a settlement agreement on the charges issued. A settlement agreement must be reviewed and approved by the Board. If no settlement agreement is reached between the

**Administrative hearings and public complaints** *(Describe the Board’s processes for administering discipline and addressing complaints. Assess the efficiency of the processes.)*

Superintendent and the Ohio real estate appraiser, then the matter will be heard by a hearing officer. The hearing is a public matter, and the Ohio real estate appraiser will be notified of the hearing. The hearing officer will issue a hearing report. This report will be reviewed by the Board. If the Board finds there was violation of Ohio appraiser license law, the Ohio real estate appraiser could be subject to sanctions. The Board’s order in review a hearing officer report is subject to appeal in the appropriate common pleas court.

## **Real estate appraiser**

### **Survey responses (COM)**

#### **Description**

There are five types of appraiser credential in Ohio (see above). Requirements to obtain any of these credentials must meet minimum standards established by the Appraisal Foundation’s Appraiser Qualification Board. Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (“FIRREA”) established the Appraiser Qualifications Board (“AQB”). The AQB establishes the minimum requirements for certified real property appraisers. Also under the provisions of the Dodd-Frank Reform Act, the AQB establishes the minimum requirements for “Licensed Appraisers”. These laws require states to implement appraiser requirements that are no less stringent than those issued by AQB. States that do not comply with Title XI are subject to the nonrecognition of their real estate appraiser licenses and certifications. If this were to occur in Ohio, it would severely limit the mortgage-lending industry in Ohio and harm consumers. Ohio’s requirements are currently in compliance with AQB requirements.

**Type** (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)

There are several types of Ohio real estate appraiser credentials. State registered appraiser assistants are new trainees to the appraisal industry and are mentored by more experienced appraisers. The remaining credential types are residential real estate appraiser licenses, residential appraiser certificates and general appraiser certificates. The scope of these credentials can be found in Ohio Revised Code Section 4763.01. Temporary appraiser credentials may also be issued to appraisers from other states. Requirements for temporary appraiser credentials can be found in Ohio Revised Code Section 4763.05(E)(2)(a). The issuance of temporary registrations is limited to two registrations per calendar year. Ohio law does not require Ohio real estate appraisers to be bonded or carry insurance. Ohio real estate appraisers must comply with Uniform Standards of Professional Appraisal Practice (see Ohio Revised Code Section 4763.13(A)) which is prepared by the Appraisal Foundation’s Appraisal Standards Board.

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Number issued annually</b>	There are currently 3,245 Ohio appraiser credential holders.
<b>Number renewed annually</b>	All Ohio appraiser credential holders are subject to an annual renewal per Ohio law. In 2022, the Division has seen about 100 appraiser credential holders fail to renew their credential. A portion of those non-renewals are individuals located out of state. There are also registered appraiser assistants who successfully upgrade to an Ohio appraiser license or certificate and let the registration lapse.
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	In the last six years, the number of active state registered appraiser assistants has increased. The number of Ohio licensed appraisers decreased as the result of a HUD decision regarding the use of state licensed appraisers for their product. The HUD decision affected state licensed appraisers nationwide. The Division saw licensed appraisers either upgraded to certified appraisers or leave the industry. Since then, the numbers have seen a stabilization or a slight increase. Total number of Ohio appraiser credential holders has climbed to 3,245. Certified residential appraisers and state registered appraiser assistants have fueled the increase.

If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>Education or training requirements</b>	Education requirements in Ohio law are delegated to the Ohio Real Estate Appraiser Board by rule – see Ohio Administrative Code 1301:11-3-03. The Board is required to follow the minimum requirements established by the Appraisal Foundation’s Appraiser Qualifications Board.
<b>Experience requirements</b>	Experience requirements in Ohio law are delegated to the Ohio Real Estate Appraiser Board by rule – see Ohio Administrative Code 1301:11-3-03. The Board is required to follow the minimum requirements established by the Appraisal Foundation’s Appraiser Qualifications Board.
<b>Examination requirements</b> ( <i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Board receive any proceeds of those fees? If so, how are the proceeds used?</i> )	The exam is administered by an independent third party testing vendor (PSI) that entered a state contract with the Division. All interested testing vendors must complete the state contract bidding process. The examination fee is \$85.00 and is maintained by the testing vendor.
<b>Continuing education requirements</b> ( <i>Including a description of the curriculum and the process of setting it.</i> )	Ohio real estate appraisers are required to complete 14 hours of approved appraiser continuing education – Ohio Revised Code Section 4763.07. The continuing education requirements must be completed in compliance with the minimum requirements established by the Appraisal Foundation’s Appraiser Qualifications Board. Continuing education is necessary to ensure that Ohio appraisers are well-qualified, competent and properly trained. It is necessary for the stability of our economy for appraisers to have the required skills and knowledge in real property appraising.
<b>Initial fee</b>	The initial application fee for an appraiser certificate / license is \$265. The initial application fee for an appraiser registration is \$150. A temporary registration fee is \$100. A temporary registration is not subject to renewal.
<b>Duration</b>	Ohio appraiser credentials are valid for a one year term – see Ohio Revised Code Section 4763.08.

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<p><b>Renewal fee</b> <i>(If different from initial fee, please explain why.)</i></p>	<p>The renewal fee is \$165 for license / certificate renewals and \$100 for registration renewals. The renewal fee for a license / certificate is less than the initial application fee as there are recovery fund fees that are required to be included in the initial application fees as required by Ohio law. A recovery fund fee is not included in the renewal fee. The Division also charges an additional \$50 fee for initial application fees as Ohio law and federal over-sight requires the Division to expend additional time and resources reviewing the applicants' appraisal samples for compliance with Uniform Standards of Professional Appraisal practice. This additional review is not required for a renewal application.</p>
<p><b>Does the Board recognize uniform licensure requirements or allow for reciprocity?</b></p>	<p>Yes. Authority was established in Ohio Revised Code Section 4763.05(E)(1) and (E)(3) and Ohio Administrative Code 1301:11-1-08.</p>
<p><b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b></p>	<p>There are currently no national appraiser credentials available</p>
<p><b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?</b></p>	<p>Ohio Revised Code Section 4763.19(A) only states Ohio real estate appraisers must be licensed or certified when completing an appraisal or appraisal review for a mortgage loan.</p>
<p><b>Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?</b></p>	<p>Yes. The Board may exercise discretion when evaluating an applicant's quality of experience and education. Experience must be completed in compliance with Uniform Standards of Professional Appraisal Practice and education must be completed in compliance with the minimum requirements established by the Appraisal Foundation's Appraiser Qualifications Board.</p>
<p><b>Other information</b> <i>(Significant attributes or prerequisites to licensure not addressed in this chart.)</i></p>	<p>None</p>

**Oversight and disciplinary authority of the Board respecting individuals engaged in the occupation.**

Please see Section 4763.11 - Ohio Revised Code | Ohio Laws

**How much revenue is derived from fees charged by the Board to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

The Division receives the following fees: \$125 out of the \$165 renewal application fee, \$175 out of the \$265 initial application fee, \$100 out of the \$150 initial registration fee; and \$50 out of the \$100 registration renewal fee and the temporary registration fee. The revenue received from these partial application fees is used to cover the costs of labor and materials necessary for the administration of the appraiser regulatory program. We estimate that \$500,000 revenue is derived from fees and \$450,000 comes from pass through funds from the federal registry.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

Yes. Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (“FIRREA”) established the Appraiser Qualifications Board (“AQB”). The AQB establishes the minimum requirements for certified real property appraisers. Also under the provisions of the Dodd-Frank Reform Act, the AQB establishes the minimum requirements for “Licensed Appraisers”. These laws require states to implement appraiser requirements that are no less stringent than those issued by AQB. States that do not comply with Title XI are subject to the non-recognition of their real estate appraiser licenses and certifications. If this were to occur in Ohio, it would severely limit the mortgage-lending industry in Ohio and harm consumers. Ohio’s requirements are in compliance with AQB requirements. Ohio appraiser credential holders must also comply with Uniform Standards of Professional Appraisal Practice established by the Appraisal Foundation’s Appraisal Standards Board. Complaints to the Division are related to an appraiser’s failure to comply with Uniform Standards of Professional Appraisal Practice Standards while completing an appraisal.



**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

The overall intent of the laws (Ohio Revised Code Chapter 4763) and rules (Ohio Administrative Code 1301:11) is to ensure appraisers are competent to complete real estate appraisals. This serves to benefit all of those who come to rely on appraisals. The laws and rules are also based on federal requirements, which are currently binding on the state. States that do not comply with federal requirements would be subject to the non-recognition of real estate appraiser licenses and certifications in this state. Therefore, an appraisal done by Ohio licensed or certified appraisers would not be considered valid. If this were to occur in Ohio, it would severely limit the mortgage-lending industry in Ohio and harm consumers.

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

Yes, the regulation is currently effective at preventing the harm described above. There are currently no less restrictive ways to prevent such harm.

**Are there any changes the Board would like to see implemented?**

None at this time.

## Surrounding state comparison for general real estate appraiser certification (LSC)

General Real Estate Appraiser Certification						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Type of regulation	Certification ( <i>R.C. 4763.19</i> ).	Certified general appraiser license ( <i>Ind. Code 25-34.1-3-2 and 25-34.1-3-8</i> ).	Certified general real property appraiser ( <i>Ky. Rev. Stat. 324A.030</i> ).	Certified general real estate appraiser license ( <i>Mich. Comp. Laws 339.2607</i> ).	Certified residential appraiser ( <i>63 Pa. Stat. 457.3</i> ).	Certified general real estate appraiser ( <i>W. Va. Code 30-38-1 and 30-38-4</i> ).
Education or training	Bachelor's degree or higher in any field of study, at least one course devoted to fair housing law, and 300 hours of instruction in the Appraiser Qualifications Board's core curriculum ( <i>R.C. 4763.05(C); O.A.C. 1301:11-3-03(C)</i> ).	Bachelor's degree or higher in any field of study and 300 hours of instruction in the Appraiser Qualifications Board's core curriculum ( <i>Ind. Code 25-34.1-3-8; 876 Ind. Admin. Code 3-3-5.1; Indiana Professional Licensing Agency, <a href="#">Real Estate Appraiser Licensing Information</a></i> ).	Bachelor's degree or higher and 300 hours of instruction in the Appraiser Qualifications Board's core curriculum ( <i>201 Ky. Admin. Regs. 30:190</i> ).	Bachelor's degree or higher and 300 hours of instruction in the Appraiser Qualifications Board's core curriculum ( <i>Mich. Comp. Laws 339.2610; LARA, <a href="#">Certified General Appraiser License</a></i> ).	Bachelor's degree or higher and 300 hours of instruction in the Appraiser Qualifications Board's core curriculum ( <i>63 Pa. Stat. 457.6; 49 Pa. Code 36.12; Pa. Dept. of State, <a href="#">Certified General Appraiser</a></i> ).	Bachelor's degree or higher, 300 hours of instruction in the Appraiser Qualifications Board's core curriculum, and a three-hour course on West Virginia law ( <i>W. Va. Code R. 190-2-4 and 190-2-6</i> ).
Experience	At least 18 years of age. 3,000 hours of	3,000 hours of supervised real estate appraisal	3,000 hours of supervised real estate appraisal	At least 18 years of age. 3,000 hours of	3,000 hours of supervised real estate appraisal	At least 18 years of age. 3,000 hours of

**General Real Estate Appraiser Certification**

	<b>Ohio</b>	<b>Indiana</b>	<b>Kentucky</b>	<b>Michigan</b>	<b>Pennsylvania</b>	<b>West Virginia</b>
	supervised real estate appraisal experience over the course of at least 18 months, half of which must be appraisal of nonresidential units ( <i>O.A.C. 1301:11-3-04(C)</i> ).	experience over the course of at least 30 months, 2,000 hours of which must be appraisal of nonresidential units ( <i>876 Ind. Admin. Code 3-3-9</i> ).	experience over the course of at least 18 months, half of which must be appraisal of nonresidential units ( <i>201 Ky. Admin. Regs. 30:190</i> ).	supervised real estate appraisal experience over the course of at least 18 months, half of which must be appraisal of nonresidential units ( <i>Mich. Comp. Laws 339.2610; LARA, <a href="#">Certified General Appraiser License</a></i> ).	experience over the course of at least 18 months, half of which must be appraisal of nonresidential units ( <i>63 Pa. Stat. 457.3; 42 Pa. Code 36.12; Pa. Dept. of State, <a href="#">Certified General Appraiser</a></i> ).	supervised real estate appraisal experience over the course of at least 18 months, half of which must be appraisal of nonresidential units ( <i>W. Va. Code R. 190-2-4 and 190-2-6</i> ).
Exam	National Uniform Licensing and Certification Examination ( <i>R.C. 4763.05(D), O.A.C. 1301:11-3-05, Ohio Dept. of Commerce, <a href="#">Appraiser Examination Candidate Information Bulletin</a></i> ).	Yes ( <i>876 Ind. Admin. Code 3-3-14</i> ).	National Uniform Licensing and Certification Examination ( <i>Ky. Rev. Stat. 324A.040; Ky. Real Estate Appraisers Board, <a href="#">Appraiser Examinations (PDF)</a></i> ).	National Uniform Licensing and Certification Examination ( <i>Mich. Comp. Laws 339.2619; LARA, <a href="#">Real Property Appraiser Qualification Criteria</a></i> ).	National Uniform Licensing and Certification Examination ( <i>63 Pa. Stat. 457.3; 42 Pa. Code 36.12; Pa. Dept. of State, <a href="#">Certified General Appraiser</a></i> ).	National Uniform Licensing and Certification Examination ( <i>W. Va. Code R. 190-2-6</i> ).

General Real Estate Appraiser Certification						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Continuing education	14 hours every year, including a seven-hour National Uniform Standards of Professional Appraisal Practice Update Course ( <i>R.C. 4763.07; O.A.C. 1301:11-7-01</i> ).	28 hours every two years, including a seven-hour National Uniform Standards of Professional Appraisal Practice Update Course ( <i>876 Ind. Admin. Code 3-5-1 and 3-5-1.5</i> ).	14 hours every year, including a seven-hour National Uniform Standards of Professional Appraisal Practice Update Course ( <i>201 Ky. Admin. Regs. 30:190</i> ).	28 hours every two years, including a seven-hour National Uniform Standards of Professional Appraisal Practice Update Course ( <i>Mich. Comp. Laws 339.2627; Mich. Admin. Code R. 339.23326; LARA, <a href="#">Certified General Appraiser License</a></i> ).	28 hours every two years, including a seven-hour National Uniform Standards of Professional Appraisal Practice Update Course and two hours covering Pennsylvania real estate appraiser requirements ( <i>49 Pa. Code 36.41; Pa. Dept. of State, <a href="#">Certified General Appraiser</a></i> ).	14 hours every year, including a seven-hour National Uniform Standards of Professional Appraisal Practice Update Course ( <i>W. Va. Code R. 190-3-4</i> ).
Initial licensure fee	\$175 ( <i>R.C. 4763.09; O.A.C. 1301:11-1-03</i> ).	\$190, or \$150 if issued in second year of license cycle, plus \$100 examination fee ( <i>876 Ind. Admin. Code 3-2-7</i> ).	\$200 ( <i>Ky. Rev. Stat. 324A.065</i> ).	\$175 ( <i>Mich. Comp. Laws 338.2238</i> ).	\$405 (\$235 application fee plus \$90 initial certification fee and \$80 National Registry Fee), or if applying in second year of licensing period, \$320 (\$235 application fee	\$495 (\$120 application fee plus \$375 license fee) ( <i>W. Va. Code R. 190-2-10</i> ).

General Real Estate Appraiser Certification						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
					plus \$45 initial certification fee and \$40 National Registry Fee) (49 Pa. Code 36.6).	
License duration	One year (R.C. 4763.08).	Two years (876 Ind. Admin. Code 3-5-1).	One year (Ky. Rev. Stat. 324A.045).	Two years (LARA, <u>Certified General Appraiser License</u> ).	Two years (63 Pa. Stat. 457.10).	One year (W. Va. Code R. 190-3).
Renewal fee	\$125 (R.C. 4763.09; O.A.C. 1301:11-1-03).	\$190 (876 Ind. Admin. Code 3-2-7).	\$252 (Ky. Rev. Stat. 324A.065; 201 Ky. Admin. Regs. 30:190).	\$350 ( <u>Mich. Comp. Laws 338.2238</u> ).	\$225 (49 Pa. Code 36.6).	\$375 (W. Va. Code R. 190-2-10).

### Surrounding state comparison for residential real estate appraiser certification (LSC)

Residential Real Estate Appraiser Certification						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Type of regulation	Certification (R.C. 4763.19).	Certified residential appraiser license (Ind. Code 25-34.1-3-8 and 25-34.1-3-2).	Certified residential real property appraiser (Ky. Rev. Stat. 324A.030).	Certified residential real estate appraiser license (Mich. Comp. Laws 339.2607).	Certified residential appraiser (63 Pa. Stat. 457.3).	Certified residential real estate appraiser (W. Va. Code 30-38-1 and 30-38-4).

**Residential Real Estate Appraiser Certification**

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Education or training	<p>Hold or complete one of the following: a bachelor’s degree in any field; an associate’s degree in a field related to business, accounting, finance, economics, or real estate; or 30 semester hours of college-level courses in prescribed fields.</p> <p>At least one course devoted to fair housing law and 200 hours of instruction in the Appraiser Qualifications Board’s core curriculum. (R.C. 4763.05; O.A.C. 1301:11-3-03.)</p>	<p>A bachelor’s degree or higher and 200 hours in the Appraiser Qualifications Board’s core curriculum (876 Ind. Admin. Code 3-3-4.1).</p>	<p>Hold or complete one of the following: a bachelor’s degree in any field; an associate’s degree in a field related to business, accounting, finance, economics, or real estate; or 30 semester hours of college-level courses in prescribed fields.</p> <p>200 hours of instruction in the Appraiser Qualifications Board’s core curriculum. (201 Ky. Admin. Regs. 30:190.)</p>	<p>Hold or complete one of the following: a bachelor’s degree in any field; an associate’s degree in a field related to business, accounting, finance, economics, or real estate; or 30 semester hours of college-level courses in prescribed fields.</p> <p>200 hours of instruction in the Appraiser Qualifications Board’s core curriculum. (Mich. Comp. Laws 339.2610; LARA, <a href="#">Certified Residential Appraiser License.</a>)</p>	<p>Hold or complete one of the following: a bachelor’s degree in any field; an associate’s degree in a field related to business, accounting, finance, economics, or real estate; or 30 semester hours of college-level courses in prescribed fields.</p> <p>200 hours of instruction in the Appraiser Qualifications Board’s core curriculum. (49 Pa. Code 36.11; Pa. Dept. of State, <a href="#">Certified Real Estate Appraiser.</a>)</p>	<p>Hold or complete one of the following: a bachelor’s degree in any field; an associate’s degree in a field related to business, accounting, finance, economics, or real estate; or 30 semester hours of college-level courses in prescribed fields.</p> <p>A three-hour West Virginia Law course and 200 hours of instruction in the Appraiser Qualifications Board’s core curriculum. (W. Va. Code R. 190-2-4 and 190-2-6.)</p>

Residential Real Estate Appraiser Certification						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Experience	At least 18 years of age. 1,500 hours as a real estate appraiser assistant over at least 12 months. (R.C. 4763.05(C); O.A.C. 1301:11-3-04.)	2,500 hours of appraisal experience over at least 24 months (876 Ind. Admin. Code 3-3-9).	1,500 hours of appraisal experience over at least 12 months (201 Ky. Admin. Regs. 30:190).	At least 18 years of age. 1,500 hours of appraisal experience over at least 12 months. (Mich. Comp. Laws 339.2610; LARA, <a href="#">Certified Residential Appraiser License</a> .)	1,500 hours of appraisal experience over at least 12 months (49 Pa. Code 36.11; Pa. Dept. of State, <a href="#">Certified Real Estate Appraiser</a> ).	At least 18 years of age. 1,500 hours of appraisal experience over at least 12 months. (W. Va. Code R. 190-2-4 and 190-2-6.)
Exam	National Uniform Licensing and Certification Examination (R.C. 4763.05(D); O.A.C. 1301:11-3-05; Ohio Dept. of Commerce, <a href="#">Appraiser Examination Candidate Information Bulletin</a> ).	Yes (876 Ind. Admin. Code 3-3-14 to 3-3-18).	National Uniform Licensing and Certification Examination (Ky. Rev. Stat. 324A.040; Ky. Real Estate Appraisers Board, <a href="#">Appraiser Examinations (PDF)</a> ).	National Uniform Licensing and Certification Examination (Mich. Comp. Laws 339.2619; LARA, <a href="#">Real Property Appraiser Qualification Criteria (PDF)</a> ).	National Uniform Licensing and Certification Examination or its equivalent (49 Pa. Code 36.11; Pa. Dept. of State, <a href="#">Certified Real Estate Appraiser</a> ).	National Uniform Licensing and Certification Examination (W. Va. Code R. 190-2-6).
Continuing education	14 hours every year, including a seven-hour	28 hours every two years, including a seven-	14 hours every year, including a seven-hour	28 hours every two years, including a seven-	28 hours every two years, including a seven-	14 hours every year, including a seven-hour

Residential Real Estate Appraiser Certification						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	National Uniform Standards of Professional Appraisal Practice Update Course ( <i>R.C. 4763.07; O.A.C. 1301:11-7-01</i> ).	hour National Uniform Standards of Professional Appraisal Practice Update Course ( <i>876 Ind. Admin. Code 3-5-1 and 3-5-1.5</i> ).	National Uniform Standards of Professional Appraisal Practice Update Course ( <i>201 Ky. Admin. Regs. 30:190</i> ).	hour National Uniform Standards of Professional Appraisal Practice Update Course ( <i>Mich. Comp. Laws 339.2627; Mich. Admin. Code R. 339.23326; LARA, <a href="#">Certified Residential Appraiser License</a></i> ).	hour National Uniform Standards of Professional Appraisal Practice Update Course and two hours covering Pennsylvania real estate appraiser requirements ( <i>49 Pa. Code 36.41; Pa. Dept. of State, <a href="#">Certified Real Estate Appraiser</a></i> ).	National Uniform Standards of Professional Appraisal Practice Update Course ( <i>W. Va. Code R. 190-3-4</i> ).
Initial licensure fee	\$175 ( <i>O.A.C. 1301:11-1-03</i> ).	\$190, or \$150 if issued in second year of license cycle, plus \$100 examination fee ( <i>876 Ind. Admin. Code 3-2-7</i> ).	\$200 ( <i>Ky. Rev. Stat. 324A.065</i> ).	\$175 ( <i>Mich. Comp. Laws 338.2238</i> ).	\$325 (\$235 application fee plus \$90 initial certification fee), or if applying in second year of licensing period, \$280 (\$235 application fee plus \$45 initial certification fee) ( <i>49 Pa. Code 36.6</i> ).	\$370 (\$120 application fee plus \$250 license fee) ( <i>W. Va. Code R. 190-2-10</i> ).



Residential Real Estate Appraiser Certification						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License duration	One year ( <i>R.C. 4763.08</i> ).	Two years ( <i>876 Ind. Admin. Code 3-5-1</i> ).	One year ( <i>Ky. Rev. Stat. 324A.045</i> ).	Two years ( <i>LARA, Certified Residential Appraiser License</i> ).	Two years ( <i>63 Pa. Stat. 457.10</i> ).	One year ( <i>W. Va. Code R. 190-3-3</i> ).
Renewal fee	\$125 ( <i>R.C. 4763.09; O.A.C. 1301:11-1-03</i> ).	\$190 ( <i>876 Ind. Admin. Code 3-2-7</i> ).	\$252 ( <i>201 Ky. Admin. Regs. 30:190</i> ).	\$350 ( <i>Mich. Comp. Laws 338.2238</i> ).	\$225 ( <i>49 Pa. Code 36.6</i> ).	\$250 ( <i>W. Va. Code R. 190-2-10</i> ).

### Surrounding state comparison for residential real estate appraiser license (LSC)

Residential Real Estate Appraiser License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Type of regulation	License ( <i>R.C. 4763.19</i> ).	No clear equivalent. <sup>75</sup>	Licensed residential real property appraiser ( <i>Ky. Rev. Stat. 324A.030</i> ).	State licensed real estate appraiser ( <i>Mich. Comp. Laws 339.2607</i> ).	Certified Pennsylvania evaluator ( <i>63 Pa. Stat. 457.3</i> ).	Licensed residential real estate appraiser ( <i>W. Va. Code 30-38-1 and 30-38-4</i> ).
Education or training	At least one course devoted to fair housing law and 150 hours of	N/A	150 hours of instruction in the Appraiser Qualifications	150 hours of instruction in the Appraiser Qualifications	A high school diploma or equivalent (or two years of assessing	A three-hour West Virginia law course and 150 hours of

<sup>75</sup> Licensed residential appraiser licenses issued before January 1, 2008, continue to remain in effect after December 31, 2007, as long as renewed as required by law and subject to the disciplinary process (*876 Ind. Admin. Code 3-2-1*).

Residential Real Estate Appraiser License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	instruction in the Appraiser Qualifications Board's core curriculum ( <i>R.C. 4763.05; O.A.C. 1301:11-3-03</i> ).		Board's core curriculum ( <i>201 Ky. Admin. Regs. 30:190</i> ).	Board's core curriculum ( <i>Mich. Comp. Laws 339.2610; LARA, <a href="#">State Licensed Appraiser License</a></i> ).	experience) and 90 classroom hours in appraisal subjects ( <i>49 Pa. Code 36.221</i> ).	instruction in the Appraiser Qualifications Board's core curriculum ( <i>W. Va. Code R. 190-2-4 and 190-2-5</i> ).
Experience	At least 18 years of age. 1,000 hours of real estate appraisal experience as a real estate assistant over at least six months ( <i>R.C. 4763.05; O.A.C. 1301:11-3-04</i> ).	N/A	1,000 hours of appraisal experience over at least six months ( <i>201 Ky. Admin. Regs. 30:190</i> ).	At least 18 years of age. 1,000 hours of appraisal experience over at least six months. ( <i>Mich. Comp. Laws 339.2610; LARA, <a href="#">State Licensed Appraiser License</a></i> .)	At least 18 years of age ( <i>49 Pa. Code 36.221</i> ).	At least 18 years of age. 1,000 hours of appraisal experience over at least six months. ( <i>W. Va. Code R. 190-2-4 and 190-2-5</i> .)
Exam	National Uniform Licensing and Certification Examination ( <i>R.C. 4763.05; O.A.C. 1301:11-3-05; Ohio Dept. of Commerce, <a href="#">Appraiser Examination Candidate</a></i>	N/A	National Uniform Licensing and Certification Examination ( <i>Ky. Rev. Stat. 324A.040; Ky. Real Estate Appraisers Board, <a href="#">Appraiser</a></i>	National Uniform Licensing and Certification Examination ( <i>Mich. Comp. Laws 339.2619; LARA, <a href="#">State Licensed Appraiser License</a></i> ).	Yes ( <i>49 Pa. Code 36.221</i> ).	National Uniform Licensing and Certification Examination ( <i>W. Va. Code R. 190-2-5</i> ).

Residential Real Estate Appraiser License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	<a href="#"><u>Information Bulletin.</u></a>		<a href="#"><u>Examinations (PDF).</u></a>			
Continuing education	14 hours every year, including a seven-hour National Uniform Standards of Professional Appraisal Practice Update Course ( <i>R.C. 4763.07; O.A.C. 1301:11-7-01</i> ).	N/A	14 hours every year, including a seven-hour National Uniform Standards of Professional Appraisal Practice Update Course ( <i>201 Ky. Admin. Regs. 30:190</i> ).	28 hours every two years, including a seven-hour National Uniform Standards of Professional Appraisal Practice Update Course ( <i>Mich. Comp. Laws 339.2627; Mich. Admin. Code R. 339.23326</i> ).	28 hours every two years, including a four-hour National Uniform Standards of Professional Appraisal Practice Update Course and two hours on Pennsylvania law ( <i>49 Pa. Code 36.261</i> ).	14 hours every year including a seven-hour National Uniform Standards of Professional Appraisal Practice Update Course ( <i>W. Va. Code R. 190-3-4</i> ).
Initial licensure fee	\$175 ( <i>R.C. 4763.09; O.A.C. 1301:11-1-03</i> ).	N/A	\$200 ( <i>Ky. Rev. Stat. 324A.065</i> ).	\$175 ( <i>Mich. Comp. Laws 338.2238</i> ).	\$145 (\$55 application fee plus \$90 certification fee), or, if applying in second year of license period, \$100 (\$55 application fee plus \$45 certification fee)	\$330 (\$120 application fee plus \$210 license fee) ( <i>W. Va. Code R. 190-2-10</i> ).

Residential Real Estate Appraiser License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
					(49 Pa. Code 36.6).	
License duration	One year (R.C. 4763.08).	N/A	One year (Ky. Rev. Stat. 324A.045).	Two years (LARA, <a href="#">State Licensed Appraiser License</a> ).	Two years (63 Pa. Stat. 457.10).	One year (W. Va. Code R. 190-3-3).
Renewal fee	\$125 (R.C. 4763.09; O.A.C. 1301:11-1-03).	N/A	\$252 (201 Ky. Admin. Regs. 30:190).	\$350 (Mich. Comp. Laws 338.2238).	\$225 (49 Pa. Code 36.6).	\$210 (W. Va. Code R. 190-2-10).

### Surrounding state comparison for temporary appraiser practice registration (LSC)

Temporary Appraiser Practice Registration						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Type of regulation	Registration (R.C. 4763.19 and 4763.05(E)(2)).	Permit (Ind. Code 25-34.1-3-8; 876 Ind. Admin. Code 3-3-21).	Temporary practice certificate or license (Ky. Rev. Stat. 324A.030).	Permit (Mich. Comp. Laws 339.2607).	Registration (63 Pa. Stat. 457.3).	Permit (W. Va. Code 30-38-1 and 30-38-19).
Education or training	A certification or license issued in another state (R.C. 4763.05(E)(2)).	An appropriate license or certification in another jurisdiction (876	A certification or license issued in another state (201 Ky. Admin. Regs. 30:190).	Valid license from another jurisdiction (Mich. Comp. Laws 339.2625).	License or certification in another state (63 Pa. Stat. 457.8).	Licensed and in good standing in another jurisdiction that has substantially equivalent

### Temporary Appraiser Practice Registration

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
		<i>Ind. Admin. Code 3-3-21).</i>				requirements for licensure ( <i>W. Va. Code R. 190-2-9</i> ).
Experience	N/A	N/A	N/A	N/A	N/A	At least 18 years old ( <i>W. Va. Code R. 190-2-9</i> ).
Exam	N/A	N/A	N/A	N/A	N/A	N/A
Continuing education	N/A	N/A	N/A	N/A	N/A	N/A
Initial licensure fee	\$100 ( <i>R.C. 4763.09; Ohio Dept. of Commerce, <a href="#">Appraiser: Temporary License/Certificate Application (PDF)</a></i> ).	\$150 ( <i>876 Ind. Admin. Code 3-2-7</i> ).	\$150 ( <i>201 Ky. Admin. Regs. 30:190</i> ).	\$125 ( <i>Mich. Comp. Laws 338.2238</i> ).	\$30 ( <i>49 Pa. Code 36.6</i> ).	\$200 ( <i>W. Va. Code R. 190-2-10</i> ).
License duration	Duration of assignment or six months, with no more than two registrations in one year ( <i>R.C.</i>	Duration of assignment or 12 months ( <i>876 Ind. Admin. Code 3-3-21</i> ).	Duration of assignment, unless an extension is granted ( <i>201 Ky. Admin. Regs. 30:190</i> ).	180 days, with up to one extension of 180 days ( <i>Mich. Comp. Laws 339.2625</i> ).	12 months and no more than three assignments ( <i>49 Pa. Code 36.53</i> ).	Duration of assignment or six months ( <i>W. Va. Code R. 190-2-9</i> ).

Temporary Appraiser Practice Registration						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	4763.05; O.A.C. 1301:11-3-06).					
Renewal fee	N/A	N/A	N/A	N/A	N/A	N/A

### Surrounding state comparison for real estate appraiser assistant registration (LSC)

Real Estate Appraiser Assistant Registration						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Type of regulation	Registration ( <i>R.C. 4763.19</i> ).	Trainee appraiser license ( <i>Ind. Code 25-34.1-3-2 and 25-34.1-3-8</i> ).	Associate real property appraiser certification ( <i>Ky. Rev. Stat. 324A.030</i> ).	Limited real estate appraiser license ( <i>Mich. Comp. Laws 339.2607</i> ).	Appraiser trainee license ( <i>63 Pa. Stat. 457.3</i> ).	Permit ( <i>W. Va. Code 30-38-1</i> ).
Education or training	30 hours of coursework in basic appraisal principles, 30 hours in basic appraisal procedures, 15 hours in the National Uniform Standards of Professional Appraisal Practice	75 hours of coursework, including 30 hours of coursework in basic appraisal principles, 30 hours in basic appraisal procedures, 15 hours in the National Uniform Standards of	90 hours of coursework including 30 hours of coursework in basic appraisal principles, 30 hours in basic appraisal procedures, 15 hours in the National Uniform Standards of	75 hours of coursework approved by the Appraiser Qualification Board (30 hours in basic appraisal principles, 30 hours in basic appraisal procedures, and 15 hours in the	75 hours of coursework approved by the Appraiser Qualification Board (30 hours in basic appraisal principles, 30 hours in basic appraisal procedures, and 15 hours in the	A high school diploma or equivalent, 75 hours of real estate appraisal instruction (including 30 hours of basic appraisal principals and 30 hours of basic appraisal

**Real Estate Appraiser Assistant Registration**

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	or equivalent, one course devoted to fair housing law, and one Appraisal Qualifications Board supervisor/trainee course ( <i>R.C. 4763.05; O.A.C. 1301:11-4-02</i> ).	Professional Appraisal Practice or equivalent, and one Appraisal Qualifications Board supervisor/trainee course ( <i>876 Ind. Admin. Code 3-3-3.1 and 3-6-10</i> ).	Professional Appraisal Practice or equivalent, 15 hours in residential market analysis and highest and best use, and a seven-hour mandatory supervisor/associate course ( <i>201 Ky. Admin. Regs. 30:190; Ky. Bd. of Appraisers, <a href="#">CE and Certification Requirements</a></i> ).	National Uniform Standards of Professional Appraisal Practice or equivalent), plus one four-hour supervisor/trainee course ( <i>LARA, <a href="#">Limited Appraiser License</a></i> ).	National Uniform Standards of Professional Appraisal Practice or equivalent) ( <i>49 Pa. Code 36.12a; Pa. Dept. of State, <a href="#">Licensed Appraiser Trainees</a></i> ).	procedures), a supervisor-apprentice orientation course, and a three-hour West Virginia law course ( <i>W. Va. Code R. 190-2-11; W. Va. Appraiser Licensing &amp; Certification Bd., <a href="#">Application for Apprentice Permit (PDF)</a></i> ).
Experience	At least 18 years of age ( <i>R.C. 4763.05</i> ).	N/A	N/A	At least 18 years of age ( <i>Mich. Comp. Laws 339.2610</i> ).	N/A	At least 18 years of age ( <i>W. Va. Code 190-2-11</i> ).
Exam	N/A	Yes ( <i>876 Ind. Admin. Code 3-3-3.1</i> ).	Yes ( <i>201 Ky. Admin. Regs. 30:190</i> ).	N/A	N/A	Yes ( <i>W. Va. Code R. 190-2-11</i> ).
Continuing education	14 hours every year, including a seven-hour National Uniform	28 hours every two years, including a seven-hour National	14 hours every year, including a seven-hour National Uniform	14 hours every year, including a seven-hour National Uniform	28 hours, including a seven-hour National Uniform	14 hours every year, including a seven-hour National Uniform

Real Estate Appraiser Assistant Registration						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	Standards of Professional Appraisal Practice Update Course ( <i>R.C. 4763.07; O.A.C. 1301:11-7-01</i> ).	Uniform Standards of Professional Appraisal Practice Update Course ( <i>876 Ind. Admin. Code 3-5-1 and 3-5-1.5</i> ).	Standards of Professional Appraisal Practice Update Course ( <i>201 Ky. Admin. Regs. 30:190</i> ).	Standards of Professional Appraisal Practice Update Course ( <i>Mich. Comp. Laws 339.2627; Mich. Admin. Code R. 339.23326</i> ).	Standards of Professional Appraisal Practice Update Course and two hours covering Pennsylvania real estate appraiser requirements ( <i>49 Pa. Code 36.41; Pa. Dept. of State, <a href="#">Licensed Appraiser Trainees</a></i> ).	Standards of Professional Appraisal Practice Update Course, plus a three-hour West Virginia law course every four years ( <i>W. Va. Code R. 190-2-11 and 190-3-4</i> ).
Initial licensure fee	\$100 ( <i>R.C. 4763.09</i> ).	\$110 ( <i>876 Ind. Admin. Code 3-2-7</i> ).	\$212 ( <i>201 Ky. Admin. Regs. 30:190</i> ).	\$125 ( <i>Mich. Comp. Laws 338.2238</i> ).	\$75 ( <i>49 Pa. Code 36.6</i> ).	\$270 (\$120 application fee plus \$150 permit fee) ( <i>Appraiser Licensing &amp; Certification Bd., <a href="#">Application for Apprentice Permit (PDF)</a></i> ).



**Real Estate Appraiser Assistant Registration**

	<b>Ohio</b>	<b>Indiana</b>	<b>Kentucky</b>	<b>Michigan</b>	<b>Pennsylvania</b>	<b>West Virginia</b>
License duration	One year ( <i>R.C. 4763.08</i> ).	Two years ( <i>876 Ind. Admin. Code 3-5-1</i> ).	One year ( <i>Ky. Rev. Stat. 324A.045</i> ).	Two years ( <i>Mich. Bureau of Licensing and Regulatory Affairs, <a href="#">Renewing a License</a></i> ).	Two years ( <i>63 Pa. Stat. 457.10</i> ).	One year ( <i>W. Va. Code R. 190-3-3</i> ).
Renewal fee	\$50 ( <i>R.C. 4763.09; O.A.C. 1301:11-1-03</i> ).	\$110 ( <i>876 Ind. Admin. Code 3-2-7</i> ).	\$212 ( <i>201 Ky. Admin. Regs. 30:190</i> ).	\$250 ( <i>Mich. Comp. Laws 338.2238</i> ).	\$150 ( <i>49 Pa. Code 36.6</i> ).	\$150 ( <i>W. Va. Code R. 190-2-10</i> ).

# REAL ESTATE COMMISSION

## General information (COM)

### Duties

The commission or the superintendent of real estate is vested with the authority to investigate complaints concerning the violation of section 4735.02 or 4735.25 of the Revised Code Pursuant to Ohio Revised Code 4735.03, the commission must adopt canons of ethics for the real estate industry, upon appeal by any party affected, or may upon its own motion, review any order or application determination of the superintendent, and may reverse, vacate, or modify any order of the superintendent, administer the real estate education and research fund and hear appeals from orders of the superintendent regarding claims against that fund or against the real estate recovery fund, direct the superintendent on the content, scheduling, instruction, and offerings of real estate courses for salesperson and broker educational requirements, disseminate to licensees and the public, information relative to commission activities and decisions, notify licensees of changes in state and federal civil rights laws pertaining to discrimination in the purchase or sale of real estate and relevant case law, and inform licensees that they are subject to disciplinary action if they do not comply with the changes, publish and furnish to public libraries and to brokers booklets on housing and remedies available to dissatisfied clients under this chapter and Chapter 4112. of the Revised Code; provide training to commission members and employees of the division of real estate and professional licensing on issues relative to the real estate industry, which may include but not be limited to investigative techniques, real estate law, and real estate practices and procedures.

