



H.B. 198

126th General Assembly
(As Introduced)

Rep. Blessing

BILL SUMMARY

- Creates the State Board of Glass Technicians and establishes its duties and powers.
- Regulates automotive glass technicians and glaziers.
- Establishes requirements for the issuance of an automotive glass replacement technician license, an automotive glass repair technician license, or a glazier license.
- Prohibits practicing automotive glasswork and glazing without a license, and specifies exceptions.
- Permits the Board to discipline licensees and deny licenses to applicants under specified conditions.

CONTENT AND OPERATION

Prohibitions

The bill prohibits any person from practicing automotive glasswork unless the person is licensed as an automotive glass replacement technician or automotive glass repair technician under the bill (sec. 4783.02). The bill defines "automotive glasswork" as installing, maintaining, or repairing fixed or moveable glass in motor vehicles.¹ An automotive glass replacement technician is a person who installs, maintains, or repairs fixed and moveable glass in motor vehicles, and an automotive glass repair technician is a person who repairs damages to fixed and

¹ Motor vehicle has the same meaning as specified in the Motor Vehicles General Provisions Law, except that it does not include mobile homes as defined under that law (sec. 4783.01(E) and sec. 4501.01, not in the bill).

moveable glass in motor vehicles. (Sec. 4783.01(A), (F), and (G).) The bill also prohibits any person from practicing glazing unless the person is licensed as a glazier under the bill (sec. 4783.02). "Glazing" means installing, maintaining, or repairing glass in a residential building or nonresidential building, and a person who performs glazing is a glazier (sec. 4783.01(B) and (H)).

Unless a person is so licensed, the bill prohibits any person from using the titles "licensed automotive glass replacement technician," "licensed automotive glass repair technician," or "licensed glazier" or representing the person's self as a licensed automotive glass replacement technician, licensed automotive glass repair technician, or a licensed glazier (sec. 4783.02).

Under the bill, any person who violates the prohibitions specified above is guilty of a second-degree misdemeanor on the first offense, and on each subsequent offense, the person is guilty of a first-degree misdemeanor² (sec. 4783.99). These prohibitions and penalties do not take effect until one year after the effective date of the bill (Section 2).

State Board of Glass Technicians

The bill creates the State Board of Glass Technicians ("Board"). The Board consists of seven members appointed by the Governor with the advice and consent of the Senate. Every member of the Board must be a resident of Ohio. The Board consists of the following members:

- (1) An automotive glass replacement technician;
- (2) A current owner or an individual with primary decision-making authority of a company engaged in the business of replacing automotive glass;
- (3) An automotive glass repair technician;
- (4) A current owner or an individual with primary decision-making authority of a company engaged in the business of repairing automotive glass;
- (5) A glazier;

² A second-degree misdemeanor may result in a possible jail term of not more than 90 days, a possible fine of not more than \$750, and other possible sanctions. A first-degree misdemeanor may result in a possible jail term of not more than 180 days, a possible fine of not more than \$1,000, and other possible sanctions. (Secs. 2929.24 through 2929.28, not in the bill.)

(6) A current owner or an individual with primary decision-making authority of a company engaged in the business of glazing;

(7) A representative of the public who is a consumer of glasswork or has an interest in the rights of consumers. (Sec. 4783.03.)

The bill specifies that, for the initial appointments, the automotive glass replacement technician, automotive glass repair technician, and the glazier must be certified by the National Glass Association (Section 3). Thereafter, these appointees must be licensed.

The Governor must make initial appointments to the Board within 90 days after the bill's effective date. Members serve four-year terms except for initial appointees, who have designated terms under the bill. Members may be reappointed except that a member must not serve more than eight consecutive years or two consecutive terms, whichever is greater. The bill includes standard provisions for the filling of vacancies. At the request of the Board or on the Governor's own initiative, the bill permits the Governor to remove any member of the Board for misconduct, incompetence, or neglect of duty. (Sec. 4783.03.)

Administration

The bill requires the Board to meet at least four times a year and at additional times as the Board determines necessary to administer and enforce the Glass Technicians Law (R.C. Chapter 4783.), which the bill creates. A majority of Board members constitutes a quorum. The Board must elect officers from its members and keep an official record of all its proceedings. Board members must receive their actual and necessary expenses incurred in the performance of their duties as Board members. The bill permits the Board to employ clerical staff as necessary to administer and enforce the Glass Technicians Law, and the Director of Commerce, under the bill, must provide office space and supplies to the Board and to the Board's clerical staff. (Sec. 4783.03.)

