



H.B. 466

126th General Assembly
(As Introduced)

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BILL SUMMARY

- Creates the Elevator Safety Advisory Committee to conduct investigations concerning alleged violations of the Elevator Law and to make recommendations concerning various rulemaking and regulatory duties of the Board of Building Standards and the Superintendent of Industrial Compliance regarding elevators.
- Requires the Superintendent to issue a certificate of competency in elevator mechanics to an applicant who meets the bill's requirements.
- Prohibits an individual from acting as an elevator mechanic without a certificate, and sets forth standards the Superintendent must adopt for renewal of all types of certificates of competency.
- Specifies criteria for the issuance of temporary elevator mechanic licenses and temporary emergency elevator mechanic licenses.
- Requires the Superintendent to license elevator contractors that meet the bill's requirements and prohibits a business from acting as an elevator contractor without a license.
- Specifies conditions under which the Superintendent may deny, suspend, or revoke certificates of competency for inspectors and elevator mechanics and licenses of elevator contractors.
- Permits written requests for investigations of violations of the Elevator Law.
- Specifies that residential elevators are inspected only at the request of the resident.

- Increases the penalty for second and all subsequent violations of the Elevator Law from \$1,000 to \$1,500.
- Delays the effective date of the bill.

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CONTENT AND OPERATION

Background

Under current law, an "elevator" means a hoisting and lowering apparatus equipped with a car, cage, or platform that moves on or between permanent rails or guides and serves two or more fixed landings in a building or structure that is subject to the Ohio Commercial Building Code or the Ohio Residential Building Code and includes dumb-waiters other than hand-powered dumb-waiters, escalators, personlifts, moving walks of the endless belt type, other lifting or lowering apparatus permanently installed on or between rails or guides, and all

equipment, machinery, and construction related to any elevator¹ (sec. 4105.01(A)). The bill modifies the definition of "elevator" by eliminating reference to the Ohio Commercial and Residential Building Codes. The effect of this change appears to be that the definition of "elevator" is broadened to include elevators in specified buildings used for agricultural purposes and specified buildings used for operating type A family day-care homes, which are exempted from both codes. Although the definition of elevator applies to elevators in buildings or structures subject to the Ohio Residential Building Code, the bill specifies that elevators, escalators, and moving walkways in residential buildings are inspected and certificates are issued only upon the resident's request. (Secs. 4105.01 and 4105.10(D).)

Currently, the Board of Building Standards adopts safety rules, prescribes tests, and establishes other standards for elevators and inspectors under the Elevator Law (Chapter 4105. of the Revised Code) (sec. 4105.011, renumbered to sec. 4105.012 under the bill). Under continuing law unchanged by the bill, the Superintendent of Industrial Compliance in the Department of Commerce (hereafter "Superintendent") enforces the Ohio Elevator Law (sec. 4105.21, not in the bill).

Elevator Safety Advisory Committee

Composition

The bill creates the Elevator Safety Advisory Committee within the Department of Commerce (hereafter "Advisory Committee"). The Advisory Committee consists of nine members, one of whom must be the Superintendent. The Governor must appoint the remaining eight members with the advice and consent of the Senate. The Advisory Committee is comprised of one building owner or manager and one representative from each of the following: the State Fire Marshal's Office, a major elevator manufacturing company, an elevator servicing company, the architectural design or elevator consulting profession, the Board of Building Standards, an Ohio municipal corporation, and a labor organization involved in the installation, maintenance, and repair of elevators. (Sec. 4105.011(A).)