### Membership *(Current members, chairperson and other officers, and selection process.)*

Current members of the Commission are: President Peter McLinden, Vice-President Mary Therese Hankner, Commissioner Courtney Combs and Commissioner Marlin Palich. There is one vacant position.

Five members serve on the Commission who shall be appointed by the governor, with the advice and consent of the senate. Four members shall have been engaged in the real estate business as licensed real estate brokers in the state for a period of ten years immediately preceding the appointment. One member shall represent the public. Terms of office shall be for five years, commencing on the first day of July and ending on the thirtieth day of June. Each member shall hold office from the date of appointment until the end of the term for which appointed. No more than three members shall be members of any one political party and no member of the commission concurrently may be a member of the commission and the real estate appraiser board created pursuant to section 4763.02 of the Revised Code. Each member, before entering upon the duties of office, shall subscribe to and file with the secretary of state the constitutional oath of office. All vacancies which occur shall be filled in the manner prescribed for the regular appointments to the commission. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall hold office for the remainder of such term. Any member shall continue in office subsequent to the expiration date of the member's term until the member's successor takes office, or until a period of sixty days has elapsed, whichever occurs first. No member shall hold office for more than two consecutive full terms.

**Membership** *(Current members, chairperson and other officers, and selection process.)*

Annually, upon the qualification of the member appointed in such year, the commission shall organize by selecting from its members a president and vice-president, and shall do all things necessary and proper to carry out and enforce this chapter. A majority of the members of the commission shall constitute a quorum, but a lesser number may adjourn from time to time. Each member of the commission shall receive an amount fixed pursuant to section 124.14 of the Revised Code for each day employed in the discharge of official duties, and the member's actual and necessary expenses incurred in the discharge of those duties.

**Budget** *(Current budget, description of budgeting process, sources of funding, and expected increases or decreases in budget or funding in future years.)*

There is no specific budget related to the Commission. However, the Real Estate Operating Fund is estimated to have \$4.4 million in revenue. The current budget is \$4,336,156.00. The sources of funding for the operating fund are fees collected for all application fees for licenses, registrations, continuing education course approvals and unlicensed civil penalties collected pursuant to chapter 4735 of the Ohio Revised Code.

**Workload** *(Assess current, past, and anticipated workload. Has the workload increased or decreased significantly in the preceding six years?)*

Workload for the Commission has remained relatively steady. While the Division has taken on the oversight of more licensees, registrants and credential holders, the Commission has maintained the oversight of brokers, salespersons, FR dealers and salespersons.

**Staffing** *(How many staff are currently employed by the Commission? What are their roles? Are staffing levels proportionate to the Commission's current and anticipated workload?)*

The duties of the Commission are handled by four full-time staff members, Division Counsel, two Assistant Division Counsels, a Hearing Administrator and a Program Administrator. The Superintendent serves as an ex officio member of the Ohio Real Estate Commission. The workload varies with the workload of the Division which has significantly increased over the years as the Division now oversees seven programs and currently has eight vacancies. More details concerning the Division staffing and workload were addressed in the Division survey.

**Administrative hearings and public complaints** *(Describe the Commission's processes for administering discipline and addressing complaints. Assess the efficiency of the processes.)*

Complaints are received by the Division from complainants or the Superintendent may initiate an investigation. After the filing of a complaint, if the complainant and respondent request mediation, mediation may be held. If mediation is not requested or is not successful, the matter moves to a full investigation. Once the investigation is concluded, the investigator prepares a report and the matter is sent to the Division legal counsel for review with the Superintendent to determine what action to take. The Superintendent may issue a No Further Action Determination, issue an Advisory Letter or issue Charges. If charges are issued, the matter is set for formal hearing before a hearing officer. The matter may move to settlement or hearing. If the matter settles without hearing, the Commission reviews the settlement agreement. The Commission may approve the settlement agreement, reject the settlement agreement or reduce the sanction.

If the matter proceeds to hearing, the hearing examiner files a report of findings of fact and conclusions of law with the superintendent, the commission, and the complainant and licensee.

The commissioners review the hearing examiner's report at the next regularly scheduled commission meeting. The commission is responsible for deciding whether to impose disciplinary sanctions upon a licensee for a violation of section 4735.18 of the Revised Code.

The commission issues Adjudication Orders stating its findings and grounds for any action taken. The commission may impose the following sanctions upon a licensee for a violation of section 4735.18 of the Revised Code:

- (1) Revoke a license issued under Chapter 4735. of the Revised Code;
- (2) Suspend a license for a term set by the commission;
- (3) Impose a fine, not exceeding two thousand five hundred dollars per violation;
- (4) Issue a public reprimand;

**Administrative hearings and public complaints** *(Describe the Commission's processes for administering discipline and addressing complaints. Assess the efficiency of the processes.)*

(5) Require the completion of additional continuing education course work. Any continuing education course work imposed pursuant to this section shall not count toward the continuing education requirements set forth in section 4735.14 of the Revised Code.

## **Real estate broker**

### **Survey responses (COM)**

#### **Description**

Real estate broker includes any person, partnership, association, limited liability company, limited liability partnership, or corporation, foreign or domestic, who for another, whether pursuant to a power of attorney or otherwise, and who for a fee, commission, or other valuable consideration, or with the intention, or in the expectation, or upon the promise of receiving or collecting a fee, commission, or other valuable consideration does any of the following:

Sells, exchanges, purchases, rents, or leases, or negotiates the sale, exchange, purchase, rental, or leasing of any real estate; Offers, attempts, or agrees to negotiate the sale, exchange, purchase, rental, or leasing of any real estate; Lists, or offers, attempts, or agrees to list, or auctions, or offers, attempts, or agrees to auction, any real estate; Buys or offers to buy, sells or offers to sell, or otherwise deals in options on real estate; Operates, manages, or rents, or offers or attempts to operate, manage, or rent, other than as custodian, caretaker, or janitor, any building or portions of buildings to the public as tenants; Advertises or holds self out as engaged in the business of selling, exchanging, purchasing, renting, or leasing real estate; Directs or assists in the procuring of prospects or the negotiation of any transaction, other than mortgage financing, which does or is calculated to result in the sale, exchange, leasing, or renting of any real estate; Is engaged in the business of charging an advance fee or contracting for collection of a fee in connection with any contract whereby the broker undertakes primarily to promote the sale, exchange, purchase, rental, or leasing of real estate through its listing in a publication issued primarily for such purpose, or for referral of information concerning such real estate to brokers, or both, except that this division does not apply to a publisher of listings or compilations of sales of real estate by their owners; Collects rental information for purposes of referring prospective tenants to rental units or locations of such units and charges the prospective tenants a fee.

**Type** (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)

Occupational license

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Number issued annually</b>	In 2021, there were a total of 141 new broker licenses issued.
<b>Number renewed annually</b>	There were 986 broker licenses renewed in 2021.
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	In 2015 there were 112 new broker licenses issued.
<b>Education or training requirements</b>	<p>If licensed as a real estate salesperson prior to August 1, 2001, successfully has completed at an institution of higher education all of the following credit-eligible courses by either classroom instruction or distance education:</p> <ul style="list-style-type: none"> <li>(i) Thirty hours of instruction in real estate practice;</li> <li>(ii) Thirty hours of instruction that includes the subjects of Ohio real estate law, municipal, state, and federal civil rights law, new case law on housing discrimination, desegregation issues, and methods of eliminating the effects of prior discrimination. If feasible, the instruction in Ohio real estate law shall be taught by a member of the faculty of an accredited law school. If feasible, the instruction in municipal, state, and federal civil rights law, new case law on housing discrimination, desegregation issues, and methods of eliminating the effects of prior discrimination shall be</li> </ul>

**If the regulation is a registration, certification, or license requirement, please complete the following:**

taught by a staff member of the Ohio civil rights commission who is knowledgeable with respect to those subjects. The requirements of this division do not apply to an applicant who is admitted to practice before the supreme court.

(iii) Thirty hours of instruction in real estate appraisal;

(iv) Thirty hours of instruction in real estate finance;

(v) Three quarter hours, or its equivalent in semester hours, in financial management;

(vi) Three quarter hours, or its equivalent in semester hours, in human resource or personnel management;

(vii) Three quarter hours, or its equivalent in semester hours, in applied business economics;

(viii) Three quarter hours, or its equivalent in semester hours, in business law.

(b) If licensed as a real estate salesperson on or after August 1, 2001, successfully has completed at an institution of higher education all of the following credit-eligible courses by either classroom instruction or distance education:

(i) Forty hours of instruction in real estate practice;

(ii) Forty hours of instruction that includes the subjects of Ohio real estate law, municipal, state, and federal civil rights law, new case law on housing discrimination, desegregation issues, and methods of eliminating the effects of prior discrimination. If feasible, the instruction in Ohio real estate law shall be taught by a member of the faculty of an accredited law school. If feasible, the instruction in municipal, state, and federal civil rights law, new case law on housing discrimination, desegregation issues, and methods of eliminating the effects of prior discrimination shall be taught by a staff member of the Ohio civil rights commission who is knowledgeable with respect to those subjects. The requirements of this division do not apply to an applicant who is admitted to practice before the supreme court.

(iii) Twenty hours of instruction in real estate appraisal;

(iv) Twenty hours of instruction in real estate finance;

(v) The training in the amount of hours specified under divisions (B)(6)(a)(v), (vi), (vii), and (viii) of this section.

**If the regulation is a registration, certification, or license requirement, please complete the following:**

	<p>(c) Division (B)(6)(a) or (b) of this section does not apply to any applicant who holds a valid real estate salesperson's license issued prior to January 2, 1972. Divisions (B)(6)(a)(v), (vi), (vii), and (viii) or division (B)(6)(b)(v) of this section do not apply to any applicant who holds a valid real estate salesperson's license issued prior to January 3, 1984.</p> <p>(d) Divisions (B)(6)(a)(iii) and (B)(6)(b)(iii) of this section do not apply to any new applicant who holds a valid Ohio real estate appraiser license or certificate issued prior to the date of application for a real estate broker's license.</p> <p>(e) Successful completion of the instruction required by division (B)(6)(a) or (b) of this section shall be determined by the law in effect on the date the instruction was completed.</p> <p>(7) If licensed as a real estate salesperson on or after January 3, 1984, satisfactorily has completed a minimum of two years of post-secondary education, or its equivalent in semester or quarter hours, at an institution of higher education, and has fulfilled the requirements of division (B)(6)(a) or (b) of this section. The requirements of division (B)(6)(a) or (b) of this section may be included in the two years of postsecondary education, or its equivalent in semester or quarter hours, that is required by this division. The post-secondary education requirement may be satisfied by completing the credit-eligible courses using either classroom instruction or distance education. Successful completion of any course required by this section shall be determined by the law in effect on the date the course was completed.</p>
<b>Experience requirements</b>	<p>A broker applicant must be licensed as a real estate broker or salesperson for at least two years; during at least two of the five years preceding the person's application, has worked as a licensed real estate broker or salesperson for an average of at least thirty hours per week; and has completed one of the following:</p> <p>(a) At least twenty real estate transactions, in which property was sold for another by the applicant while acting in the capacity of a real estate broker or salesperson;</p>



**If the regulation is a registration, certification, or license requirement, please complete the following:**

**Examination requirements** *(Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Commission receive any proceeds of those fees? If so, how are the proceeds used?)*

PSI administers the Ohio Real Estate Salesperson and Broker’s Examination. The Department issues a request for proposals to solicit for a testing vendor. Real Estate Salesperson - National Only \$39.00 Real Estate Salesperson - State Only \$39.00 Real Estate Salesperson - State & National taken at same time \$58.00 Real Estate Broker - National Only \$39.00 Real Estate Broker - State Only \$39.00 Real Estate Broker - State & National taken at same time.

**Continuing education requirements** *(Including a description of the curriculum and the process of setting it.)*

Except as otherwise provided in this division and in section 4735.13 of the Revised Code and except for a licensee who has placed the licensee’s license in resigned status pursuant to section 4735.142 of the Revised Code, each person licensed under section 4735.07 or 4735.09 of the Revised Code shall submit proof satisfactory to the superintendent of real estate that the licensee has satisfactorily completed thirty hours of continuing education, as prescribed by the Ohio real estate commission pursuant to section 4735.10 of the Revised Code, on or before the licensee’s birthday occurring three years after the licensee’s date of initial licensure, and on or before the licensee’s birthday every three years thereafter. If the person is licensed as a broker or broker on deposit, or acts as a management level licensee, the continuing education shall include a three-hour course on the duties of a principal broker and other issues involved in operating a real estate brokerage. The continuing education may be completed by either classroom instruction or distance education. Persons licensed as real estate salespersons who subsequently become licensed real estate brokers shall continue to submit proof of continuing education in accordance with the time period established in this section.

The requirements of this section shall not apply to any disabled licensee as provided in division (E) of this section.

Each licensee who is seventy years of age or older, within a continuing education reporting period, shall submit proof satisfactory to the superintendent of real estate that the licensee has satisfactorily completed both of the following:

- (1) A total of nine hours of continuing education, including instruction in Ohio real estate law; recently enacted state and federal laws affecting the real estate industry; municipal, state, and federal civil rights law; and canons of ethics for the real estate industry as adopted by the commission ;

If the regulation is a registration, certification, or license requirement, please complete the following:	
	<p>(2) If licensed as a broker, broker on deposit, or acting as a management level licensee, a three-hour continuing education course on the duties of a principal broker and other issues involved in operating a real estate brokerage.</p> <p>The continuing education requirements and course approval requirements are set in OAC 1301:5-7-02 and 1301:5-7-03</p>
<b>Initial fee</b>	\$135.00
<b>Duration</b>	A Broker renews his or her license every three years on their birthdate.
<b>Renewal fee</b> <i>(If different from initial fee, please explain why.)</i>	The renewal fee is set by statute RC 4735.15 and is \$243.00. The renewal fee covers three years or \$81.00/year. License examiners must review renewal applications including the required Continuing Education.
<b>Does the Commission recognize uniform licensure requirements or allow for reciprocity?</b>	Pursuant to section (E) of RC 4735.07 and RC 4735.09
<b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b>	N/A
<b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Commission?</b>	There are exceptions to licensure found in 4735.01 (I)

**If the regulation is a registration, certification, or license requirement, please complete the following:**

**Is the Commission permitted to exercise discretion in determining whether to register, certify, or license an individual?**

RC 4735.07 (B) establishes the requirements for obtaining a broker license. If the Superintendent denies the license a 119 hearing is held before the Ohio Real Estate Commission if requested by the applicant. The Commission determines whether or not to issue a license based upon their expertise and the requirements set by statute.

**Other information** (*Significant attributes or prerequisites to licensure not addressed in this chart.*)

N/A

**Oversight and disciplinary authority of the Commission respecting individuals engaged in the occupation.**

The Ohio Real Estate Commission decides whether to impose disciplinary sanctions upon a licensee for a violation of RC 4735.18. The Commission may impose the following sanctions:

(I) The commission may impose the following sanctions upon a licensee for a violation of section 4735.18 of the Revised Code:

(1) Revoke a license issued under Chapter 4735. of the Revised Code;

(2) Suspend a license for a term set by the commission;

(3) Impose a fine, not exceeding two thousand five hundred dollars per violation;

(4) Issue a public reprimand;

(5) Require the completion of additional continuing education course work. Any continuing education course work imposed pursuant to this section shall not count toward the continuing education requirements set forth in section 4735.14 of the Revised Code.

**How much revenue is derived from fees charged by the Commission to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

All revenue indicated above is derived from fees charged by the Commission to individuals engaged in the occupation in addition to unlicensed penalties, continuing education fees and other application fees.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

N/A

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

Purchasing a home is the likely the largest investment a person will ever make. The Superintendent and Commission are charged with the responsibility of enforcing the statutory requirements set forth in RC 4735. Making certain that home buyers and sellers are treated fairly and represented responsibly and to give potential homebuyers confidence that any salesperson or broker they engage is knowledgeable, properly trained and adheres to a standard of practice and ethics that is in the public interest.

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

No, it is not likely that the public could be protected or served in an alternate or less restrictive manner. Having minimum requirements to obtain licensure helps to ensure that those working as brokers and salespersons have sufficient education, training, and experience to perform such work competently. Moreover, the Commission’s use of background checks to screen out applicants who have been convicted of disqualifying offenses also helps to ensure the public’s health, safety, and welfare.

**Are there any changes the Commission would like to see implemented?**

Please see responses in the Division’s survey

**Surrounding state comparison (LSC)**

Real Estate Broker License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Type of regulation	License ( <i>R.C. 4735.02</i> ).	License ( <i>Ind. Code 25-34.1-3-2</i> ).	License ( <i>Ky. Rev. Stat. 324.020</i> ).	License ( <i>Mich. Comp. Laws 339.2502b</i> ).	License ( <i>63 Pa. Stat. 455.301</i> ).	License ( <i>W. Va. Code 30-40-3</i> ).
Education or training	Two years of post-secondary education and 40 hours of instruction in real	A high school diploma or equivalent and 90 hours of instruction in real	A high school diploma or equivalent and 21 credit hours of instruction or the	90 hours of instruction in approved real estate courses, including nine	A high school diploma or equivalent and 240 hours in approved real	A high school diploma or equivalent and 180 hours of instruction

Real Estate Broker License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	estate, 40 hours in Ohio and other local real estate laws, 20 hours in real estate appraisal, 20 hours in real estate finance, and ¾ hours each in financial management, human resources, applied business economics, and business law ( <i>R.C. 4735.07</i> ).	estate principles and practice, Indiana licensing law and professional standards, the law of agency, contracts, financing, settlement procedures, escrow responsibility, recordkeeping, government regulations, and appraising ( <i>Ind. Code 25-34.1-3-4.1 and 25-34.1-5-5</i> ).	equivalent, including 12 hours in real estate and three hours in broker management skills ( <i>Ky. Rev. Stat. 324.046</i> ).	hours in civil rights and fair housing law; 60 hours may be satisfied with a law degree or a master's degree in business administration or finance; 30 hours may be satisfied with a bachelor's degree in business or finance ( <i>Mich. Comp. Laws 339.2504; Mich. Admin. Code R. 339.22203</i> ).	estate instruction, including fair housing and professional ethics ( <i>63 Pa. Stat. 455.511</i> ).	approved by the West Virginia Real Estate Commission.  An applicant with a West Virginia real estate salesperson license needs only 90 hours of instruction approved by the Commission. ( <i>W. Va. Code 30-40-11 and 30-40-14</i> .)
Experience	At least 18 years of age. Two years of experience as a licensed real estate broker or salesperson in the past five years, during which the applicant must	At least 18 years of age ( <i>Ind. Code 25-34.1-3-4.1</i> ).	At least 18 years of age. Two years of experience as a sales associate working an average of 20 hours per week, or one year if the applicant has a	At least 18 years of age. Three years of qualifying full-time experience in the business of real estate, during which the applicant must	At least 21 years of age. Three years of experience as a real estate salesperson or the equivalent. ( <i>63 Pa. Stat. 455.511</i> .)	At least 18 years of age. Two years of experience as a licensed real estate salesperson or the equivalent while apprenticed to a real estate broker.

Real Estate Broker License

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	have worked an average of at least 30 hours per week and completed either at least 20 real estate transactions or acquired equivalent experience. ( <i>R.C. 4735.07.</i> )		bachelor's or associate's degree in real estate and the Kentucky Real Estate Commission waives one year of experience. ( <i>Ky. Rev. Stat. 324.040 and 324.046.</i> )	have closed or sold a prescribed number of units (five per year as a real estate salesperson, for example). ( <i>Mich. Comp. Laws 339.2502a and 339.2505.</i> )		( <i>W. Va. Code 30-40-11 and 30-40-12.</i> )
Exam	Yes ( <i>R.C. 4735.07; O.A.C. 1301:5-1-05.</i> )	Yes ( <i>Ind. Code 25-34.1-3-4.1.</i> )	Yes ( <i>Ky. Rev. Stat. 324.045.</i> )	Yes ( <i>Mich. Comp. Laws 339.2505.</i> )	Yes ( <i>63 Pa. Stat. 455.511.</i> )	Yes ( <i>W. Va. Code 30-40-12.</i> )
Continuing education	30 hours every three years in areas prescribed by the Ohio Real Estate Commission ( <i>R.C. 4735.141; O.A.C. 1301:5-7-03.</i> )	12 hours every year in applicant's choice of several specified legal, financial, appraisal, and real estate topics ( <i>Ind. Code 25-34.1-9-11.</i> )	N/A	18 hours every year, including two in legal education courses ( <i>Mich. Comp. Laws 339.2504a; Mich. Admin. Code R. 339.22629.</i> )	14 hours every two years in applicant's choice of several specified legal, financial, appraisal, and real estate topics ( <i>63 Pa. Stat. 455.404a; 49 Pa. Code 35.384.</i> )	Seven hours every year in approved professional education courses ( <i>W. Va. Code 30-40-16.</i> )

Real Estate Broker License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Initial licensure fee	\$135 (R.C. 4735.06).	\$60 ( <a href="#">Ind. Code 25-34.1-3-9.5</a> ; <a href="#">876 Ind. Admin. Code 5-3-1</a> ).	\$60 plus \$100 examination fee (Ky. Rev. Stat. 324.287; 201 Ky. Admin. Regs. 11:210).	\$143 plus an examination fee of \$76 (Mich. Bureau of Professional Licensing and Regulatory Affairs, <a href="#">Michigan Real Estate Licensing Guide (PDF)</a> ).	\$169.50 (Pa. Dept. of State, <a href="#">Broker (Standard)</a> ).	\$150 (W. Va. Real Estate Commission, <a href="#">Schedule of Fees</a> ).
License duration	Three years (R.C. 4735.06; O.A.C. 1301:5-1-22).	Three years ( <a href="#">Ind. Code 25-34.1-3-4.1(g)</a> ).	Two years (Ky. Rev. Stat. 324.090).	Three years (Mich. Bureau of Professional Licensing and Regulatory Affairs, <a href="#">Real Estate Continuing Education Requirements (PDF)</a> ).	Two years (63 Pa. Stat. 455.404a).	One year (W. Va. Code 30-40-17).
Renewal fee	\$135 (R.C. 4735.06).	\$60 ( <a href="#">Ind. Code 25-34.1-3-9.5</a> ; <a href="#">876 Ind. Admin. Code 5-3-1</a> ).	\$130 (Ky. Rev. Stat. 324.287 and 324.400; Ky. Admin. Regs. 324.287; Ky. Real Estate	\$108 (LARA, <a href="#">License Renewal Fees</a> ).	\$126 (Pa. Dept. of State, <a href="#">Broker (Standard)</a> ).	\$150 (W. Va. Real Estate Commission, <a href="#">Schedule of Fees</a> ).



Real Estate Broker License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
			Commission, <a href="#">Fee Schedule</a> ).			

## Real estate salesperson

### Survey responses (COM)

Description
Real estate salesperson means any person associated with a licensed real estate broker to do or to deal in any acts or transactions set out or comprehended by the definition of a real estate broker (RC 4735.01), for compensation or otherwise.
<b>Type</b> (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)
Occupational License

If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>Number issued annually</b>	In 2021, the Division issued 4,806 new sales licenses.
<b>Number renewed annually</b>	In 2021, there were 14,076 salespersons licenses renewed.
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	The Division issued over 1300 more sales licenses in 2021 than in 2015.
<b>Education or training requirements</b>	<p>If born after the year 1950, has a high school diploma or a certificate of high school equivalence issued by the department of education;</p> <p>(6) Has successfully completed at an institution of higher education all of the following credit-eligible courses by either classroom instruction or distance education:</p> <p>(a) Forty hours of instruction in real estate practice;</p> <p>(b) Forty hours of instruction that includes the subjects of Ohio real estate law, municipal, state, and federal civil rights law, new case law on housing discrimination, desegregation issues, and methods of eliminating the effects of prior discrimination. If feasible, the instruction in Ohio real estate law shall be taught by a member of the faculty of an accredited law school. If feasible, the instruction in municipal, state, and federal civil rights law, new case law on housing discrimination, desegregation issues, and methods of eliminating the effects of prior discrimination shall be taught by a staff member of the Ohio civil rights commission who is knowledgeable with respect to those subjects. The requirements of this division do not apply to an applicant who is admitted to practice before the supreme court.</p> <p>(c) Twenty hours of instruction in real estate appraisal;</p> <p>(d) Twenty hours of instruction in real estate finance.</p> <p>(G)(1) Successful completion of the instruction required by division (F)(6) of this section shall be determined by the law in effect on the date the instruction was completed.</p>

If the regulation is a registration, certification, or license requirement, please complete the following:	
	(2) Division (F)(6)(c) of this section does not apply to any new applicant who holds a valid Ohio real estate appraiser license or certificate issued prior to the date of application for a real estate salesperson's license.
<b>Experience requirements</b>	N/A
<b>Examination requirements</b> ( <i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Commission receive any proceeds of those fees? If so, how are the proceeds used?</i> )	PSI administers the Ohio Real Estate Salesperson and Broker's Examination. The Department issues a request for proposals. Real Estate Salesperson - National Only \$39.00 Real Estate Salesperson - State Only \$39.00 Real Estate Salesperson - State & National taken at same time \$58.00 Real Estate Broker - National Only \$39.00 Real Estate Broker - State Only \$39.00 Real Estate Broker - State & National taken at same time.
<b>Continuing education requirements</b> ( <i>Including a description of the curriculum and the process of setting it.</i> )	<p>Except as otherwise provided in this division and in section 4735.13 of the Revised Code and except for a licensee who has placed the licensee's license in resigned status pursuant to section 4735.142 of the Revised Code, each person licensed under section 4735.07 or 4735.09 of the Revised Code shall submit proof satisfactory to the superintendent of real estate that the licensee has satisfactorily completed thirty hours of continuing education, as prescribed by the Ohio real estate commission pursuant to section 4735.10 of the Revised Code, on or before the licensee's birthday occurring three years after the licensee's date of initial licensure, and on or before the licensee's birthday every three years thereafter. If the person is licensed as a broker or broker on deposit, or acts as a management level licensee, the continuing education shall include a three-hour course on the duties of a principal broker and other issues involved in operating a real estate brokerage. The continuing education may be completed by either classroom instruction or distance education. Persons licensed as real estate salespersons who subsequently become licensed real estate brokers shall continue to submit proof of continuing education in accordance with the time period established in this section.</p> <p>The requirements of this section shall not apply to any disabled licensee as provided in division (E) of this section.</p>

<b>If the regulation is a registration, certification, or license requirement, please complete the following:</b>	
	<p>Each licensee who is seventy years of age or older, within a continuing education reporting period, shall submit proof satisfactory to the superintendent of real estate that the licensee has satisfactorily completed both of the following:</p> <p>(1) A total of nine hours of continuing education, including instruction in Ohio real estate law; recently enacted state and federal laws affecting the real estate industry; municipal, state, and federal civil rights law; and canons of ethics for the real estate industry as adopted by the commission;</p> <p>(2) If licensed as a broker, broker on deposit, or acting as a management level licensee, a three-hour continuing education course on the duties of a principal broker and other issues involved in operating a real estate brokerage.</p> <p>The continuing education requirements and course approval requirements are set in OAC 1301:5-7-02 and 1301:5-7-03</p>
<b>Initial fee</b>	\$81.00
<b>Duration</b>	A Salesperson renews his or her license every three years on their birthdate.
<b>Renewal fee</b> <i>(If different from initial fee, please explain why.)</i>	The renewal fee is set by statute RC 4735.15 and is \$182.00. The renewal fee covers three years or \$60.67/year. License examiners must review renewal applications including the required Continuing Education.
<b>Does the Commission recognize uniform licensure requirements or allow for reciprocity?</b>	Pursuant to section (E) of RC 4735.07 and RC 4735.09 allows for reciprocity.
<b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b>	N/A

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<p><b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Commission?</b></p>	<p>There are exceptions to licensure found in 4735.01 (I)</p>
<p><b>Is the Commission permitted to exercise discretion in determining whether to register, certify, or license an individual?</b></p>	<p>RC 4735.09 establishes the requirements for obtaining a sales license. . If the Superintendent denies the license a 119 hearing is held before the Ohio Real Estate Commission if requested by the applicant. The Commission determines whether or not to issue a license based upon their expertise and the requirements set by statute.</p>
<p><b>Other information</b> (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>)</p>	<p>N/A</p>

**Oversight and disciplinary authority of the Commission respecting individuals engaged in the occupation.**

The Ohio Real Estate Commission decides whether to impose disciplinary sanctions upon a licensee for a violation of RC 4735.18. The Commission may impose the following sanctions:

(I) The commission may impose the following sanctions upon a licensee for a violation of section 4735.18 of the Revised Code:

- (1) Revoke a license issued under Chapter 4735. of the Revised Code;
- (2) Suspend a license for a term set by the commission;
- (3) Impose a fine, not exceeding two thousand five hundred dollars per violation;
- (4) Issue a public reprimand;
- (5) Require the completion of additional continuing education course work. Any continuing education course work imposed pursuant to this section shall not count toward the continuing education requirements set forth in section 4735.14 of the Revised Code.

**How much revenue is derived from fees charged by the Commission to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

Please see answer above.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

N/A

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

Purchasing a home is the likely the largest investment a person will ever make. The Superintendent and Commission are charged with the responsibility of enforcing the statutory requirements set forth in RC 4735. Making certain that home buyers and sellers are treated fairly and represented responsibly and to give potential homebuyers confidence that any salesperson or broker they engage is knowledgeable, properly trained and adheres to a standard of practice and ethics that is in the public interest.

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

No, it is not likely that the public could be protected or served in an alternate or less restrictive manner. Having minimum requirements to obtain licensure helps to ensure that those working as brokers and salespersons have sufficient education, training, and experience to perform such work competently. Moreover, the Commission’s use of background checks to screen out applicants who have been convicted of disqualifying offenses also helps to ensure the public’s health, safety, and welfare.

**Are there any changes the Commission would like to see implemented?**

Not at this time. Please see the Division responses in that survey.

**Surrounding state comparison (LSC)**

Real Estate Salesperson License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Type of regulation	License ( <i>R.C. 4735.02</i> ).	No clear equivalent.	License ( <i>Ky. Rev. Stat. 324.020</i> ).	License ( <i>Mich. Comp. Laws 339.2502b</i> ).	License ( <i>63 Pa. Stat. 455.301</i> ).	License ( <i>W. Va. Code 30-40-3</i> ).
Education or training	A high school diploma or equivalent and 40 hours of instruction in real	N/A	A high school diploma or equivalent and six credit hours in real estate	40 hours of approved real estate courses, including four hours in civil	A high school diploma or equivalent and 75 hours of basic real estate courses	A high school diploma or equivalent and 90 hours or six college semester

Real Estate Salesperson License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	estate practice, 40 hours in Ohio and local real estate law, 20 hours in real estate appraisal (if the applicant does not have an Ohio real estate appraisal license or certificate), and 20 hours in real estate finance ( <i>R.C. 4735.09</i> ).		courses ( <i>Ky. Rev. Stat. 324.046</i> ).	rights law and equal opportunity housing ( <i>Mich. Comp. Laws 339.2504</i> ).	from an approved provider, including fair housing and professional ethics ( <i>63 Pa. Stat. 455.521</i> ).	credit hours in courses approved by the West Virginia Real Estate Commission ( <i>W. Va. Code 30-40-11; W. Va. Code R. 30-40-14</i> ).
Experience	At least 18 years of age ( <i>R.C. 4735.09</i> ).	N/A	At least 18 years of age ( <i>Ky. Rev. Stat. 324.040</i> ).	At least 18 years of age ( <i>Mich. Comp. Laws 339.2502a</i> ).	At least 18 years of age ( <i>63 Pa. Stat. 455.521</i> ).	At least 18 years of age ( <i>W. Va. Code 30-40-11</i> ).
Exam	Yes ( <i>R.C. 4735.09</i> ).	N/A	Yes ( <i>Ky. Rev. Stat. 324.045</i> ).	Yes ( <i>Mich. Comp. Laws 339.2505</i> ).	Yes ( <i>63 Pa. Stat. 455.521</i> ).	Yes ( <i>W. Va. Code 30-40-13</i> ).
Continuing education	30 hours every three years in areas prescribed by the Ohio Real Estate Commission ( <i>R.C.</i>	N/A	12 hours every two years, including six hours in real estate law and six hours in approved real-estate related	18 hours every year, including two hours in legal education courses ( <i>Mich. Comp. Laws 339.2504a; Mich. Admin.</i>	14 hours every two years in applicant's choice of several specified legal, financial, appraisal, and real estate topics ( <i>63</i>	Seven hours every year in approved professional education courses ( <i>W. Va. Code 30-40-16</i> ).



Real Estate Salesperson License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	4735.141; O.A.C. 1301:5-7-03).		courses (Ky. Rev. Stat. 324.085).	Code R. 339.22629).	Pa. Stat. 455.404a; 49 Pa. Code 35.384).	
Initial licensure fee	\$81 (R.C. 4735.09).	N/A	\$130 (Ky. Rev. Stat. 324.287; Ky. Real Estate Commission, <a href="#">Fee Schedule</a> ).	\$88 plus an examination fee of \$76 (Mich. Bureau of Professional Licensing and Regulatory Affairs, <a href="#">Michigan Real Estate Licensing Guide (PDF)</a> ).	\$107 (Pa. Dept. of State, <a href="#">Real Estate Salesperson</a> ).	\$75 (W. Va. Real Estate Commission, <a href="#">Schedule of Fees</a> ).
License duration	Three years (R.C. 4735.10; O.A.C. 1301:5-1-22).	N/A	Two years (Ky. Rev. Stat. 324.090).	Three years (Mich. Bureau of Professional Licensing and Regulatory Affairs, <a href="#">Real Estate Continuing Education Requirements (PDF)</a> ).	Two years (63 Pa. Stat. 455.404a).	One year (W. Va. Code 30-40-17).
Renewal fee	\$182 (R.C. 4735.15).	N/A	\$130 (Ky. Rev. Stat. 324.287 and 324.400; Ky. Real Estate	\$78 (LARA, <a href="#">License Renewal Fees</a> ).	\$96 (Pa. Dept. of State, <a href="#">Real Estate Salesperson</a> ).	\$75 (W. Va. Real Estate

Real Estate Salesperson License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
			Commission, <a href="#">Fee Schedule</a> ).			Commission, <a href="#">Schedule of Fees</a> ).

## Foreign real estate dealer

### Survey responses (COM)

Description
Foreign real estate dealer” includes any person, partnership, association, limited liability company, limited liability partnership, or corporation, foreign or domestic, who for another, whether pursuant to a power of attorney or otherwise, and who for a fee, commission, or other valuable consideration, or with the intention, or in the expectation, or upon the promise of receiving or collecting a fee, commission, or other valuable consideration, does or deals in any act or transaction specified or comprehended in division (A) of this section with respect to foreign real estate.
<b>Type</b> (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)
Occupational license

If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>Number issued annually</b>	In 2021, the Division issued 2 foreign dealer licenses.
<b>Number renewed annually</b>	In 2021, the Division renewed 17 foreign real estate dealer licenses.
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	The Division issued 4 more licenses in 2016 than in 2021.
<b>Education or training requirements</b>	Any education or experience required in the state of licensure see RC 4735.27 (D)
<b>Experience requirements</b>	Any education or experience required in the state of licensure see RC 4735.27 (D)
<b>Examination requirements</b> ( <i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Commission receive any proceeds of those fees? If so, how are the proceeds used?</i> )	Every applicant shall take a written examination, prescribed and conducted by the superintendent, which covers the applicant's knowledge of the principles of real estate practice, real estate law, financing and appraisal, real estate transactions and instruments relating to them, canons of business ethics relating to real estate transactions, and the duties of foreign real estate dealers and salespersons. The fee for the examination, when administered by the superintendent, is one hundred one dollars. If the applicant does not appear for the examination, the fee shall be forfeited and a new application and fee shall be filed, unless good cause for the failure to appear is shown to the superintendent. The requirement of an examination may be waived in whole or in part by the superintendent if an applicant is licensed as a real estate broker by any state.
<b>Continuing education requirements</b> ( <i>Including a description of the curriculum and the process of setting it.</i> )	The continuing education requirements would be those required in the state where the individual is licensed. The dealer must maintain a broker license to maintain the dealer license in Ohio.

If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>Initial fee</b>	The initial application is, at a minimum, \$203.00 see RC 4735.15
<b>Duration</b>	All licenses issued under Chapter 4735 are renewed every three years
<b>Renewal fee</b> <i>(If different from initial fee, please explain why.)</i>	The renewal fee is \$203.00
<b>Does the Commission recognize uniform licensure requirements or allow for reciprocity?</b>	RC 4735.27 (D) The requirement of an examination may be waived in whole or in part by the superintendent if an applicant is licensed as a real estate broker by any state.
<b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b>	N/A
<b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Commission?</b>	There are exceptions to licensure found in 4735.01 (I)
<b>Is the Commission permitted to exercise discretion in determining whether to register, certify, or license an individual?</b>	RC 4735.27 establishes the requirements for obtaining a foreign real estate dealer license. If the Superintendent denies the license a 119 hearing is held before the Ohio Real Estate Commission if requested by the applicant. The Commission determines whether or not to issue a license based upon their expertise and the requirements set by statute.
<b>Other information</b> <i>(Significant attributes or prerequisites to licensure not addressed in this chart.)</i>	

**Oversight and disciplinary authority of the Commission respecting individuals engaged in the occupation.**

RC 4735.18 allows for the superintendent of real estate, upon the superintendent's own motion, may investigate the conduct of any licensee. The commission may impose the following sanctions upon a licensee for a violation of section 4735.18 of the Revised Code:

- (1) Revoke a license issued under Chapter 4735. of the Revised Code;
- (2) Suspend a license for a term set by the commission;
- (3) Impose a fine, not exceeding two thousand five hundred dollars per violation;
- (4) Issue a public reprimand;
- (5) Require the completion of additional continuing education course work. Any continuing education course work imposed pursuant to this section shall not count toward the continuing education requirements set forth in section 4735.14 of the Revised Code.

All fines imposed pursuant to division (1)(3) of this section shall be credited to the real estate recovery fund, which is created in the state treasury under section 4735.12 of the Revised Code.

**How much revenue is derived from fees charged by the Commission to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

See answer above

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

N/A

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

The Superintendent and Commission are charged with the responsibility of enforcing the statutory requirements set forth in RC 4735. Making certain that home buyers and sellers are treated fairly and represented responsibly and to give potential homebuyers confidence that any salesperson or broker they engage is knowledgeable, properly trained and adheres to a standard of practice and ethics that is in the public interest.

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

No, it is not likely that the public could be protected or served in an alternate or less restrictive manner. Having minimum requirements to obtain licensure helps to ensure that those working as dealers have sufficient education, training, and experience to perform such work competently.