Duties of the Board

Under the bill, the Board must (1) evaluate the qualifications of applicants for licensure, (2) offer examinations, as described in "**Examinations**," below, to applicants for licensure as automotive glass replacement technicians, automotive glass repair technicians, and glaziers, (3) issue and renew licenses pursuant to the bill's requirements, and (4) create and maintain a registry of current licensees (sec. 4783.04(A) to (C)). The bill requires that the Board adopt rules as necessary and appropriate for the administration and enforcement of the Glass Technicians Law (sec. 4783.04(E)). The Board also must adopt rules to establish fines that may be required as a disciplinary action (see "**Disciplinary actions**," below) and to

establish fees for the initial license applications, license renewals, late renewals, and examinations (sec. 4783.04(F) and (G)). The Board must collect all moneys required under the bill and deposit those moneys into the Occupational Licensing and Regulatory Fund for the administration and enforcement of the Glass Technicians Law (sec. 4783.04(H)). Additionally, the Board must prescribe standards of ethical conduct for persons who practice automotive glasswork and glazing and establish continuing education requirements and any other requirements the Board determines are necessary to renew any of the licenses the Board issues (sec. 4783.04(D) and (I)).

Requirements for and issuance of a license

Under the bill, to qualify for an automotive glass replacement technician license, an automotive glass repair technician license, or a glazier license, an applicant must satisfy all of the following criteria:

- (1) Be at least 18 years of age;
- (2) Be of good moral character;
- (3) Have completed the application appropriate for the specific license sought;
- (4) Provide to the Board evidence of graduation from the eighth grade or evidence of having an education equivalent to the eighth grade;
- (5) Have paid all required fees (sec. 4783.05(A));
- (6) Have passed the appropriate examination administered by the Board (see "Examinations," below) for automotive glass replacement technicians, automotive glass repair technicians, or glaziers or be certified in the appropriate profession by the National Glass Association or a successor organization that certifies these glass technicians. (Sec. 4783.05(B) to (D).)

The bill requires the Board to issue the appropriate license to an applicant who satisfies the applicable criteria specified above. All licenses issued under the bill are nontransferable. (Sec. 4783.05(E) and (F).) The bill permits the Board to issue a license to an applicant who is licensed as an automotive glass replacement technician, automotive glass repair technician, or glazier in another state or territory where the requirements for the applicable type of license sought are substantially equal to the requirements for the applicable type of license in this state, as determined by the Board, on the condition that the applicant submits an application and pays the required license fee (sec. 4783.07). Each automotive glass replacement technician license and glazier license expires three years after

the date the license is issued, and each automotive glass repair technician license expires five years after the date the license is issued (sec. 4783.08(A)).

The Board must issue a license to an applicant as an automotive glass replacement technician, automotive glass repair technician, or glazier, as requested by the applicant if, on or before one year after the bill's effective date, the applicant submits (1) the applicant's name, primary business address, and description of the type of automotive glasswork or glazing the applicant performs, and (2) the initial license application fee established by the Board. (Section 4.)

Examinations

The bill requires the Board to offer an examination that the Board determines is appropriate to an applicant for a license after the applicant has submitted an application for licensure and the Board has verified that the applicant satisfies the criteria described in (1) to (5) under "**Requirements for and issuance of a license**," above. The examination must test the entry level knowledge appropriate for the type of license sought, including knowledge of industry safety standards such as those specified in the Occupational Safety and Health Act of 1970 (OSHA)³ and the Automotive Glass Replacement Safety Standard endorsed by the American National Standards Institute. Under the bill, the Board must offer an examination for each type of licensure a minimum of four times annually.

The bill specifies that an applicant who fails an examination when taking it for the first or second time may retake the examination no sooner than 30 days after the date the applicant last took the examination. If an applicant fails the examination a third time, the applicant must obtain additional training and provide to the Board proof of program attendance before the applicant may retake the examination. The Board must establish a re-examination fee that is equal to the fee for initial examination. The bill requires the Board to adopt rules that set forth conditions under which applicants forfeit the examination fee when failing to appear for an examination on the scheduled date, time, and place. (Sec. 4783.06.)

Renewal of licenses

The bill permits a licensee to renew a license within 30 days after its expiration by submitting to the Board the required license renewal fee and proof that the applicant has satisfied the continuing education requirements established by the Board and any other requirements the Board establishes for license renewal. A person whose license has been expired for more than 30 days but less than one year also may renew the license by meeting these renewal requirements and

³ 84 Stat. 1590, 29 U.S.C.A. 651.

submitting to the Board a late fee that the Board establishes. A person whose license has been expired for more than one year must satisfy the requirements specified under "Requirements for and issuance of a license," above to obtain a new license. (Sec. 4783.08(B) to (D).)

Under the bill, notwithstanding the requirements for licensure described under "Requirements for and issuance of a license," above, the Board must renew the license of an automotive glass replacement technician, an automotive glass repair technician, or a glazier who obtained the license by submitting an application on or before one year after the bill's effective date, if on or before two years after the bill's effective date, the licensee submits to the Board the license renewal fee and evidence that the licensee satisfies at least one of the following requirements:

(1) Is certified as an automotive glass replacement technician, automotive glass repair technician, or glazier, as applicable, by the National Glass Association;

(2) Has passed the examination for automotive glass replacement technicians, automotive glass repair technicians, or glaziers, as applicable, offered by the Board;

(3) Has satisfied the Board's continuing education requirements for automotive glass replacement technicians, automotive glass repair technicians, or glaziers, as applicable. (Section 4.)