Under the bill, the Governor must make initial appointments to the Advisory Committee not later than 90 days after the effective date of the bill. The representative from a major elevator manufacturing company, from an elevator

¹ *The definition of elevator does not include "construction hoists and other similar temporary lifting or lowering apparatuses, ski lifts, traveling, portable amusement rides or devices that are not affixed to a permanent foundation, or nonportable amusement rides or devices that are affixed to a permanent foundation" (sec. 4105.01(A)).*

servicing company, and of the architectural design or elevator consulting profession each serve an initial term ending one year after the bill's effective date. The building owner or manager and the representative of an Ohio municipality and of a labor organization involved in the installation, maintenance, and repair of elevators serve an initial term ending two years after the bill's effective date. The member from the Board of Building Standards and the representative from the State Fire Marshal's Office serve an initial term ending three years after the bill's effective date. Thereafter, terms of office are for three years. The bill allows members to be reappointed and includes standard provisions for the filling of vacancies. The Superintendent serves continuously. The bill requires the Governor to appoint one of the members to serve as chairperson, and the chairperson is the deciding vote in the event of a tie vote by the Advisory Committee. (Sec. 4105.011(A).)

Administration

The bill requires the initial Advisory Committee members to meet not later than ten days after the Advisory Committee is appointed and elect one member to serve as secretary during the term to be fixed by the Board of Building Standards in rules adopted in accordance with the Administrative Procedure Act (R.C. Chapter 119.). Under the bill, a majority of the Advisory Committee constitutes a quorum for purposes of conducting business. The Advisory Committee must meet not less than one time per quarter at a time and place the Advisory Committee fixes, and at other times as necessary to consider business that is properly before the Advisory Committee. Under the bill, the Advisory Committee may call special meetings as provided in rules the Board of Building Standards adopts. The bill requires that any member absent from three consecutive meetings be dismissed from the Advisory Committee. Under the bill the Advisory Committee members serve without compensation except that the members are reimbursed for necessary expenses incurred in the performance of their duties. Reimbursement is paid from the Industrial Compliance Operating Fund (sec. 121.084). (Sec. 4105.011(B) and (C).)

The bill specifies that the Advisory Committee is not subject to Sunset Review (secs. 101.82 through 101.87). (Sec. 4105.011(D).)

General duties of the Board of Building Standards

Current law requires the Board of Building Standards to formulate and adopt rules governing the design, construction, repair, alteration, and maintenance of elevators. The rules must prescribe uniform minimum standards necessary for the protection of the public health and safety and must follow generally accepted engineering standards, formulae, and practices established and pertaining to elevator design, construction, repair, alteration, and maintenance. The Board of

Building Standards may adopt existing published standards as well as amendments thereto subsequently published by the same authority. (Sec. 4105.011, renumbered 4105.012 under the bill.)

Additionally, current law requires the Board of Building Standards to prescribe the tests that must be used to ascertain the qualities of materials used in the construction, repair, or alteration of elevators. Current law also requires the Board of Building Standards to make a standard form of certificate of inspection and prescribe the examinations for certificates of competency. (Sec. 4105.011, renumbered to 4105.012 under the bill.)

The bill still requires the duties described above, with some modifications, to be performed by the Board but adds a qualifier that the Board do so after consideration of the recommendations of the Advisory Committee. Under the bill, rules adopted by the Board of Building Standards must to follow the standards relating to conveyance developed by recognized professional engineering societies instead of "generally accepted engineering standards, formulae, and practices established and pertaining to elevator design, construction, repair, alteration, and maintenance." Additionally, the bill requires the Board to adopt other rules in accordance with the Administrative Procedure Act as necessary to carry out the Ohio Elevator Law.

The bill does not change the requirements of owners and users of elevators with respect to the following: registering with the Division of Industrial Compliance, the frequency of elevator inspections, the inspection of elevators by general and special inspectors under the supervision of the Superintendent, reports of inspections and appeals for denials of licenses, the requirement of having a final inspection before operation, or the ability of dealers of elevators and elevator equipment to inspect elevators (secs. 4105.09, 4105.11, and 4105.19, not in the bill; and 4105.10(A) and (B) and 4105.16).