**Are there any changes the Commission would like to see implemented?**

See the responses in the Division's survey

**Surrounding state comparison (LSC)**

Foreign Real Estate Dealer's License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Type of regulation	License ( <i>R.C. 4735.25</i> ).	No clear equivalent.	No clear equivalent.	No clear equivalent.	No clear equivalent.	No clear equivalent.
Education or training	N/A	N/A	N/A	N/A	N/A	N/A
Experience	N/A	N/A	N/A	N/A	N/A	N/A
Exam	Yes ( <i>R.C. 4735.27(D)</i> ).	N/A	N/A	N/A	N/A	N/A
Continuing education	N/A	N/A	N/A	N/A	N/A	N/A
Initial licensure fee	\$30 per person employed but not less than \$203 ( <i>R.C. 4735.15</i> ).	N/A	N/A	N/A	N/A	N/A

Foreign Real Estate Dealer's License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License duration	One year ( <i>R.C. 4735.29</i> ).	N/A	N/A	N/A	N/A	N/A
Renewal fee	\$30 per person employed but not less than \$203 ( <i>R.C. 4735.15</i> ).	N/A	N/A	N/A	N/A	N/A

## Foreign real estate salesperson

### Survey responses (COM)

Description
<p>“Foreign real estate salesperson” means any person associated with a licensed foreign real estate dealer to do or deal in any act or transaction specified or comprehended in division (A) of this section with respect to foreign real estate, for compensation or otherwise.</p>



**Type** (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)

Occupational License

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Number issued annually</b>	In 2021, the Division issued 44 new foreign real estate salesperson's licenses
<b>Number renewed annually</b>	In 2021, the Division renewed 51 foreign real estate salespersons licenses.
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	In 2015, the Division issued 83 new foreign real estate salesperson's licenses
<b>Education or training requirements</b>	Any education or experience required in the state of licensure see RC 4735.28 (B)
<b>Experience requirements</b>	Any education or experience required in the state of licensure see RC 4735.28 (B)

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<p><b>Examination requirements</b> (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Commission receive any proceeds of those fees? If so, how are the proceeds used?</i>)</p>	<p>Every applicant shall take a written examination, prescribed and conducted by the superintendent, which covers the applicant’s knowledge of the principles of real estate practice, real estate law, financing and appraisal, real estate transactions and instruments relating to them, canons of business ethics relating to real estate transactions, and the duties of foreign real estate salespersons. The fee for the examination, when administered by the superintendent, is sixty eight dollars. If the applicant does not appear for the examination, the fee shall be forfeited and a new application and fee shall be filed, unless good cause for the failure to appear is shown to the superintendent. The requirement of an examination may be waived in whole or in part by the superintendent if an applicant is licensed as a real estate broker or salesperson by any state.</p>
<p><b>Continuing education requirements</b> (<i>Including a description of the curriculum and the process of setting it.</i>)</p>	<p>The continuing education requirements would be those required in the state where the individual is licensed. The salesperson must maintain a broker license to maintain the dealer license in Ohio.</p>
<p><b>Initial fee</b></p>	<p>The initial application fee is \$68.00</p>
<p><b>Duration</b></p>	<p>All licenses issued under Chapter 4735 are renewed every three years</p>
<p><b>Renewal fee</b> (<i>If different from initial fee, please explain why.</i>)</p>	<p>The renewal fee is \$68.00</p>
<p><b>Does the Commission recognize uniform licensure requirements or allow for reciprocity?</b></p>	<p>RC 4735.28 (B) The requirement of an examination may be waived in whole or in part by the superintendent if an applicant is licensed as a real estate broker by any state.</p>
<p><b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b></p>	<p>N/A</p>

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<p><b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Commission?</b></p>	<p>There are exceptions to licensure found in 4735.01 (I)</p>
<p><b>Is the Commission permitted to exercise discretion in determining whether to register, certify, or license an individual?</b></p>	<p>RC 4735.28 establishes the requirements for obtaining a foreign real estate dealer license. If the Superintendent denies the license a 119 hearing is held before the Ohio Real Estate Commission if requested by the applicant. The Commission determines whether or not to issue a license based upon their expertise and the requirements set by statute.</p>
<p><b>Other information</b> (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>)</p>	

**Oversight and disciplinary authority of the Commission respecting individuals engaged in the occupation.**

RC 4735.18 allows for the superintendent of real estate, upon the superintendent's own motion, may investigate the conduct of any licensee. The commission may impose the following sanctions upon a licensee for a violation of section 4735.18 of the Revised Code:

- (1) Revoke a license issued under Chapter 4735. of the Revised Code;
- (2) Suspend a license for a term set by the commission;
- (3) Impose a fine, not exceeding two thousand five hundred dollars per violation;
- (4) Issue a public reprimand;
- (5) Require the completion of additional continuing education course work. Any continuing education course work imposed pursuant to this section shall not count toward the continuing education requirements set forth in section 4735.14 of the Revised Code.

All fines imposed pursuant to division (I)(3) of this section shall be credited to the real estate recovery fund, which is created in the state treasury under section 4735.12 of the Revised Code.

**How much revenue is derived from fees charged by the Commission to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

See answer above.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

N/A

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

The Superintendent and Commission are charged with the responsibility of enforcing the statutory requirements set forth in RC 4735. Making certain that home buyers and sellers are treated fairly and represented responsibly and to give potential homebuyers confidence that any salesperson or broker they engage is knowledgeable, properly trained and adheres to a standard of practice and ethics that is in the public interest.

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

No, it is not likely that the public could be protected or served in an alternate or less restrictive manner. Having minimum requirements to obtain licensure helps to ensure that those working as dealers have sufficient education, training, and experience to perform such work competently.

**Are there any changes the Commission would like to see implemented?**

See the responses in the Division’s survey.

**Surrounding state comparison (LSC)**

Foreign Real Estate Salesperson License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Type of regulation	License ( <i>R.C. 4735.25</i> ).	No clear equivalent.	No clear equivalent.	No clear equivalent.	No clear equivalent.	No clear equivalent.
Education or training	N/A	N/A	N/A	N/A	N/A	N/A
Experience	N/A	N/A	N/A	N/A	N/A	N/A

Foreign Real Estate Salesperson License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Exam	Yes ( <i>R.C. 4735.28(B)</i> ).	N/A	N/A	N/A	N/A	N/A
Continuing education	N/A	N/A	N/A	N/A	N/A	N/A
Initial licensure fee	\$68 ( <i>R.C. 4735.15</i> ).	N/A	N/A	N/A	N/A	N/A
License duration	One year ( <i>R.C. 4735.29</i> ).	N/A	N/A	N/A	N/A	N/A
Renewal fee	\$68 ( <i>R.C. 4735.15</i> ).	N/A	N/A	N/A	N/A	N/A

# SECRETARY OF STATE

## General information (SOS)

### Duties

As Ohio's chief election official, the Secretary of State oversees the elections process and appoints members of boards of elections in each of Ohio's 88 counties with the mission to ensure it is easy to vote and hard to cheat in Ohio. 8 million Ohioans are currently registered to vote with record turnout reported in the recent elections. Further, the Secretary of State receives and approves business filings granting businesses the authority to legally transact business in Ohio. The Secretary of State also provides authentications of documents to be used overseas, issues minister licenses, and appoints and commissions notary publics in Ohio.

### Budget *(Current budget, description of budgeting process, sources of funding, and expected increases or decreases in budget or funding in future years.)*

The Ohio General Assembly approves the office's budget every two years through the biennial budget bill. Approximately 95% of the office's FY22 budget appropriated in the FY22-23 budget bill was derived from fees.

### Workload *(Assess current, past, and anticipated workload. Has the workload increased or decreased significantly in the preceding six years?)*

The workload continues to increase as the Secretary of State's office continues to improve the services provided to Ohioans.

**Staffing** *(How many staff are currently employed by the Secretary of State? What are their roles? Are staffing levels proportionate to current and anticipated workload?)*

The Office had 129 FTEs in FY22. These staff are split between administration, elections, and business services staff.

**Administrative hearings and public complaints** *(Describe the Secretary of State's processes for administering discipline and addressing complaints. Assess the efficiency of the processes.)*

The Secretary of State's office has authority to investigate complaints submitted against a notary public. Following an investigation, a notice of proposed discipline is sent to the notary public with recommended discipline. The notice informs the notary public of the process to appeal the proposed disciplinary action. The notary public has 14 days to request an administrative hearing. The Attorney General's office represents our office in the administrative hearing process.

## **Minister's license to solemnize marriages**

### **Survey responses (SOS)**

#### **Description**

As governed by Ohio Revised Code Chapter 3101, the Ohio Secretary of State issues a license to an ordained minister of any religious society or congregation that authorizes the minister to solemnize marriages in Ohio.



**Type** (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)

Government Certification

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Number issued annually</b>	9,624 in FY2022
<b>Number renewed annually</b>	N/A
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	No significant increase or decrease.
<b>Education or training requirements</b>	None
<b>Experience requirements</b>	None

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<p><b>Examination requirements</b> (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Secretary of State receive any proceeds of those fees? If so, how are the proceeds used?</i>)</p>	<p>None</p>
<p><b>Continuing education requirements</b> (<i>Including a description of the curriculum and the process of setting it.</i>)</p>	<p>None</p>
<p><b>Initial fee</b></p>	<p>\$10.00</p>
<p><b>Duration</b></p>	<p>The minister's license remains active if the minister remains ordained and in good standing with the religious society or congregation.</p>
<p><b>Renewal fee</b> (<i>If different from initial fee, please explain why.</i>)</p>	<p>N/A</p>
<p><b>Does the Secretary of State recognize uniform licensure requirements or allow for reciprocity?</b></p>	<p>No</p>
<p><b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b></p>	<p>No</p>

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<p><b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Secretary of State?</b></p>	<p>In addition to a licensed minister, the following individuals may solemnize marriages in Ohio: a judge of a county court, judge of a municipal court, probate judge, mayor of a municipal corporation in any county in which such municipal corporation wholly or partly lies, the superintendent of the state school for the deaf or any religious society in conformity with the rules of its church.</p>
<p><b>Is the Secretary of State permitted to exercise discretion in determining whether to register, certify, or license an individual?</b></p>	<p>Yes, the Secretary of State must determine if the applicant submitted proper credentials to show that the minister is a regularly ordained or licensed minister of a religious society or congregation as required by Ohio Revised Code section 3101.10.</p>
<p><b>Other information</b> (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>)</p>	<p>N/A</p>

**Oversight and disciplinary authority of the Secretary of State respecting individuals engaged in the occupation.**

The Secretary of State's office does not have oversight or disciplinary authority as it relates to a licensed minister. We must keep a record of all licensed ministers and cancel a minister's license upon a request from the minister or direction from the religious society or congregation stating the individual is no longer ordained to perform marriages.

**How much revenue is derived from fees charged by the Secretary of State to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

\$117,770 in FY2022 (\$96,240 for licenses and \$21, 530 for a formal license to display in addition to the digital license). Revenues are deposited into office funds to support program administration.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

There are no federal regulations that apply to minister licenses.

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

Prior to marriage, a couple must obtain a marriage license from the probate court which is a legal permit stating the individuals are allowed to marry. The minister must solemnize the marriage and sign the marriage license and ensure it is filed with the probate court to properly record the marriage. The probate court verifies the minister's information on the Secretary of State's website to ensure the process was properly completed. Marriage is a binding contract between two individuals and this regulation prevents an invalid contract.

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

Issuing and storing a record of minister licenses in Ohio is preventing invalid marriage contracts. The process can be completed within a business day and the registration fee is low. We do not believe there are less restrictive ways to prevent the harm.

**Are there any changes the Secretary of State would like to see implemented?**

We do not have any changes we would like to implement to this process.

**Surrounding state comparison (LSC)**

Minister’s License to Solemnize Marriages						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Type of regulation	License ( <i>R.C. 3101.10</i> ).	None ( <i>Ind. Code 31-11-6-1</i> ).	None ( <i>Ky. Rev. Stat. 402.050</i> ).	None ( <i>Mich. Comp. Laws 551.7</i> ).	None ( <i>23 Pa. Cons. Stat. 1503</i> ).	Registration ( <i>W. Va. Code 48-2-402(a)</i> ).
Education or training	No.	N/A	N/A	N/A	N/A	No.

Minister's License to Solemnize Marriages						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Experience	No.	No.	N/A	N/A	N/A	No.
Exam	No.	N/A	N/A	N/A	N/A	No.
Continuing education	No.	N/A	N/A	N/A	N/A	No.
Initial licensure fee	\$10 ( <a href="http://ohiosos.gov/records/minister-licenses/">ohiosos.gov/records/minister-licenses/</a> ).	N/A	N/A	N/A	N/A	Up to \$25 ( <i>W. Va. Code 48-2-402(d)</i> ).
License duration	None specified.	N/A	N/A	N/A	N/A	None specified.
Renewal fee	N/A	N/A	N/A	N/A	N/A	N/A

## Notary public

### Survey responses (SOS)

Description
<p>Pursuant to Ohio Revised Code section 147.01, the Secretary of State may appoint and commission as notaries public individuals who meet the qualifications set forth in the law. As an officer of the state, a notary public may administer oaths, take and certify depositions and take and certify acknowledgments.</p>

**Type** (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)

Government Certification

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Number issued annually</b>	12,650 in FY 2022
<b>Number renewed annually</b>	13,018 in FY 2022
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	There was a slight decrease in active commissions following the change in notary law in 2019 and due to Covid restrictions in 2020, but these numbers increased to typical numbers in 2021 and 2022.
<b>Education or training requirements</b>	A notary commission applicant must complete a 3-hour education class prior to applying for a commission.
<b>Experience requirements</b>	None

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<p><b>Examination requirements</b> (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Secretary of State receive any proceeds of those fees? If so, how are the proceeds used?</i>)</p>	<p>A non-attorney notary commission applicant must pass an exam prior to applying for a commission. The exam is administered by an authorized education provider and has been approved by the Secretary of State. The exam can be administered in person on paper or online. The fee is \$55.00, and the Secretary of State does not receive any portion of the fee. The fee is paid directly to the authorized education and testing provider.</p>
<p><b>Continuing education requirements</b> (<i>Including a description of the curriculum and the process of setting it.</i>)</p>	<p>A notary commission renewal applicant must complete a 1-hour education class prior to submitting a commission renewal application. The renewal class reviews the roles and responsibilities of a notary public, addresses the proper way to perform a notarial act, complete a notarial certificate and addresses the prohibited acts of a notary public.</p>
<p><b>Initial fee</b></p>	<p>\$15.00</p>
<p><b>Duration</b></p>	<p>A non-attorney notary commission term is 5 years. An attorney notary commission does not have an expiration date but may be revoked if the attorney violates notary law or is no longer in good standing with the Ohio Supreme Court.</p>
<p><b>Renewal fee</b> (<i>If different from initial fee, please explain why.</i>)</p>	<p>\$15.00</p>
<p><b>Does the Secretary of State recognize uniform licensure requirements or allow for reciprocity?</b></p>	<p>Some language in Ohio Revised Code Chapter 147 comes from the Revised Uniform Law on Notarial Acts.</p>
<p><b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b></p>	<p>No</p>



**If the regulation is a registration, certification, or license requirement, please complete the following:**

<p><b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Secretary of state?</b></p>	<p>In addition to commissioned notaries public, a judge, clerk or deputy clerk of any court may perform notarial acts.</p>
<p><b>Is the Secretary of State permitted to exercise discretion in determining whether to register, certify, or license an individual?</b></p>	<p>Yes, the Secretary of State must determine if the applicant is qualified as required by Ohio Revised Code Section 147.01. An applicant must be at least 18 years of age; a legal resident of Ohio or an attorney licensed to practice law in Ohio and has their principal place of business in Ohio; has not been convicted of or pleaded guilty or no contest to a disqualifying offense as determined by section 9.73 of the Revised Code; and has successfully completed the education program and passed a test, if applicable.</p>
<p><b>Other information</b> (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>)</p>	<p>N/A</p>

**Oversight and disciplinary authority of the Secretary of State respecting individuals engaged in the occupation.**

Pursuant to Ohio Revised Code section 147.032, if the Secretary of State believes that a violation of Chapter 147 has occurred, the Secretary of State may investigate such violations. The Secretary of State may investigate possible violations of Chapter 147 upon a signed complaint from any person. The Secretary of State may revoke the notary public's commission; suspend the notary public's commission for a specified period of time or until fulfillment of a condition, such as retraining, or both; or issue a letter of admonition that shall be placed in the notary public's record.

**How much revenue is derived from fees charged by the Secretary of State to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

\$189,750 for new notary commission applications in FY 2022 and \$195,270 for renewal applications in FY 2022. Revenues are deposited into office funds to support program administration.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

There are no federal regulations that apply to notary commissions.

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

A notary public is appointed and commissioned by the state to serve as an impartial witness to transactions, thereby helping to deter fraud. Having a document notarized means the signer appeared before a notary public and was properly identified. The notary public observes the signer's willingness and ability to understand the document and witnesses the signature or takes an acknowledgment from the signer to ensure the signature is valid.

A notarial act is an extra layer of protection when receiving a signed document to deter fraud and forgery. The notarial act prevents contract disputes and litigation and increases a document's inherent value and authenticity. Finally, a notarized document is considered self-authenticating which means it can be submitted as evidence in a trial which prevents the witness from having to be present.

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

The regulation is effective at preventing the harm described above and there are no other, less restrictive ways to prevent the harm.

**Are there any changes the Secretary of State would like to see implemented?**

Our office has worked to improve language in the Revised Code to improve the process for notaries public and signers. Senate Bill 300 was introduced in 2022 to address some issues identified since the Notary Modernization Act went into effect in 2019.

**Surrounding state comparison for attorneys (LSC)**

Notary Public – Attorney						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Type of regulation	License ( <i>R.C. 147.01</i> ).	None.	None.	None.	None.	None.
Education or training	Three-hour education program ( <i>R.C. 147.01(B)(4) and</i>	N/A	N/A	N/A	N/A	N/A

**Notary Public – Attorney**

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	<i>147.021; O.A.C. 111:6-1-03(B).</i>					
Experience	No.	N/A	N/A	N/A	N/A	N/A
Exam	No ( <i>R.C. 147.01(B)(4)(c).</i> )	N/A	N/A	N/A	N/A	N/A
Continuing education	No.	N/A	N/A	N/A	N/A	N/A
Initial licensure fee	\$75 for education program plus \$15 for the commission ( <i>O.A.C. 111:6-1-03(B).</i> )	N/A	N/A	N/A	N/A	N/A
License duration	Perpetual ( <i>R.C. 147.03.</i> )	N/A	N/A	N/A	N/A	N/A
Renewal fee	N/A	N/A	N/A	N/A	N/A	N/A

## Surrounding state comparison for nonattorneys (LSC)

Notary Public – Nonattorney						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Type of regulation	License ( <i>R.C. 147.01</i> ).	License ( <i>Ind. Code 33-42-12-1</i> ).	Registration ( <i>Ky. Rev. Stat. 423.390</i> ).	Registration ( <i>Mich. Comp. Laws 55.269</i> ).	License ( <i>57 Pa. Cons. Stat. 321</i> ).	Registration ( <i>W. Va. Code 39-4-20</i> ).
Education or training	Initial three-hour education program ( <i>R.C. 147.01(B)(4) and 147.021; O.A.C. 111:6-1-03(A)</i> ).  Additional one-hour education program for renewal.	Yes ( <i>Ind. Code 33-42-12-1(b)(5) and 33-42-12-2</i> ).	No.	No.	Three-hour education program ( <i>57 Pa. Cons. Stat. 322(b)</i> ).	No.
Experience	No.	No.	No.	No.	No.	No.
Exam	Yes ( <i>R.C. 147.01(B)(4) and 147.021(A)</i> ).	Yes ( <i>Ind. Code 33-42-12-1(b)(6) and 33-42-12-2</i> ).	No.	No.	Yes ( <i>57 Pa. Cons. Stat. 321(a)(6) and 322(a)</i> ).	No.
Continuing education	No.	One course not exceeding two hours every two years ( <i>Ind. Code 33-42-12-2; 75 Ind. Admin. Code 7-2-3</i> ).	No.	No.	Three-hour education program to renew ( <i>57 Pa. Cons. Stat. 322(c)</i> ).	No.

Notary Public – Nonattorney						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Initial licensure fee	\$130 for education program plus \$15 for the commission (O.A.C. 111:6-1-03(A)).	\$75 ( <a href="http://inbiz.in.gov/certification/notary">inbiz.in.gov/certification/notary</a> ).	\$10 (Ky. Rev. Stat. 423.30(3)).	\$10 to county clerk plus \$10 to state (Mich. Comp. Laws 55.273(3) and 55.275(2)).	\$42 (57 Pa. Cons. Stat. 321(b)).	\$52 ( <a href="http://sos.wv.gov/business/Pages/NotaryApp">sos.wv.gov/business/Pages/NotaryApp</a> ).
License duration	Five years (R.C. 147.03).	Eight years (Ind. Code 33-42-12-1(f)).	Four years (Ky. Rev. Stat. 423.390(3)).	Seven years (Mich. Comp. Laws 55.269).	Four years (57 Pa. Cons. Stat. 321(e)).	Five years (W. Va. Code 39-4-20(d)).
Renewal fee	\$45 for additional education program plus \$15 for the renewal (O.A.C. 111:6-1-03(A)).	\$75 ( <a href="http://inbiz.in.gov/certification/notary">inbiz.in.gov/certification/notary</a> ).	\$10 (Ky. Rev. Stat. 423.30(3)).	\$10 to county clerk plus \$10 to state (Mich. Comp. Laws 55.273(3), 55.275(2), and 55.279(2)).	Appears to be \$42 (57 Pa. Cons. Stat. 321(b)).	\$52 ( <a href="http://sos.wv.gov/business/Pages/NotaryApp">sos.wv.gov/business/Pages/NotaryApp</a> ).

### Surrounding state comparison for online notary (LSC)

Online Notary Public Authorization						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Type of regulation	License (R.C. 147.63).	License (Ind. Code 33-42-17-2(b)(5)).	Registration (Ky. Rev. Stat. 423.390(10)).	Allowed, but not a separate regulatory process (Mich. Comp. Laws 55.286 et seq.).	Allowed, but not a separate regulatory process (57 Pa. Cons. Stat. 320).	Registration (W. Va. Code 39-4-19; <a href="http://sos.wv.gov/business/Pages/NotaryApp">sos.wv.gov/business/Pages/NotaryApp</a> ).

Online Notary Public Authorization						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Education or training	Two-hour education program ( <i>R.C. 147.63(B)</i> ).	No additional education or training ( <i>Ind. Code 33-42-17-2</i> ).	No.	N/A	N/A	No.
Experience	No.	No.	No.	N/A	N/A	No.
Exam	Yes ( <i>R.C. 147.63(B)</i> ).	Yes ( <i>Ind. Code 33-42-17-2(b)(5)</i> ).	No.	N/A	N/A	No.
Continuing education	One hour during period of authorization ( <i>R.C. 147.63(D)(3)(b)(iii) and (G)</i> ).	No additional continuing education ( <i>Ind. Code 33-42-17-2(b)(2)</i> ).	No.	N/A	N/A	No.
Initial licensure fee	\$250 for education and testing program plus \$20 for the authorization ( <i>O.A.C. 111:6-1-03(D)(3) and (5)</i> ).	\$100 ( <a href="http://inbiz.in.gov/certification/notary">inbiz.in.gov/certification/notary</a> ).	Appears to be \$10 ( <i>Ky. Rev. Stat. 423.390(10)(c) and 423.430</i> ).	N/A	N/A	None ( <a href="http://sos.wv.gov/business/Pages/NotaryApp">sos.wv.gov/business/Pages/NotaryApp</a> ).
License duration	During period of commission for nonattorneys, five years for attorneys ( <i>R.C. 147.63(D)(2) and (4)</i> ).	During period of commission ( <i>Ind. Code 33-42-17-2</i> ).	Appears to be during period of commission ( <i>Ky. Rev. Stat. 423.390(10)</i> ).	N/A	N/A	Appears to be during period of commission ( <i>W. Va. Code 39-4-19</i> ; <a href="http://sos.wv.gov/">sos.wv.gov/</a>

Online Notary Public Authorization						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
						<a href="#">business/Pages/NotaryApp</a> ).
Renewal fee	\$160 for the continuing education program plus \$20 for the authorization (R.C. 147.63(E)(4) and (5)).	Appears to be \$100 ( <a href="#">inbiz.in.gov/certification/notary</a> ; Ind. 33-42-17-2(d)).	Appears to be \$10 (Ky. Rev. Stat. 423.390(10)(c) and 423.430).	N/A	N/A	None ( <a href="#">sos.wv.gov/business/Pages/NotaryApp</a> ).



# OHIO BOARD OF ENGINEERS AND SURVEYORS

## General information (ENG)

### Duties

The State Board of Registration for Professional Engineers and Surveyors is the state agency that licenses and regulates individuals and firms practicing the professions of engineering and surveying in the state of Ohio. The Board's 27,000+ registrants and 3,200+ firms are the professionals that design and ensure the safety of Ohio's roads, bridges, highways, dams and nuclear power plants, design our homes, skyscrapers, schools, churches and commercial buildings, establish our property boundaries and GIS data, design and maintain our electrical grids, inspect our waterways and ensures the safety of our drinking water. The work performed by professional engineers and surveyors is vital to protecting the public by keeping the public safe and ensuring our health. Engineers and surveyors create solutions to problems affecting the world across many industries and their high standards for ethics and quality assurance protect the health, safety and welfare of the public. The nature of the work performed by professional engineers and professional surveyors and the direct impact that work has on public safety makes the work of this Board vitally important to ensuring the safety and well-being of the citizens of Ohio.

The Board's regulatory responsibilities include investigating complaints and violations of the Board's Practice Act by licensees and non-licensees and acting against individuals and firms that violate the Registration Act.

### Mission

The Board's mission is to protect the health, safety, and welfare of the citizens of Ohio by providing effective licensure and regulation of professional engineers, professional surveyors, and firms offering engineering and surveying services in Ohio. This is accomplished by ensuring that only qualified individuals and firms are licensed to practice engineering and surveying in Ohio and ensuring that Ohio's laws and rules governing the practice of engineering and surveying are followed. The Board is able to ensure that only qualified individuals are licensed to practice engineering and surveying by requiring minimum educational standards, passing two national licensure exams, completing supervised engineering and surveying experience prior to licensure that demonstrates that the individual is qualified to be in responsible charge of engineering and surveying projects and also requiring continuing education requirements after licensure.

**Membership** *(Current members, chairperson and other officers, and selection process.)*

The Board is comprised of five members - two professional engineer members, two professional engineer and professional surveyor members (known as dual registrants) and one professional surveyor member. Individuals seeking appointment to the Board apply with the Governor's Office of Boards and Commissions. Board members are appointed by the Governor and serve five-year terms. In accordance with R.C. 4733.04 each member of the Board shall be a U.S. citizen and resident of Ohio, shall have been engaged in the practice of engineering or surveying for at least twelve years, and shall have been in responsible charge of important engineering or surveying work for at least five years.

**Current Board members:**

**Walid Gemayel, P.E. - Chair**

Worthington

Term: September 2019 to September 2024

**Megan D. O'Callaghan, P.E., Esq. – Vice-Chair**

Dublin

Term: November 2019 to September 2026

**Dean C. Ringle, P.E., P.S. - Secretary**

Dublin

Term: September 2020 to September 2025

**Christian E. Bauserman, P.E., P.S. - Member**

Delaware

Term: September 2022 to September 2027

**David L. Cox, P.S. – Member**

Middletown

Term: September 2018 to September 2023

**Budget** *(Current budget, description of budgeting process, sources of funding, and expected increases or decreases in budget or funding in future years.)*

The Board is self-supported from fees derived from applications and renewals. The Board receives no money from the General Revenue Fund [GRF]. The Board's \$40 biennial renewal fee is the second lowest renewal fee in the U.S. and the Board's other fees are also among the lowest in the U.S. The Board has essentially operated at a flat or reduced funding level since FY 2006. The Board has not raised its renewal fees since 2004. For the FY 2022/2023 biennium budget the Board's appropriation was \$1,319,259 for both years. The Board collected \$608,395 in revenue in FY 2021 and \$1,819,121 in FY 2022. The Board's biennial renewal cycle results in fluctuations in revenue and expenditures on a year-to-year basis with a higher level of revenue received and expenditures incurred during the even-numbered fiscal years when the Board renews close to 30,000 licensees.

For the upcoming FY 2024/2025 biennium budget the Board expects to request increases to its appropriation due to increased costs in wages and benefits pursuant to the most recent union contract and to cover increases in costs from the Ohio Department of Administrative Services for services such as IT support, rent, and maintenance of the licensing database utilized by all state regulatory boards. Since 2006 the Board has been able to maintain its budget level by reducing costs and sharing services with other state agencies to reduce expenses.

**Workload** *(Assess current, past, and anticipated workload. Has the workload increased or decreased significantly in the preceding six years?)*

The Board's workload consists of reviewing applications from individuals and firms applying to provide engineering and surveying services in Ohio. The Board is also charged with investigating violations of the registration act. The Board also engages with licensees, colleges and universities and the public to provide presentations and programs to provide information about licensure requirements and the registration act. The Board's workload has remained consistent during the preceding six years and expects the workload to increase slightly due to recent changes to facilitate professional engineering and surveying licensure. The changes are discussed later in this report.

Due to the nature of engineering and surveying work, and the impact that it has on the health, safety and welfare of the citizens of Ohio, reviewing applications for professional engineer and professional surveyor licensure to make sure that applicants have completed the requisite education, exams and experience, is quite complicated and time consuming and requires a thorough evaluation to ensure that the applicant may be placed in responsible charge of engineering or surveying work and can perform the work safely. The closest example to the Board's licensure process and evaluation of applications would be the Medical Board's evaluation of individuals applying to practice medicine.

Current workload FY 2022 [July 1, 2021 – June 30, 2022]:

EI/SI applications reviewed – 645

PE/PS applications reviewed - 451

**Workload** *(Assess current, past, and anticipated workload. Has the workload increased or decreased significantly in the preceding six years?)*

PE/PS renewals processed in 2022 – 27,294

OH PS exams administered - 54

Professional engineer/professional surveyor comity/reciprocity applications reviewed – 950

COA applications reviewed – 251 [new applications]

COA renewals processed in 2022 - 3,238

Complaints investigated – 148

The Board’s staff also conducts presentations and workshops annually for the public, colleges and universities and technical and professional associations representing engineering/surveying profession covering the Board’s laws, rules and requirements for professional engineer and professional surveyor licenses.

Board staff also spends a considerable amount of time answering emails, telephone calls and correspondence providing general information and guidance and also answering questions related to the practice act [R.C. 4733], licensing requirements and alleged violations of the laws and rules from the public, applicants, licensees, colleges and universities, other state licensing boards and other government entities.

**Staffing** *(How many staff are currently employed by the Board? What are their roles? Are staffing levels proportionate to the Board’s current and anticipated workload?)*

The Board has an administrative staff of seven full-time employees, with two current vacancies, that handle the daily operations of the board. The Board also employs technical consultants that assist the Board in evaluating applications for registration, developing the Ohio professional surveying examination and provide technical assistance in investigations. The Board has one of the lowest staff to licensee ratios of any of Ohio’s licensure boards.

Current staff:

**Executive Director** – Oversees day-to-day activities of the Board. Supervises program managers, directs organization strategy and performance improvement; develops policies and procedures; engages with and represents the Board to colleges and universities, legislature, the public, licensees and organizations representing engineers and surveyors, engineering and surveying students; responsible for Board budget; directs investigations and enforcement program; development and administration of Ohio state-specific surveying exam; manages consultants and the review of applications.

**Staffing** (*How many staff are currently employed by the Board? What are their roles? Are staffing levels proportionate to the Board's current and anticipated workload?*)

**Program Administrator 3** – Manages the following activities: budgeting, payroll, eLicense/database; website; supervises office staff; performance reviews; bill payment; policy development; customer service.

**Program Administrator 2** – Manages the Board's continuing professional development program [CPD] and licensing of engineering and surveying firms. Also responsible for publishing the Board's publications and newsletters.

**Program Administrator 2** – Manages the investigation of complaints alleging violations of the Board's Practice Act – Ohio Revised Code 4733. Maintains inventory. Assists Executive Director in providing presentations and outreach as part of the Board's proactive enforcement program.

**License Certification Examiner 2** – Processes engineering and surveying exam applications from applicants applying to take the Principles and Practice of Engineering [PE] and Principles and Practice of Surveying [PS] exams. Also processes engineering and surveying comity/reciprocity licensure applications. Assists in administering Ohio's state-specific surveying examination.

**License Certification Examiner 1** – Processes engineering and surveying exam applicants from applicants applying to take the Fundamentals of Engineering [FE] and Fundamentals of Surveying [FS] exams, which are the first stage exams on the path to professional license. Processes degree evaluations from applicants applying for licensure that have engineering or surveying degrees from outside of the U.S. Processes exam and licensure verifications for NCEES and for applicants applying for exams or registration in other U.S. states and territories.

**Administrative Profession 1** – Answers telephone calls and voicemail messages. Front-line provider of customer service for the Board. Maintains licensure files and prepares correspondence as needed. Opens and distributes mail.

The Board has three committees: 1) an expert panel consisting of paid consultants that evaluate examination applications, and offer professional opinions at the request of the Board; 2) the Credentials Review Committee, consisting of Board members and staff, which verifies and approves examination and certificate of authorization applications; and 3) the Ohio Professional Surveyors Exam Committee, consisting of volunteers and paid consultants that write and grade the Ohio-specific principles and practice of surveying examination that all applicants for licensure as a professional surveyor must pass.

The current composition of the Board, committees and dedicated office staff provide a high level of expertise, manpower, and balance for carrying out the duties of the Board and ensuring the health, safety and welfare of the citizens of Ohio.

**Administrative hearings and public complaints** *(Describe the Board's processes for administering discipline and addressing complaints. Assess the efficiency of the processes.)*

In 2006 the Board implemented a proactive enforcement program. The proactive enforcement program shifted the Board's focus from a reactionary response investigating complaints and taking disciplinary action after receiving a complaint or notice of a violation of the registration act to providing outreach and presentations for students, registrants and the public to make them aware of Ohio's practice act for professional engineers and surveyors and the requirements for professional engineer registration. This initiative coincided with the implementation of the Board's continuing education requirement adopted in 2005. The Board works closely with the colleges and universities, technical and professional associations, government agencies and other interested parties to provide presentations, information and resources to promote licensure, increase public awareness of the registration act and limit violations of the practice act. The goal of the proactive enforcement program is to educate and inform and make licensees and the public aware of the laws and rules governing the practice of engineering and surveying in Ohio and prevent avoidable violations of the Registration Act.

The Board's process for administering discipline follows Ohio Revised Code 119. All individuals and firms charged with violations of the practice act are issued a notice of charges and provided an opportunity for hearing in accordance with R.C. 119.

The typical complaint process after the Board receives a complaint or information indicating a violation of the practice act is as follows:

1. A complaint is received and evaluated by Board staff to see if the complaint or alleged violation falls within the Board's jurisdiction.
2. Board staff collects preliminary information and submits the complaint and report to the Board to determine if there is reasonable cause to proceed with an investigation.
3. If the complaint involves a minor or unintentional violation, the Board will attempt to resolve the matter through a warning letter or provide education and direction.
4. If the complaint involves a serious violation of the practice act or requires immediate action, the Board reviews the information and opens an investigation.
5. Once the investigation is completed the report is presented to the Board to determine if charges should be filed. If charges are warranted the respondent is notified of the charges and issues a notice of opportunity for hearing in accordance with R.C. 119. Violations are often settled through consent agreements.
6. Violations that cannot be resolved through education or settlement agreement go to hearing before an independent hearing examiner and follow the process as provided in R.C. 119.

**Administrative hearings and public complaints** *(Describe the Board's processes for administering discipline and addressing complaints. Assess the efficiency of the processes.)*

7. After the hearing, the hearing examiner issues a report and recommendation to the Board. The Board may accept, reject or modify the hearing examiners report and recommendation.
8. A final order is issued to the respondent. The respondent has 30 days to appeal the Board's final order to the Common Pleas Court in accordance with R.C. 119. The respondent may also appeal the common pleas court decision to the Court of Appeals and the Ohio Supreme Court pursuant to R.C. 119.

The administrative hearing process adopted by the legislature in R.C. 119 in Ohio is very fair and efficient. The 119 process provides the subject of a complaint the opportunity to address complaints and provide a response. It is the Board's practice to thoroughly investigate complaints and only charge individuals and firms when there is a clear violation of the practice act that cannot be resolved amicably through education and direction.

## **Professional engineer**

### **Survey responses (ENG)**

#### **Description**

Individuals that desire to practice engineering for the public, and identify themselves as professional engineers, as defined in Ohio Revised Code Chapter 4733 must obtain a professional engineer license in Ohio.

Professional engineers in Ohio are required to complete the following requirements pursuant to R.C. 4733.11:

1. Complete a 4-year ABET [Accreditation Board for Engineering and Technology] accredited engineering curriculum or a 4-year engineering curriculum from outside of the U.S. that has been evaluated to meet the NCEES Engineering Education Standard, which signals that the education is substantially equivalent to programs accredited by ABET and the U.S. Department of Education.
2. Take and pass the NCEES FE examination. The FE examination is the first stage licensing examination required by all U.S. states and territories. The FE exam is a national exam administered by the National Council of Examiners for Engineering and Surveying (NCEES). It is given in a computer-based testing format at Pearson Vue Select testing centers throughout Ohio and is available year-round. The FE exam is the first step in the process to become a professional engineer. It is designed for recent graduates and students who are close to graduating from an accredited engineering curriculum. The FE exam covers engineering topics taught in the undergraduate engineering curriculum.

## Description

3. Take and pass the NCEES PE examination. The PE exam is a national exam administered by the National Council of Examiners for Engineering and Surveying (NCEES). With the exception of the 16-hour Structural PE exam, all NCEES PE exams are offered in the computer-based format. The PE exam tests for a minimum level of competency in a particular engineering discipline. It is designed for engineers who have gained a minimum of four years' post-college work experience in their chosen engineering discipline. The PE exam is offered in the following disciplines:
  - Agricultural and Biological Engineering
  - Architectural Engineering
  - Chemical
  - Civil
  - Control Systems
  - Electrical and Computer
  - Environmental
  - Fire Protection
  - Industrial and Systems
  - Mechanical
  - Metallurgical and Materials
  - Mining and Mineral Processing
  - Naval Architecture and Marine Engineering
  - Nuclear
  - Petroleum
  - Structural
4. Complete four years of progressive engineering experience pursuant to R.C. 4733.11 of a high quality and nature that demonstrates that the applicant can be placed in responsible charge of engineering work.



**Description**

The Board works with all other engineering boards in the United States and its territories through our membership with the National Council of Examiners for Engineering and Surveying [NCEES] to develop national engineering and surveying licensure exams and develop national model laws and rules establishing the minimum qualifications and requirements for engineering and surveying licensure. The member boards of NCEES have worked together for over 80 years developing national standards and requirements to ensure that engineers and surveyors are practicing the professionals of engineering and surveying competently and safely and in a manner that protects the public.

**Type** *(License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)*

Professional Engineers in Ohio, like in all U.S. states and territories, are required to obtain a license to practice engineering.

**If the regulation is a registration, certification, or license requirement, please complete the following:**

**Number issued annually**

The number of professional engineers licensed in Ohio the preceding six years:

2017 – 25,517

2018 – 26,086

2019 – 26,917

2020 – 24,949

2021 – 26,622

2022 – 27,293

The number of engineering and surveying firms licensed in Ohio the preceding six years:

If the regulation is a registration, certification, or license requirement, please complete the following:	
	<p>2017 – 2,574</p> <p>2018 – 2,719</p> <p>2019 – 3162</p> <p>2020 – 3,323</p> <p>2021 – 3,324</p> <p>2022 – 3,238 [Note: This number is expected to increase as more firms complete renewals of their COA in the next several months. COA renewals were due July 1, 2022.]</p>
<b>Number renewed annually</b>	<p>Renewed in 2022:</p> <p>Professional Engineer [PE] – 27,293 in 2022</p> <p>Engineering and Surveying Firms – 3,238 in 2022</p>
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	<p>There have not been significant changes to the number of professional engineers seeking registration and renewing in the preceding six years.</p>
<b>Education or training requirements</b>	<p>Professional engineers are required to complete a curriculum of four years or more in engineering pursuant to R.C. 4733.11.</p>
<b>Experience requirements</b>	<p>Professional engineers are required to complete four years of engineering experience of a nature and quality that demonstrates that the applicant can be placed in responsible charge of engineering work and perform that work safely.</p>

**If the regulation is a registration, certification, or license requirement, please complete the following:**

**Examination requirements** (*Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Board receive any proceeds of those fees? If so, how are the proceeds used?*)

Professional engineers are required to take and pass two national examinations. The first stage exam is typically taken in the final year of enrollment in an engineering curriculum, or shortly after graduation is the NCEES Fundamentals of Engineering [FE] examination. The FE exam tests the knowledge of the examinee from engineering courses taken during completion of the engineering degree program.