Disciplinary actions

Under the bill, the Board, in accordance with the Administrative Procedure Act (R.C. Chapter 119.), may refuse to issue a license to an applicant, may revoke, suspend, or refuse to renew a licensee's license, or may censure, fine, place on probation, or reprimand a licensee for committing any of the following acts or practices:

(1) Practicing automotive glasswork or glazing in violation of the Glass Technicians Law or any rule adopted by the Board;

(2) Obtaining or attempting to obtain a license by fraud or misrepresentation;

(3) Having been convicted of or pleaded guilty to a felony in this or any other state;

(4) Gross negligence in performing automotive glasswork or glazing that results in injury to another;

(5) Engaging in dishonorable, unethical, or unprofessional conduct in a manner that is likely to deceive, defraud, or harm the public;

(6) Habitually being intoxicated or being addicted to the use of drugs;

(7) Directly or indirectly giving or receiving a fee, commission, rebate, or other form of compensation for a service not actually rendered;

(8) Failing to respond to a written request from the Board for information within 60 days of receipt of the request;

(9) Having had a license or certification revoked or suspended or other disciplinary action taken by authorities of another state or territory;

(10) Aiding or abetting a person not licensed in this state, directly or indirectly, in performing automotive glasswork or glazing in violation of the Glass Technicians Law;

(11) Making a material misstatement in an application for licensure or renewal. (Sec. 4783.10.)

Child support

The bill requires the Board to comply with state law pertaining to child support defaults (secs. 3123.41 to 3123.50) by individuals who apply for or seek renewal of a professional license issued by the state (sec. 4783.11).

Activities not prohibited by the bill

The bill states that the Glass Technicians Law must not be construed to prohibit (1) persons employed by a board, commission, or agency of the United States, Ohio, or any political subdivision of Ohio from the performance of the duties for which they have been properly trained, (2) employees of industrial firms from performing automotive glasswork or glazing on the firm's own or leased premises for the firm's own use, on the condition that the objects of the automotive glasswork and glazing are not intended to be used in the public domain and the automotive glasswork and glazing are performed by employees whose main duties include performing automotive glasswork or glazing. Also, the bill does not prohibit the fabrication of glass products or prohibit persons who hold themselves out to be retail sellers of glass products from selling glass products, on the condition that those persons do not also engage in performing automotive glasswork or glazing. (Sec. 4783.09(A)(1), (5), (6), and (8).)

Additionally, a student may perform automotive glasswork or glazing in an educational or certification program, on the condition that the work product of that

program is performed at the site where the program is taught and is not intended for public use, or, if intended for public use, is undertaken under the supervision and approval of an instructor who is certified by the National Glass Association or a similar successor organization, or is licensed under bill, or is similarly licensed in another state or territory. An instructor who teaches automotive glasswork or glazing who is licensed in another state or territory or who is certified by the National Glass Association or a similar successor organization, may perform automotive glasswork or glazing in this state, on the condition that those services are performed as part of a training program and are performed over a period of time lasting not more than 30 consecutive days within a six-month period, and the work product of that training program is not intended for public use. The bill does not prohibit trainees⁴ from performing automotive glasswork or glazing under the on-site supervision of a person who is licensed under the bill or in another state or territory, or who is certified by the National Glass Association or a similar successor organization, in the applicable trade. (Sec. 4783.09(A)(2) to (4).)

The bill does not prohibit persons from installing, repairing, or replacing windows in sizes not greater than 30 square feet in residential buildings⁵ (sec. 4783.09(A)(9)). Also, except as provided in this paragraph, an individual is not prohibited from engaging in the installation, maintenance, repair, and service of glass in and about a residential building that is owned and occupied or to be occupied by that individual. If the residential building in which the individual is installing, maintaining, repairing, or servicing glass is subject to a residential building code, then the individual may perform this work without being licensed under the bill, on the condition that the work is subject to the inspection and approval of the appropriate building official and conforms with the building code applicable to that residential building. (Sec. 4783.09(A)(7) and (B).)

⁴ *The bill defines "trainee" as a person who is not licensed under the bill who is working under the on-site supervision of a person who is licensed under the bill in the trade that the trainee is learning (sec. 4783.01(I)).*

⁵ *The bill defines "residential building" as a one-family, two-family, or three-family dwelling house, and any accessory structure incidental to that dwelling house, and includes a manufactured home, mobile home, and a one-family, two-family, or three-family dwelling house that is used as a model to promote the sale of a similar dwelling house does not include an industrialized unit as defined under current law (sec. 4783.01(C)).*

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	04-14-05	p. 668

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