Under current law, the Board of Building Standards may designate by rule the classifications of passenger elevators with a capacity of 750 pounds or less, which must be inspected every 12 months. The bill requires that the rule be adopted after consideration of the recommendations of the Advisory Committee. (Sec. 4105.10(C).) Additionally, current law allows the Superintendent to permit the installation of vertical wheelchair lifts in public buildings that do not meet the literal requirements of the rules adopted by the Board of Building Standards. Under the bill, the Superintendent may allow the installation upon the approval of the Advisory Committee. (Sec. 4105.13.)

The bill permits the Board of Building Standards to consult with engineering authorities and organizations concerned with (1) standard safety codes and rules and regulations governing the operation, maintenance, servicing,

construction, alteration, installation, and inspection of elevators, passenger elevators, freight elevators, and gravity elevators, and (2) the qualifications that are adequate, reasonable, and necessary for elevator mechanics, contractors, and inspectors. Under the bill, the Board also may make recommendations to the General Assembly. (Sec. 4105.012.)

Under current law, the safety and investigative duties of the Administrator of Workers' Compensation do not supersede the Ohio Elevator Law or the Board of Building Standards' power to adopt rules governing elevators. The bill does not change this provision. (Sec. 4121.13(H).)

Certificates of competency

Under continuing law, no individual may act as a general or special inspector of elevators unless the individual holds a certificate of competency from the Division of Industrial Compliance.² Currently, elevator mechanics are not licensed or certified. The bill requires an elevator mechanic to have a certificate of competency as well. (Sec. 4105.02(A).)³ The bill stipulates that an elevator apprentice or helper, which the bill defines as an individual who works under the general direction of an elevator mechanic who is certified under the bill, need not be certified to perform work under a certified elevator mechanic (secs. 4105.01(J) and 4105.02). Under the bill, applicants for certificates of competency in elevator mechanics generally are subject to the same procedures to receive a certificate as inspectors of elevators under continuing law. (Sec. 4105.02(B) to (D).) The bill specifies that the current requirements for an application for taking an examination are instead requirements for an application for a certificate. In addition to the current requirements for such application, the bill also requires an applicant to submit the following to the superintendent: (1) a complete list of criminal convictions, if any, (2) other information that the Superintendent may require (sec. 4105.02(B)). Under the bill, an applicant submits the application and fees to the Superintendent, who forwards the application to the Advisory Committee.

² Under continuing law unchanged by the bill, "general inspector" is "a state inspector examined and hired to inspect elevators and lifting apparatus for that state." A "special inspector" is "an inspector examined and commissioned by the superintendent of the division of industrial compliance to inspect elevators and lifting apparatus in the state." "Inspector," under continuing law, means either a general or special inspector. (Sec. 4501.01(E), (F), and (G).)

³ The bill defines an "elevator mechanic" as any individual who is engaged in erecting, constructing, installing, altering, servicing, repairing, or maintaining elevators (sec. 4105.01(I)).

Examinations

Under current law, inspectors are subject to a written examination given by the Superintendent if the Division of Industrial Compliance determines the applicant's experience and history are sufficient. Under the bill, elevator mechanics also are examined by the Superintendent, and the Advisory Committee rather than the Division determines, for both inspectors and mechanics, if an applicant's experience and history are sufficient to be allowed to take the examination. (Sec. 4105.02(C).) However, the bill requires the Superintendent to issue a certificate of competency in elevator mechanics to an applicant without examination if the applicant has completed an application and if the Advisory Committee determines any of the following apply to the applicant:

(1) When an applicant provides evidence satisfactory to the Advisory Committee that the applicant has successfully passed the mechanic examination of a nationally recognized training program for the elevator industry as determined by the Advisory Committee, including, but not limited to, the National Elevator Industry Educational Program or its equivalent;

(2) When an applicant can produce evidence satisfactory to the Advisory Committee that the applicant has successfully completed an elevator mechanic apprenticeship program that is registered with the Bureau of Apprenticeship and Training in the United States Department of Labor or a state apprenticeship council;

(3) When an applicant holds a current, valid license or certification from another state with substantially the same certification requirements as Ohio, as determined by the Advisory Committee. (Sec. 4105.02(E).)