The second stage exam is the Principles and Practice of Engineering [PE] examination. This exam is a practice-based exam that tests to ensure that applicants possess the requisite knowledge and skill to perform engineering in a manner that protects the public.

The National Council of Examiners for Engineering and Surveying [NCEES] is the only organization that develops and administers engineering and surveying licensure exams in the United States. NCEES is an organization made up of all engineering and surveying boards in the United States and its territories. The member boards of NCEES develop and administer the engineering and surveying licensure exams in a computer-based format taken at Pearson-Vue Select testing centers throughout the world. The member boards of NCEES have been working together for 100 years developing national model law, standard licensure requirements and developing the engineering and surveying licensure exams.

The Ohio PE exam application fee is currently \$75.00. Ohio receives this fee to cover the expense associated with reviewing and processing the application. The fee is used to operate the Board.

The exam administration fees currently charged by NCEES:

Fundamentals of Engineering [FE] examination – \$175.00

Principles and Practice of Engineering [PE] examination - \$375.00

*Note: The NCEES costs include the expense associated with developing the exams and developing questions, maintaining the test question item bank, grading the exam, distributing exam grades and use of testing space in Pearson Vue test centers. The Board does not receive these NCEES fees.*

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<p><b>Continuing education requirements</b> <i>(Including a description of the curriculum and the process of setting it.)</i></p>	<p>Ohio requires professional engineers to complete 30 hours of continuing education during the biennial renewal period. The Board’s continuing education requirement is found in R.C. 4733.151. Engineers are required to complete courses or activities dealing with technical, ethical or managerial topics relevant to the practice of engineering. Two of the 30 hours each biennial renewal period must cover the Board’s rules or professional ethics. The Board’s continuing education requirement is based on the national model law.</p>
<p><b>Initial fee</b></p>	<p>\$50.00</p>
<p><b>Duration</b></p>	<p>Two years.</p>
<p><b>Renewal fee</b> <i>(If different from initial fee, please explain why.)</i></p>	<p>\$40.00</p> <p>The Board is required by law to establish application and renewal fees at an amount adequate to cover the expense of processing applications and cover the expense of renewals. Due to the large number of registrants and applicants, along with the Board’s efficient staff and efficient use of resources, the Board has not had to increase the renewal fee since 2004. The renewal fee is the second lowest fee of engineering and surveying boards in the U.S.</p>
<p><b>Does the Board recognize uniform licensure requirements or allow for reciprocity?</b></p>	<p>Ohio’s requirements for registration as a professional engineer align with the requirements adopted in the national model law by the member boards of NCEES [National Council of Examiners for Engineering and Surveying], a national organization that consists of all engineering and surveying boards in the U.S., including its territories. With few exceptions nationally, all states and territories follow the NCEES Model Law for professional engineer registration. Obtaining a reciprocal license to practice engineering in Ohio is easy. Applicants that are designated as Model Law Engineers [MLE] can receive an Ohio PE registration in a matter of days.</p>

<b>If the regulation is a registration, certification, or license requirement, please complete the following:</b>	
<b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b>	There is none. The impact of the work performed by professional engineers on the public health and safety is of such a nature that it is vitally important to public safety that Ohio, and all other U.S. engineering and surveying boards, have minimum qualifications to ensure minimal competency to practice the profession of engineering safely and ethically. This is accomplished by adopting the NCEES Model Law, which has developed the requirements for registration for professional engineer registration in the United States for over 100 years.
<b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Board?</b>	There are segments of engineering that are exempt from registration. These exemptions are found in R.C. 4733.18. The exemptions include engineering performed for the design and fabrication of manufactured products and military officers working for the federal government.
<b>Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?</b>	The requirements for registration as a professional engineer in Ohio were established by the Ohio legislature and are codified in R.C. Chapter 4733. The Board is required by law to follow the requirements for registration in R.C. 4733. The Board has little discretion in determining qualifications for licensure since the requirements are codified in R.C. 4733.
<b>Other information</b> <i>(Significant attributes or prerequisites to licensure not addressed in this chart.)</i>	<p><b>MODIFICATION TO ENGINEERING LICENSURE REQUIREMENTS</b></p> <p>During FY 2022 the Board developed a plan to modify the requirements for professional engineer registration to closely align with the national model law. This change will become effective October 1, 2022. The change will remove the requirement for applicants taking the Principles and Practice of Engineering [PE] examination to complete four years of qualifying engineering experience before obtaining approval to take the PE exam. Applicants will now be able to take the PE exam after graduating from an accredited engineering curriculum and obtaining a passing score on the Fundamentals of Engineering [FE] examination. While applicants will still be required to complete four years of engineering experience before obtaining their professional engineer registration, allowing applicants to take the PE early will encourage more engineering graduates to pursue professional engineer licensure and ensure that Ohio has enough qualified engineers to perform competent engineering work for the public. This change will also reduce paperwork and applications required to become licensed. The applications and fees will be consolidated into one application and fee.</p>

**Oversight and disciplinary authority of the Board respecting individuals engaged in the occupation.**

Pursuant to R.C. 4733.20 the Board is charged with investigating violations of the registration act for professional engineering and surveying in Ohio – Ohio Revised Code Chapter 4733. When a violation occurs that requires formal action, the Board may charge an individual or firm with a violation of Ohio law and issue an adjudication order in accordance with Chapter 119 of the Ohio Revised Code.

**How much revenue is derived from fees charged by the Board to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

In 2022 the board collected \$1,751,251 from application and renewal fees. These fees are solely used to cover expenses for the operation of the Board.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

The federal government does not regulate or license professional engineers. The federal government recognizes professional engineer registration at the state level and requires engineers performing work on federal projects to comply with state law.

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

Death and/or serious injury to the public should an engineering failure occur. Regulation is also in place to prevent financial losses to the public, businesses and government agency due to incompetent or negligent practice of engineering.

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

The regulation of engineering in Ohio has been very effective. Several years ago, the Board developed a proactive enforcement program to shift the enforcement process from simply a reactionary response of investigating complaints and then acting after a complaint or notice of violation was received, to a proactive approach to reach out to students, applicants and the public to make them aware of Ohio's registration requirements and information and resources so that violations of the registration act can be avoided.

Ohio also works very closely with agencies that review, approve and issue permits for engineering projects in Ohio. These agencies include Industrial Compliance, Ohio Department of Transpiration, Ohio Department of Natural Resources, Ohio Environmental Protection Agency, the County Engineers Association of Ohio and local government agencies that review and approve engineering work. The process in Ohio, beginning with professional licensure with the Board through the plan review process administered by Ohio's building departments and other regulatory authorities has been very effective and serves the public well.

The regulation is also effective because professional engineers are required by Ohio law to adhere to a Code of Ethics in the performance of their duties. Pursuant to Ohio law, professional engineers must follow certain ethical standards and are required to perform their duties in a manner that protects the public. Failure to adhere to the Code of Ethics is a violation of Ohio law and may result in disciplinary actions.

**Are there any changes the Board would like to see implemented?**

Not at this time.

**Surrounding state comparison (LSC)**

Professional Engineer						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Type of regulation	Professional engineer license ( <i>R.C. 4733.02</i> ).	Professional engineer license ( <i>Ind. Code 25-31-1-27</i> ).	Professional engineer license ( <i>Ky. Rev. Stat. 322.020(1)</i> ).	Professional engineer License ( <i>Mich. Comp. Laws 339.2014</i> ).	Professional engineer license ( <i>63 Pa. Stat. 150</i> ).	Professional engineer license ( <i>W. Va. Code 30-13-2</i> ).
Education or training	<b>Track A:</b> Graduation from an accredited engineering curriculum of four years or more (accredited by the Engineering Accreditation Commission of the Accreditation Board for Engineering and	<b>Track A:</b> Graduation from an approved engineering curriculum. <b>Track B:</b> At least eight years of engineering education and experience that demonstrates sufficient	Graduation from an AEC/ABET accredited engineering program of four years or more or any engineering program deemed equivalent by the Kentucky Board of Licensure for Professional Engineers and	A bachelor's degree in engineering from an AEC/ABET or Canadian Engineering Accreditation Board accredited institution or an equivalent education as determined by the Board of	Either of the following: 1. Graduation from an AEC/ABET accredited or equivalent engineering curriculum; 2. Eight or more years of progressive experience	Graduation from a four-year AEC/ABET accredited curriculum or an equivalent approved by the Board of Registration for Professional Engineers ( <i>W. Va. Code 30-13-13(a)(5)</i> ).



Professional Engineer						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	<p>Technology (AEC/ABET).</p> <p><b>Track B:</b> Graduation from a nonaccredited engineering curriculum of four years or more that is approved by the Board of Registration for Professional Engineers and Surveyors or an AEC/ABET accredited engineering technology curriculum of four years or more.</p> <p><i>(R.C. 4733.01 and 4733.11(A); O.A.C. 4733-9-01.)</i></p>	<p>knowledge and skill.</p> <p><i>(Ind. Code 25-31-1-12(a); 864 Ind. Admin. Code 1.1-2.1-3.)</i></p>	<p>Land Surveyors <i>(Ky. Rev. Stat. 322.040(1)(a)).</i></p>	<p>Professional Engineers <i>(Mich. Comp. Laws 339.2004(2)(b); Mich. Admin. Code R. 339.16021).</i></p>	<p>work and knowledge, skill, and education approximating that curriculum.</p> <p><i>(63 Pa. Stat. 151.2; 49 Pa. Code 37.31).</i></p>	
Experience	An applicant may, but is not required to, obtain certification as an engineer intern,	An applicant may, but is not required to, obtain certification as an engineering	Four or more years of progressive experience in engineering or teaching of a	Eight or more years of professional experience acceptable to the Board, though	Certification as an engineer-in-training, which is granted upon completion of the education	An applicant may, but is not required to, obtain certification as an engineer-in-

Professional Engineer						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	<p>which is granted upon completion of the education requirement (see “Education or training”) and passage of the Fundamentals of Engineering Exam (see “Exam”).</p> <p><b>Track A:</b> Four years of practical experience acceptable to the Board.</p> <p><b>Track B:</b> Eight years of practical experience acceptable to the Board.</p> <p>In either case, experience must be separate from and not overlapping with degree work, though some can be completed</p>	<p>intern, which is granted upon completion of the education requirement (see “Education or training”) and passage of the Fundamentals of Engineering Exam (see “Exam”) (<i>Ind. Code 25-31-1-2</i>).</p> <p><b>Track A:</b> Two to six years of engineering work subsequent to graduation, depending on the type of degree.</p> <p><b>Track B:</b> As described above in “Education or training.” (<i>Ind. Code 25-31-1-12; 864 Ind. Admin. Code 1.1-2.1-3 and 1.1-2.1-5</i>.)</p>	<p>grade and character that indicates to the Board that the applicant is competent to practice engineering. Experience must generally be obtained after graduation. (<i>Ky. Rev. Stat. 322.040(1)(a); 201 Ky. Admin. Regs. 18:072</i>.)</p>	<p>education may count for up to five (<i>Mich. Comp. Laws 339.2004(2)(a); Mich. Admin. Code R. 339.16022</i>).</p>	<p>requirement (see “Education or training”) and passage of the Fundamentals of Engineering Exam (see “Exam”).</p> <p>Either of the following:</p> <ol style="list-style-type: none"> <li>1. Four or more years of experience in engineering, after issuance of the engineer-in-training certificate and under the supervision of a licensed or similarly qualified engineer; or</li> <li>2. Four or more years of teaching experience in an approved</li> </ol>	<p>training, which is granted upon completion of the education requirement (see “Education or training”) and passage of the Fundamentals of Engineering Exam (see “Exam”).</p> <p>Four or more years of experience in engineering. (<i>W. Va. Code 30-13-13(b) and (c)(2)</i>.)</p>

Professional Engineer						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	before graduation. <i>(R.C. 4733.11(A); O.A.C. 4733-9-02 and 4733-9-04.)</i>				curriculum, after issuance of the engineer-in-training certificate and under the supervision of a licensed or similarly qualified engineer.  <i>(63 Pa. Stat. 151.2; 49 Pa. Code 37.31.)</i>	
Exam	Yes. The applicant must pass: (1) the Fundamentals of Engineering and (2) the Principles and Practice of Engineering exams administered by the National Council of Examiners for Engineering and Surveying (NCEES)	Yes. The applicant must pass: (1) the Fundamentals of Engineering and (2) the Principles and Practice of Engineering exams administered by NCEES, and (3) a professional conduct and registration requirements	Yes. The applicant must pass: (1) the Fundamentals of Engineering and (2) the Principles and Practice of Engineering exams administered by NCEES. The Board of Engineers & Land Surveyors may allow senior undergraduates	Yes. The applicant must pass: (1) either the Principles and Practice of Engineering or the Structural Engineering exams administered by NCEES and (2) the Fundamentals of Engineering exam administered by	Yes. The applicant must pass: (1) the Fundamentals of Engineering and (2) the Principles and Practice of Engineering exams administered by NCEES <i>(163 Pa. Stat. 49; Pa. Code 37.31).</i>	Yes. The applicant must pass: (1) the Fundamentals of Engineering and (2) the Principles and Practice of Engineering exams administered by NCEES <i>(W. Va. Code 30-13-13(b)(1) and (c)(3)).</i>

Professional Engineer						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	<i>(R.C. 4733.11 and 4733.13; O.A.C. 4733-9-04).</i>	exam ( <i>Ind. Code 25-31-1-14; 864 Ind. Admin. Code 1.1-4.1-3</i> ).	to take the former, in which case a passing score results in designation as an engineer-in-training. ( <i>Ky. Rev. Stat. 322.040(1)(a).</i> )	NCEES unless the applicant has obtained a doctorate in engineering from an accredited institution ( <i>Mich. Comp. Laws 339.2004(2)(c); Mich. Admin. Code R. 339.16026</i> ).		
Continuing education	30 hours every two years ( <i>R.C. 4733.151</i> ).	30 hours every two years ( <i>864 Ind. Admin. Code 1.1-15-3</i> ).	30 hours every two years ( <i>201 Ky. Admin. Regs. 18:196</i> ).	30 hours every two years ( <i>Mich. Comp. Laws 339.2009; Mich. Admin. Code R. 339.16040</i> ).	24 hours every two years ( <i>63 Pa. Stat. 151.5</i> ).	30 hours every two years ( <i>W. Va. Code R. 7-1-10</i> ).
Initial licensure fee	\$75 application fee; \$50 registration fee ( <i>R.C. 4733.12; LSC, <a href="#">Redbook for State Board of Registration for Professional Engineers and Surveyors (PDF)</a></i> ).	\$300 application fee; \$50 or \$100 registration fee depending on when in a license period the license is issued ( <i>864 Ind. Admin. Code 1.1-12-1</i> ).	\$0 ( <i>Ky. Rev. Stat. 322.100; 201 Ky. Admin. Regs. 18:040</i> ).	\$135 ( <i>Michigan Bureau of Professional Licensing, <a href="#">Professional Engineer Licensing Guide (PDF)</a></i> ).	\$50 ( <i>49 Pa. Code 37.17</i> ).	\$80 application fee; \$25 certificate fee ( <i>W. Va. Code R. 7-1-13</i> ).

Professional Engineer						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License duration	Two years ( <i>R.C. 4733.15</i> ).	Two years ( <i>Ind. Code 25-31-1-17</i> ).	Two years ( <i>Ky. Rev. Stat. 322.160</i> ).	Two years ( <i>Mich. Admin. Code R. 339.1003</i> ).	Two years ( <i>63 Pa. Stat. 151; 49 Pa. Code 37.19</i> ).	Two years ( <i>W. Va. Code R. 7-1-9</i> ).
Renewal fee	\$40 ( <i>R.C. 4733.12</i> : LSC, <a href="#">Redbook for State Board of Registration for Professional Engineers and Surveyors (PDF)</a> ).	\$100 ( <i>864 Ind. Admin. Code 1.1-12-1</i> ).	\$150 ( <i>Ky. Rev. Stat. 322.100; 201 Ky. Admin. Regs. 18:040</i> ).	\$100 ( <i>Michigan Bureau of Professional Licensing, Professional Engineer Licensing Guide (PDF)</i> ).	\$100 ( <i>49 Pa. Code 37.17</i> ).	\$70 ( <i>W. Va. Code R. 7-1-13</i> ).

## Professional surveyor

### Survey responses (ENG)

Description
<p>Individuals that desire to practice surveying in Ohio, and identify themselves as professional surveyors, as defined in Ohio Revised Code Chapter 4733 must obtain a professional surveyor license in Ohio.</p> <p>Professional Surveyors in Ohio are required to complete the following requirements pursuant to R.C. 4733.11:</p> <ol style="list-style-type: none"> <li>1. Complete a 4-year ABET [Accreditation Board for Engineering and Technology] accredited surveying curriculum, a 4-year Board-approved surveying curriculum or a 4-year surveying curriculum from outside of the U.S. that has been evaluated to meet the NCEES Surveying Education Standard, which signals that the education is substantially equivalent to programs accredited by ABET and the U.S. Department of Education.</li> <li>2. Take and pass the NCEES FS examination. The FS examination is the first stage licensing examination required by all U.S. states and territories. The FS exam is a national exam administered by the National Council of Examiners for Engineering and Surveying (NCEES). It is given in a computer-based testing format at Pearson Vue Select testing centers throughout Ohio and the United States and is</li> </ol>

## Description

available year-round. The FS exam is designed to test examinees on surveying topics taught during the undergraduate surveying curriculum.

3. Take and pass the NCEES PS examination. The PS exam is a national exam administered by the National Council of Examiners for Engineering and Surveying (NCEES). The NCEES PS exam is offered in the computer-based format. The PS exam tests for a minimum level of competency in surveying arts and science. It is designed for surveys who have gained a minimum of four years' post-college work experience in surveying.
4. Complete four years of progressive surveying experience pursuant to R.C. 4733.11 of a high quality and nature that demonstrates that the applicant can be placed in responsible charge of surveying work.

The Board works with all other engineering boards in the United States and its territories through our membership with the National Council of Examiners for Engineering and Surveying [NCEES] to develop national engineering and surveying licensure exams and develop national model laws and rules establishing the minimum qualifications and requirements for engineering and surveying licensure. The member boards of NCEES have worked together for over 80 years developing national standards and requirements to ensure that engineers and surveyors are practicing the professionals of engineering and surveying competently and safely and in a manner that protects the public.

**Type** (*License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.*)

Professional Surveyors in Ohio, like in all U.S. states and territories, are required to obtain a license to practice surveying.

**If the regulation is a registration, certification, or license requirement, please complete the following:**

### Number issued annually

The number of professional surveyors licensed in Ohio the preceding six years:

2017 – 1,925

2018 – 1,822

If the regulation is a registration, certification, or license requirement, please complete the following:	
	2019 – 1,794 2020 – 1,666 2021 – 1,712 2022 – 1,633
<b>Number renewed annually</b>	Renewed in 2022: 1,633
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	In the preceding six years professional surveyor registration has varied from a high of 1,925 in 2017 to a low of 1,633 in 2022 – a decrease in 292 registrations. This decrease was not unexpected and is consistent with national trends due to retirements of professional surveyors that have reached retirement age and the decrease in the number of applicants taking the national surveying exams. With the recent changes to the professional surveyor requirements effective January 2021 the Board has seen a significant increase in the number of applicants applying for professional surveyor registration.
<b>Education or training requirements</b>	Professional surveyors are required to complete a curriculum of four years or more in surveying pursuant to R.C. 4733.11.
<b>Experience requirements</b>	Professional surveyors are required to complete four years of surveying experience of a nature and quality that demonstrates that the applicant can be placed in responsible charge of surveying work and can perform that work safely.
<b>Examination requirements</b> ( <i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Board receive any proceeds of those fees? If so, how are the proceeds used?</i> )	<p>Professional surveyors are required to take and pass two national examinations. The first stage exam is typically taken in the final year of enrollment in an engineering curriculum, or shortly after graduation, is the NCEES Fundamentals of Surveying [FS] examination. The FS exam tests the knowledge of the examinee from surveying courses taken during completion of the surveying degree program.</p> <p>The second stage exam is the Principles and Practice of Surveying [PS] examination. This exam is a practice-based exam that tests to ensure that applicants possess the requisite knowledge and skill to perform surveying in a manner that protects the public.</p>

**If the regulation is a registration, certification, or license requirement, please complete the following:**

	<p>The National Council of Examiners for Engineering and Surveying [NCEES] is the only organization that develops and administers engineering and surveying licensure exams in the United States. NCEES is an organization made up of all engineering and surveying boards in the United States and its territories. The member boards of NCEES develop and administer the engineering and surveying licensure exams in a computer-based format taken at Pearson-Vue Select testing centers throughout the world. The member boards of NCEES have been working together for 100 years developing national model law, standard licensure requirements and developing the engineering and surveying licensure exams.</p> <p>The Ohio PS exam application fee is currently \$75.00. The Board receives these fees and the fees are used to operate the Board.</p> <p>The exam administration fees currently charged by NCEES:</p> <p>Fundamentals of Surveying [FS] examination – \$175.00</p> <p>Principles and Practice of Surveying [PS] examination - \$300.00</p> <p><i>Note: The NCEES costs include the expense associated with developing the exams and maintaining the test question item bank, grading the exam and use of testing space in Pearson Vue test centers. The Board does not receive any of the fees charged by NCEES.</i></p> <p>After receiving passing scores on the national exams, applicants for professional surveyor registration are required to take and pass a two-hour state specific surveying exam that covers the laws and rules related to surveying in the state of Ohio. This exam does not duplicate content from the two national exams. This exam is developed and administered by the Ohio Board through a committee made up of subject matter experts and a psychometrician. The cost of taking this exam is included in the cost of the Board’s \$75.00 application fee.</p>
<p><b>Continuing education requirements</b> <i>(Including a description of the curriculum and the process of setting it.)</i></p>	<p>Ohio requires professional surveyors to complete 30 hours of continuing education during the biennial renewal period. The Board’s continuing education requirement is found in R.C. 4733.151. Surveyors are required to complete courses or activities dealing with technical, ethical or managerial topics relevant to the practice of surveying. Two of the 30 hours each biennial renewal period must cover the Board’s rules or professional ethics. The Board’s continuing education requirement is based on the national model law.</p>



If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>Initial fee</b>	\$50.00
<b>Duration</b>	Two years.
<b>Renewal fee</b> <i>(If different from initial fee, please explain why.)</i>	<p>\$40.00</p> <p>The Board is required by law to establish application and renewal fees at an amount adequate to cover the expense of processing applications and cover the expense of renewals. Due to the large number of registrants and applicants, along with the Board's efficient staff and use of resources, the Board has not increased the renewal fee since 2004. The renewal fee is the second lowest fee of engineering and surveying boards in the U.S.</p>
<b>Does the Board recognize uniform licensure requirements or allow for reciprocity?</b>	<p>Ohio's requirements for registration as a professional surveyor align with the requirements adopted in the national model law by the member boards of NCEES [National Council of Examiners for Engineering and Surveying], a national organization that consists of all engineering and surveying boards in the U.S., including its territories. With few exceptions nationally, all states and territories follow the NCEES Model Law for professional surveyor registration. Applicants that are designated as Model Law Surveyors [MLS] can quickly receive approval to take the state specific surveying exam to obtain a reciprocal license.</p>
<b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b>	<p>There is none. The impact of the work performed by professional surveyors on the public health and safety is of such a nature that it is vitally important to public safety that Ohio, and all other U.S. engineering and surveying boards, have minimum qualifications to ensure minimal competency to practice the profession of surveying safely and ethically. This is accomplished by adopting the NCEES Model Law, which has developed the requirements for registration for professional surveyor registration in the United States for over 100 years.</p>
<b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Board?</b>	<p>There are no exemptions in Ohio law to practice surveying.</p>

**If the regulation is a registration, certification, or license requirement, please complete the following:**

**Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?**

The requirements for registration as a professional surveyor in Ohio were established by the Ohio legislature and are codified in R.C. Chapter 4733. The Board is required by law to follow the requirements for registration in R.C. 4733. The Board has little discretion in determining qualifications for licensure since the requirements are codified in R.C. 4733.

**Other information** (*Significant attributes or prerequisites to licensure not addressed in this chart.*)

In 2019 the Board created a task force to study the surveying profession in Ohio and the national trend in the decreasing number of four-year surveying degree programs and a decrease in the number of applicants applying to take the national surveying exams. In January 2021 the Board adopted the task force's recommendations and modified the requirements for registration as a professional surveyor. While Ohio has been a leader in surveying education and registration and has eight approved surveying programs, including an ABET accredited program at the University of Akron, the Board realized an opportunity to expand the requirements for registration and make surveyor registration available to more potential applicants. The changes to the requirements did not water-down the registration requirements, but instead broadened opportunities for individuals desiring to enter the surveying profession, particularly non-traditional students, and individuals working in surveying as technicians and field crew, while still ensuring that the public is protected.

The changes adopted from the Surveying Task Force's recommendations include:

- Expanding the educational requirement to allow graduates of any accredited bachelor's degree program with 30 hours of surveying courses to become eligible for PS registration.
- Permitted the use of part-time employment to count towards the experience requirement.
- Allowed applicants applying for registration as both a professional engineer and professional surveyor to use overlapping engineering/surveying experience therefore reducing the experience requirement for these applicants from 8 years to 6 years. It is expected that this change will increase the number of potential candidates for the elected county engineer office, which requires registration as both a professional engineer and professional surveyor due to the nature and duties of that position.

**If the regulation is a registration, certification, or license requirement, please complete the following:**

Based on these changes the Board has already seen an increase in the number of applicants applying to take the surveying examinations in Ohio.

**Oversight and disciplinary authority of the Board respecting individuals engaged in the occupation.**

Pursuant to R.C. 4733.20 the Board is charged with investigating violations of the registration act for professional engineering and surveying in Ohio – Ohio Revised Code Chapter 4733. When a violation occurs that requires formal action, the Board may charge an individual or firm with a violation of Ohio law and issue an adjudication order in accordance with Chapter 119 of the Ohio Revised Code.

**How much revenue is derived from fees charged by the Board to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

In 2022 the board collected \$1,751,251 from application and renewal fees. These fees are solely used to cover expenses for the operation of the Board.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

The federal government does not regulate or license professional surveyors. The federal government recognizes professional surveyor registration at the state level and requires engineers performing work on federal projects to comply with state law.

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

Death and/or serious injury to the public should a failure occur due to substandard engineering work. Since professional surveyors provide engineers with information needed for the design of engineering projects it is vitally important that professional surveyors are qualified to provide surveying services to the public. In addition, an improper survey could cost the public thousands of dollars to resolve or litigate problems that can occur when property boundaries are improperly located and recorded.

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

The regulation of surveying in Ohio has been very effective. Several years ago, the Board developed a proactive enforcement program to shift the enforcement process from simply a reactionary response of investigating complaints and then acting after a complaint or notice of violation was received, to a proactive approach to reach out to students, applicants and the public to make them aware of Ohio's registration requirements and information and resources so that violations of the registration act can be avoided.

Ohio also works very closely with agencies that review and approve surveying work in Ohio. These agencies include Industrial Compliance, Ohio Department of Transpiration, Ohio Department of Natural Resources, Ohio Environmental Protection Agency, the County Engineers Association of Ohio and local government agencies that review and approve engineering and surveying work. The process in Ohio, beginning with professional licensure with the Board through the plan review process by Ohio's building departments and other regulatory authorities has been very effective and serves the public well.

The regulation is also effective because professional surveyors are required by Ohio law to adhere to a Code of Ethics in the performance of their duties. Pursuant to Ohio law, professional surveyors must follow certain ethical standards and are required to perform their duties in a manner that protects the public. Failure to adhere to the Code of Ethics is a violation of Ohio law and may result in disciplinary actions.

Are there any changes the Board would like to see implemented?

Not at this time.

**Surrounding state comparison (LSC)**

Professional Surveyor (Professional Surveyor and Surveyor Intern/Surveyor-in-Training)						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Type of regulation	Professional surveyor license (R.C. 4733.02).	Professional surveyor license (Ind. Code 25-21.5-4-1).	Professional surveyor license (Ky. Rev. Stat. 322.020(2)).	Professional surveyor license (Mich. Comp. Laws 339.2004(3)).	Professional land surveyor license (63 Pa. Stat. 150).	Professional surveyor license (W. Va. Code 30-13A-1).
Education or training	Either of the following: 1. Graduation from an approved curriculum in surveying of four years or more; or 2. Graduation from an approved	<b>Track A:</b> Graduation from an approved surveying curriculum.  <b>Track B:</b> At least eight years of surveying education and experience that demonstrates sufficient	<b>Track A:</b> Graduation from an approved program in surveying of four years or more.  <b>Track B:</b> Graduation from either (1) a civil, mining, or agricultural engineering	Completion of a degree in professional surveying or a related degree that included professional surveying courses (Mich. Comp. Laws 339.2004(3)(b); Mich. Admin.	Any of the following: 1. Graduation from an approved curriculum in civil engineering of four years or more, with at least ten hours of	<b>Track A:</b> A bachelor’s degree in surveying.  <b>Track B:</b> A bachelor’s degree with at least 30 hours of surveying coursework or an associate’s degree in surveying or a related field.

**Professional Surveyor** (*Professional Surveyor and Surveyor Intern/Surveyor-in-Training*)

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	<p>curriculum in civil engineering of four years or more, with at least 16 hours of surveying coursework.</p> <p><i>(R.C. 4733.11(B).)</i></p>	<p>knowledge and skill.</p> <p><i>(Ind. Code 25-21.5-5-2; 865 Ind. Admin. Code 1-2-1.)</i></p>	<p>program of four years or more, with at least 12 hours of surveying coursework or (2) any other four-year program, with at least 24 hours of surveying coursework.</p> <p><i>(Ky. Rev. Stat. 322.045(1).)</i></p>	<p><i>Code R. 339.17201.</i></p>	<p>surveying coursework;</p> <p>2. Six or more years of experience and education deemed equivalent to graduation from a curriculum in land surveying or civil engineering; or</p> <p>3. An associate's degree in an approved surveying technology curriculum.</p> <p><i>(63 Pa. Stat. 151.3).</i></p>	<p><i>(W. Va. Code 30-13A-8(a).)</i></p>
Experience	An applicant may, but is not required to obtain certification as a surveyor intern,	An applicant may, but is not required to, obtain certification as a	An applicant may, but is not required to, receive certification as a	At least eight years of professional experience in professional	Certification as a surveyor-in-training, which is granted upon completion of the	Certification as a surveyor intern, which is granted upon completion of the education

**Professional Surveyor** (*Professional Surveyor and Surveyor Intern/Surveyor-in-Training*)

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	<p>which is granted upon completion of the education requirement (see “Education or training”) and passage of the Fundamentals of Surveying Exam (see “Exam”).</p> <p>At least four years of surveying work, not overlapping in time with school work, at least two years of which must be completed after graduation, and at least two years of which were under the direct supervision of a licensed surveyor (<i>R.C. 4733.11(B); O.A.C. 4733-9-04</i>).</p>	<p>surveyor intern, which is granted upon completion of the education requirement (see “Education or training”) and passage of the Fundamentals of Surveying Exam (see “Exam”) (<i>Ind. Code 25-21.5-1-9.7</i>).</p> <p><b>Track A:</b> At least four years of surveying work subsequent to graduation. Fewer years are required if the applicant has an advanced degree from an approved program.</p> <p><b>Track B:</b> As described above in “Education or training.”</p>	<p>surveyor intern, which is granted upon completion of the education requirement (see “Education or training”) and passage of the Fundamentals of Surveying Exam (see “Exam”) (<i>201 Ky. Admin. Regs. 18:030</i>).</p> <p><b>Track A:</b> At least three years of surveying work under the direct supervision of a licensed surveyor, at least two years of which are subsequent to graduation.</p> <p><b>Track B:</b> At least four years of surveying work under the direct supervision of a licensed surveyor, at least two years</p>	<p>surveying, which may include up to five years of education (<i>Mich. Comp. Laws 339.2004(3)(a)</i>).</p>	<p>education requirement (see “Education or training”) and passage of the Fundamentals of Surveying Exam (see “Exam”).</p> <p>Either of the following:</p> <ol style="list-style-type: none"> <li>1. Four or more years of experience in surveying, after issuance of the surveyor-in-training certificate and under the supervision of a licensed or similarly qualified surveyor; or</li> <li>2. Four or more years of teaching experience in</li> </ol>	<p>requirement (see “Education or training”) and passage of the Fundamentals of Surveying Exam (see “Exam”) (<i>W. Va. Code R. 23-1-5</i>).</p> <p><b>Track A:</b> At least two years of experience in surveying.</p> <p><b>Track B:</b> At least four years of experience in surveying, at least two years of which were under the direct supervision of a licensed surveyor. (<i>W. Va. Code 30-13A-8(a)</i>.)</p>

**Professional Surveyor** (*Professional Surveyor and Surveyor Intern/Surveyor-in-Training*)

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
		<i>(Ind. Code 25-21.5-5-2; 865 Ind. Admin. Code 1-2-1.)</i>	of which are subsequent to graduation.  <i>(Ky. Rev. Stat. 322.045(1).)</i>		an approved curriculum, after the issuance of the surveyor-in-training certificate and under the supervision of a licensed or similarly qualified surveyor.  <i>(63 Pa. Stat. 151.3.)</i>	
Exam	Yes. The applicant must pass: (1) the Fundamentals of Surveying and (2) the Principles and Practice of Surveying exams administered by NCEES, and (3) the Ohio Professional Surveying Exam. <i>(R.C. 4733.11(F))</i>	Yes. The applicant must pass: (1) the Fundamentals of Surveying and (2) the Principles and Practice of Surveying exams administered by NCEES. <i>(Ind. Code 25-21.5-6-1.)</i>	Yes. The applicant must pass: (1) the Fundamentals of Surveying and (2) the Principles and Practice of Surveying exams administered by NCEES. <i>(Ky. Rev. Stat. 322.045(1).)</i>	Yes. The applicant must pass: (1) the Fundamentals of Surveying and (2) the Principles and Practice of Surveying exams administered by NCEES, and (3) the Michigan Professional Surveying Exam. <i>(Mich. Comp. Laws</i>	Yes. The applicant must pass: (1) the Fundamentals of Surveying and (2) the Principles and Practice of Surveying exams administered by NCEES. <i>(63 Pa. Stat. 151.3; 49 Pa. Code 37.16.)</i>	Yes. The applicant must pass: (1) the Fundamentals of Surveying and (2) the Principles and Practice of Surveying exams administered by NCEES, and (3) the West Virginia Professional Surveying Exam.



**Professional Surveyor (Professional Surveyor and Surveyor Intern/Surveyor-in-Training)**

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	<i>and 4377.13; O.A.C. 4733-9-04.)</i>			<i>339.2004(3)(c); Mich. Admin. Code R. 339.17203.)</i>		<i>(W. Va. Code 30-13A-8.)</i>
Continuing education	30 hours every two years <i>(R.C. 4733.151).</i>	24 hours every two years <i>(865 Ind. Admin. Code 1-15-2 and 1-15-6).</i>	Eight hours per year <i>(201 Ky. Admin. Regs. 18:192).</i>	30 hours every two years <i>(Mich. Admin. Code R. 339.17505).</i>	24 hours every two years <i>(63 Pa. Stat. 151.5).</i>	Eight hours per year <i>(W. Va. Code R. 23-2-3).</i>
Initial licensure fee	\$75 application fee; \$50 registration fee <i>(R.C. 4733.12; LSC, <a href="#">Redbook for State Board of Registration for Professional Engineers and Surveyors (PDF)</a>).</i>	\$300 application fee; \$50 or \$100 registration fee depending on when in a license period the license is issued <i>(865 Ind. Admin. Code 1-11-1).</i>	\$0 <i>(201 Ky. Admin. Regs. 18:040).</i>	\$135 <i>(Michigan Bureau of Professional Licensing, <a href="#">Surveyor Licensing Guide (PDF)</a>).</i>	\$50 <i>(49 Pa. Code 37.17).</i>	\$200 <i>(W. Va. Code R. 23-4-4).</i>
License duration	Two years <i>(R.C. 4733.15).</i>	Two years <i>(Ind. Code 25-21.5-8-1.)</i>	Two years <i>(Ky. Rev. Stat. 322.160).</i>	Two years <i>(Mich. Admin. Code R. 339.17505).</i>	Two years <i>(63 Pa. Stat. 151.5).</i>	One or two years <i>(W. Va. Code 30-13A-14).</i>

**Professional Surveyor** (*Professional Surveyor and Surveyor Intern/Surveyor-in-Training*)

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Renewal fee	\$40 ( <i>R.C. 4733.12; LSC, <a href="#">Redbook for State Board of Registration for Professional Engineers and Surveyors (PDF)</a></i> ).	\$100 plus \$2 for each hour of continuing education required ( <i>865 Ind. Admin. Code 1-11-1</i> ).	\$150 ( <i>201 Ky. Admin. Regs. 18:040</i> ).	\$100 ( <i>Michigan Bureau of Professional Licensing, <a href="#">Surveyor Licensing Guide (PDF)</a></i> ).	\$100 ( <i>49 Pa. Code 37.17</i> ).	\$100 ( <i>W. Va. Code R. 23-4-4</i> ).

# STATE RACING COMMISSION

## General information (RAC)

### Duties

The Ohio State Racing Commission was established to regulate horseracing and prescribe the rules and conditions under which horse racing may be conducted. Further, the OSRC is tasked with protecting the public interest to maintain proper control or horseracing meetings. (3769-03 of the Revised Code)

### Membership *(Current members, chairperson and other officers, and selection process.)*

Chairman Scott Borgemenke – Exp. March 31, 2023  
Commissioner Beth Hansen – Exp. March 31, 2023  
Commissioner William Patmon, Jr. – Exp. March 31, 2023  
Commissioner Gregory Simpson – Exp. March 31, 2025  
Commissioner Thomas Winters – Exp. March 31, 2025

### Budget *(Current budget, description of budgeting process, sources of funding, and expected increases or decreases in budget or funding in future years.)*

Our current budget is for just over \$30,000,000 which is mostly a pass-through budget due to all the purses paid out and the nearly \$2,000,000 paid to the Department of Agriculture for testing. We have increased the allocations for our Casino Revenue fund as well as our VLT fund in the 24-25 budget for an overall budget of just over \$33,000,000. These were both due to be adjusted due to an increase in Casino Revenues since inception as well as bigger contributions from our horsemen's groups which makes up the VLT fund. The Racing Commission's tax revenues continue to decline which affects our operating fund as well as the standardbred and thoroughbred funds.

**Workload** *(Assess current, past, and anticipated workload. Has the workload increased or decreased significantly in the preceding six years?)*

There is new Federal Legislation that is anticipated to increase the workload of the Staff.

**Staffing** *(How many staff are currently employed by the Commission? What are their roles? Are staffing levels proportionate to the Commission's current and anticipated workload?)*

Executive Director- Oversees the goals and objectives and overall operations of the Commission. Two Deputy Directors- one works with AG's office/ Investigators. The other Deputy Director oversees licensing/Staff/Office functions. Fiscal Officer, Two Administrative Assistants. We also have in the field One Full -time and One part- time Investigator, as well as Three Inspectors. Our staffing levels are proportionate to our budget.

**Administrative hearings and public complaints** *(Describe the Commission's processes for administering discipline and addressing complaints. Assess the efficiency of the processes.)*

The Commission utilizes R.C. 119 to conduct administrative adjudications. The Ohio Attorney General's office represents the Commission in all R.C. 119 adjudications. Discipline issued through the 119-hearing process is documented via adjudication order. Public complaints are addressed individually.

## Racing Officials

### Paddock judge survey response (RAC)

Description
Examines horse's equipment and rider/driver attire to assure compliance with racing specifications.