The bill requires the Advisory Committee to make its determinations and recommendations to the Superintendent within 30 days after receiving an application.

Also, under the bill, any person who, not later than one year after the bill's effective date, makes an application to the Superintendent on a form provided by the Superintendent and who submits proof satisfactory to the Superintendent that the applicant meets both of the following requirements, may receive a certificate of competency as an elevator mechanic without examination:

(1) That the applicant has worked without direct and immediate supervision as an elevator mechanic for an elevator contractor in the elevator industry;

(2) That the applicant has worked as an elevator mechanic for an elevator contractor in the elevator industry within three years immediately prior to the effective date of this act. (Section 4.)

Certificate renewal

Under the bill, the Superintendent, after considering the recommendations of the Advisory Committee, must adopt, amend, and repeal rules exclusively for the issuance, renewal, suspension, and revocation of certificates of competency and operation (sec. 4105.12(A)). The bill also requires the Superintendent to adopt rules requiring each holder of a certificate of competency issued to inspectors who wish to renew the certificate to renew the certificate not later than one year after the date the certificate is issued and every year thereafter, and to mechanics who wish to renew, not later than two years after the certificate is issued and every two years thereafter (sec. 4105.022). The bill requires the rules to conform to the standard renewal procedure (Chapter 4745. of the Revised Code) (sec. 4105.12(A)). Under the bill, the rules related to the renewal of either certificate of competency must include all of the following:

(1) A requirement that the applicant for renewal of a certificate demonstrate to the satisfaction of the Advisory Committee that the holder of the certificate has maintained a high level of professional competence by completing at least eight hours per year of continuing education for inspectors and a total of eight hours per two years for mechanics from a course provider approved by the Advisory Committee;

(2) The process by which a provider becomes approved by the Advisory Committee to provide continuing education courses and the process by which the Advisory Committee approves courses;

(3) A requirement that course providers retain uniform records of attendance utilizing a method approved by the Advisory Committee and make such records available to the Advisory Committee upon request;

(4) Criteria for granting partial or complete exemptions from continuing education courses, including criteria for granting specified exemptions for instructors employed by course providers;

(5) Time extensions for individuals who are unable to complete the applicable continuing education requirements due to a temporary disability when accompanied by a written statement from the individual's treating physician. Upon the removal of a temporary disability, a certificate holder has not more than 90 days to complete the continuing education requirements necessary to bring the certificate holder into compliance. (Sec. 4105.022.)

The bill requires the Director of Commerce or the Director's designee to establish renewal fees (sec. 4105.17).

Temporary emergency elevator mechanic licenses and temporary elevator mechanic licenses

In the event that the Governor declares the State of Ohio to be in a state of emergency due to a natural disaster or a mass work stoppage that results in an insufficient number of certified elevator mechanics required to safely inspect, erect, construct, install, alter, service, repair, or maintain elevators in this state, the bill authorizes the Superintendent to issue temporary emergency elevator mechanic licenses to qualified individuals upon receiving recommendation from the Advisory Committee (sec. 4105.021(A)). The Superintendent must issue a temporary emergency mechanic license to an individual who completes an application to the satisfaction of the Advisory Committee and meets the additional requirements described in "**Requirements for temporary license**" below. The temporary emergency mechanic license is valid for a period of not more than 30 days from the date it is issued. The bill allows the Superintendent to renew the temporary emergency mechanic license for an additional period of 30 days upon the license holder's request in the event that the state of emergency is still in effect at the time of the request. Under the bill, no fees can be charged for the issuance or renewal of a temporary emergency mechanic license. (Sec. 4105.021(C).)