Type (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)
License

If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	9
Number renewed annually	

If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	
<b>Education or training requirements</b>	Hired by Permit Holder – must be approved by OSRC
<b>Experience requirements</b>	Must have experience to be approved by OSRC
<b>Examination requirements</b> ( <i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Commission receive any proceeds of those fees? If so, how are the proceeds used?</i> )	
<b>Continuing education requirements</b> ( <i>Including a description of the curriculum and the process of setting it.</i> )	There is new federal regulation that will require almost all license holders with continuing education.
<b>Initial fee</b>	\$50.00
<b>Duration</b>	All licenses expire on December 31.
<b>Renewal fee</b> ( <i>If different from initial fee, please explain why.</i> )	

If the regulation is a registration, certification, or license requirement, please complete the following:	
Does the Commission recognize uniform licensure requirements or allow for reciprocity?	The OSRC recognizes reciprocity. If the licensee has a license in another state, they have to provide validation that their license is in good standing and complete the required criminal background check for Ohio.
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	3769.22 National Racing Compact
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Commission?	
Is the Commission permitted to exercise discretion in determining whether to register, certify, or license an individual?	3769-2-18 Applications for licenses and 3769-2-26 License refused, revoked, suspended state what parameters the Commission may use when determining to issue, refuse, revoke, or suspend a license.
Other information <i>(Significant attributes or prerequisites to licensure not addressed in this chart.)</i>	

**Oversight and disciplinary authority of the Commission respecting individuals engaged in the occupation.**

Licensees appear before the Stewards or Judges in the first step of the administrative process. Licensees have the right to appeal a ruling which follows R.C.119 administrative adjudications.

**How much revenue is derived from fees charged by the Commission to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

The Commission is fiscally self-sustained in part through licensure fees.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

15 U.S.C. Ch57A. The Horseracing Integrity and Safety Act.

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

This regulation seeks to prevent harm to the public and instill confidence in the racing product within a highly regulated industry that has vast potential for undesirable persons to undermine the integrity of horseracing.



Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?

Yes, by preventing undesirable persons from participating in racing, and no.

Are there any changes the Commission would like to see implemented?

### **Photographer survey responses (RAC)**

**Description**

Person who takes photos of the horse at wire and in winner's circle.

**Type** (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)

License

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Number issued annually</b>	5
<b>Number renewed annually</b>	
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	
<b>Education or training requirements</b>	Hired by Permit Holder- approved by OSRC
<b>Experience requirements</b>	

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<p><b>Examination requirements</b> (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Commission receive any proceeds of those fees? If so, how are the proceeds used?</i>)</p>	<p>There is new federal regulation that will require almost all license holders with continuing education.</p>
<p><b>Continuing education requirements</b> (<i>Including a description of the curriculum and the process of setting it.</i>)</p>	
<p><b>Initial fee</b></p>	<p>\$50.00</p>
<p><b>Duration</b></p>	<p>All licenses expire on December 31.</p>
<p><b>Renewal fee</b> (<i>If different from initial fee, please explain why.</i>)</p>	
<p><b>Does the Commission recognize uniform licensure requirements or allow for reciprocity?</b></p>	<p>The OSRC recognizes reciprocity. If the licensee has a license in another state, they have to provide validation that their license is in good standing and complete the required criminal background check for Ohio.</p>
<p><b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b></p>	<p>3769.22 National Racing Compact</p>

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Commission?</b>	Persons may work in their occupations without an OSRC license so long as they do not work at a racetrack.
<b>Is the Commission permitted to exercise discretion in determining whether to register, certify, or license an individual?</b>	Licensees appear before the Stewards or Judges in the first step of the administrative process. Licensees have the right to appeal a ruling which follows R.C.119 administrative adjudications.
<b>Other information</b> ( <i>Significant attributes or prerequisites to licensure not addressed in this chart.</i> )	

**Oversight and disciplinary authority of the Commission respecting individuals engaged in the occupation.**

Licensees appear before the Stewards or Judges in the first step of the administrative process. Licensees have the right to appeal a ruling which follows R.C.119 administrative adjudications.

**How much revenue is derived from fees charged by the Commission to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

The Commission is fiscally self-sustained in part through licensure fees.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

15 U.S.C. Ch57A. The Horseracing Integrity and Safety Act.

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

This regulation seeks to prevent harm to the public and instill confidence in the racing product within a highly regulated industry that has vast potential for undesirable persons to undermine the integrity of horseracing.

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

Yes, by preventing undesirable persons from participating in racing, and no.

**Are there any changes the Commission would like to see implemented?**

### **Placing judge survey responses (RAC)**

**Description**

Places horses in order of finish and posts information on the tote board.

**Type** (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)

License

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Number issued annually</b>	4
<b>Number renewed annually</b>	
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	
<b>Education or training requirements</b>	Hired by Permit holder
<b>Experience requirements</b>	Must have experience or training to be approved by the OSRC

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<p><b>Examination requirements</b> (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Commission receive any proceeds of those fees? If so, how are the proceeds used?</i>)</p>	
<p><b>Continuing education requirements</b> (<i>Including a description of the curriculum and the process of setting it.</i>)</p>	<p>There is new federal regulation that will require almost all license holders with continuing education.</p>
<p><b>Initial fee</b></p>	<p>\$50.00</p>
<p><b>Duration</b></p>	<p>All licenses expire on December 31.</p>
<p><b>Renewal fee</b> (<i>If different from initial fee, please explain why.</i>)</p>	
<p><b>Does the Commission recognize uniform licensure requirements or allow for reciprocity?</b></p>	<p>The OSRC recognizes reciprocity. If the licensee has a license in another state, they have to provide validation that their license is in good standing and complete the required criminal background check for Ohio.</p>
<p><b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b></p>	<p>3769.22 National Racing Compact</p>



**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Commission?</b>	
<b>Is the Commission permitted to exercise discretion in determining whether to register, certify, or license an individual?</b>	3769-2-18 Applications for licenses and 3769-2-26 License refused, revoked, suspended state what parameters the Commission may use when determining to issue, refuse, revoke, or suspend a license.
<b>Other information</b> ( <i>Significant attributes or prerequisites to licensure not addressed in this chart.</i> )	

**Oversight and disciplinary authority of the Commission respecting individuals engaged in the occupation.**

Licensees appear before the Stewards or Judges in the first step of the administrative process. Licensees have the right to appeal a ruling which follows R.C.119 administrative adjudications.

**How much revenue is derived from fees charged by the Commission to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

The Commission is fiscally self- sustained in part through licensure fees.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

15 U.S.C. Ch57A. The Horseracing Integrity and Safety Act.

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

This regulation seeks to prevent harm to the public and instill confidence in the racing product within a highly regulated industry that has vast potential for undesirable persons to undermine the integrity of horseracing.

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

Yes, by preventing undesirable persons from participating in racing, and no.

**Are there any changes the Commission would like to see implemented?**

### **Presiding judge survey responses (RAC)**

**Description**

This is the State Judge who is paid by the Ohio State Racing Commission.

**Type** (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)

License

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Number issued annually</b>	11
<b>Number renewed annually</b>	
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	
<b>Education or training requirements</b>	Must have USTA and/ or ROAP license/certification
<b>Experience requirements</b>	Must have experience to be approved by the OSRC

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<p><b>Examination requirements</b> (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Commission receive any proceeds of those fees? If so, how are the proceeds used?</i>)</p>	<p>Both ROAP and USTA require continuing education.</p>
<p><b>Continuing education requirements</b> (<i>Including a description of the curriculum and the process of setting it.</i>)</p>	
<p><b>Initial fee</b></p>	<p>\$100.00</p>
<p><b>Duration</b></p>	<p>All licenses expire on December 31.</p>
<p><b>Renewal fee</b> (<i>If different from initial fee, please explain why.</i>)</p>	
<p><b>Does the Commission recognize uniform licensure requirements or allow for reciprocity?</b></p>	<p>The OSRC recognizes reciprocity. If the licensee has a license in another state, they have to provide validation that their license is in good standing and complete the required criminal background check for Ohio.</p>
<p><b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b></p>	

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Commission?</b>	
<b>Is the Commission permitted to exercise discretion in determining whether to register, certify, or license an individual?</b>	3769-2-18 Applications for licenses and 3769-2-26 License refused, revoked, suspended state what parameters the Commission may use when determining to issue, refuse, revoke, or suspend a license.
<b>Other information</b> ( <i>Significant attributes or prerequisites to licensure not addressed in this chart.</i> )	

**Oversight and disciplinary authority of the Commission respecting individuals engaged in the occupation.**

Licensees appear before the Stewards or Judges in the first step of the administrative process. Licensees have the right to appeal a ruling which follows R.C.119 administrative adjudications.

**How much revenue is derived from fees charged by the Commission to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

The Commission is fiscally self-sustained in part through licensure fees.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

15 U.S.C. Ch57A. The Horseracing Integrity and Safety Act.

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

This regulation seeks to prevent harm to the public and instill confidence in the racing product within a highly regulated industry that has vast potential for undesirable persons to undermine the integrity of horseracing.

Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?

Yes, by preventing undesirable persons from participating in racing, and no.

Are there any changes the Commission would like to see implemented?

### Racing secretary survey responses (RAC)

#### Description

**racing secretary** shall prepare the books of conditions for the races to be run during the meeting and he/she and his/her assistants shall take entries for all races. The **racing secretary** shall assign post positions for each race by lot by drawing a numbered ball from a bottle in the presence of the owners or trainers. The number drawn shall be the post position for the horse.



**Type** (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)

license

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Number issued annually</b>	10
<b>Number renewed annually</b>	
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	
<b>Education or training requirements</b>	Hired by Permit Holder
<b>Experience requirements</b>	Must have experience to be approved by OSRC

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<p><b>Examination requirements</b> (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Commission receive any proceeds of those fees? If so, how are the proceeds used?</i>)</p>	
<p><b>Continuing education requirements</b> (<i>Including a description of the curriculum and the process of setting it.</i>)</p>	<p>There is new federal regulation that will require almost all license holders with continuing education.</p>
<p><b>Initial fee</b></p>	<p>\$100.00</p>
<p><b>Duration</b></p>	<p>All licenses expire on December 31.</p>
<p><b>Renewal fee</b> (<i>If different from initial fee, please explain why.</i>)</p>	
<p><b>Does the Commission recognize uniform licensure requirements or allow for reciprocity?</b></p>	<p>The OSRC recognizes reciprocity. If the licensee has a license in another state, they have to provide validation that their license is in good standing and complete the required criminal background check for Ohio.</p>
<p><b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b></p>	<p>3769.22 National Racing Compact</p>

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Commission?</b>	
<b>Is the Commission permitted to exercise discretion in determining whether to register, certify, or license an individual?</b>	3769-2-18 Applications for licenses and 3769-2-26 License refused, revoked, suspended state what parameters the Commission may use when determining to issue, refuse, revoke, or suspend a license.
<b>Other information</b> ( <i>Significant attributes or prerequisites to licensure not addressed in this chart.</i> )	

**Oversight and disciplinary authority of the Commission respecting individuals engaged in the occupation.**

Licensees appear before the Stewards or Judges in the first step of the administrative process. Licensees have the right to appeal a ruling which follows R.C.119 administrative adjudications.

**How much revenue is derived from fees charged by the Commission to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

The Commission is fiscally self-sustained in part through licensure fees.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

15 U.S.C. Ch57A. The Horseracing Integrity and Safety Act.

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

This regulation seeks to prevent harm to the public and instill confidence in the racing product within a highly regulated industry that has vast potential for undesirable persons to undermine the integrity of horseracing.

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

Yes, by preventing undesirable persons from participating in racing, and no.

**Are there any changes the Commission would like to see implemented?**

### **Starter survey responses (RAC)**

**Description**

Responsible for getting each animal safely into the starting gate stalls and quiet enough for the race to begin.

**Type** (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)

License

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Number issued annually</b>	13
<b>Number renewed annually</b>	
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	
<b>Education or training requirements</b>	Hired by Permit Holder- Must be approved by OSRC
<b>Experience requirements</b>	Must have experience to be approved by OSRC

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<p><b>Examination requirements</b> (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Commission receive any proceeds of those fees? If so, how are the proceeds used?</i>)</p>	
<p><b>Continuing education requirements</b> (<i>Including a description of the curriculum and the process of setting it.</i>)</p>	<p>There is new federal regulation that will require almost all license holders with continuing education.</p>
<p><b>Initial fee</b></p>	<p>\$50.00</p>
<p><b>Duration</b></p>	<p>All licenses expire on December 31.</p>
<p><b>Renewal fee</b> (<i>If different from initial fee, please explain why.</i>)</p>	
<p><b>Does the Commission recognize uniform licensure requirements or allow for reciprocity?</b></p>	<p>The OSRC recognizes reciprocity. If the licensee has a license in another state, they have to provide validation that their license is in good standing and complete the required criminal background check for Ohio.</p>
<p><b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b></p>	<p>3769.22 National Racing Compact</p>

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Commission?</b>	
<b>Is the Commission permitted to exercise discretion in determining whether to register, certify, or license an individual?</b>	3769-2-18 Applications for licenses and 3769-2-26 License refused, revoked, suspended state what parameters the Commission may use when determining to issue, refuse, revoke, or suspend a license.
<b>Other information</b> ( <i>Significant attributes or prerequisites to licensure not addressed in this chart.</i> )	

**Oversight and disciplinary authority of the Commission respecting individuals engaged in the occupation.**

Licensees appear before the Stewards or Judges in the first step of the administrative process. Licensees have the right to appeal a ruling which follows R.C.119 administrative adjudications.



**How much revenue is derived from fees charged by the Commission to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

The Commission is fiscally self-sustained in part through licensure fees.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

15 U.S.C. Ch57A. The Horseracing Integrity and Safety Act.

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

This regulation seeks to prevent harm to the public and instill confidence in the racing product within a highly regulated industry that has vast potential for undesirable persons to undermine the integrity of horseracing.

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

Yes, by preventing undesirable persons from participating in racing, and no.

**Are there any changes the Commission would like to see implemented?**

### **Steward survey responses (RAC)**

**Description**

Ensures that the rules of racing are adhered to and enforced throughout the day.

**Type** (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)

License

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Number issued annually</b>	5
<b>Number renewed annually</b>	
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	
<b>Education or training requirements</b>	ROAP or USTA certification/license
<b>Experience requirements</b>	

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<p><b>Examination requirements</b> (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Commission receive any proceeds of those fees? If so, how are the proceeds used?</i>)</p>	
<p><b>Continuing education requirements</b> (<i>Including a description of the curriculum and the process of setting it.</i>)</p>	<p>Yes- through ROAP/USTA</p>
<p><b>Initial fee</b></p>	<p>\$50.00</p>
<p><b>Duration</b></p>	<p>All licenses expire on December 31.</p>
<p><b>Renewal fee</b> (<i>If different from initial fee, please explain why.</i>)</p>	
<p><b>Does the Commission recognize uniform licensure requirements or allow for reciprocity?</b></p>	<p>The OSRC recognizes reciprocity. If the licensee has a license in another state, they have to provide validation that their license is in good standing and complete the required criminal background check for Ohio.</p>
<p><b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b></p>	<p>3769.22 National Racing Compact</p>

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Commission?</b>	
<b>Is the Commission permitted to exercise discretion in determining whether to register, certify, or license an individual?</b>	3769-2-18 Applications for licenses and 3769-2-26 License refused, revoked, suspended state what parameters the Commission may use when determining to issue, refuse, revoke, or suspend a license.
<b>Other information</b> ( <i>Significant attributes or prerequisites to licensure not addressed in this chart.</i> )	

**Oversight and disciplinary authority of the Commission respecting individuals engaged in the occupation.**

Licensees appear before the Stewards or Judges in the first step of the administrative process. Licensees have the right to appeal a ruling which follows R.C.119 administrative adjudications.

**How much revenue is derived from fees charged by the Commission to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

The Commission is fiscally self-sustained in part through licensure fees.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

15 U.S.C. Ch57A. The Horseracing Integrity and Safety Act.

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

This regulation seeks to prevent harm to the public and instill confidence in the racing product within a highly regulated industry that has vast potential for undesirable persons to undermine the integrity of horseracing.

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

Yes, by preventing undesirable persons from participating in racing, and no

**Are there any changes the Commission would like to see implemented?**

### **State steward survey responses (RAC)**

**Description**

See Presiding Judge- State Steward is for Thoroughbred/Presiding Judge is Harness

## Timer survey responses (RAC)

Description
Keeps times on the horses.

Type <i>(License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)</i>
License

If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	69
Number renewed annually	
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	



If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>Education or training requirements</b>	Hired by Permit Holder- Must be approved by OSRC
<b>Experience requirements</b>	Must have experience or training to be approved by OSRC
<b>Examination requirements</b> ( <i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Commission receive any proceeds of those fees? If so, how are the proceeds used?</i> )	
<b>Continuing education requirements</b> ( <i>Including a description of the curriculum and the process of setting it.</i> )	
<b>Initial fee</b>	\$15.00
<b>Duration</b>	All licenses expire on December 31.
<b>Renewal fee</b> ( <i>If different from initial fee, please explain why.</i> )	
<b>Does the Commission recognize uniform licensure requirements or allow for reciprocity?</b>	The OSRC recognizes reciprocity. If the licensee has a license in another state, they have to provide validation that their license is in good standing and complete the required criminal background check for Ohio.

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<p><b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b></p>	<p>15 U.S.C. Ch57A. The Horseracing Integrity and Safety Act.</p>
<p><b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Commission?</b></p>	
<p><b>Is the Commission permitted to exercise discretion in determining whether to register, certify, or license an individual?</b></p>	<p>3769-2-18 Applications for licenses and 3769-2-26 License refused, revoked, suspended state what parameters the Commission may use when determining to issue, refuse, revoke, or suspend a license.</p>
<p><b>Other information</b> (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>)</p>	

**Oversight and disciplinary authority of the Commission respecting individuals engaged in the occupation.**

Licensees appear before the Stewards or Judges in the first step of the administrative process. Licensees have the right to appeal a ruling which follows R.C.119 administrative adjudications.

**How much revenue is derived from fees charged by the Commission to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

The Commission is fiscally self-sustained in part through licensure fees.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

15 U.S.C. Ch57A. The Horseracing Integrity and Safety Act.

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

This regulation seeks to prevent harm to the public and instill confidence in the racing product within a highly regulated industry that has vast potential for undesirable persons to undermine the integrity of horseracing.

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

Yes, by preventing undesirable persons from participating in racing, and no.

**Are there any changes the Commission would like to see implemented?**

### **Restricted license – racing official survey responses (RAC)**

**Description**

See Racing Official- This is restricted to fairs.

**Type** (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)

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**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Number issued annually</b>	
<b>Number renewed annually</b>	
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	
<b>Education or training requirements</b>	
<b>Experience requirements</b>	

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<p><b>Examination requirements</b> (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Commission receive any proceeds of those fees? If so, how are the proceeds used?</i>)</p>	
<p><b>Continuing education requirements</b> (<i>Including a description of the curriculum and the process of setting it.</i>)</p>	
<p><b>Initial fee</b></p>	<p>\$10.00</p>
<p><b>Duration</b></p>	<p>All licenses expire on December 31.</p>
<p><b>Renewal fee</b> (<i>If different from initial fee, please explain why.</i>)</p>	
<p><b>Does the Commission recognize uniform licensure requirements or allow for reciprocity?</b></p>	<p>The OSRC recognizes reciprocity. If the licensee has a license in another state, they have to provide validation that their license is in good standing and complete the required criminal background check for Ohio.</p>
<p><b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b></p>	

**If the regulation is a registration, certification, or license requirement, please complete the following:**

**Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Commission?**

--

**Is the Commission permitted to exercise discretion in determining whether to register, certify, or license an individual?**

--

**Other information** (*Significant attributes or prerequisites to licensure not addressed in this chart.*)

--

**Oversight and disciplinary authority of the Commission respecting individuals engaged in the occupation.**

--

**How much revenue is derived from fees charged by the Commission to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

**What is the harm that the regulation seeks to prevent? (*See, R.C. 4798.02(B).*)**



Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?

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Are there any changes the Commission would like to see implemented?

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### **Announcer (race or track) survey responses (RAC)**

**Description**

Announces changes, races and programs.

**Type** (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)

License

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Number issued annually</b>	9
<b>Number renewed annually</b>	
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	
<b>Education or training requirements</b>	Hired by permit holder. Must be approved by OSRC
<b>Experience requirements</b>	

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<p><b>Examination requirements</b> (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Commission receive any proceeds of those fees? If so, how are the proceeds used?</i>)</p>	
<p><b>Continuing education requirements</b> (<i>Including a description of the curriculum and the process of setting it.</i>)</p>	<p>There is new federal regulation that will require almost all license holders with continuing education.</p>
<p><b>Initial fee</b></p>	
<p><b>Duration</b></p>	<p>All licenses expire on December 31.</p>
<p><b>Renewal fee</b> (<i>If different from initial fee, please explain why.</i>)</p>	
<p><b>Does the Commission recognize uniform licensure requirements or allow for reciprocity?</b></p>	<p>The OSRC recognizes reciprocity. If the licensee has a license in another state, they have to provide validation that their license is in good standing and complete the required criminal background check for Ohio.</p>
<p><b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b></p>	

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Commission?</b>	
<b>Is the Commission permitted to exercise discretion in determining whether to register, certify, or license an individual?</b>	3769-2-18 Applications for licenses and 3769-2-26 License refused, revoked, suspended state what parameters the Commission may use when determining to issue, refuse, revoke, or suspend a license.
<b>Other information</b> ( <i>Significant attributes or prerequisites to licensure not addressed in this chart.</i> )	

**Oversight and disciplinary authority of the Commission respecting individuals engaged in the occupation.**

Licensees appear before the Stewards or Judges in the first step of the administrative process. Licensees have the right to appeal a ruling which follows R.C.119 administrative adjudications.

**How much revenue is derived from fees charged by the Commission to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

The Commission is fiscally self-sustained in part through licensure fees.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

15 U.S.C. Ch57A. The Horseracing Integrity and Safety Act.

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

This regulation seeks to prevent harm to the public and instill confidence in the racing product within a highly regulated industry that has vast potential for undesirable persons to undermine the integrity of horseracing.

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

Yes, by preventing undesirable persons from participating in racing, and no.

**Are there any changes the Commission would like to see implemented?**

### **Assistant racing secretary survey responses (RAC)**

**Description**

Assists the Racing Secretary

**Type** (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)

License

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Number issued annually</b>	3
<b>Number renewed annually</b>	
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	
<b>Education or training requirements</b>	On the job training hired by Permit holder- Must be approved by OSRC
<b>Experience requirements</b>	

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<p><b>Examination requirements</b> (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Commission receive any proceeds of those fees? If so, how are the proceeds used?</i>)</p>	
<p><b>Continuing education requirements</b> (<i>Including a description of the curriculum and the process of setting it.</i>)</p>	<p>There is new federal regulation that will require almost all license holders with continuing education.</p>
<p><b>Initial fee</b></p>	
<p><b>Duration</b></p>	<p>All licenses expire on December 31.</p>
<p><b>Renewal fee</b> (<i>If different from initial fee, please explain why.</i>)</p>	
<p><b>Does the Commission recognize uniform licensure requirements or allow for reciprocity?</b></p>	<p>The OSRC recognizes reciprocity. If the licensee has a license in another state, they have to provide validation that their license is in good standing and complete the required criminal background check for Ohio.</p>
<p><b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b></p>	



**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Commission?</b>	
<b>Is the Commission permitted to exercise discretion in determining whether to register, certify, or license an individual?</b>	3769-2-18 Applications for licenses and 3769-2-26 License refused, revoked, suspended state what parameters the Commission may use when determining to issue, refuse, revoke, or suspend a license.
<b>Other information</b> ( <i>Significant attributes or prerequisites to licensure not addressed in this chart.</i> )	

**Oversight and disciplinary authority of the Commission respecting individuals engaged in the occupation.**

Licensees appear before the Stewards or Judges in the first step of the administrative process. Licensees have the right to appeal a ruling which follows R.C.119 administrative adjudications.

**How much revenue is derived from fees charged by the Commission to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

The Commission is fiscally self-sustained in part through licensure fees.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

15 U.S.C. Ch57A. The Horseracing Integrity and Safety Act.

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

This regulation seeks to prevent harm to the public and instill confidence in the racing product within a highly regulated industry that has vast potential for undesirable persons to undermine the integrity of horseracing.

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

Yes, by preventing undesirable persons from participating in racing, and no.

**Are there any changes the Commission would like to see implemented?**

### **Assistant starter survey responses (RAC)**

**Description**

Performs a variety of assigned staff duties related to the handling, guiding and loading of horses into the starting gate

**Type** (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)

License

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Number issued annually</b>	31
<b>Number renewed annually</b>	
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	
<b>Education or training requirements</b>	Hired by permit holder- Must be approved by OSRC
<b>Experience requirements</b>	Horse Experience

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<p><b>Examination requirements</b> (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Commission receive any proceeds of those fees? If so, how are the proceeds used?</i>)</p>	
<p><b>Continuing education requirements</b> (<i>Including a description of the curriculum and the process of setting it.</i>)</p>	<p>There is new federal regulation that will require almost all license holders with continuing education.</p>
<p><b>Initial fee</b></p>	<p>\$50.00</p>
<p><b>Duration</b></p>	<p>All licenses expire on December 31.</p>
<p><b>Renewal fee</b> (<i>If different from initial fee, please explain why.</i>)</p>	
<p><b>Does the Commission recognize uniform licensure requirements or allow for reciprocity?</b></p>	<p>The OSRC recognizes reciprocity. If the licensee has a license in another state, they have to provide validation that their license is in good standing and complete the required criminal background check for Ohio.</p>
<p><b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b></p>	

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Commission?</b>	
<b>Is the Commission permitted to exercise discretion in determining whether to register, certify, or license an individual?</b>	3769-2-18 Applications for licenses and 3769-2-26 License refused, revoked, suspended state what parameters the Commission may use when determining to issue, refuse, revoke, or suspend a license.
<b>Other information</b> ( <i>Significant attributes or prerequisites to licensure not addressed in this chart.</i> )	

**Oversight and disciplinary authority of the Commission respecting individuals engaged in the occupation.**

Licensees appear before the Stewards or Judges in the first step of the administrative process. Licensees have the right to appeal a ruling which follows R.C.119 administrative adjudications.

**How much revenue is derived from fees charged by the Commission to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

The Commission is fiscally self- sustained in part through licensure fees.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

15 U.S.C. Ch57A. The Horseracing Integrity and Safety Act.

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

This regulation seeks to prevent harm to the public and instill confidence in the racing product within a highly regulated industry that has vast potential for undesirable persons to undermine the integrity of horseracing.

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

Yes, by preventing undesirable persons from participating in racing, and no.

**Are there any changes the Commission would like to see implemented?**

### **Clerk of course survey responses (RAC)**

**Description**

Responsible for all matters relating to track management and race day preparation



**Type** (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)

license

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Number issued annually</b>	12
<b>Number renewed annually</b>	
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	
<b>Education or training requirements</b>	On Job training-Hired by Permit holder- Must be approved by OSRC
<b>Experience requirements</b>	

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<p><b>Examination requirements</b> (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Commission receive any proceeds of those fees? If so, how are the proceeds used?</i>)</p>	
<p><b>Continuing education requirements</b> (<i>Including a description of the curriculum and the process of setting it.</i>)</p>	
<p><b>Initial fee</b></p>	<p>\$50.00</p>
<p><b>Duration</b></p>	<p>All licenses expire on December 31.</p>
<p><b>Renewal fee</b> (<i>If different from initial fee, please explain why.</i>)</p>	
<p><b>Does the Commission recognize uniform licensure requirements or allow for reciprocity?</b></p>	<p>The OSRC recognizes reciprocity. If the licensee has a license in another state, they have to provide validation that their license is in good standing and complete the required criminal background check for Ohio.</p>
<p><b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b></p>	

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Commission?</b>	
<b>Is the Commission permitted to exercise discretion in determining whether to register, certify, or license an individual?</b>	3769-2-18 Applications for licenses and 3769-2-26 License refused, revoked, suspended state what parameters the Commission may use when determining to issue, refuse, revoke, or suspend a license
<b>Other information</b> ( <i>Significant attributes or prerequisites to licensure not addressed in this chart.</i> )	

**Oversight and disciplinary authority of the Commission respecting individuals engaged in the occupation.**

Licensees appear before the Stewards or Judges in the first step of the administrative process. Licensees have the right to appeal a ruling which follows R.C.119 administrative adjudications.

**How much revenue is derived from fees charged by the Commission to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

The Commission is fiscally self-sustained in part through licensure fees.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?

Are there any changes the Commission would like to see implemented?

### **Clerk of scales survey responses (RAC)**

#### **Description**

Clerk of scales shall weigh jockeys out and in, and he shall record and publish any overweight or variation from the weight appearing on the card

**Type** (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)

License

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Number issued annually</b>	3
<b>Number renewed annually</b>	
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	
<b>Education or training requirements</b>	Hired by permit holder- Must be approved by OSRC
<b>Experience requirements</b>	

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<p><b>Examination requirements</b> (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Commission receive any proceeds of those fees? If so, how are the proceeds used?</i>)</p>	
<p><b>Continuing education requirements</b> (<i>Including a description of the curriculum and the process of setting it.</i>)</p>	<p>There is new federal regulation that will require almost all license holders with continuing education.</p>
<p><b>Initial fee</b></p>	<p>\$50.00</p>
<p><b>Duration</b></p>	<p>All licenses expire on December 31.</p>
<p><b>Renewal fee</b> (<i>If different from initial fee, please explain why.</i>)</p>	
<p><b>Does the Commission recognize uniform licensure requirements or allow for reciprocity?</b></p>	<p>The OSRC recognizes reciprocity. If the licensee has a license in another state, they have to provide validation that their license is in good standing and complete the required criminal background check for Ohio.</p>
<p><b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b></p>	

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Commission?</b>	
<b>Is the Commission permitted to exercise discretion in determining whether to register, certify, or license an individual?</b>	3769-2-18 Applications for licenses and 3769-2-26 License refused, revoked, suspended state what parameters the Commission may use when determining to issue, refuse, revoke, or suspend a license.
<b>Other information</b> ( <i>Significant attributes or prerequisites to licensure not addressed in this chart.</i> )	

**Oversight and disciplinary authority of the Commission respecting individuals engaged in the occupation.**

Licensees appear before the Stewards or Judges in the first step of the administrative process. Licensees have the right to appeal a ruling which follows R.C.119 administrative adjudications.



**How much revenue is derived from fees charged by the Commission to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

The Commission is fiscally self-sustained in part through licensure fees.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

15 U.S.C. Ch57A. The Horseracing Integrity and Safety Act.

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

This regulation seeks to prevent harm to the public and instill confidence in the racing product within a highly regulated industry that has vast potential for undesirable persons to undermine the integrity of horseracing.

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

Yes, by preventing undesirable persons from participating in racing, and no

**Are there any changes the Commission would like to see implemented?**

### **Horsemen's bookkeeper survey responses (RAC)**

**Description**

Perform various activities for maintaining horsemen's accounts in accordance with policies and procedures

**Type** (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)

License

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Number issued annually</b>	6
<b>Number renewed annually</b>	
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	
<b>Education or training requirements</b>	Hired by Permit holder- Must be approved by OSRC
<b>Experience requirements</b>	

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<p><b>Examination requirements</b> (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Commission receive any proceeds of those fees? If so, how are the proceeds used?</i>)</p>	
<p><b>Continuing education requirements</b> (<i>Including a description of the curriculum and the process of setting it.</i>)</p>	
<p><b>Initial fee</b></p>	<p>\$50.00</p>
<p><b>Duration</b></p>	<p>All licenses expire on December 31.</p>
<p><b>Renewal fee</b> (<i>If different from initial fee, please explain why.</i>)</p>	
<p><b>Does the Commission recognize uniform licensure requirements or allow for reciprocity?</b></p>	<p>The OSRC recognizes reciprocity. If the licensee has a license in another state, they have to provide validation that their license is in good standing and complete the required criminal background check for Ohio.</p>
<p><b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b></p>	

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Commission?</b>	Persons may take work in their occupations without an OSRC license so long as they do not work at a racetrack.
<b>Is the Commission permitted to exercise discretion in determining whether to register, certify, or license an individual?</b>	3769-2-18 Applications for licenses and 3769-2-26 License refused, revoked, suspended state what parameters the Commission may use when determining to issue, refuse, revoke, or suspend a license.
<b>Other information</b> ( <i>Significant attributes or prerequisites to licensure not addressed in this chart.</i> )	

**Oversight and disciplinary authority of the Commission respecting individuals engaged in the occupation.**

Licensees appear before the Stewards or Judges in the first step of the administrative process. Licensees have the right to appeal a ruling which follows R.C.119 administrative adjudications.

**How much revenue is derived from fees charged by the Commission to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

The Commission is fiscally self-sustained in part through licensure fees.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

15 U.S.C. Ch57A. The Horseracing Integrity and Safety Act.

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

This regulation seeks to prevent harm to the public and instill confidence in the racing product within a highly regulated industry that has vast potential for undesirable persons to undermine the integrity of horseracing.

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

Yes, by preventing undesirable persons from participating in racing, and no.

**Are there any changes the Commission would like to see implemented?**

### **Identifier survey responses (RAC)**

**Description**

Identifies that the correct horse is in the race.

**Type** (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)

License

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Number issued annually</b>	8
<b>Number renewed annually</b>	
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	
<b>Education or training requirements</b>	Hired by permit holder-must be approved by OSRC
<b>Experience requirements</b>	



**If the regulation is a registration, certification, or license requirement, please complete the following:**

<p><b>Examination requirements</b> (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Commission receive any proceeds of those fees? If so, how are the proceeds used?</i>)</p>	
<p><b>Continuing education requirements</b> (<i>Including a description of the curriculum and the process of setting it.</i>)</p>	<p>There is new federal regulation that will require almost all license holders with continuing education.</p>
<p><b>Initial fee</b></p>	<p>\$50.00</p>
<p><b>Duration</b></p>	<p>All licenses expire on December 31.</p>
<p><b>Renewal fee</b> (<i>If different from initial fee, please explain why.</i>)</p>	
<p><b>Does the Commission recognize uniform licensure requirements or allow for reciprocity?</b></p>	<p>The OSRC recognizes reciprocity. If the licensee has a license in another state, they have to provide validation that their license is in good standing and complete the required criminal background check for Ohio.</p>
<p><b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b></p>	

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Commission?</b>	
<b>Is the Commission permitted to exercise discretion in determining whether to register, certify, or license an individual?</b>	3769-2-18 Applications for licenses and 3769-2-26 License refused, revoked, suspended state what parameters the Commission may use when determining to issue, refuse, revoke, or suspend a license.
<b>Other information</b> ( <i>Significant attributes or prerequisites to licensure not addressed in this chart.</i> )	

**Oversight and disciplinary authority of the Commission respecting individuals engaged in the occupation.**

Licensees appear before the Stewards or Judges in the first step of the administrative process. Licensees have the right to appeal a ruling which follows R.C.119 administrative adjudications.

**How much revenue is derived from fees charged by the Commission to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

The Commission is fiscally self-sustained in part through licensure fees.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

15 U.S.C. Ch57A. The Horseracing Integrity and Safety Act.

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

This regulation seeks to prevent harm to the public and instill confidence in the racing product within a highly regulated industry that has vast potential for undesirable persons to undermine the integrity of horseracing.

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

Yes, by preventing undesirable persons from participating in racing, and no.

**Are there any changes the Commission would like to see implemented?**

### **Jockey room custodian survey responses (RAC)**

**Description**

Ensures that jockeys scheduled to ride are present in jockey room at racetrack and that their dress and riding equipment meet requirements.

**Type** (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)

License

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Number issued annually</b>	2
<b>Number renewed annually</b>	
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	
<b>Education or training requirements</b>	Hired by permit holder- Must be approved by OSRC
<b>Experience requirements</b>	

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<p><b>Examination requirements</b> (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Commission receive any proceeds of those fees? If so, how are the proceeds used?</i>)</p>	
<p><b>Continuing education requirements</b> (<i>Including a description of the curriculum and the process of setting it.</i>)</p>	<p>There is new federal regulation that will require almost all license holders with continuing education.</p>
<p><b>Initial fee</b></p>	
<p><b>Duration</b></p>	<p>All licenses expire on December 31.</p>
<p><b>Renewal fee</b> (<i>If different from initial fee, please explain why.</i>)</p>	
<p><b>Does the Commission recognize uniform licensure requirements or allow for reciprocity?</b></p>	<p>The OSRC recognizes reciprocity. If the licensee has a license in another state, they have to provide validation that their license is in good standing and complete the required criminal background check for Ohio.</p>
<p><b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b></p>	

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Commission?</b>	
<b>Is the Commission permitted to exercise discretion in determining whether to register, certify, or license an individual?</b>	3769-2-18 Applications for licenses and 3769-2-26 License refused, revoked, suspended state what parameters the Commission may use when determining to issue, refuse, revoke, or suspend a license.
<b>Other information</b> ( <i>Significant attributes or prerequisites to licensure not addressed in this chart.</i> )	

**Oversight and disciplinary authority of the Commission respecting individuals engaged in the occupation.**

Licensees appear before the Stewards or Judges in the first step of the administrative process. Licensees have the right to appeal a ruling which follows R.C.119 administrative adjudications.

**How much revenue is derived from fees charged by the Commission to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

The Commission is fiscally self-sustained in part through licensure fees.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

15 U.S.C. Ch57A. The Horseracing Integrity and Safety Act.

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

This regulation seeks to prevent harm to the public and instill confidence in the racing product within a highly regulated industry that has vast potential for undesirable persons to undermine the integrity of horseracing.



Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?

Yes, by preventing undesirable persons from participating in racing, and no

Are there any changes the Commission would like to see implemented?

### **Judge survey responses (RAC)**

**Description**

Responsible for ensuring that the races are fair and all rules are followed.

**Type** (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)

License

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Number issued annually</b>	76
<b>Number renewed annually</b>	
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	
<b>Education or training requirements</b>	ROAP certified
<b>Experience requirements</b>	

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<p><b>Examination requirements</b> (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Commission receive any proceeds of those fees? If so, how are the proceeds used?</i>)</p>	
<p><b>Continuing education requirements</b> (<i>Including a description of the curriculum and the process of setting it.</i>)</p>	ROAP required
<p><b>Initial fee</b></p>	\$50.00
<p><b>Duration</b></p>	All licenses expire on December 31.
<p><b>Renewal fee</b> (<i>If different from initial fee, please explain why.</i>)</p>	
<p><b>Does the Commission recognize uniform licensure requirements or allow for reciprocity?</b></p>	The OSRC recognizes reciprocity. If the licensee has a license in another state, they have to provide validation that their license is in good standing and complete the required criminal background check for Ohio.
<p><b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b></p>	

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Commission?</b>	
<b>Is the Commission permitted to exercise discretion in determining whether to register, certify, or license an individual?</b>	3769-2-18 Applications for licenses and 3769-2-26 License refused, revoked, suspended state what parameters the Commission may use when determining to issue, refuse, revoke, or suspend a license.
<b>Other information</b> ( <i>Significant attributes or prerequisites to licensure not addressed in this chart.</i> )	

**Oversight and disciplinary authority of the Commission respecting individuals engaged in the occupation.**

Licensees appear before the Stewards or Judges in the first step of the administrative process. Licensees have the right to appeal a ruling which follows R.C.119 administrative adjudications.

**How much revenue is derived from fees charged by the Commission to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

The Commission is fiscally self-sustained in part through licensure fees.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?

Are there any changes the Commission would like to see implemented?