Additionally, the bill requires a licensed elevator contractor to notify the Superintendent of the licensed elevator contractor's inability to secure a qualified workforce in the event that the licensed elevator contractor is unable to locate available elevator mechanics that hold certificates of competency. If the Superintendent determines that there is a shortage of elevator mechanics who hold certificates of competency, the bill permits the Superintendent to issue a temporary mechanic license to an individual who completes an application to the satisfaction of the Advisory Committee and meets the additional requirements described in "**Requirements for temporary license**" below. The temporary mechanic license is valid for a period of not more than 30 days from the date that it is issued and remains valid only while a licensed elevator contractor employs the temporary license holder. The Superintendent may renew the temporary mechanic license for an additional period of 30 days upon the license holder's request in the event that the Superintendent determines that there continues to be a shortage of elevator mechanics who hold certificates of competency at the time of the request. The bill requires the Director of Commerce or a designee of the Director to determine the fees for the initial issuance and renewal of a temporary mechanic license. (Secs. 4501.021(D) and 4501.17(F).)

Requirements for temporary license

The bill sets forth the following requirements that may qualify an individual to receive either a temporary emergency elevator mechanic license or a temporary elevator mechanic license:

(1) Submission of an application to the Superintendent on forms provided by the Superintendent.

(2) Provides to the Superintendent written documentation obtained from a licensed elevator contractor attesting to the fact that the applicant possesses a sufficient amount of education and documented experience to perform elevator mechanic work without direct supervision;

(3) Provides evidence to the Superintendent that the applicant has worked in the elevator industry within the 36-month period of time that precedes the state of emergency;

(4) Provides to the Superintendent any other information the Superintendent requires. (Sec. 4501.021(B).)

The bill requires the Superintendent to forward the information received to the Advisory Committee to determine within five days whether the applicant meets the requirements above.

Elevator contractor licenses

Under the bill, "elevator contractor" means any sole proprietor, firm, or corporation, including any form of limited liability organization that is engaged in the business of erecting, constructing, installing, altering, servicing, repairing, or maintaining elevators (sec. 4501.01(H)). Currently, elevator contractors are not licensed. The bill prohibits a sole proprietor, firm, or corporation from acting as an elevator contractor unless the Superintendent licenses the business to do so. Under the bill, however, a sole proprietor, firm, or corporation may act as an elevator contractor without an elevator contractor license for a period lasting not longer than one year after the bill's effective date (Section 4). Applications for an elevator contractor license must be in writing, upon a form provided by the Superintendent, and accompanied by a fee established by the Director of Commerce or the Director's designee (secs. 4105.02(F) and (H) and 4105.17(F)). The bill requires the Superintendent, upon receipt of the application, to forward the application to the Advisory Committee, and requires the Advisory Committee to make its recommendations regarding the applicant to the Superintendent within 30 days of receiving an application. The bill requires the applicant to provide all of the following information on the form:

(1) The name, residence, and primary business address of the applicant;

(2) The type of business entity under which the applicant is organized. If a partnership, the applicant must provide the name and residence address of each partner. If a corporation, the applicant must provide the name and business address of the corporation, the name and residence address of the principal officer of the corporation, and the name and address of an agent located in the state who is authorized to accept service of process on behalf of the corporation.

(3) The approximate number of persons to be employed by the elevator contractor and evidence satisfactory to the Advisory Committee that the applicant is in compliance with workers' compensation laws (Chapters 4121. and 4123. of the Revised Code);

(4) Evidence satisfactory to the Superintendent that the applicant is in compliance with applicable insurance requirements (see "*Insurance requirement*," below);

(5) Other information that the Advisory Committee may require.

The Superintendent must issue an elevator contractor license to an applicant whom the Advisory Committee recommends and who meets the bill's requirements and pays the fee established by the Director of Commerce or the Director's designee. (Sec. 4105.02(F) and (G).)

Insurance requirement

Current law does not require elevator contractors or inspectors to carry liability insurance. Under the bill, each elevator contractor must maintain an insurance policy with general liability coverage of not less than \$1 million for injury or death of any number of persons in any one occurrence and not less than \$500,000 for property damage in any one occurrence, issued by an insurance company authorized to do business in Ohio. The bill requires each elevator contractor to submit proof of the required insurance to the Superintendent on or before the date that the elevator contractor receives a license. Each elevator contractor must give the Superintendent not less than ten calendar days written notice of any material alteration to or cancellation of the policy. (Sec. 4105.22(A).) The bill also requires each elevator inspector who is not employed by the state of Ohio or one of its instrumentalities as an elevator inspector to hold the same type of insurance policies and coverage amounts and give the same notice of policy changes as specified for elevator contractors (sec. 4105.22(B)).

Contractor license renewal

Under the bill, the Superintendent, after consideration of the recommendations of the Advisory Committee, must adopt, amend, and repeal rules exclusively for the issuance, renewal, suspension, and revocation of elevator contractor licenses (sec. 4105.12(A)). Additionally, the bill requires the rules to require each holder of an elevator contractor license who wishes to renew that license to annually renew that license not later than one year after the issuance of that license and every year thereafter (sec. 4105.023). The bill requires the Director of Commerce or the Director's designee to establish fees for renewal (sec. 4105.17).

Denial, revocation, or suspension of certificates of competency and elevator contractor licenses

Under existing law, the Superintendent must adopt, amend, and repeal rules exclusively for the issuance, renewal, suspension, and revocation of certificates of competency and certificates of operation, and for the conduct of hearings related to these actions. The bill requires these actions to be taken after consideration of the recommendations of the Advisory Committee (sec. 4105.12(A)). The bill permits the Superintendent, in accordance with the Administrative Procedure Act, upon recommendation of the Advisory Committee, to deny, revoke, or suspend a certificate of competency as an inspector of elevators or elevator mechanic or an elevator contractor license issued by the Superintendent if the Advisory Committee determines that any of the following apply to the applicant or certificate or license holder:

- (1) Falsification of any record or application required to be filed with the Superintendent;
- (2) Failure to abide by any suspension or order issued by the Superintendent;
- (3) Engaging in fraud, misrepresentation, or bribery to secure a certificate or license, or aiding another person to obtain a certificate or license using fraud, misrepresentation, or bribery;
- (4) Failure to notify the Superintendent or the owner or user, or any combination thereof, that an elevator is not in compliance with the Ohio Elevator Law;
- (5) Violation of any requirement of the entire Ohio Elevator Law. (Sec. 4105.05(B).)

The bill permits an individual whose certificate of competency or an elevator contractor whose license has been denied, revoked, or suspended to appeal the determination to the appropriate court of common pleas of this state in accordance with the Administrative Procedure Act. (Sec. 4105.05(C).)

Certificates of operation and permits for new elevators

Under continuing law unchanged by the bill, the Director of Commerce must not issue a certificate of operation for an elevator unless the elevator has been inspected as required under the Ohio Elevator Law. The Superintendent adopts rules for the renewal of these certificates. The bill requires that certificates of operation be displayed clearly in each elevator or in the machine room of the building where the elevator is located and made readily available to inspectors and elevator mechanics. (Sec. 4105.15.)

Under current law, before any new installation of an elevator of a permanent nature is erected or any existing elevator is removed to and installed in a different location, an application of specifications must be submitted to the Division of Industrial Compliance in duplicate, along with the construction plans. In all cases where any changes or repairs are made that alter its construction of classification, grade or rated lifting capacity, except when made pursuant to a report of an inspector, an application of specifications in duplicate must be submitted to the Division, containing such information or approval.⁴ Upon approval of the application and construction plans, the Superintendent must issue a permit for the erection or repair of the elevator. A new elevator must not be operated until completion in accordance with the approved plans and specifications, unless a temporary permit is granted by the Division. (Sec. 4105.16.)