**Surrounding state comparison (LSC)**

*Racing Officials (Announcer, Clerk of Course, Clerk of Scales, Clerical, Horsemen’s Bookkeeper, Identifier, Judge, Presiding Judge, Paddock Judge, Patrol Judge, Placing Judge, Photographer, Racing Official – Restricted, Jockey Room Custodian, Racing Secretary, Assistant Racing Secretary, Starter, Assistant Starter, State Steward, Steward, and Timer)*

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Type of regulation	License (R.C. 3769.03; O.A.C. 3769-2-18).	License (Ind. Code 4-31-6; 71 Ind. Admin. Code 3 and 3.5).	License (Ky. Rev. Stat. 230.310; 810 Ky. Admin. Regs. 3:020).	License (Mich. Comp. Laws 431.308 and 431.316; Mich. Admin. Code R. 431.1035).	License (3 Pa. Cons. Stat. 9323; 7 Pa. Code 185.1, 203.1, and 303.1).	Permit (W. Va. Code 19-23-2, 19-23-7, and 19-23-8 and W. Va. Code R. 178-1-24).

**Racing Officials** (*Announcer, Clerk of Course, Clerk of Scales, Clerical, Horsemen’s Bookkeeper, Identifier, Judge, Presiding Judge, Paddock Judge, Patrol Judge, Placing Judge, Photographer, Racing Official – Restricted, Jockey Room Custodian, Racing Secretary, Assistant Racing Secretary, Starter, Assistant Starter, State Steward, Steward, and Timer*)

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Education or training	N/A	Must have sufficient knowledge or experience and, for a judge, the necessary temperament ( <i>71 Ind. Admin. Code 3-1-2 and 3.5-1-2; Ind. Code 4-31-6-7</i> ).	N/A	N/A	Must be familiar with the duties of the position and with the applicable rules ( <i>7 Pa. Code 205.22 and 305.12</i> ).	See below.
Experience	N/A	See above.	N/A	N/A	Must be experienced in the applicable type of racing ( <i>7 Pa. Code 205.22 and 305.12</i> ).	Must be experienced in racing and familiar with the duties of the position ( <i>W. Va. Code R. 178-1-7</i> ).
Exam	N/A	N/A	N/A	N/A	Starter must pass an exam.  For all others, none.  ( <i>7 Pa. Code 205.111.</i> )	N/A

**Racing Officials** (*Announcer, Clerk of Course, Clerk of Scales, Clerical, Horsemen’s Bookkeeper, Identifier, Judge, Presiding Judge, Paddock Judge, Patrol Judge, Placing Judge, Photographer, Racing Official – Restricted, Jockey Room Custodian, Racing Secretary, Assistant Racing Secretary, Starter, Assistant Starter, State Steward, Steward, and Timer*)

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Continuing education	N/A	N/A	N/A	N/A	N/A	N/A
Initial licensure fee	<p>For a restricted license, \$10.</p> <p>For clerical, jockey room custodian, or timer, \$15.</p> <p>For presiding judge, racing secretary, or state steward, \$100.</p> <p>For all others, \$50.</p> <p><i>(O.A.C. 3769-2-24 and 3769-12-24.)</i></p>	<p>For employee of the Indiana Horse Racing Commission, \$0.</p> <p>For employee of a track, \$35.</p> <p><i>(Indiana Horse Racing Commission, <a href="#">License Fees</a>).</i></p>	<p>For racing department employee, \$100.</p> <p>For racing official, \$35 to \$100, depending on horse breed.</p> <p><i>(810 Ky. Admin. Regs. 3:020.)</i></p>	\$10 ( <i>Mich. Comp. Laws 431.316(9)</i> ).	\$100 ( <i>Pennsylvania State Horse Racing Commission, <a href="#">License Fee Schedule (PDF)</a></i> ).	<p>For starter, racing secretary, or assistant racing secretary, \$30.</p> <p>For all others, \$20.</p> <p><i>(W. Va. Code R. Table 178-1 A).</i></p>
License duration	One year ( <i>R.C. 3769.03</i> ).	One year ( <i>Ind. Code 4-31-6-4</i> ).	One year ( <i>810 Ky. Admin. Regs. 3:020</i> ).	One year ( <i>Michigan Gaming Control Board Horse Racing Section, <a href="#">Occupational License Application (PDF)</a></i> ).	Three years ( <i>3 Pa. Cons. Stat. 9323</i> ).	One year ( <i>W. Va. Code 19-23-8</i> ).



**Racing Officials** (*Announcer, Clerk of Course, Clerk of Scales, Clerical, Horsemen’s Bookkeeper, Identifier, Judge, Presiding Judge, Paddock Judge, Patrol Judge, Placing Judge, Photographer, Racing Official – Restricted, Jockey Room Custodian, Racing Secretary, Assistant Racing Secretary, Starter, Assistant Starter, State Steward, Steward, and Timer*)

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Renewal fee	Same as initial fee.	Same as initial fee.	Same as initial fee.	Same as initial fee.	Same as initial fee.	Same as initial fee.

## Betting staff

### Mutuel employee survey responses (RAC)

#### Description

This would be the employees of the permit holder that take the wagers, issuing tickets.

**Type** (*License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.*)

License

If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>Number issued annually</b>	179
<b>Number renewed annually</b>	
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	No
<b>Education or training requirements</b>	On the job training by permit holder.
<b>Experience requirements</b>	
<b>Examination requirements</b> ( <i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Commission receive any proceeds of those fees? If so, how are the proceeds used?</i> )	
<b>Continuing education requirements</b> ( <i>Including a description of the curriculum and the process of setting it.</i> )	There is new federal regulation that will require almost all license holders with continuing education.
<b>Initial fee</b>	\$15.00 plus fingerprints
<b>Duration</b>	All licenses expire on December 31.

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Renewal fee</b> <i>(If different from initial fee, please explain why.)</i>	
<b>Does the Commission recognize uniform licensure requirements or allow for reciprocity?</b>	The OSRC recognizes reciprocity. If the licensee has a license in another state, they have to provide validation that their license is in good standing and complete the required criminal background check for Ohio.
<b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b>	3769.22 National Racing Compact
<b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Commission?</b>	
<b>Is the Commission permitted to exercise discretion in determining whether to register, certify, or license an individual?</b>	3769-2-18 Applications for licenses and 3769-2-26 License refused, revoked, suspended state what parameters the Commission may use when determining to issue, refuse, revoke, or suspend a license.
<b>Other information</b> <i>(Significant attributes or prerequisites to licensure not addressed in this chart.)</i>	

**Oversight and disciplinary authority of the Commission respecting individuals engaged in the occupation.**

Licensees appear before the Stewards or Judges in the first step of the administrative process. Licensees have the right to appeal a ruling which follows R. C. 119 administrative adjudications.

**How much revenue is derived from fees charged by the Commission to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

The Commission is fiscally self-sustained in part through licensure fees.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

15 U.S.C. Ch. 57A. The Horseracing Integrity and Safety Act.

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

This regulation seeks to prevent harm to the public and instill confidence in the racing product within a highly regulated industry that has vast potential for undesirable persons to undermine the integrity of horseracing.

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

Yes, by preventing undesirable persons from participating in racing, and no.

**Are there any changes the Commission would like to see implemented?**

## Mutuel manager survey responses (RAC)

Description
Would oversee all day-to-day operations in the mutuel room, as well as supervising of tellers.

Type <i>(License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)</i>
License

If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	12
Number renewed annually	
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	No

If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>Education or training requirements</b>	At Permit Holder's discretion.
<b>Experience requirements</b>	Would need experience for OSRC approval.
<b>Examination requirements</b> ( <i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Commission receive any proceeds of those fees? If so, how are the proceeds used?</i> )	N/A
<b>Continuing education requirements</b> ( <i>Including a description of the curriculum and the process of setting it.</i> )	There is new federal regulation that will require almost all license holders with continuing education.
<b>Initial fee</b>	\$50.00
<b>Duration</b>	All licenses expire on December 31.
<b>Renewal fee</b> ( <i>If different from initial fee, please explain why.</i> )	
<b>Does the Commission recognize uniform licensure requirements or allow for reciprocity?</b>	The OSRC recognizes reciprocity. If the licensee has a license in another state, they have to provide validation that their license is in good standing and complete the required criminal background check for Ohio.

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<p><b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b></p>	<p>3769.22 National Racing Compact</p>
<p><b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Commission?</b></p>	
<p><b>Is the Commission permitted to exercise discretion in determining whether to register, certify, or license an individual?</b></p>	<p>3769-2-18 Applications for licenses and 3769-2-26 License refused, revoked, suspended state what parameters the Commission may use when determining to issue, refuse, revoke, or suspend a license.</p>
<p><b>Other information</b> (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>)</p>	

**Oversight and disciplinary authority of the Commission respecting individuals engaged in the occupation.**

Licensees appear before the Stewards or Judges in the first step of the administrative process. Licensees have the right to appeal a ruling which follows R.C.119 administrative adjudications.



**How much revenue is derived from fees charged by the Commission to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

The Commission is fiscally self- sustained in part through licensure fees.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

15 U.S.C. Ch57A. The Horseracing Integrity and Safety Act.

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

This regulation seeks to prevent harm to the public and instill confidence in the racing product within a highly regulated industry that has vast potential for undesirable persons to undermine the integrity of horseracing.

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

Yes, by preventing undesirable persons from participating in racing, and no.

**Are there any changes the Commission would like to see implemented?**

### **Restricted license – mutuel employee survey responses (RAC)**

**Description**

See Mutuel Employee. This is a fair license. Which would restrict to fairs.

**Type** (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)

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**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Number issued annually</b>	
<b>Number renewed annually</b>	
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	
<b>Education or training requirements</b>	
<b>Experience requirements</b>	

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<p><b>Examination requirements</b> (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Commission receive any proceeds of those fees? If so, how are the proceeds used?</i>)</p>	
<p><b>Continuing education requirements</b> (<i>Including a description of the curriculum and the process of setting it.</i>)</p>	
<p><b>Initial fee</b></p>	<p>\$10.00</p>
<p><b>Duration</b></p>	<p>All licenses expire on December 31.</p>
<p><b>Renewal fee</b> (<i>If different from initial fee, please explain why.</i>)</p>	
<p><b>Does the Commission recognize uniform licensure requirements or allow for reciprocity?</b></p>	<p>The OSRC recognizes reciprocity. If the licensee has a license in another state, they have to provide validation that their license is in good standing and complete the required criminal background check for Ohio.</p>
<p><b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b></p>	

**If the regulation is a registration, certification, or license requirement, please complete the following:**

**Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Commission?**

**Is the Commission permitted to exercise discretion in determining whether to register, certify, or license an individual?**

**Other information** (*Significant attributes or prerequisites to licensure not addressed in this chart.*)

**Oversight and disciplinary authority of the Commission respecting individuals engaged in the occupation.**

**How much revenue is derived from fees charged by the Commission to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?

Are there any changes the Commission would like to see implemented?

### **Video lottery terminal sales agent employee survey responses (RAC)**

#### **Description**

These are dual licenses issued by the lottery. These normally consist of employees that work on the gaming side as well as the track side. They are a variety of licenses such as concession workers, maintenance, security etc.

**Type** (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)

License

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Number issued annually</b>	2407
<b>Number renewed annually</b>	
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	
<b>Education or training requirements</b>	Depends on License- Hired by permit holder-Must be approved by OSRC
<b>Experience requirements</b>	



**If the regulation is a registration, certification, or license requirement, please complete the following:**

<p><b>Examination requirements</b> (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Commission receive any proceeds of those fees? If so, how are the proceeds used?</i>)</p>	
<p><b>Continuing education requirements</b> (<i>Including a description of the curriculum and the process of setting it.</i>)</p>	<p>There is new federal regulation that will require almost all license holders with continuing education.</p>
<p><b>Initial fee</b></p>	
<p><b>Duration</b></p>	<p>All licenses expire on December 31.</p>
<p><b>Renewal fee</b> (<i>If different from initial fee, please explain why.</i>)</p>	
<p><b>Does the Commission recognize uniform licensure requirements or allow for reciprocity?</b></p>	<p>The OSRC recognizes reciprocity. If the licensee has a license in another state, they have to provide validation that their license is in good standing and complete the required criminal background check for Ohio.</p>
<p><b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b></p>	

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Commission?</b>	Persons may take work in their occupations without an OSRC license so long as they do not work at a racetrack.
<b>Is the Commission permitted to exercise discretion in determining whether to register, certify, or license an individual?</b>	3769-2-18 Applications for licenses and 3769-2-26 License refused, revoked, suspended state what parameters the Commission may use when determining to issue, refuse, revoke, or suspend a license.
<b>Other information</b> ( <i>Significant attributes or prerequisites to licensure not addressed in this chart.</i> )	

**Oversight and disciplinary authority of the Commission respecting individuals engaged in the occupation.**

Licensees appear before the Stewards or Judges in the first step of the administrative process. Licensees have the right to appeal a ruling which follows R.C.119 administrative adjudications

**How much revenue is derived from fees charged by the Commission to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

The Commission is fiscally self-sustained in part through licensure fees.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

15 U.S.C. Ch57A. The Horseracing Integrity and Safety Act.

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

This regulation seeks to prevent harm to the public and instill confidence in the racing product within a highly regulated industry that has vast potential for undesirable persons to undermine the integrity of horseracing.

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

Yes, by preventing undesirable persons from participating in racing, and no.

**Are there any changes the Commission would like to see implemented?**

### **Totalizator company survey responses (RAC)**

**Description**

This is the license for the Tote system to operate in the state of Ohio

**Type** (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)

License.

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Number issued annually</b>	4
<b>Number renewed annually</b>	
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	
<b>Education or training requirements</b>	
<b>Experience requirements</b>	

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<p><b>Examination requirements</b> (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Commission receive any proceeds of those fees? If so, how are the proceeds used?</i>)</p>	
<p><b>Continuing education requirements</b> (<i>Including a description of the curriculum and the process of setting it.</i>)</p>	
<p><b>Initial fee</b></p>	<p>\$1,000</p>
<p><b>Duration</b></p>	<p>All licenses expire on December 31.</p>
<p><b>Renewal fee</b> (<i>If different from initial fee, please explain why.</i>)</p>	
<p><b>Does the Commission recognize uniform licensure requirements or allow for reciprocity?</b></p>	<p>The OSRC recognizes reciprocity. If the licensee has a license in another state, they have to provide validation that their license is in good standing and complete the required criminal background check for Ohio.</p>
<p><b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b></p>	

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Commission?</b>	
<b>Is the Commission permitted to exercise discretion in determining whether to register, certify, or license an individual?</b>	3769-2-18 Applications for licenses and 3769-2-26 License refused, revoked, suspended state what parameters the Commission may use when determining to issue, refuse, revoke, or suspend a license
<b>Other information</b> ( <i>Significant attributes or prerequisites to licensure not addressed in this chart.</i> )	This is a company business license.

**Oversight and disciplinary authority of the Commission respecting individuals engaged in the occupation.**

Licensees appear before the Stewards or Judges in the first step of the administrative process. Licensees have the right to appeal a ruling which follows R.C. 119 administrative adjudications.

**How much revenue is derived from fees charged by the Commission to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

The Commission is fiscally self-sustained in part through licensure fees.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

15 U.S.C. Ch57A. The Horseracing Integrity and Safety Act.

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

This regulation seeks to prevent harm to the public and instill confidence in the racing product within a highly regulated industry that has vast potential for undesirable persons to undermine the integrity of horseracing.



**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

Yes, by preventing undesirable persons from participating in racing, and no.

**Are there any changes the Commission would like to see implemented?**

### **Totalizator company management supervisory employee survey responses (RAC)**

**Description**

Manages the totalizator room at the racetrack.

**Type** (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)

License

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Number issued annually</b>	3- but some may be issued under special B as well.
<b>Number renewed annually</b>	
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	
<b>Education or training requirements</b>	Provided by Totalizator company -Hired by Totalizator company. Must be approved by OSRC.
<b>Experience requirements</b>	

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<p><b>Examination requirements</b> (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Commission receive any proceeds of those fees? If so, how are the proceeds used?</i>)</p>	
<p><b>Continuing education requirements</b> (<i>Including a description of the curriculum and the process of setting it.</i>)</p>	
<p><b>Initial fee</b></p>	<p>\$50.00</p>
<p><b>Duration</b></p>	<p>All licenses expire on December 31.</p>
<p><b>Renewal fee</b> (<i>If different from initial fee, please explain why.</i>)</p>	
<p><b>Does the Commission recognize uniform licensure requirements or allow for reciprocity?</b></p>	<p>The OSRC recognizes reciprocity. If the licensee has a license in another state, they have to provide validation that their license is in good standing and complete the required criminal background check for Ohio.</p>
<p><b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b></p>	

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Commission?</b>	
<b>Is the Commission permitted to exercise discretion in determining whether to register, certify, or license an individual?</b>	3769-2-18 Applications for licenses and 3769-2-26 License refused, revoked, suspended state what parameters the Commission may use when determining to issue, refuse, revoke, or suspend a license.
<b>Other information</b> ( <i>Significant attributes or prerequisites to licensure not addressed in this chart.</i> )	

**Oversight and disciplinary authority of the Commission respecting individuals engaged in the occupation.**

Licensees appear before the Stewards or Judges in the first step of the administrative process. Licensees have the right to appeal a ruling which follows R.C.119 administrative adjudications.

**How much revenue is derived from fees charged by the Commission to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

The Commission is fiscally self- sustained in part through licensure fees.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

15 U.S.C. Ch57A. The Horseracing Integrity and Safety Act.

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

This regulation seeks to prevent harm to the public and instill confidence in the racing product within a highly regulated industry that has vast potential for undesirable persons to undermine the integrity of horseracing.

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

Yes, by preventing undesirable persons from participating in racing, and no.

**Are there any changes the Commission would like to see implemented?**

### **Totalizator company other employee survey responses (RAC)**

**Description**

N/A -These would be included in Special B/ Special A

## Restricted license – totalizator survey responses (RAC)

Description
<p>This is for the totalizator company- This license is restricted to Fairs. See Totalizator.</p>

<b>Type</b> <i>(License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)</i>

<b>If the regulation is a registration, certification, or license requirement, please complete the following:</b>	
<b>Number issued annually</b>	
<b>Number renewed annually</b>	
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	

If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>Education or training requirements</b>	
<b>Experience requirements</b>	
<b>Examination requirements</b> ( <i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Commission receive any proceeds of those fees? If so, how are the proceeds used?</i> )	
<b>Continuing education requirements</b> ( <i>Including a description of the curriculum and the process of setting it.</i> )	
<b>Initial fee</b>	\$100.00
<b>Duration</b>	All licenses expire 12/31/2022
<b>Renewal fee</b> ( <i>If different from initial fee, please explain why.</i> )	
<b>Does the Commission recognize uniform licensure requirements or allow for reciprocity?</b>	



**If the regulation is a registration, certification, or license requirement, please complete the following:**

**Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?**

**Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Commission?**

**Is the Commission permitted to exercise discretion in determining whether to register, certify, or license an individual?**

**Other information** (*Significant attributes or prerequisites to licensure not addressed in this chart.*)

**Oversight and disciplinary authority of the Commission respecting individuals engaged in the occupation.**

**How much revenue is derived from fees charged by the Commission to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?

Are there any changes the Commission would like to see implemented?

**Surrounding state comparison (LSC)**

*Betting Staff (Mutuel Employee, Mutuel Employee – Restricted, Mutuel Manager, Telephone Operator, Totalizator Company Management Supervisory Employee, and Totalizator Company Employee)*

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Type of regulation	License (R.C. 3769.03; O.A.C. 3769-2-18).	License (Ind. Code 4-31-6; 71 Ind. Admin. Code 5 and 5.5).	License (Ky. Rev. Stat. 230.310; 810 Ky. Admin. Regs. 3:020).	License (Mich. Comp. Laws 431.308 and 431.316; Mich. Admin. Code R. 431.1035).	Registration – employer must submit a list of personnel and, upon request, a copy of its payroll	Permit (W. Va. Code 19-23-2, 19-23-7, and 19-23-8; W. Va. Code R. 178-1-24).

**Betting Staff (Mutuel Employee, Mutuel Employee – Restricted, Mutuel Manager, Telephone Operator, Totalizator Company Management Supervisory Employee, and Totalizator Company Employee)**

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
					(7 Pa. Code 193.13).	
Education or training	N/A	N/A	N/A	N/A	N/A	N/A
Experience	N/A	N/A	N/A	N/A	N/A	N/A
Exam	N/A	N/A	N/A	N/A	N/A	N/A
Continuing education	N/A	N/A	N/A	N/A	N/A	N/A
Initial licensure fee	For a restricted license, \$10. For mutuel employee or telephone operator, \$15. For mutuel manager or totalizator company employee, \$50. For totalizator company management	\$15 ( <i>Indiana Horse Racing Commission, License Fees</i> ).	\$20 to \$50 depending on horse breed (810 Ky. Admin. Regs. 3:020).	\$10 ( <i>Mich. Comp. Laws 431.316(9)</i> ).	N/A	\$20 ( <i>W. Va. Code R. Table 178-1 A</i> ).

**Betting Staff** (*Mutuel Employee, Mutuel Employee – Restricted, Mutuel Manager, Telephone Operator, Totalizator Company Management Supervisory Employee, and Totalizator Company Employee*)

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	supervisory employee, \$100. <i>(O.A.C. 3769-2-24 and 3769-12-24.)</i>					
License duration	One year ( <i>R.C. 3769.03</i> ).	One year ( <i>Ind. Code 4-31-6-4</i> ).	One year ( <i>810 Ky. Admin. Regs. 3:020</i> ).	One year ( <i>Michigan Gaming Control Board Horse Racing Section, <a href="#">Occupational License Application (PDF)</a></i> ).	N/A	One year ( <i>W. Va. Code 19-23-8</i> ).
Renewal fee	Same as initial fee.	Same as initial fee.	Same as initial fee.	Same as initial fee.	N/A	Same as initial fee.

## Racing staff

### Outrider survey responses (RAC)

Description
Responsible for maintaining control of the horses on the track.

Type <i>(License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)</i>
License

If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	43
Number renewed annually	

If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	Increase
<b>Education or training requirements</b>	Permit holder hires, OSRC approves
<b>Experience requirements</b>	Must have prior experience or training for OSRC approval.
<b>Examination requirements</b> ( <i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Commission receive any proceeds of those fees? If so, how are the proceeds used?</i> )	
<b>Continuing education requirements</b> ( <i>Including a description of the curriculum and the process of setting it.</i> )	There is new federal regulation that will require almost all license holders with continuing education.
<b>Initial fee</b>	\$15.00 plus fingerprints
<b>Duration</b>	All licenses expire on December 31.
<b>Renewal fee</b> ( <i>If different from initial fee, please explain why.</i> )	

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<p><b>Does the Commission recognize uniform licensure requirements or allow for reciprocity?</b></p>	<p>The OSRC recognizes reciprocity. If the licensee has a license in another state, they have to provide validation that their license is in good standing and complete the required criminal background check for Ohio.</p>
<p><b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b></p>	<p>3769.22 National Racing Compact</p>
<p><b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Commission?</b></p>	
<p><b>Is the Commission permitted to exercise discretion in determining whether to register, certify, or license an individual?</b></p>	<p>3769-2-18 Applications for licenses and 3769-2-26 License refused, revoked, suspended state what parameters the Commission may use when determining to issue, refuse, revoke, or suspend a license.</p>
<p><b>Other information</b> <i>(Significant attributes or prerequisites to licensure not addressed in this chart.)</i></p>	

**Oversight and disciplinary authority of the Commission respecting individuals engaged in the occupation.**

Licensees appear before the Stewards or Judges in the first step of the administrative process. Licensees have the right to appeal a ruling which follows R.C.119 administrative adjudications.



**How much revenue is derived from fees charged by the Commission to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

The Commission is fiscally self- sustained in part through licensure fees.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

15 U.S.C. Ch57A. The Horseracing Integrity and Safety Act.

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

This regulation seeks to prevent harm to the public and instill confidence in the racing product within a highly regulated industry that has vast potential for undesirable persons to undermine the integrity of horseracing

Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?

Yes, by preventing undesirable persons from participating in racing, and no.

Are there any changes the Commission would like to see implemented?

### Owner survey responses (RAC)

Description

Owner of a horse that intends on racing.

**Type** (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)

License

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Number issued annually</b>	5,154
<b>Number renewed annually</b>	
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	
<b>Education or training requirements</b>	None
<b>Experience requirements</b>	No

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<p><b>Examination requirements</b> (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Commission receive any proceeds of those fees? If so, how are the proceeds used?</i>)</p>	
<p><b>Continuing education requirements</b> (<i>Including a description of the curriculum and the process of setting it.</i>)</p>	<p>There is new federal regulation that will require almost all license holders with continuing education.</p>
<p><b>Initial fee</b></p>	<p>\$50.00</p>
<p><b>Duration</b></p>	<p>All licenses expire on December 31.</p>
<p><b>Renewal fee</b> (<i>If different from initial fee, please explain why.</i>)</p>	
<p><b>Does the Commission recognize uniform licensure requirements or allow for reciprocity?</b></p>	<p>The OSRC recognizes reciprocity. If the licensee has a license in another state, they have to provide validation that their license is in good standing and complete the required criminal background check for Ohio.</p>
<p><b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b></p>	<p>3769.22 National Racing Compact</p>

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Commission?</b>	
<b>Is the Commission permitted to exercise discretion in determining whether to register, certify, or license an individual?</b>	3769-2-18 Applications for licenses and 3769-2-26 License refused, revoked, suspended state what parameters the Commission may use when determining to issue, refuse, revoke, or suspend a license.
<b>Other information</b> ( <i>Significant attributes or prerequisites to licensure not addressed in this chart.</i> )	

**Oversight and disciplinary authority of the Commission respecting individuals engaged in the occupation.**

Licensees appear before the Stewards or Judges in the first step of the administrative process. Licensees have the right to appeal a ruling which follows R.C.119 administrative adjudications.

**How much revenue is derived from fees charged by the Commission to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

The Commission is fiscally self-sustained in part through licensure fees.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

15 U.S.C. Ch57A. The Horseracing Integrity and Safety Act.

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

This regulation seeks to prevent harm to the public and instill confidence in the racing product within a highly regulated industry that has vast potential for undesirable persons to undermine the integrity of horseracing.

Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?

Yes, by preventing undesirable persons from participating in racing, and no.

Are there any changes the Commission would like to see implemented?

### **Restricted license – owner survey responses (RAC)**

Description

See Owner- this would be a fair Owner

**Type** (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)

--

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Number issued annually</b>	
<b>Number renewed annually</b>	
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	
<b>Education or training requirements</b>	
<b>Experience requirements</b>	



**If the regulation is a registration, certification, or license requirement, please complete the following:**

<p><b>Examination requirements</b> (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Commission receive any proceeds of those fees? If so, how are the proceeds used?</i>)</p>	
<p><b>Continuing education requirements</b> (<i>Including a description of the curriculum and the process of setting it.</i>)</p>	
<p><b>Initial fee</b></p>	<p>\$10.00</p>
<p><b>Duration</b></p>	<p>All licenses expire on December 31.</p>
<p><b>Renewal fee</b> (<i>If different from initial fee, please explain why.</i>)</p>	
<p><b>Does the Commission recognize uniform licensure requirements or allow for reciprocity?</b></p>	<p>The OSRC recognizes reciprocity. If the licensee has a license in another state, they have to provide validation that their license is in good standing and complete the required criminal background check for Ohio.</p>
<p><b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b></p>	

**If the regulation is a registration, certification, or license requirement, please complete the following:**

**Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Commission?**

--

**Is the Commission permitted to exercise discretion in determining whether to register, certify, or license an individual?**

--

**Other information** (*Significant attributes or prerequisites to licensure not addressed in this chart.*)

--

**Oversight and disciplinary authority of the Commission respecting individuals engaged in the occupation.**

--

**How much revenue is derived from fees charged by the Commission to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?

Are there any changes the Commission would like to see implemented?

### **Pony person survey responses (RAC)**

#### **Description**

This person rides her horse, while leading a horse onto the racetrack.  
Licensed under exercise rider.

**Type** (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)

License

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Number issued annually</b>	135- includes exercise riders
<b>Number renewed annually</b>	
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	
<b>Education or training requirements</b>	Must have a trainer sign off on- Must have experience for OSRC approval
<b>Experience requirements</b>	

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<p><b>Examination requirements</b> (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Commission receive any proceeds of those fees? If so, how are the proceeds used?</i>)</p>	
<p><b>Continuing education requirements</b> (<i>Including a description of the curriculum and the process of setting it.</i>)</p>	<p>There is new federal regulation that will require almost all license holders with continuing education.</p>
<p><b>Initial fee</b></p>	<p>\$15</p>
<p><b>Duration</b></p>	<p>All licenses expire on December 31.</p>
<p><b>Renewal fee</b> (<i>If different from initial fee, please explain why.</i>)</p>	
<p><b>Does the Commission recognize uniform licensure requirements or allow for reciprocity?</b></p>	<p>The OSRC recognizes reciprocity. If the licensee has a license in another state, they have to provide validation that their license is in good standing and complete the required criminal background check for Ohio.</p>
<p><b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b></p>	<p>3769.22 National Racing Compact</p>

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Commission?</b>	Persons may take work in their occupations without an OSRC license so long as they do not work at a racetrack.
<b>Is the Commission permitted to exercise discretion in determining whether to register, certify, or license an individual?</b>	3769-2-18 Applications for licenses and 3769-2-26 License refused, revoked, suspended state what parameters the Commission may use when determining to issue, refuse, revoke, or suspend a license.
<b>Other information</b> ( <i>Significant attributes or prerequisites to licensure not addressed in this chart.</i> )	

**Oversight and disciplinary authority of the Commission respecting individuals engaged in the occupation.**

Licensees appear before the Stewards or Judges in the first step of the administrative process. Licensees have the right to appeal a ruling which follows R.C.119 administrative adjudications.

**How much revenue is derived from fees charged by the Commission to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

The Commission is fiscally self-sustained in part through licensure fees.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

15 U.S.C. Ch57A. The Horseracing Integrity and Safety Act.

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

This regulation seeks to prevent harm to the public and instill confidence in the racing product within a highly regulated industry that has vast potential for undesirable persons to undermine the integrity of horseracing.



**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

Yes, by preventing undesirable persons from participating in racing, and no.

**Are there any changes the Commission would like to see implemented?**

### **Stable name (primary) survey responses (RAC)**

**Description**

A licensed name for a stable. All stable owners must also carry an Owners license.

**Type** (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)

License

**If the regulation is a registration, certification, or license requirement, please complete the following:**

**Number issued annually**

**Number renewed annually**

**Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?**

**Education or training requirements**

**Experience requirements**

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<p><b>Examination requirements</b> (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Commission receive any proceeds of those fees? If so, how are the proceeds used?</i>)</p>	
<p><b>Continuing education requirements</b> (<i>Including a description of the curriculum and the process of setting it.</i>)</p>	
<p><b>Initial fee</b></p>	
<p><b>Duration</b></p>	<p>All licenses expire on December 31.</p>
<p><b>Renewal fee</b> (<i>If different from initial fee, please explain why.</i>)</p>	
<p><b>Does the Commission recognize uniform licensure requirements or allow for reciprocity?</b></p>	<p>The OSRC recognizes reciprocity. If the licensee has a license in another state, they have to provide validation that their license is in good standing and complete the required criminal background check for Ohio.</p>
<p><b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b></p>	<p>3769.22 National Racing Compact</p>

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Commission?</b>	
<b>Is the Commission permitted to exercise discretion in determining whether to register, certify, or license an individual?</b>	3769-2-18 Applications for licenses and 3769-2-26 License refused, revoked, suspended state what parameters the Commission may use when determining to issue, refuse, revoke, or suspend a license.
<b>Other information</b> ( <i>Significant attributes or prerequisites to licensure not addressed in this chart.</i> )	Before a Stable license can be issued- All Owners in a stable must be licensed.

**Oversight and disciplinary authority of the Commission respecting individuals engaged in the occupation.**

Licensees appear before the Stewards or Judges in the first step of the administrative process. Licensees have the right to appeal a ruling which follows R.C.119 administrative adjudications.

**How much revenue is derived from fees charged by the Commission to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

The Commission is fiscally self- sustained in part through licensure fees.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

15 U.S.C. Ch57A. The Horseracing Integrity and Safety Act.

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

This regulation seeks to prevent harm to the public and instill confidence in the racing product within a highly regulated industry that has vast potential for undesirable persons to undermine the integrity of horseracing.

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

Yes, by preventing undesirable persons from participating in racing, and no.

**Are there any changes the Commission would like to see implemented?**

### **Stable name (secondary) survey responses (RAC)**

**Description**

Same as Stable Name (Primary)-Just for additional stables.

## Trainer survey responses (RAC)

Description	
Trainer of horses.	
Type <i>(License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)</i>	
License	
If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>Number issued annually</b>	1,181
<b>Number renewed annually</b>	
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	

If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>Education or training requirements</b>	Trainers are required to take a test in order to be licensed.
<b>Experience requirements</b>	At least 2 years of being licensed in the industry.
<b>Examination requirements</b> ( <i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Commission receive any proceeds of those fees? If so, how are the proceeds used?</i> )	There is new federal regulation that will require almost all license holders with continuing education.
<b>Continuing education requirements</b> ( <i>Including a description of the curriculum and the process of setting it.</i> )	
<b>Initial fee</b>	\$50.00
<b>Duration</b>	All licenses expire on December 31.
<b>Renewal fee</b> ( <i>If different from initial fee, please explain why.</i> )	
<b>Does the Commission recognize uniform licensure requirements or allow for reciprocity?</b>	The OSRC recognizes reciprocity. If the licensee has a license in another state, they have to provide validation that their license is in good standing and complete the required criminal background check for Ohio.



**If the regulation is a registration, certification, or license requirement, please complete the following:**

<p><b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b></p>	<p>3769.22 National Racing Compact</p>
<p><b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Commission?</b></p>	
<p><b>Is the Commission permitted to exercise discretion in determining whether to register, certify, or license an individual?</b></p>	<p>3769-2-18 Applications for licenses and 3769-2-26 License refused, revoked, suspended state what parameters the Commission may use when determining to issue, refuse, revoke, or suspend a license.</p>
<p><b>Other information</b> (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>)</p>	

**Oversight and disciplinary authority of the Commission respecting individuals engaged in the occupation.**

Licensees appear before the Stewards or Judges in the first step of the administrative process. Licensees have the right to appeal a ruling which follows R.C.119 administrative adjudications.

**How much revenue is derived from fees charged by the Commission to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

The Commission is fiscally self- sustained in part through licensure fees.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

15 U.S.C. Ch57A. The Horseracing Integrity and Safety Act.

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

This regulation seeks to prevent harm to the public and instill confidence in the racing product within a highly regulated industry that has vast potential for undesirable persons to undermine the integrity of horseracing.

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

Yes, by preventing undesirable persons from participating in racing, and no.

**Are there any changes the Commission would like to see implemented?**

### **Valet survey responses (RAC)**

**Description**

Responsible for preparing both jockey and horse for racing.

**Type** (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)

License

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Number issued annually</b>	23
<b>Number renewed annually</b>	
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	
<b>Education or training requirements</b>	Hired by Permit holder- must be approved by OSRC
<b>Experience requirements</b>	

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<p><b>Examination requirements</b> (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Commission receive any proceeds of those fees? If so, how are the proceeds used?</i>)</p>	
<p><b>Continuing education requirements</b> (<i>Including a description of the curriculum and the process of setting it.</i>)</p>	
<p><b>Initial fee</b></p>	<p>\$15.00</p>
<p><b>Duration</b></p>	<p>All licenses expire on December 31.</p>
<p><b>Renewal fee</b> (<i>If different from initial fee, please explain why.</i>)</p>	
<p><b>Does the Commission recognize uniform licensure requirements or allow for reciprocity?</b></p>	<p>The OSRC recognizes reciprocity. If the licensee has a license in another state, they have to provide validation that their license is in good standing and complete the required criminal background check for Ohio.</p>
<p><b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b></p>	<p>3769.22 National Racing Compact</p>

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Commission?</b>	
<b>Is the Commission permitted to exercise discretion in determining whether to register, certify, or license an individual?</b>	3769-2-18 Applications for licenses and 3769-2-26 License refused, revoked, suspended state what parameters the Commission may use when determining to issue, refuse, revoke, or suspend a license.
<b>Other information</b> ( <i>Significant attributes or prerequisites to licensure not addressed in this chart.</i> )	

**Oversight and disciplinary authority of the Commission respecting individuals engaged in the occupation.**

Licensees appear before the Stewards or Judges in the first step of the administrative process. Licensees have the right to appeal a ruling which follows R.C.119 administrative adjudications.

**How much revenue is derived from fees charged by the Commission to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

The Commission is fiscally self-sustained in part through licensure fees.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

15 U.S.C. Ch57A. The Horseracing Integrity and Safety Act.

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

This regulation seeks to prevent harm to the public and instill confidence in the racing product within a highly regulated industry that has vast potential for undesirable persons to undermine the integrity of horseracing.

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

Yes, by preventing undesirable persons from participating in racing, and no.

**Are there any changes the Commission would like to see implemented?**

### **Restricted license – quarter horse participants survey responses (RAC)**

**Description**

Would be strictly licensed for Quarter horse racing.



**Type** (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)

License

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Number issued annually</b>	Included in license type.
<b>Number renewed annually</b>	
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	Decrease
<b>Education or training requirements</b>	Depends on license type
<b>Experience requirements</b>	Depends on license type

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<p><b>Examination requirements</b> (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Commission receive any proceeds of those fees? If so, how are the proceeds used?</i>)</p>	
<p><b>Continuing education requirements</b> (<i>Including a description of the curriculum and the process of setting it.</i>)</p>	
<p><b>Initial fee</b></p>	
<p><b>Duration</b></p>	<p>All licenses expire on December 31.</p>
<p><b>Renewal fee</b> (<i>If different from initial fee, please explain why.</i>)</p>	
<p><b>Does the Commission recognize uniform licensure requirements or allow for reciprocity?</b></p>	<p>The OSRC recognizes reciprocity. If the licensee has a license in another state, they have to provide validation that their license is in good standing and complete the required criminal background check for Ohio.</p>
<p><b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b></p>	

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Commission?</b>	
<b>Is the Commission permitted to exercise discretion in determining whether to register, certify, or license an individual?</b>	3769-2-18 Applications for licenses and 3769-2-26 License refused, revoked, suspended state what parameters the Commission may use when determining to issue, refuse, revoke, or suspend a license.
<b>Other information</b> ( <i>Significant attributes or prerequisites to licensure not addressed in this chart.</i> )	

**Oversight and disciplinary authority of the Commission respecting individuals engaged in the occupation.**

Licensees appear before the Stewards or Judges in the first step of the administrative process. Licensees have the right to appeal a ruling which follows R.C.119 administrative adjudications.

**How much revenue is derived from fees charged by the Commission to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

The Commission is fiscally self-sustained in part through licensure fees.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?

Are there any changes the Commission would like to see implemented?

### **Restricted license – driver trainer survey responses (RAC)**

**Description**

Harness Driver/Trainer combination license. This would be restricted to fairs

**Type** (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)

License

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Number issued annually</b>	674
<b>Number renewed annually</b>	
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	
<b>Education or training requirements</b>	Must be tested/ certified by USTA. Must be approved by OSRC
<b>Experience requirements</b>	USTA

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<p><b>Examination requirements</b> (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Commission receive any proceeds of those fees? If so, how are the proceeds used?</i>)</p>	<p>USTA</p>
<p><b>Continuing education requirements</b> (<i>Including a description of the curriculum and the process of setting it.</i>)</p>	
<p><b>Initial fee</b></p>	<p>\$10.00</p>
<p><b>Duration</b></p>	<p>All licenses expire on December 31.</p>
<p><b>Renewal fee</b> (<i>If different from initial fee, please explain why.</i>)</p>	
<p><b>Does the Commission recognize uniform licensure requirements or allow for reciprocity?</b></p>	<p>The OSRC recognizes reciprocity. If the licensee has a license in another state, they have to provide validation that their license is in good standing and complete the required criminal background check for Ohio.</p>
<p><b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b></p>	<p>3769.22 National Racing Compact</p>

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Commission?</b>	
<b>Is the Commission permitted to exercise discretion in determining whether to register, certify, or license an individual?</b>	3769-2-18 Applications for licenses and 3769-2-26 License refused, revoked, suspended state what parameters the Commission may use when determining to issue, refuse, revoke, or suspend a license
<b>Other information</b> ( <i>Significant attributes or prerequisites to licensure not addressed in this chart.</i> )	

**Oversight and disciplinary authority of the Commission respecting individuals engaged in the occupation.**

Licensees appear before the Stewards or Judges in the first step of the administrative process. Licensees have the right to appeal a ruling which follows R.C.119 administrative adjudications.



**How much revenue is derived from fees charged by the Commission to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

The Commission is fiscally self-sustained in part through licensure fees.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?

Are there any changes the Commission would like to see implemented?

### **Jockey survey responses (RAC)**

**Description**

Rides the horse in a race -

**Type** (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)

License

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Number issued annually</b>	138
<b>Number renewed annually</b>	
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	
<b>Education or training requirements</b>	Yes
<b>Experience requirements</b>	Yes

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<p><b>Examination requirements</b> (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Commission receive any proceeds of those fees? If so, how are the proceeds used?</i>)</p>	
<p><b>Continuing education requirements</b> (<i>Including a description of the curriculum and the process of setting it.</i>)</p>	<p>There is new federal regulation that will require almost all license holders with continuing education.</p>
<p><b>Initial fee</b></p>	<p>\$50.00</p>
<p><b>Duration</b></p>	<p>All licenses expire on December 31.</p>
<p><b>Renewal fee</b> (<i>If different from initial fee, please explain why.</i>)</p>	
<p><b>Does the Commission recognize uniform licensure requirements or allow for reciprocity?</b></p>	<p>The OSRC recognizes reciprocity. If the licensee has a license in another state, they have to provide validation that their license is in good standing and complete the required criminal background check for Ohio.</p>
<p><b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b></p>	<p>3769.22 National Racing Compact</p>

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Commission?</b>	
<b>Is the Commission permitted to exercise discretion in determining whether to register, certify, or license an individual?</b>	3769-2-18 Applications for licenses and 3769-2-26 License refused, revoked, suspended state what parameters the Commission may use when determining to issue, refuse, revoke, or suspend a license.
<b>Other information</b> ( <i>Significant attributes or prerequisites to licensure not addressed in this chart.</i> )	

**Oversight and disciplinary authority of the Commission respecting individuals engaged in the occupation.**

Licensees appear before the Stewards or Judges in the first step of the administrative process. Licensees have the right to appeal a ruling which follows R.C.119 administrative adjudications.

**How much revenue is derived from fees charged by the Commission to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

The Commission is fiscally self-sustained in part through licensure fees.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

15 U.S.C. Ch57A. The Horseracing Integrity and Safety Act.

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

This regulation seeks to prevent harm to the public and instill confidence in the racing product within a highly regulated industry that has vast potential for undesirable persons to undermine the integrity of horseracing.

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

Yes, by preventing undesirable persons from participating in racing, and no.

**Are there any changes the Commission would like to see implemented?**

### **Apprentice jockey survey responses (RAC)**

**Description**

A Jockey with limited experience.

**Type** (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)

License

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Number issued annually</b>	17
<b>Number renewed annually</b>	
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	
<b>Education or training requirements</b>	Must be approved by Racing Officials. Must be approved by OSRC
<b>Experience requirements</b>	Must be approved by OSRC



**If the regulation is a registration, certification, or license requirement, please complete the following:**

<p><b>Examination requirements</b> (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Commission receive any proceeds of those fees? If so, how are the proceeds used?</i>)</p>	
<p><b>Continuing education requirements</b> (<i>Including a description of the curriculum and the process of setting it.</i>)</p>	<p>There is new federal regulation that will require almost all license holders with continuing education.</p>
<p><b>Initial fee</b></p>	<p>\$50.00</p>
<p><b>Duration</b></p>	<p>All licenses expire on December 31.</p>
<p><b>Renewal fee</b> (<i>If different from initial fee, please explain why.</i>)</p>	
<p><b>Does the Commission recognize uniform licensure requirements or allow for reciprocity?</b></p>	<p>The OSRC recognizes reciprocity. If the licensee has a license in another state, they have to provide validation that their license is in good standing and complete the required criminal background check for Ohio.</p>
<p><b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b></p>	<p>3769.22 National Racing Compact</p>

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Commission?</b>	
<b>Is the Commission permitted to exercise discretion in determining whether to register, certify, or license an individual?</b>	3769-2-18 Applications for licenses and 3769-2-26 License refused, revoked, suspended state what parameters the Commission may use when determining to issue, refuse, revoke, or suspend a license.
<b>Other information</b> ( <i>Significant attributes or prerequisites to licensure not addressed in this chart.</i> )	

**Oversight and disciplinary authority of the Commission respecting individuals engaged in the occupation.**

Licensees appear before the Stewards or Judges in the first step of the administrative process. Licensees have the right to appeal a ruling which follows R.C.119 administrative adjudications.

**How much revenue is derived from fees charged by the Commission to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

The Commission is fiscally self-sustained in part through licensure fees.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

15 U.S.C. Ch57A. The Horseracing Integrity and Safety Act.

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

This regulation seeks to prevent harm to the public and instill confidence in the racing product within a highly regulated industry that has vast potential for undesirable persons to undermine the integrity of horseracing.

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

Yes, by preventing undesirable persons from participating in racing, and no.

**Are there any changes the Commission would like to see implemented?**

### **Jockey agent survey responses (RAC)**

**Description**

Represents riders of racehorses in negotiations with owners to arrange for riding engagements at racetrack

**Type** (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)

License

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Number issued annually</b>	138
<b>Number renewed annually</b>	
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	
<b>Education or training requirements</b>	
<b>Experience requirements</b>	

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<p><b>Examination requirements</b> (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Commission receive any proceeds of those fees? If so, how are the proceeds used?</i>)</p>	
<p><b>Continuing education requirements</b> (<i>Including a description of the curriculum and the process of setting it.</i>)</p>	
<p><b>Initial fee</b></p>	<p>\$50.00</p>
<p><b>Duration</b></p>	<p>All licenses expire on December 31.</p>
<p><b>Renewal fee</b> (<i>If different from initial fee, please explain why.</i>)</p>	
<p><b>Does the Commission recognize uniform licensure requirements or allow for reciprocity?</b></p>	<p>The OSRC recognizes reciprocity. If the licensee has a license in another state, they have to provide validation that their license is in good standing and complete the required criminal background check for Ohio.</p>
<p><b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b></p>	

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Commission?</b>	
<b>Is the Commission permitted to exercise discretion in determining whether to register, certify, or license an individual?</b>	3769-2-18 Applications for licenses and 3769-2-26 License refused, revoked, suspended state what parameters the Commission may use when determining to issue, refuse, revoke, or suspend a license.
<b>Other information</b> ( <i>Significant attributes or prerequisites to licensure not addressed in this chart.</i> )	

**Oversight and disciplinary authority of the Commission respecting individuals engaged in the occupation.**

Licensees appear before the Stewards or Judges in the first step of the administrative process. Licensees have the right to appeal a ruling which follows R.C.119 administrative adjudications.

**How much revenue is derived from fees charged by the Commission to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

The Commission is fiscally self-sustained in part through licensure fees.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

This regulation seeks to prevent harm to the public and instill confidence in the racing product within a highly regulated industry that has vast potential for undesirable persons to undermine the integrity of horseracing.



**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

Yes, by preventing undesirable persons from participating in racing, and no.

**Are there any changes the Commission would like to see implemented?**

### **Driver-trainer survey responses (RAC)**

**Description**

Harness License Driver/Trainer combo License

**Type** (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)

License

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Number issued annually</b>	658
<b>Number renewed annually</b>	
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	
<b>Education or training requirements</b>	Must be certified through USTA
<b>Experience requirements</b>	

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<p><b>Examination requirements</b> (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Commission receive any proceeds of those fees? If so, how are the proceeds used?</i>)</p>	<p>USTA</p>
<p><b>Continuing education requirements</b> (<i>Including a description of the curriculum and the process of setting it.</i>)</p>	
<p><b>Initial fee</b></p>	<p>\$50.00</p>
<p><b>Duration</b></p>	<p>All licenses expire on December 31.</p>
<p><b>Renewal fee</b> (<i>If different from initial fee, please explain why.</i>)</p>	
<p><b>Does the Commission recognize uniform licensure requirements or allow for reciprocity?</b></p>	<p>The OSRC recognizes reciprocity. If the licensee has a license in another state, they have to provide validation that their license is in good standing and complete the required criminal background check for Ohio.</p>
<p><b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b></p>	

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Commission?</b>	
<b>Is the Commission permitted to exercise discretion in determining whether to register, certify, or license an individual?</b>	3769-2-18 Applications for licenses and 3769-2-26 License refused, revoked, suspended state what parameters the Commission may use when determining to issue, refuse, revoke, or suspend a license.
<b>Other information</b> ( <i>Significant attributes or prerequisites to licensure not addressed in this chart.</i> )	

**Oversight and disciplinary authority of the Commission respecting individuals engaged in the occupation.**

Licensees appear before the Stewards or Judges in the first step of the administrative process. Licensees have the right to appeal a ruling which follows R.C.119 administrative adjudications.

**How much revenue is derived from fees charged by the Commission to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

The Commission is fiscally self-sustained in part through licensure fees.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?

Are there any changes the Commission would like to see implemented?

### **Eligibility to claim survey responses (RAC)**

**Description**

A first time owner who would like to claim his/her first horse.

**Type** (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)

License

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Number issued annually</b>	35
<b>Number renewed annually</b>	
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	
<b>Education or training requirements</b>	
<b>Experience requirements</b>	

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<p><b>Examination requirements</b> (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Commission receive any proceeds of those fees? If so, how are the proceeds used?</i>)</p>	
<p><b>Continuing education requirements</b> (<i>Including a description of the curriculum and the process of setting it.</i>)</p>	<p>There is new federal regulation that will require almost all license holders with continuing education.</p>
<p><b>Initial fee</b></p>	<p>\$25.00</p>
<p><b>Duration</b></p>	<p>Good for 30 days</p>
<p><b>Renewal fee</b> (<i>If different from initial fee, please explain why.</i>)</p>	
<p><b>Does the Commission recognize uniform licensure requirements or allow for reciprocity?</b></p>	<p>The OSRC recognizes reciprocity. If the licensee has a license in another state, they have to provide validation that their license is in good standing and complete the required criminal background check for Ohio.</p>
<p><b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b></p>	



**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Commission?</b>	
<b>Is the Commission permitted to exercise discretion in determining whether to register, certify, or license an individual?</b>	3769-2-18 Applications for licenses and 3769-2-26 License refused, revoked, suspended state what parameters the Commission may use when determining to issue, refuse, revoke, or suspend a license.
<b>Other information</b> ( <i>Significant attributes or prerequisites to licensure not addressed in this chart.</i> )	

**Oversight and disciplinary authority of the Commission respecting individuals engaged in the occupation.**

Licensees appear before the Stewards or Judges in the first step of the administrative process. Licensees have the right to appeal a ruling which follows R.C.119 administrative adjudications.

**How much revenue is derived from fees charged by the Commission to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

The Commission is fiscally self-sustained in part through licensure fees.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

15 U.S.C. Ch57A. The Horseracing Integrity and Safety Act.

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

This regulation seeks to prevent harm to the public and instill confidence in the racing product within a highly regulated industry that has vast potential for undesirable persons to undermine the integrity of horseracing.

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

Yes, by preventing undesirable persons from participating in racing, and no.

**Are there any changes the Commission would like to see implemented?**

### **Exercise rider survey responses (RAC)**

**Description**

Exercises horses –Thoroughbred only

**Type** (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)

License

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Number issued annually</b>	135
<b>Number renewed annually</b>	
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	
<b>Education or training requirements</b>	Riding ability- Must be under a trainer-Must be approved by Race Officials/OSRC
<b>Experience requirements</b>	

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<p><b>Examination requirements</b> (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Commission receive any proceeds of those fees? If so, how are the proceeds used?</i>)</p>	
<p><b>Continuing education requirements</b> (<i>Including a description of the curriculum and the process of setting it.</i>)</p>	<p>There is new federal regulation that will require almost all license holders with continuing education.</p>
<p><b>Initial fee</b></p>	<p>\$15.00</p>
<p><b>Duration</b></p>	<p>All licenses expire on December 31.</p>
<p><b>Renewal fee</b> (<i>If different from initial fee, please explain why.</i>)</p>	
<p><b>Does the Commission recognize uniform licensure requirements or allow for reciprocity?</b></p>	<p>The OSRC recognizes reciprocity. If the licensee has a license in another state, they have to provide validation that their license is in good standing and complete the required criminal background check for Ohio.</p>
<p><b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b></p>	

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Commission?</b>	Persons may take work in their occupations without an OSRC license so long as they do not work at a racetrack.
<b>Is the Commission permitted to exercise discretion in determining whether to register, certify, or license an individual?</b>	3769-2-18 Applications for licenses and 3769-2-26 License refused, revoked, suspended state what parameters the Commission may use when determining to issue, refuse, revoke, or suspend a license.
<b>Other information</b> ( <i>Significant attributes or prerequisites to licensure not addressed in this chart.</i> )	

**Oversight and disciplinary authority of the Commission respecting individuals engaged in the occupation.**

Licensees appear before the Stewards or Judges in the first step of the administrative process. Licensees have the right to appeal a ruling which follows R.C.119 administrative adjudications.

**How much revenue is derived from fees charged by the Commission to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

The Commission is fiscally self-sustained in part through licensure fees.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

15 U.S.C. Ch57A. The Horseracing Integrity and Safety Act.

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

This regulation seeks to prevent harm to the public and instill confidence in the racing product within a highly regulated industry that has vast potential for undesirable persons to undermine the integrity of horseracing.

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

Yes, by preventing undesirable persons from participating in racing, and no.

**Are there any changes the Commission would like to see implemented?**

**Surrounding state comparison (LSC)**

*Racing Staff (Owner, Owner – Restricted, Owner’s Reciprocal Validation, Authorized Agent, Thoroughbred Breeder, Jockey, Apprentice Jockey, Jockey Agent, Trainer, Assistant Trainer, Driver-Trainer, Driver-Trainer – Restricted, Outrider, Pony Person, Exercise Rider, and Valet)*

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Type of regulation	License (R.C. 3769.03; O.A.C. 3769-2-18).	License (Ind. Code 4-31-6; 71 Ind. Admin. Code 5 and 5.5).	License (Ky. Rev. Stat. 230.310; 810 Ky. Admin. Regs. 3:020).	License (Mich. Comp. Laws 431.308 and 431.316; Mich. Admin. Code R. 431.1035).	License (3 Pa. Cons. Stat. 9323: 7 Pa. Code 185.1, 203.1, and 303.1).	Permit (W. Va. Code 19-23-2, 19-23-7, and 19-23-8; W. Va. Code R. 178-1-24).



**Racing Staff** (*Owner, Owner – Restricted, Owner’s Reciprocal Validation, Authorized Agent, Thoroughbred Breeder, Jockey, Apprentice Jockey, Jockey Agent, Trainer, Assistant Trainer, Driver-Trainer, Driver-Trainer – Restricted, Outrider, Pony Person, Exercise Rider, and Valet*)

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Education or training	N/A	<p>Trainer or driver must be licensed by the United States Trotting Association (USTA) or the Canadian Trotting Association (CTA).</p> <p>Jockey must have prior licensing as an apprentice.</p> <p>For all others, none.</p> <p><i>(71 Ind. Admin. Code 5 and 5.5.)</i></p>	<p>For standardbred (harness) racing, an owner, trainer, or driver must be licensed by the USTA, Standardbred Canada, or an appropriate international harness racing governing agency.</p> <p>For all others, none.</p> <p><i>(810 Ky. Admin. Regs. 3:020.)</i></p>	<p>Trainer must be knowledgeable of, and conversant in, the training of harness horses.</p> <p>Driver must be licensed by the USTA or Standardbred Canada and must be knowledgeable of, and conversant in, the driving and training of harness horses.</p> <p>Jockey must demonstrate sufficient horsemanship and ability.</p> <p>For all others, none.</p> <p><i>(Mich. Admin. Code R. 431.3220, 431.4255, and 431.4285.)</i></p>	<p>Driver must be licensed by the USTA.</p> <p>For all others, none.</p> <p><i>(7 Pa. Code 203.51.)</i></p>	See below.

**Racing Staff** (*Owner, Owner – Restricted, Owner’s Reciprocal Validation, Authorized Agent, Thoroughbred Breeder, Jockey, Apprentice Jockey, Jockey Agent, Trainer, Assistant Trainer, Driver-Trainer, Driver-Trainer – Restricted, Outrider, Pony Person, Exercise Rider, and Valet*)

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Experience	N/A	<p>Trainer or jockey agent must have sufficient experience, background, and knowledge.</p> <p>Driver must have at least one year of training experience and demonstrated ability to drive.</p> <p>Jockey or apprentice jockey must demonstrate riding ability.</p> <p>For all others, none.</p> <p><i>(71 Ind. Admin. Code 5 and 5.5.)</i></p>	<p>Jockey or apprentice jockey must have served at least one year with a racing stable.</p> <p>For all others, none.</p> <p><i>(810 Ky. Admin. Regs. 4:070.)</i></p>	<p>Trainer must have at least two years of experience under a recognized trainer, unless the trainer owns the horse.</p> <p>Driver must have at least one year of training experience.</p> <p>For all others, none.</p> <p><i>(Mich. Admin. Code R. 431.4255 and 431.4285.)</i></p>	<p>Thoroughbred trainer must have at least two years of experience or relevant college-level education.</p> <p>Jockey must have prior licensing.</p> <p>Apprentice jockey must observe races and participate in schooling races.</p> <p>Jockey agent must be qualified by reason of experience, background, and knowledge.</p> <p>For all others, none.</p> <p><i>(7 Pa. Code 303.12, 303.31, and 305.275.)</i></p>	<p>Trainer must have held a permit in another racing occupation in West Virginia for three consecutive years or in another state for four consecutive years.</p> <p>Apprentice jockey must have one year of service with a racing stable and show proficiency.</p> <p>Jockey agent must show qualifications by experience, background, and knowledge.</p> <p>For all others, none.</p> <p><i>(W. Va. Code R. 178-1-26, 178-1-28, and 178-1-29.)</i></p>

**Racing Staff** (*Owner, Owner – Restricted, Owner’s Reciprocal Validation, Authorized Agent, Thoroughbred Breeder, Jockey, Apprentice Jockey, Jockey Agent, Trainer, Assistant Trainer, Driver-Trainer, Driver-Trainer – Restricted, Outrider, Pony Person, Exercise Rider, and Valet*)

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Exam	N/A	Trainer must pass an exam and a demonstration of practical skills for initial license. Jockey agent must pass an exam. For all others, none. <i>(71 Ind. Admin. Code 5 and 5.5.)</i>	Trainer or assistant trainer must pass an exam. For all others, none. <i>(810 Ky. Admin. Regs. 4:10.0.)</i>	Trainer must pass a USTA exam. For all others, none. <i>(Mich. Admin. Code R. 431.4285.)</i>	Trainer must pass an exam and a demonstration of practical skills. Jockey and apprentice jockey must demonstrate riding ability. Jockey agent must pass an exam and have completed a continuing education program for jockeys. For all others, none. <i>(7 Pa. Code 203.21, 303.12, 303.31, 303.34, and 305.275.)</i>	Trainer must pass an exam. Jockey must demonstrate competence. For all others, none. <i>(W. Va. Code R. 178-1-26 and 178-1-28.)</i>
Continuing education	N/A	N/A	N/A	N/A	N/A	Trainer must complete four hours per year.

**Racing Staff** (*Owner, Owner – Restricted, Owner’s Reciprocal Validation, Authorized Agent, Thoroughbred Breeder, Jockey, Apprentice Jockey, Jockey Agent, Trainer, Assistant Trainer, Driver-Trainer, Driver-Trainer – Restricted, Outrider, Pony Person, Exercise Rider, and Valet*)

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
						For all others, none.  <i>(W. Va. Code R. 178-1-26.)</i>
Initial licensure fee	For a restricted license or for thoroughbred breeder, \$10.  For outrider, pony person, exercise rider, or valet, \$15.  For all others, \$50.  <i>(O.A.C. 3769-2-24 and 3769-12-24.)</i>	For exercise rider, hot walker, or pony rider, \$15.  For jockey agent, \$100.  For all others, \$35.  <i>(Indiana Horse Racing Commission, <a href="#">License Fees.</a>)</i>	For exercise rider, \$10.  For driver, driver/trainer, owner/trainer/driver, or owner/driver, \$125.  For farm manager or agent, \$25 to \$50 depending on horse breed.  For jockey apprentice, \$35 to \$100 depending on horse breed.  For steeplechase jockey, \$150.  For all others, \$35 to \$150	For jockey, apprentice jockey, jockey agent, driver, owner, or trainer, \$25.  For all others, \$10.  <i>(Michigan Gaming Control Board Horse Racing Section, <a href="#">License Application Fees (PDF)</a>; Mich. Comp. Laws 431.316(9).)</i>	For owner/trainer, \$240.  For owner, trainer, driver, or jockey, \$120.  For authorized agent, \$35 to \$100 depending on duration of license.  For assistant trainer, \$75.  For apprentice jockey, \$60.  For jockey agent, \$45.  For all others, \$30.  <i>(Pennsylvania State Horse Racing</i>	For owner-trainer, \$60.  For owner, trainer, assistant trainer, or jockey, \$30.  For all others, \$20.  <i>(W. Va. Code R. Table 178-1 A.)</i>

**Racing Staff** (*Owner, Owner – Restricted, Owner’s Reciprocal Validation, Authorized Agent, Thoroughbred Breeder, Jockey, Apprentice Jockey, Jockey Agent, Trainer, Assistant Trainer, Driver-Trainer, Driver-Trainer – Restricted, Outrider, Pony Person, Exercise Rider, and Valet*)

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
			depending on horse breed. <i>(810 Ky. Admin. Regs. 3:020)</i>		<i>Commission, License Fee Schedule (PDF) (PDF).</i>	
License duration	One year ( <i>R.C. 3769.03</i> ).	One year ( <i>Ind. Code 4-31-6-4</i> ).	One year ( <i>810 Ky. Admin. Regs. 3:020</i> ).	One year ( <i>Michigan Gaming Control Board Horse Racing Section, Occupational License Application (PDF)</i> ).	Three years, except that authorized agent may apply for a one-, two-, or three-year license ( <i>3 Pa. Cons. Stat. 9323; Pennsylvania State Horse Racing Commission, License Fee Schedule (PDF)</i> ).	One year ( <i>W. Va. Code 19-23-8</i> ).
Renewal fee	Same as initial fee.	Same as initial fee.	Same as initial fee.	Same as initial fee.	Same as initial fee.	Same as initial fee.

## Horse care staff

### Veterinarian survey responses (RAC)

Description

**Type** (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)

License

If the regulation is a registration, certification, or license requirement, please complete the following:

Number issued annually

84

Number renewed annually

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	
<b>Education or training requirements</b>	Must be licensed by the state Veterinarian Board.
<b>Experience requirements</b>	Must be in good standing with Veterinarian Board.
<b>Examination requirements</b> ( <i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Commission receive any proceeds of those fees? If so, how are the proceeds used?</i> )	Tested and certified through the Veterinarian Board.
<b>Continuing education requirements</b> ( <i>Including a description of the curriculum and the process of setting it.</i> )	
<b>Initial fee</b>	\$100.00
<b>Duration</b>	All licenses expire on December 31.
<b>Renewal fee</b> ( <i>If different from initial fee, please explain why.</i> )	

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<p><b>Does the Commission recognize uniform licensure requirements or allow for reciprocity?</b></p>	<p>The OSRC recognizes reciprocity. If the licensee has a license in another state, they have to provide validation that their license is in good standing and complete the required criminal background check for Ohio.</p>
<p><b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b></p>	
<p><b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Commission?</b></p>	<p>Persons may take work in their occupations without an OSRC license so long as they do not work at a racetrack.</p>
<p><b>Is the Commission permitted to exercise discretion in determining whether to register, certify, or license an individual?</b></p>	<p>3769-2-18 Applications for licenses and 3769-2-26 License refused, revoked, suspended state what parameters the Commission may use when determining to issue, refuse, revoke, or suspend a license.</p>
<p><b>Other information</b> <i>(Significant attributes or prerequisites to licensure not addressed in this chart.)</i></p>	

**Oversight and disciplinary authority of the Commission respecting individuals engaged in the occupation.**

Licensees appear before the Stewards or Judges in the first step of the administrative process. Licensees have the right to appeal a ruling which follows R.C.119 administrative adjudications.



**How much revenue is derived from fees charged by the Commission to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

The Commission is fiscally self-sustained in part through licensure fees.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

15 U.S.C. Ch57A. The Horseracing Integrity and Safety Act.

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

This regulation seeks to prevent harm to the public and instill confidence in the racing product within a highly regulated industry that has vast potential for undesirable persons to undermine the integrity of horseracing.

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

Yes, by preventing undesirable persons from participating in racing, and no.

**Are there any changes the Commission would like to see implemented?**

### **Veterinarian's assistant survey responses (RAC)**

**Description**

Assists the Veterinarian.

**Type** (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)

License

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Number issued annually</b>	65
<b>Number renewed annually</b>	
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	
<b>Education or training requirements</b>	Hired by permit holder- Must be approved by OSRC
<b>Experience requirements</b>	

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<p><b>Examination requirements</b> (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Commission receive any proceeds of those fees? If so, how are the proceeds used?</i>)</p>	
<p><b>Continuing education requirements</b> (<i>Including a description of the curriculum and the process of setting it.</i>)</p>	
<p><b>Initial fee</b></p>	<p>\$15.00</p>
<p><b>Duration</b></p>	<p>All licenses expire on December 31.</p>
<p><b>Renewal fee</b> (<i>If different from initial fee, please explain why.</i>)</p>	
<p><b>Does the Commission recognize uniform licensure requirements or allow for reciprocity?</b></p>	<p>The OSRC recognizes reciprocity. If the licensee has a license in another state, they have to provide validation that their license is in good standing and complete the required criminal background check for Ohio.</p>
<p><b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b></p>	

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Commission?</b>	
<b>Is the Commission permitted to exercise discretion in determining whether to register, certify, or license an individual?</b>	3769-2-18 Applications for licenses and 3769-2-26 License refused, revoked, suspended state what parameters the Commission may use when determining to issue, refuse, revoke, or suspend a license.
<b>Other information</b> ( <i>Significant attributes or prerequisites to licensure not addressed in this chart.</i> )	

**Oversight and disciplinary authority of the Commission respecting individuals engaged in the occupation.**

Licensees appear before the Stewards or Judges in the first step of the administrative process. Licensees have the right to appeal a ruling which follows R.C.119 administrative adjudications.

**How much revenue is derived from fees charged by the Commission to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

The Commission is fiscally self-sustained in part through licensure fees.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

15 U.S.C. Ch57A. The Horseracing Integrity and Safety Act.

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

This regulation seeks to prevent harm to the public and instill confidence in the racing product within a highly regulated industry that has vast potential for undesirable persons to undermine the integrity of horseracing.

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

Yes, by preventing undesirable persons from participating in racing, and no.

**Are there any changes the Commission would like to see implemented?**

### **Groom survey responses (RAC)**

**Description**

Caretaker of a horse

**Type** (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)

License

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Number issued annually</b>	1654
<b>Number renewed annually</b>	
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	
<b>Education or training requirements</b>	Must have a trainer sign employment/responsibility- Must be approved by OSRC
<b>Experience requirements</b>	



**If the regulation is a registration, certification, or license requirement, please complete the following:**

<p><b>Examination requirements</b> (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Commission receive any proceeds of those fees? If so, how are the proceeds used?</i>)</p>	
<p><b>Continuing education requirements</b> (<i>Including a description of the curriculum and the process of setting it.</i>)</p>	
<p><b>Initial fee</b></p>	
<p><b>Duration</b></p>	<p>All licenses expire on December 31.</p>
<p><b>Renewal fee</b> (<i>If different from initial fee, please explain why.</i>)</p>	
<p><b>Does the Commission recognize uniform licensure requirements or allow for reciprocity?</b></p>	<p>The OSRC recognizes reciprocity. If the licensee has a license in another state, they have to provide validation that their license is in good standing and complete the required criminal background check for Ohio.</p>
<p><b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b></p>	<p>3769.22 National Racing Compact</p>

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Commission?</b>	Persons may take work in their occupations without an OSRC license so long as they do not work at a racetrack
<b>Is the Commission permitted to exercise discretion in determining whether to register, certify, or license an individual?</b>	3769-2-18 Applications for licenses and 3769-2-26 License refused, revoked, suspended state what parameters the Commission may use when determining to issue, refuse, revoke, or suspend a license.
<b>Other information</b> ( <i>Significant attributes or prerequisites to licensure not addressed in this chart.</i> )	

**Oversight and disciplinary authority of the Commission respecting individuals engaged in the occupation.**

Licensees appear before the Stewards or Judges in the first step of the administrative process. Licensees have the right to appeal a ruling which follows R.C.119 administrative adjudications.

**How much revenue is derived from fees charged by the Commission to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

The Commission is fiscally self-sustained in part through licensure fees.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

15 U.S.C. Ch57A. The Horseracing Integrity and Safety Act.

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

This regulation seeks to prevent harm to the public and instill confidence in the racing product within a highly regulated industry that has vast potential for undesirable persons to undermine the integrity of horseracing.

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

Yes, by preventing undesirable persons from participating in racing, and no.

**Are there any changes the Commission would like to see implemented?**

### **Restricted license – groom survey responses (RAC)**

**Description**

Person in charge of caretaking the horse.- This would be restricted to fairs.

**Type** (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)

License

**If the regulation is a registration, certification, or license requirement, please complete the following:**

**Number issued annually**

**Number renewed annually**

**Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?**

**Education or training requirements**

Trainer must sign employment /responsibility. Must be approved by OSRC

**Experience requirements**

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<p><b>Examination requirements</b> (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Commission receive any proceeds of those fees? If so, how are the proceeds used?</i>)</p>	
<p><b>Continuing education requirements</b> (<i>Including a description of the curriculum and the process of setting it.</i>)</p>	
<p><b>Initial fee</b></p>	<p>\$5.00</p>
<p><b>Duration</b></p>	<p>All licenses expire on December 31.</p>
<p><b>Renewal fee</b> (<i>If different from initial fee, please explain why.</i>)</p>	
<p><b>Does the Commission recognize uniform licensure requirements or allow for reciprocity?</b></p>	<p>The OSRC recognizes reciprocity. If the licensee has a license in another state, they have to provide validation that their license is in good standing and complete the required criminal background check for Ohio.</p>
<p><b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b></p>	

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Commission?</b>	Persons may take work in their occupations without an OSRC license so long as they do not work at a racetrack.
<b>Is the Commission permitted to exercise discretion in determining whether to register, certify, or license an individual?</b>	3769-2-18 Applications for licenses and 3769-2-26 License refused, revoked, suspended state what parameters the Commission may use when determining to issue, refuse, revoke, or suspend a license.
<b>Other information</b> ( <i>Significant attributes or prerequisites to licensure not addressed in this chart.</i> )	

**Oversight and disciplinary authority of the Commission respecting individuals engaged in the occupation.**

Licensees appear before the Stewards or Judges in the first step of the administrative process. Licensees have the right to appeal a ruling which follows R.C.119 administrative adjudications.

**How much revenue is derived from fees charged by the Commission to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

The Commission is fiscally self-sustained in part through licensure fees.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

15 U.S.C. Ch57A. The Horseracing Integrity and Safety Act.

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

This regulation seeks to prevent harm to the public and instill confidence in the racing product within a highly regulated industry that has vast potential for undesirable persons to undermine the integrity of horseracing.



**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

Yes, by preventing undesirable persons from participating in racing, and no.

**Are there any changes the Commission would like to see implemented?**

### **Horseshoer survey responses (RAC)**

**Description**

Puts shoes on the horses.

**Type** (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)

License

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Number issued annually</b>	42
<b>Number renewed annually</b>	
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	
<b>Education or training requirements</b>	Education and/or training
<b>Experience requirements</b>	

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<p><b>Examination requirements</b> (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Commission receive any proceeds of those fees? If so, how are the proceeds used?</i>)</p>	
<p><b>Continuing education requirements</b> (<i>Including a description of the curriculum and the process of setting it.</i>)</p>	<p>There is new federal regulation that will require almost all license holders with continuing education.</p>
<p><b>Initial fee</b></p>	<p>\$50.00</p>
<p><b>Duration</b></p>	<p>All licenses expire on December 31.</p>
<p><b>Renewal fee</b> (<i>If different from initial fee, please explain why.</i>)</p>	
<p><b>Does the Commission recognize uniform licensure requirements or allow for reciprocity?</b></p>	<p>The OSRC recognizes reciprocity. If the licensee has a license in another state, they have to provide validation that their license is in good standing and complete the required criminal background check for Ohio.</p>
<p><b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b></p>	

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Commission?</b>	Persons may take work in their occupations without an OSRC license so long as they do not work at a racetrack.
<b>Is the Commission permitted to exercise discretion in determining whether to register, certify, or license an individual?</b>	3769-2-18 Applications for licenses and 3769-2-26 License refused, revoked, suspended state what parameters the Commission may use when determining to issue, refuse, revoke, or suspend a license.
<b>Other information</b> ( <i>Significant attributes or prerequisites to licensure not addressed in this chart.</i> )	

**Oversight and disciplinary authority of the Commission respecting individuals engaged in the occupation.**

Licensees appear before the Stewards or Judges in the first step of the administrative process. Licensees have the right to appeal a ruling which follows R.C.119 administrative adjudications.

**How much revenue is derived from fees charged by the Commission to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

The Commission is fiscally self- sustained in part through licensure fees.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

15 U.S.C. Ch57A. The Horseracing Integrity and Safety Act.

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

This regulation seeks to prevent harm to the public and instill confidence in the racing product within a highly regulated industry that has vast potential for undesirable persons to undermine the integrity of horseracing.

Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?

Yes, by preventing undesirable persons from participating in racing, and no.

Are there any changes the Commission would like to see implemented?

### Surrounding state comparison (LSC)

Horse Care Staff (Groom, Groom – Restricted, Horseshoer/Farrier/Blacksmith, Porter, Veterinarian, and Veterinarian’s Assistant)

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Type of regulation	License (R.C. 3769.03; O.A.C. 3769-2-18).	License (Ind. Code 4-31-6; 71 Ind. Admin. Code 5 and 5.5).	License (Ky. Rev. Stat. 230.310; 810 Ky. Admin. Regs. 3:020).	License (Mich. Comp. Laws 431.308 and 316; Mich. Admin. Code R. 431.1035).	License (3 Pa. Cons. Stat. 9323; 7 Pa. Code 185.1, 203.1, and 303.1).	Permit (W. Va. Code 19-23-2, 19-23-7, and 19-23-8; W. Va. Code R. 178-1-24).

**Horse Care Staff** (*Groom, Groom – Restricted, Horseshoer/Farrier/Blacksmith, Porter, Veterinarian, and Veterinarian’s Assistant*)

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Education or training	N/A	<p>Veterinarian must be licensed by the state veterinarian regulatory authority and recommended by the official veterinarian.</p> <p>For all others, none.</p> <p><i>(71 Ind. Admin. Code 8-5-1.)</i></p>	<p>Veterinarian, veterinary technologist, or veterinary technician must hold an appropriate veterinary license or registration in Kentucky.</p> <p>Equine therapist must be approved by a licensed veterinarian and the chief state veterinarian.</p> <p>Horseshoer must have completed a course or exam recognized by the American Farrier’s Association or submit a letter of recommendation from a licensed horseshoer.</p> <p>For all others, none.</p>	<p>Veterinarian must be licensed to practice veterinary medicine.</p> <p>For all others, none.</p> <p><i>(Mich. Comp. Laws 431.302(t).)</i></p>	<p>Veterinarian must be licensed to practice veterinary medicine in the state.</p> <p>For all others, none.</p> <p><i>(7 Pa. Code 203.111.)</i></p>	<p>Veterinarian must be licensed to practice veterinary medicine in the state.</p> <p>For all others, none.</p> <p><i>(W. Va. Code R. 178-1-31.)</i></p>

**Horse Care Staff** (*Groom, Groom – Restricted, Horseshoer/Farrier/Blacksmith, Porter, Veterinarian, and Veterinarian’s Assistant*)

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
			<i>(810 Ky. Admin. Regs. 3:020.)</i>			
Experience	N/A	Horseshoer must have sufficient experience, background, and knowledge.  For all others, none.  <i>(71 Ind. Admin. Code 5-6-1 and 5.5-7-1.)</i>	See above.	N/A	N/A	N/A
Exam	N/A	Horseshoer must pass an exam.  For all others, none.  <i>(71 Ind. Admin. Code 5-6-1 and 5.5-7-1.)</i>	See above.	N/A	Horseshoer must pass an exam or a demonstration of practical skills.  For all others, none.  <i>(7 Pa. Code 203.101.)</i>	Horseshoer must pass an exam and demonstrate skills.  For all others, none.  <i>(W. Va. Code R. 178-1-30.)</i>
Continuing education	N/A	N/A	N/A	N/A	N/A	N/A



**Horse Care Staff** (*Groom, Groom – Restricted, Horseshoer/Farrier/Blacksmith, Porter, Veterinarian, and Veterinarian’s Assistant*)

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Initial licensure fee	<p>For a restricted license, \$5.</p> <p>For groom, \$10.</p> <p>For porter or veterinarian’s assistant, \$15.</p> <p>For horseshoer, \$50.</p> <p>For veterinarian, \$100.</p> <p><i>(O.A.C. 3769-2-24 and 3769-12-24.)</i></p>	<p>For groom, \$15.</p> <p>For veterinarian, equine dentist, or massage therapist, \$100.</p> <p>For all others, \$35.</p> <p><i>(Indiana Horse Racing Commission, <a href="#">License Fees.</a>)</i></p>	<p>For stable employee, \$5 to \$10 depending on horse breed.</p> <p>For veterinary assistant, veterinary technologist or technician, equine therapist, or horseshoer apprentice, \$25 to \$50 depending on horse breed.</p> <p>For horseshoer, \$35 to \$100 depending on horse breed.</p> <p>For dental technician, \$100.</p> <p>For veterinarian, \$35 to \$150, depending on horse breed.</p> <p><i>(810 Ky. Admin. Regs. 3:020.)</i></p>	<p>For veterinarian, \$25.</p> <p>For all others, \$10.</p> <p><i>(Michigan Gaming Control Board Horse Racing Section, <a href="#">License Application Fees (PDF)</a>; Mich. Comp. Laws 431.316(9).)</i></p>	<p>For veterinarian, \$120.</p> <p>For horseshoer, \$60.</p> <p>For all others, \$30.</p> <p><i>(Pennsylvania State Horse Racing Commission, <a href="#">License Fee Schedule (PDF)</a>.)</i></p>	<p>For veterinarian or horseshoer, \$30.</p> <p>For all others, \$20.</p> <p><i>(W. Va. Code R. Table 178-1 A.)</i></p>

**Horse Care Staff** (*Groom, Groom – Restricted, Horseshoer/Farrier/Blacksmith, Porter, Veterinarian, and Veterinarian’s Assistant*)

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License duration	One year ( <i>R.C. 3769.03</i> ).	One year ( <i>Ind. Code 4-31-6-4</i> ).	One year ( <i>810 Ky. Admin. Regs. 3:020</i> ).	One year ( <i>Michigan Gaming Control Board Horse Racing Section, <a href="#">Occupational License Application (PDF)</a></i> ).	Three years ( <i>3 Pa. Cons. Stat. 9323</i> ).	One year ( <i>W. Va. Code 19-23-8</i> ).
Renewal fee	Same as initial fee.	Same as initial fee.	Same as initial fee.	Same as initial fee.	Same as initial fee.	Same as initial fee.