The bill requires the Superintendent to perform the duties required of the Division described above. The bill also specifies that an elevator contractor must submit the application. Additionally, the bill requires a copy of the permit to be posted at the worksite at all times while work is in progress. (Sec. 4105.16(A).)

The bill permits the Superintendent to revoke a permit for any of the following reasons:

⁴ *Continuing law unchanged by the bill provides an exception for elevators in municipal corporations which maintain their own elevator inspection departments, in which event such specifications must be submitted to the elevator department of the municipal corporation for its approval, and if approved, a permit for the erection or repair of such elevator shall be issued by the municipal corporation (sec. 4105.16).*

(1) When any false statement or misrepresentation as to a material fact is made regarding the application, plans, or specifications on which the permit is based;

(2) When the permit is issued in error and should not have been issued in accordance with the Ohio Elevator Law;

(3) When the work detailed under the permit is not being performed in accordance with the provision of the application, plans, or specifications, or within the conditions of the permit;

(4) When the elevator contractor to whom the permit is issued fails or refuses to comply with the requirements of a notice related to a sealed elevator. (Sec. 4105.16(C).)

Current law does not specify an expiration date of a permit. Under the bill, in the event that work authorized under a permit is not commenced within six months after the day on which the permit is issued, or within a shorter time period if specified by the Superintendent at the time the permit is issued, the permit expires. For good cause shown, the Superintendent may extend the time period before which the permit expires. (Sec. 4105.16(D).)

Residential elevators

Under the bill, the inspections of and issuance of certificates of operation for elevators, escalators, and moving walks located in residential housing (single-family, two-family, or three-family dwelling houses) or an accessory structure incidental to those dwelling houses are performed only upon the request of the resident. The bill requires the resident to pay a reduced fee for the inspections as determined by the Director or the director's designee. The bill allows the resident to renew the certificate every three years after the initial inspection and issuance. (Secs. 4105.10(D) and 4105.17(J).)

Investigations

Continuing law unchanged by the bill charges the Superintendent with the enforcement of the Ohio Elevator Law (sec. 4105.21, not in the bill). However, current law does not mention investigations of violations of the Ohio Elevator Law based on written requests. The bill requires the Superintendent, after consideration of the recommendations of the Advisory Committee, to adopt, amend, and repeal rules for investigations performed pursuant to receipt of a written request for an investigation (sec. 4105.12(A)). Under the bill, any person may make a written request to the Advisory Committee to request an investigation into any alleged violation under the bill. The request must set forth with

reasonable detail the grounds for the request and must be signed by the person who makes the request. Notwithstanding the Public Records Law (sec. 149.43), upon the request of the person signing the request for an investigation, the person's name must be omitted on any copy of the notice or any record published, released, or made available to the public. Under the bill, if the Advisory Committee determines that there are reasonable grounds to believe that a violation of any part of the Ohio Elevator Law has occurred or will occur, the Superintendent must investigate the alleged violation in accordance with rules adopted by the Superintendent. If the Advisory Committee determines that there are no reasonable grounds to believe that a violation has occurred or will occur, the bill requires the secretary of the Advisory Committee to notify the person who requested the investigation in writing of this determination. (Sec. 4105.23.)

Penalty increase

Continuing law prohibits a person from violating any law relative to the operation, construction, maintenance, and repair of elevators (sec. 4105.20, not in the bill). Any person who violates this provision is fined not more than \$200 on a first offense. For each subsequent offense, the fine is not more than \$1,000. The bill raises the threshold of the latter fine to \$1,500. Under continuing law, the fines are deposited into the Industrial Compliance Operating Fund. (Sec. 4105.99.)

Delayed effective date of the bill

The bill specifies that the changes to the Ohio Elevator Law made in the bill take effect 90 days after the bill's effective date. (Section 3.)

COMMENT

The following definitions are unchanged by the bill:

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

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

(3) "Gravity elevator" means "an elevator utilizing gravity to move." (Sec. 4501.01(B), (C), and (D).)

HISTORY

ACTION

DATE

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