**Facility staff**

**Maintenance survey responses (RAC)**

**Description**

This would include Maintenance personnel that work on the racing side of the permit holder’s property. Maintenance workers can be track maintenance or property/grounds maintenance.

**Type** (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)

License-

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Number issued annually</b>	77
<b>Number renewed annually</b>	
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	
<b>Education or training requirements</b>	Hired by Permit holder, subject to approval from OSRC.
<b>Experience requirements</b>	Track Maintenance supervisor would need some experience for approval.

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<p><b>Examination requirements</b> (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Commission receive any proceeds of those fees? If so, how are the proceeds used?</i>)</p>	<p>No</p>
<p><b>Continuing education requirements</b> (<i>Including a description of the curriculum and the process of setting it.</i>)</p>	<p>There is new federal regulation that will require almost all license holders with continuing education.</p>
<p><b>Initial fee</b></p>	<p>\$15 plus fingerprinting.</p>
<p><b>Duration</b></p>	<p>All licenses expire on December 31.</p>
<p><b>Renewal fee</b> (<i>If different from initial fee, please explain why.</i>)</p>	
<p><b>Does the Commission recognize uniform licensure requirements or allow for reciprocity?</b></p>	<p>The OSRC recognizes reciprocity. If the licensee has a license in another state, they have to provide validation that their license is in good standing and complete the required criminal background check for Ohio.</p>
<p><b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b></p>	<p>3769.22 National Racing Compact</p>

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Commission?</b>	Persons may take work in their occupations without an OSRC license so long as they do not work at a racetrack.
<b>Is the Commission permitted to exercise discretion in determining whether to register, certify, or license an individual?</b>	3769-2-18 Applications for licenses and 3769-2-26 License refused, revoked, suspended state what parameters the Commission may use when determining to issue, refuse, revoke, or suspend a license.
<b>Other information</b> ( <i>Significant attributes or prerequisites to licensure not addressed in this chart.</i> )	

**Oversight and disciplinary authority of the Commission respecting individuals engaged in the occupation.**

Licensees appear before the Stewards or Judges in the first step of the administrative process. Licensees have the right to appeal a ruling which follows R. C. 119 administrative adjudications.

**How much revenue is derived from fees charged by the Commission to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

The Commission is fiscally self-sustained in part through licensure fees.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

15 U.S.C. Ch. 57A. The Horseracing Integrity and Safety Act.

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

This regulation seeks to prevent harm to the public and instill confidence in the racing product within a highly regulated industry that has vast potential for undesirable persons to undermine the integrity of horseracing.

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

Yes, by preventing undesirable persons from participating in racing, and no.

**Are there any changes the Commission would like to see implemented?**

### **Medical survey responses (RAC)**

**Description**

Would encompass Medical/ First Aid personnel.

**Type** (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)

License

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Number issued annually</b>	7
<b>Number renewed annually</b>	
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	Will be increasing as permit holders outsource to companies who have multiple people coming in for work.
<b>Education or training requirements</b>	Contract agreement with Permit holder.
<b>Experience requirements</b>	Contract agreement with Permit holder.



**If the regulation is a registration, certification, or license requirement, please complete the following:**

<p><b>Examination requirements</b> (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Commission receive any proceeds of those fees? If so, how are the proceeds used?</i>)</p>	
<p><b>Continuing education requirements</b> (<i>Including a description of the curriculum and the process of setting it.</i>)</p>	<p>There is new federal regulation that will require almost all license holders with continuing education.</p>
<p><b>Initial fee</b></p>	<p>\$15.00</p>
<p><b>Duration</b></p>	<p>All licenses expire on December 31.</p>
<p><b>Renewal fee</b> (<i>If different from initial fee, please explain why.</i>)</p>	
<p><b>Does the Commission recognize uniform licensure requirements or allow for reciprocity?</b></p>	<p>The OSRC recognizes reciprocity. If the licensee has a license in another state, they have to provide validation that their license is in good standing and complete the required criminal background check for Ohio.</p>
<p><b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b></p>	<p>3769.22 National Racing Compact</p>

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Commission?</b>	Persons may take work in their occupations without an OSRC license so long as they do not work at a racetrack.
<b>Is the Commission permitted to exercise discretion in determining whether to register, certify, or license an individual?</b>	3769-2-18 Applications for licenses and 3769-2-26 License refused, revoked, suspended state what parameters the Commission may use when determining to issue, refuse, revoke, or suspend a license.
<b>Other information</b> ( <i>Significant attributes or prerequisites to licensure not addressed in this chart.</i> )	

**Oversight and disciplinary authority of the Commission respecting individuals engaged in the occupation.**

Licensees appear before the Stewards or Judges in the first step of the administrative process. Licensees have the right to appeal a ruling which follows R. C. 119 administrative adjudications.

**How much revenue is derived from fees charged by the Commission to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

The Commission is fiscally self-sustained in part through licensure fees.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

15 U.S.C. Ch. 57A. The Horseracing Integrity and Safety Act.

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

This regulation seeks to prevent harm to the public and instill confidence in the racing product within a highly regulated industry that has vast potential for undesirable persons to undermine the integrity of horseracing.

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

Yes, by preventing undesirable persons from participating in racing, and no.

**Are there any changes the Commission would like to see implemented?**

### **Security survey responses (RAC)**

**Description**

Maintains security at the racetrack.

**Type** (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)

License

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Number issued annually</b>	51
<b>Number renewed annually</b>	
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	
<b>Education or training requirements</b>	Hired by permit holder- Must be approved by OSRC
<b>Experience requirements</b>	

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<p><b>Examination requirements</b> (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Commission receive any proceeds of those fees? If so, how are the proceeds used?</i>)</p>	
<p><b>Continuing education requirements</b> (<i>Including a description of the curriculum and the process of setting it.</i>)</p>	<p>There is new federal regulation that will require almost all license holders with continuing education.</p>
<p><b>Initial fee</b></p>	<p>\$15</p>
<p><b>Duration</b></p>	<p>All licenses expire on December 31.</p>
<p><b>Renewal fee</b> (<i>If different from initial fee, please explain why.</i>)</p>	
<p><b>Does the Commission recognize uniform licensure requirements or allow for reciprocity?</b></p>	<p>The OSRC recognizes reciprocity. If the licensee has a license in another state, they have to provide validation that their license is in good standing and complete the required criminal background check for Ohio.</p>
<p><b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b></p>	<p>3769.22 National Racing Compact</p>

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Commission?</b>	Persons may take work in their occupations without an OSRC license so long as they do not work at a racetrack.
<b>Is the Commission permitted to exercise discretion in determining whether to register, certify, or license an individual?</b>	3769-2-18 Applications for licenses and 3769-2-26 License refused, revoked, suspended state what parameters the Commission may use when determining to issue, refuse, revoke, or suspend a license.
<b>Other information</b> ( <i>Significant attributes or prerequisites to licensure not addressed in this chart.</i> )	

**Oversight and disciplinary authority of the Commission respecting individuals engaged in the occupation.**

Licensees appear before the Stewards or Judges in the first step of the administrative process. Licensees have the right to appeal a ruling which follows R.C.119 administrative adjudications.

**How much revenue is derived from fees charged by the Commission to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

The Commission is fiscally self-sustained in part through licensure fees.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

15 U.S.C. Ch57A. The Horseracing Integrity and Safety Act.

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

This regulation seeks to prevent harm to the public and instill confidence in the racing product within a highly regulated industry that has vast potential for undesirable persons to undermine the integrity of horseracing.



**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

Yes, by preventing undesirable persons from participating in racing, and no.

**Are there any changes the Commission would like to see implemented?**

### **Chief of security survey responses (RAC)**

**Description**

See Security- This would be under Special B

**Type** (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)

License

**If the regulation is a registration, certification, or license requirement, please complete the following:**

**Number issued annually**

**Number renewed annually**

**Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?**

**Education or training requirements**

**Experience requirements**

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<p><b>Examination requirements</b> (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Commission receive any proceeds of those fees? If so, how are the proceeds used?</i>)</p>	
<p><b>Continuing education requirements</b> (<i>Including a description of the curriculum and the process of setting it.</i>)</p>	
<p><b>Initial fee</b></p>	<p>\$50.00</p>
<p><b>Duration</b></p>	<p>All licenses expire on December 31.</p>
<p><b>Renewal fee</b> (<i>If different from initial fee, please explain why.</i>)</p>	
<p><b>Does the Commission recognize uniform licensure requirements or allow for reciprocity?</b></p>	<p>The OSRC recognizes reciprocity. If the licensee has a license in another state, they have to provide validation that their license is in good standing and complete the required criminal background check for Ohio.</p>
<p><b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b></p>	

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Commission?</b>	
<b>Is the Commission permitted to exercise discretion in determining whether to register, certify, or license an individual?</b>	3769-2-18 Applications for licenses and 3769-2-26 License refused, revoked, suspended state what parameters the Commission may use when determining to issue, refuse, revoke, or suspend a license.
<b>Other information</b> ( <i>Significant attributes or prerequisites to licensure not addressed in this chart.</i> )	

**Oversight and disciplinary authority of the Commission respecting individuals engaged in the occupation.**

Licensees appear before the Stewards or Judges in the first step of the administrative process. Licensees have the right to appeal a ruling which follows R.C.119 administrative adjudications.

**How much revenue is derived from fees charged by the Commission to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

The Commission is fiscally self-sustained in part through licensure fees.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

15 U.S.C. Ch57A. The Horseracing Integrity and Safety Act.

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

This regulation seeks to prevent harm to the public and instill confidence in the racing product within a highly regulated industry that has vast potential for undesirable persons to undermine the integrity of horseracing.

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

Yes, by preventing undesirable persons from participating in racing, and no.

**Are there any changes the Commission would like to see implemented?**

### **Admission employee survey responses (RAC)**

**Description**

This person normally assists entrance to the racetrack.

**Type** (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)

License

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Number issued annually</b>	6
<b>Number renewed annually</b>	
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	
<b>Education or training requirements</b>	No
<b>Experience requirements</b>	No

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<p><b>Examination requirements</b> (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Commission receive any proceeds of those fees? If so, how are the proceeds used?</i>)</p>	
<p><b>Continuing education requirements</b> (<i>Including a description of the curriculum and the process of setting it.</i>)</p>	<p>There is new federal regulation that will require almost all license holders with continuing education.</p>
<p><b>Initial fee</b></p>	<p>\$15.00</p>
<p><b>Duration</b></p>	<p>All licenses expire on December 31.</p>
<p><b>Renewal fee</b> (<i>If different from initial fee, please explain why.</i>)</p>	
<p><b>Does the Commission recognize uniform licensure requirements or allow for reciprocity?</b></p>	<p>The OSRC recognizes reciprocity. If the licensee has a license in another state, they have to provide validation that their license is in good standing and complete the required criminal background check for Ohio.</p>
<p><b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b></p>	



**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Commission?</b>	
<b>Is the Commission permitted to exercise discretion in determining whether to register, certify, or license an individual?</b>	3769-2-18 Applications for licenses and 3769-2-26 License refused, revoked, suspended state what parameters the Commission may use when determining to issue, refuse, revoke, or suspend a license.
<b>Other information</b> ( <i>Significant attributes or prerequisites to licensure not addressed in this chart.</i> )	

**Oversight and disciplinary authority of the Commission respecting individuals engaged in the occupation.**

Licensees appear before the Stewards or Judges in the first step of the administrative process. Licensees have the right to appeal a ruling which follows R.C.119 administrative adjudications.

**How much revenue is derived from fees charged by the Commission to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

The Commission is fiscally self- sustained in part through licensure fees.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

15 U.S.C. Ch57A. The Horseracing Integrity and Safety Act.

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

This regulation seeks to prevent harm to the public and instill confidence in the racing product within a highly regulated industry that has vast potential for undesirable persons to undermine the integrity of horseracing.

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

Yes, by preventing undesirable persons from participating in racing, and no.

**Are there any changes the Commission would like to see implemented?**

### **Concession employee survey responses (RAC)**

**Description**

Typically licensed dually with lottery.

**Type** (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)

License

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Number issued annually</b>	2- but also in VLT licenses
<b>Number renewed annually</b>	
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	
<b>Education or training requirements</b>	
<b>Experience requirements</b>	

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<p><b>Examination requirements</b> (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Commission receive any proceeds of those fees? If so, how are the proceeds used?</i>)</p>	
<p><b>Continuing education requirements</b> (<i>Including a description of the curriculum and the process of setting it.</i>)</p>	
<p><b>Initial fee</b></p>	<p>\$15.00</p>
<p><b>Duration</b></p>	<p>All licenses expire on December 31.</p>
<p><b>Renewal fee</b> (<i>If different from initial fee, please explain why.</i>)</p>	
<p><b>Does the Commission recognize uniform licensure requirements or allow for reciprocity?</b></p>	<p>The OSRC recognizes reciprocity. If the licensee has a license in another state, they have to provide validation that their license is in good standing and complete the required criminal background check for Ohio.</p>
<p><b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b></p>	

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<p><b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Commission?</b></p>	
<p><b>Is the Commission permitted to exercise discretion in determining whether to register, certify, or license an individual?</b></p>	<p>3769-2-18 Applications for licenses and 3769-2-26 License refused, revoked, suspended state what parameters the Commission may use when determining to issue, refuse, revoke, or suspend a license.</p>
<p><b>Other information</b> (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>)</p>	

**Oversight and disciplinary authority of the Commission respecting individuals engaged in the occupation.**

Licensees appear before the Stewards or Judges in the first step of the administrative process. Licensees have the right to appeal a ruling which follows R.C.119 administrative adjudications.

**How much revenue is derived from fees charged by the Commission to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

The Commission is fiscally self-sustained in part through licensure fees.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?

Are there any changes the Commission would like to see implemented?

### **Concession manager survey responses (RAC)**

#### **Description**

Would be in charge of concessions and staff. This would be a dual license through VLT.



**Type** (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)

License

**If the regulation is a registration, certification, or license requirement, please complete the following:**

**Number issued annually**

**Number renewed annually**

**Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?**

**Education or training requirements**

**Experience requirements**

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<p><b>Examination requirements</b> (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Commission receive any proceeds of those fees? If so, how are the proceeds used?</i>)</p>	
<p><b>Continuing education requirements</b> (<i>Including a description of the curriculum and the process of setting it.</i>)</p>	
<p><b>Initial fee</b></p>	
<p><b>Duration</b></p>	<p>All licenses expire on December 31.</p>
<p><b>Renewal fee</b> (<i>If different from initial fee, please explain why.</i>)</p>	
<p><b>Does the Commission recognize uniform licensure requirements or allow for reciprocity?</b></p>	<p>The OSRC recognizes reciprocity. If the licensee has a license in another state, they have to provide validation that their license is in good standing and complete the required criminal background check for Ohio.</p>
<p><b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b></p>	

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Commission?</b>	Persons may take work in their occupations without an OSRC license so long as they do not work at a racetrack.
<b>Is the Commission permitted to exercise discretion in determining whether to register, certify, or license an individual?</b>	3769-2-18 Applications for licenses and 3769-2-26 License refused, revoked, suspended state what parameters the Commission may use when determining to issue, refuse, revoke, or suspend a license.
<b>Other information</b> ( <i>Significant attributes or prerequisites to licensure not addressed in this chart.</i> )	

**Oversight and disciplinary authority of the Commission respecting individuals engaged in the occupation.**

Licensees appear before the Stewards or Judges in the first step of the administrative process. Licensees have the right to appeal a ruling which follows R.C.119 administrative adjudications.

**How much revenue is derived from fees charged by the Commission to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

The Commission is fiscally self-sustained in part through licensure fees.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?

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Are there any changes the Commission would like to see implemented?

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### **Doctor survey responses (RAC)**

Description

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**Type** (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)

License

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Number issued annually</b>	In with Special B
<b>Number renewed annually</b>	
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	
<b>Education or training requirements</b>	Yes- licensed by Medical Board
<b>Experience requirements</b>	

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<p><b>Examination requirements</b> (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Commission receive any proceeds of those fees? If so, how are the proceeds used?</i>)</p>	
<p><b>Continuing education requirements</b> (<i>Including a description of the curriculum and the process of setting it.</i>)</p>	<p>By Medical Board</p>
<p><b>Initial fee</b></p>	<p>\$50.00</p>
<p><b>Duration</b></p>	<p>All licenses expire on December 31.</p>
<p><b>Renewal fee</b> (<i>If different from initial fee, please explain why.</i>)</p>	
<p><b>Does the Commission recognize uniform licensure requirements or allow for reciprocity?</b></p>	<p>The OSRC recognizes reciprocity. If the licensee has a license in another state, they have to provide validation that their license is in good standing and complete the required criminal background check for Ohio.</p>
<p><b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b></p>	

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Commission?</b>	
<b>Is the Commission permitted to exercise discretion in determining whether to register, certify, or license an individual?</b>	3769-2-18 Applications for licenses and 3769-2-26 License refused, revoked, suspended state what parameters the Commission may use when determining to issue, refuse, revoke, or suspend a license.
<b>Other information</b> ( <i>Significant attributes or prerequisites to licensure not addressed in this chart.</i> )	

**Oversight and disciplinary authority of the Commission respecting individuals engaged in the occupation.**

Licensees appear before the Stewards or Judges in the first step of the administrative process. Licensees have the right to appeal a ruling which follows R.C.119 administrative adjudications.



**How much revenue is derived from fees charged by the Commission to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

The Commission is fiscally self-sustained in part through licensure fees

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?

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Are there any changes the Commission would like to see implemented?

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### **General manager survey responses (RAC)**

**Description**

General Manager of the race side.

**Type** (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)

License

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Number issued annually</b>	8
<b>Number renewed annually</b>	
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	
<b>Education or training requirements</b>	Hired by permit holder- Must be approved by OSRC
<b>Experience requirements</b>	

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<p><b>Examination requirements</b> (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Commission receive any proceeds of those fees? If so, how are the proceeds used?</i>)</p>	
<p><b>Continuing education requirements</b> (<i>Including a description of the curriculum and the process of setting it.</i>)</p>	<p>There is new federal regulation that will require almost all license holders with continuing education.</p>
<p><b>Initial fee</b></p>	<p>50.00</p>
<p><b>Duration</b></p>	<p>All licenses expire on December 31.</p>
<p><b>Renewal fee</b> (<i>If different from initial fee, please explain why.</i>)</p>	
<p><b>Does the Commission recognize uniform licensure requirements or allow for reciprocity?</b></p>	<p>The OSRC recognizes reciprocity. If the licensee has a license in another state, they have to provide validation that their license is in good standing and complete the required criminal background check for Ohio.</p>
<p><b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b></p>	

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Commission?</b>	
<b>Is the Commission permitted to exercise discretion in determining whether to register, certify, or license an individual?</b>	3769-2-18 Applications for licenses and 3769-2-26 License refused, revoked, suspended state what parameters the Commission may use when determining to issue, refuse, revoke, or suspend a license.
<b>Other information</b> ( <i>Significant attributes or prerequisites to licensure not addressed in this chart.</i> )	

**Oversight and disciplinary authority of the Commission respecting individuals engaged in the occupation.**

Licensees appear before the Stewards or Judges in the first step of the administrative process. Licensees have the right to appeal a ruling which follows R.C.119 administrative adjudications.

**How much revenue is derived from fees charged by the Commission to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

The Commission is fiscally self-sustained in part through licensure fees.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

15 U.S.C. Ch57A. The Horseracing Integrity and Safety Act.

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

This regulation seeks to prevent harm to the public and instill confidence in the racing product within a highly regulated industry that has vast potential for undesirable persons to undermine the integrity of horseracing.

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

Yes, by preventing undesirable persons from participating in racing, and no

**Are there any changes the Commission would like to see implemented?**

**Surrounding state comparison (LSC)**

*Facility Staff (Admission Employee, Concession Employee, Concession Manager, Doctor, Medical and First Aid, General Manager, Maintenance, Parking Lot Employee, Security, and Chief of Security)*

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Type of regulation	License (R.C. 3769.03; O.A.C. 3769-2-18).	License (Ind. Code 4-31-6; 71 Ind. Admin. Code 5 and 5.5).	License (Ky. Rev. Stat. 230.310; 810 Ky. Admin. Regs. 3:020).	License (Mich. Comp. Laws 431.308 and 431.316; Mich. Admin. Code R. 431.1035).	License (3 Pa. Cons. Stat. 9323; 7 Pa. Code 185.1, 203.1, and 303.1).	Permit (W. Va. Code 19-23-2, 19-23-7, and 19-23-8; W. Va. Code R. 178-1-24).

**Facility Staff** (*Admission Employee, Concession Employee, Concession Manager, Doctor, Medical and First Aid, General Manager, Maintenance, Parking Lot Employee, Security, and Chief of Security*)

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Education or training	N/A	N/A	N/A	N/A	N/A	N/A
Experience	N/A	N/A	N/A	N/A	N/A	N/A
Exam	N/A	N/A	N/A	N/A	N/A	N/A
Continuing education	N/A	N/A	N/A	N/A	N/A	N/A
Initial licensure fee	For concession manager, chief of security, or doctor, \$50. For general manager, \$100. For all others, \$15. <i>(O.A.C. 3769-2-24 and 3769-12-24.)</i>	For track employee or track security, \$15. For gate crew, \$35. For track management, \$60. <i>(Indiana Horse Racing Commission, <a href="#">License Fees.</a>)</i>	\$10 to \$25 depending on horse breed (810 Ky. Admin. Regs. 3:020).	\$10 ( <i>Michigan Gaming Control Board Horse Racing Section, <a href="#">License Application Fees (PDF)</a>; Mich. Comp. Laws 431.316(9).</i> )	For track management, \$100. For all others, \$30. <i>(Pennsylvania State Horse Racing Commission, <a href="#">License Fee Schedule (PDF)</a>.)</i>	\$20 ( <i>W. Va. Code R. Table 178-1 A</i> ).
License duration	One year ( <i>R.C. 3769.03</i> ).	One year ( <i>Ind. Code 4-31-6-4</i> ).	One year (810 Ky. Admin. Regs. 3:020).	One year ( <i>Michigan Gaming Control Board Horse Racing Section,</i>	Three years ( <i>3 Pa. Cons. Stat. 9323</i> ).	One year ( <i>W. Va. Code 19-23-8</i> ).



Facility Staff (Admission Employee, Concession Employee, Concession Manager, Doctor, Medical and First Aid, General Manager, Maintenance, Parking Lot Employee, Security, and Chief of Security)						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
				<a href="#"><u>Occupational License Application (PDF)</u></a>		
Renewal fee	Same as initial fee.	Same as initial fee.	Same as initial fee.	Same as initial fee.	Same as initial fee.	Same as initial fee.

## Suppliers

### Supply salesperson survey responses (RAC)

Description
License to sell wares on the racetrack.

**Type** (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)

License

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Number issued annually</b>	27
<b>Number renewed annually</b>	
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	
<b>Education or training requirements</b>	No
<b>Experience requirements</b>	None

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<p><b>Examination requirements</b> (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Commission receive any proceeds of those fees? If so, how are the proceeds used?</i>)</p>	
<p><b>Continuing education requirements</b> (<i>Including a description of the curriculum and the process of setting it.</i>)</p>	
<p><b>Initial fee</b></p>	<p>\$15.00</p>
<p><b>Duration</b></p>	<p>All licenses expire on December 31.</p>
<p><b>Renewal fee</b> (<i>If different from initial fee, please explain why.</i>)</p>	
<p><b>Does the Commission recognize uniform licensure requirements or allow for reciprocity?</b></p>	<p>The OSRC recognizes reciprocity. If the licensee has a license in another state, they have to provide validation that their license is in good standing and complete the required criminal background check for Ohio.</p>
<p><b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b></p>	<p>3769.22 National Racing Compact</p>

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Commission?</b>	Persons may take work in their occupations without an OSRC license so long as they do not work at a racetrack.
<b>Is the Commission permitted to exercise discretion in determining whether to register, certify, or license an individual?</b>	3769-2-18 Applications for licenses and 3769-2-26 License refused, revoked, suspended state what parameters the Commission may use when determining to issue, refuse, revoke, or suspend a license.
<b>Other information</b> ( <i>Significant attributes or prerequisites to licensure not addressed in this chart.</i> )	

**Oversight and disciplinary authority of the Commission respecting individuals engaged in the occupation.**

Licensees appear before the Stewards or Judges in the first step of the administrative process. Licensees have the right to appeal a ruling which follows R.C.119 administrative adjudications.

**How much revenue is derived from fees charged by the Commission to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

The Commission is fiscally self-sustained in part through licensure fees.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

15 U.S.C. Ch57A. The Horseracing Integrity and Safety Act.

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

This regulation seeks to prevent harm to the public and instill confidence in the racing product within a highly regulated industry that has vast potential for undesirable persons to undermine the integrity of horseracing.

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

Yes, by preventing undesirable persons from participating in racing, and no.

**Are there any changes the Commission would like to see implemented?**

### **Supply sales owner survey responses (RAC)**

**Description**

An Owner of a company that sells wares on the racetrack.

**Type** (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)

License

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Number issued annually</b>	17
<b>Number renewed annually</b>	
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	
<b>Education or training requirements</b>	
<b>Experience requirements</b>	No

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<p><b>Examination requirements</b> (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Commission receive any proceeds of those fees? If so, how are the proceeds used?</i>)</p>	<p>None</p>
<p><b>Continuing education requirements</b> (<i>Including a description of the curriculum and the process of setting it.</i>)</p>	
<p><b>Initial fee</b></p>	<p>\$50.00</p>
<p><b>Duration</b></p>	<p>All licenses expire on December 31.</p>
<p><b>Renewal fee</b> (<i>If different from initial fee, please explain why.</i>)</p>	
<p><b>Does the Commission recognize uniform licensure requirements or allow for reciprocity?</b></p>	<p>The OSRC recognizes reciprocity. If the licensee has a license in another state, they have to provide validation that their license is in good standing and complete the required criminal background check for Ohio.</p>
<p><b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b></p>	



**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Commission?</b>	Persons may take work in their occupations without an OSRC license so long as they do not work at a racetrack.
<b>Is the Commission permitted to exercise discretion in determining whether to register, certify, or license an individual?</b>	3769-2-18 Applications for licenses and 3769-2-26 License refused, revoked, suspended state what parameters the Commission may use when determining to issue, refuse, revoke, or suspend a license.
<b>Other information</b> ( <i>Significant attributes or prerequisites to licensure not addressed in this chart.</i> )	

**Oversight and disciplinary authority of the Commission respecting individuals engaged in the occupation.**

Licensees appear before the Stewards or Judges in the first step of the administrative process. Licensees have the right to appeal a ruling which follows R.C.119 administrative adjudications.

**How much revenue is derived from fees charged by the Commission to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

The Commission is fiscally self-sustained in part through licensure fees.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

15 U.S.C. Ch57A. The Horseracing Integrity and Safety Act.

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

This regulation seeks to prevent harm to the public and instill confidence in the racing product within a highly regulated industry that has vast potential for undesirable persons to undermine the integrity of horseracing.

Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?

Yes, by preventing undesirable persons from participating in racing, and no.

Are there any changes the Commission would like to see implemented?

### Surrounding state comparison (LSC)

Suppliers (Supply Sales – Owner and Supply Salesman)						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Type of regulation	License (R.C. 3769.03; O.A.C. 3769-2-18).	License (Ind. Code 4-31-6; 71 Ind. Admin. Code 5 and 5.5).	License (Ky. Rev. Stat. 230.310; 810 Ky. Admin. Regs. 3:020).	License (Mich. Comp. Laws 431.308 and 431.316; Mich. Admin. Code R. 431.1035).	License (3 Pa. Cons. Stat. 9323; 7 Pa. Code 185.1, 203.1, and 303.1).	Permit (W. Va. Code 19-23-2, 19-23-7, and 19-23-8; W. Va. Code R. 178-1-24).

Suppliers (Supply Sales – Owner and Supply Salesman)						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Education or training	N/A	N/A	N/A	N/A	N/A	N/A
Experience	N/A	N/A	N/A	N/A	N/A	N/A
Exam	N/A	N/A	N/A	N/A	N/A	N/A
Continuing education	N/A	N/A	N/A	N/A	N/A	N/A
Initial licensure fee	For supply sales – owner, \$100. For supply salesman, \$15. <i>(O.A.C. 3769-2-24 and 3769-12-24.)</i>	For vendor or contractor, \$100. For vendor employee, \$15. <i>(Indiana Horse Racing Commission, <a href="#">License Fees.</a>)</i>	For vendor, \$25 to \$50 depending on horse breed. For vendor employee, \$25. <i>(810 Ky. Admin. Regs. 3:020.)</i>	For vendor, \$25. For vendor employee, \$10. <i>(Michigan Gaming Control Board Horse Racing Section, <a href="#">License Application Fees (PDF).</a>)</i>	For vendor, \$60. For vendor employee, \$30. <i>(Pennsylvania State Horse Racing Commission, <a href="#">License Fee Schedule (PDF).</a>)</i>	For vendor, \$40. For all others, \$20. <i>(W. Va. Code R. Table 178-1 A.)</i>
License duration	One year <i>(R.C. 3769.03).</i>	One year <i>(Ind. Code 4-31-6-4).</i>	One year <i>(810 Ky. Admin. Regs. 3:020).</i>	One year <i>(Michigan Gaming Control Board Horse Racing Section, <a href="#">Occupational License Application (PDF).</a>)</i>	Three years <i>(3 Pa. Cons. Stat. 9323).</i>	One year <i>(W. Va. Code 19-23-8).</i>

Suppliers (Supply Sales – Owner and Supply Salesman)						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Renewal fee	Same as initial fee.	Same as initial fee.	Same as initial fee.	Same as initial fee.	Same as initial fee.	Same as initial fee.

## Special licenses

### Special A survey responses (RAC)

Description
This is a catch all for all professional licenses not specifically named.
Type (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)
License

If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>Number issued annually</b>	34
<b>Number renewed annually</b>	
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	
<b>Education or training requirements</b>	Depends on nature of license
<b>Experience requirements</b>	Depends on nature of license
<b>Examination requirements</b> ( <i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Commission receive any proceeds of those fees? If so, how are the proceeds used?</i> )	
<b>Continuing education requirements</b> ( <i>Including a description of the curriculum and the process of setting it.</i> )	
<b>Initial fee</b>	\$100.00
<b>Duration</b>	All licenses expire on December 31.

If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>Renewal fee</b> <i>(If different from initial fee, please explain why.)</i>	
<b>Does the Commission recognize uniform licensure requirements or allow for reciprocity?</b>	The OSRC recognizes reciprocity. If the licensee has a license in another state, they have to provide validation that their license is in good standing and complete the required criminal background check for Ohio.
<b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b>	3769.22 National Racing Compact
<b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Commission?</b>	
<b>Is the Commission permitted to exercise discretion in determining whether to register, certify, or license an individual?</b>	3769-2-18 Applications for licenses and 3769-2-26 License refused, revoked, suspended state what parameters the Commission may use when determining to issue, refuse, revoke, or suspend a license.
<b>Other information</b> <i>(Significant attributes or prerequisites to licensure not addressed in this chart.)</i>	

**Oversight and disciplinary authority of the Commission respecting individuals engaged in the occupation.**

Licensees appear before the Stewards or Judges in the first step of the administrative process. Licensees have the right to appeal a ruling which follows R.C.119 administrative adjudications.

**How much revenue is derived from fees charged by the Commission to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

The Commission is fiscally self- sustained in part through licensure fees.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

15 U.S.C. Ch57A. The Horseracing Integrity and Safety Act.



**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

This regulation seeks to prevent harm to the public and instill confidence in the racing product within a highly regulated industry that has vast potential for undesirable persons to undermine the integrity of horseracing.

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

Yes, by preventing undesirable persons from participating in racing, and no.

**Are there any changes the Commission would like to see implemented?**

### Special B survey responses (RAC)

Description
This is a catch all for all technical licenses not specifically named.

Type <i>(License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)</i>
License

If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>Number issued annually</b>	114
<b>Number renewed annually</b>	
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	

If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>Education or training requirements</b>	Depends on license description
<b>Experience requirements</b>	Depends on license description
<b>Examination requirements</b> ( <i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Commission receive any proceeds of those fees? If so, how are the proceeds used?</i> )	
<b>Continuing education requirements</b> ( <i>Including a description of the curriculum and the process of setting it.</i> )	
<b>Initial fee</b>	\$50.00
<b>Duration</b>	All licenses expire on December 31.
<b>Renewal fee</b> ( <i>If different from initial fee, please explain why.</i> )	
<b>Does the Commission recognize uniform licensure requirements or allow for reciprocity?</b>	The OSRC recognizes reciprocity. If the licensee has a license in another state, they have to provide validation that their license is in good standing and complete the required criminal background check for Ohio.

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<p><b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b></p>	<p>3769.22 National Racing Compact</p>
<p><b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Commission?</b></p>	
<p><b>Is the Commission permitted to exercise discretion in determining whether to register, certify, or license an individual?</b></p>	<p>3769-2-18 Applications for licenses and 3769-2-26 License refused, revoked, suspended state what parameters the Commission may use when determining to issue, refuse, revoke, or suspend a license.</p>
<p><b>Other information</b> (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>)</p>	

**Oversight and disciplinary authority of the Commission respecting individuals engaged in the occupation.**

Licensees appear before the Stewards or Judges in the first step of the administrative process. Licensees have the right to appeal a ruling which follows R.C.119 administrative adjudications.

**How much revenue is derived from fees charged by the Commission to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

The Commission is fiscally self- sustained in part through licensure fees

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

15 U.S.C. Ch57A. The Horseracing Integrity and Safety Act.

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

This regulation seeks to prevent harm to the public and instill confidence in the racing product within a highly regulated industry that has vast potential for undesirable persons to undermine the integrity of horseracing.

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

Yes, by preventing undesirable persons from participating in racing, and no.

**Are there any changes the Commission would like to see implemented?**

### **Special C survey responses (RAC)**

**Description**

This is a catch all for all clerical/miscellaneous licenses not specifically named.

**Type** (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)

License

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Number issued annually</b>	84
<b>Number renewed annually</b>	
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	
<b>Education or training requirements</b>	Depends on license
<b>Experience requirements</b>	Depends on license

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<p><b>Examination requirements</b> (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Commission receive any proceeds of those fees? If so, how are the proceeds used?</i>)</p>	
<p><b>Continuing education requirements</b> (<i>Including a description of the curriculum and the process of setting it.</i>)</p>	
<p><b>Initial fee</b></p>	<p>\$15.00</p>
<p><b>Duration</b></p>	<p>All licenses expire on December 31.</p>
<p><b>Renewal fee</b> (<i>If different from initial fee, please explain why.</i>)</p>	
<p><b>Does the Commission recognize uniform licensure requirements or allow for reciprocity?</b></p>	<p>The OSRC recognizes reciprocity. If the licensee has a license in another state, they have to provide validation that their license is in good standing and complete the required criminal background check for Ohio.</p>
<p><b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b></p>	<p>3769.22 National Racing Compact</p>



**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Commission?</b>	
<b>Is the Commission permitted to exercise discretion in determining whether to register, certify, or license an individual?</b>	3769-2-18 Applications for licenses and 3769-2-26 License refused, revoked, suspended state what parameters the Commission may use when determining to issue, refuse, revoke, or suspend a license.
<b>Other information</b> ( <i>Significant attributes or prerequisites to licensure not addressed in this chart.</i> )	

**Oversight and disciplinary authority of the Commission respecting individuals engaged in the occupation.**

Licensees appear before the Stewards or Judges in the first step of the administrative process. Licensees have the right to appeal a ruling which follows R.C.119 administrative adjudications.

**How much revenue is derived from fees charged by the Commission to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

The Commission is fiscally self-sustained in part through licensure fees.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

15 U.S.C. Ch57A. The Horseracing Integrity and Safety Act.

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

This regulation seeks to prevent harm to the public and instill confidence in the racing product within a highly regulated industry that has vast potential for undesirable persons to undermine the integrity of horseracing.

Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?

Yes, by preventing undesirable persons from participating in racing, and no.

Are there any changes the Commission would like to see implemented?

### **Restricted license – special D survey responses (RAC)**

**Description**

See Special D- This license is restricted to fairs

**Type** (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)

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**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Number issued annually</b>	
<b>Number renewed annually</b>	
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	
<b>Education or training requirements</b>	
<b>Experience requirements</b>	

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<p><b>Examination requirements</b> (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Commission receive any proceeds of those fees? If so, how are the proceeds used?</i>)</p>	
<p><b>Continuing education requirements</b> (<i>Including a description of the curriculum and the process of setting it.</i>)</p>	
<p><b>Initial fee</b></p>	<p>\$10.00</p>
<p><b>Duration</b></p>	<p>All licenses expire on December 31.</p>
<p><b>Renewal fee</b> (<i>If different from initial fee, please explain why.</i>)</p>	
<p><b>Does the Commission recognize uniform licensure requirements or allow for reciprocity?</b></p>	<p>The OSRC recognizes reciprocity. If the licensee has a license in another state, they have to provide validation that their license is in good standing and complete the required criminal background check for Ohio.</p>
<p><b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b></p>	

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Commission?</b>	
<b>Is the Commission permitted to exercise discretion in determining whether to register, certify, or license an individual?</b>	
<b>Other information</b> ( <i>Significant attributes or prerequisites to licensure not addressed in this chart.</i> )	

**Oversight and disciplinary authority of the Commission respecting individuals engaged in the occupation.**

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**How much revenue is derived from fees charged by the Commission to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?

Are there any changes the Commission would like to see implemented?

### Surrounding state comparison (LSC)

*Special Licenses (Special A – Professional, Special B – Technical, Special C – Clerical/Miscellaneous, and Restricted Special D – Miscellaneous)*

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Type of regulation	License ( <i>R.C. 3769.03; O.A.C. 3769-2-18</i> ).	N/A	License ( <i>Ky. Rev. Stat. 230.310; 810 Ky. Admin. Regs. 3:020</i> ).	N/A	N/A	N/A
Education or training	N/A	N/A	N/A	N/A	N/A	N/A



<b>Special Licenses</b> ( <i>Special A – Professional, Special B – Technical, Special C – Clerical/Miscellaneous, and Restricted Special D – Miscellaneous</i> )						
	<b>Ohio</b>	<b>Indiana</b>	<b>Kentucky</b>	<b>Michigan</b>	<b>Pennsylvania</b>	<b>West Virginia</b>
Experience	N/A	N/A	N/A	N/A	N/A	N/A
Exam	N/A	N/A	N/A	N/A	N/A	N/A
Continuing education	N/A	N/A	N/A	N/A	N/A	N/A
Initial licensure fee	For Special A – Professional, \$100. For Special B – Technical, \$50. For Special C – Clerical/ Miscellaneous, \$15. For Restricted Special D – Miscellaneous, \$10. <i>(O.A.C. 3769-2-24 and 3769-12-24.)</i>	N/A	For special event employee, \$10 <i>(810 Ky. Admin. Regs. 3:020).</i>	N/A	N/A	N/A
License duration	One year <i>(R.C. 3769.03).</i>	N/A	One year <i>(810 Ky. Admin. Regs. 3:020).</i>	N/A	N/A	N/A

**Special Licenses** (*Special A – Professional, Special B – Technical, Special C – Clerical/Miscellaneous, and Restricted Special D – Miscellaneous*)

	<b>Ohio</b>	<b>Indiana</b>	<b>Kentucky</b>	<b>Michigan</b>	<b>Pennsylvania</b>	<b>West Virginia</b>
Renewal fee	Same as initial fee.	N/A	Same as initial fee.	N/A	N/A	N/A