Virginia McInerney *Legislative Service Commission*

Sub. H.B. 183

125th General Assembly
(S. Insurance, Commerce, and Labor)

PEO related provisions

Whereas the House-passed version allowed the Administrator of Workers' Compensation to require, for registration and renewal registration of a professional employer organization (PEO), submission of "any other information" in addition to the PEO's client employer list and registration fee, the bill instead requires that a PEO additionally submit only the following: (1) all names under which the PEO conducts business, (2) the address of the PEO's principal place of business and the address of each office it maintains in this state, (3) the PEO's taxpayer or employer identification number, (4) a list of each state in which the PEO has operated in the preceding five years, and (5) the name, corresponding with each state, under which the PEO operated in each state, including any alternative names, names of predecessors, and if known, successor business entities.

Adds to the House-passed version all of the following:

- A provision requiring a PEO, within 14 days after receiving notice from the Bureau of Workers' Compensation that a refund or rebate will be applied to workers' compensation premiums, to provide a copy of that notice to any client employer to whom that notice is relevant.

- A specification that a PEO's client employer list is considered a "trade secret" and as that term is used in the Trade Practices Act, (R.C. Chapter 1333.).

- A requirement that the Administrator limit the income generated from the registration and renewal registration fee to an amount that does not exceed the costs of administration.

- A requirement that the Administrator permit a PEO to make periodic payments of prospective premiums and assessments to the Bureau or to submit proof of being

[*] This synopsis does not address amendments that may have been adopted on the Senate floor.

certified by either a nationally recognized organization that certifies PEOs or by a government entity approved by the Administrator, as an alternative to providing security in the form of a bond or letter of credit.

- A specification that the Administrator's decision to deny or revoke a PEO's registration or to rescind its status as a coemployer is stayed pending the exhaustion of all administrative appeals by the PEO.

- A requirement that the Administrator adopt rules specifying that if an employer contacts the Bureau to determine whether a particular PEO is registered, and if the Administrator has denied or revoked that PEO's registration or rescinded its status as a coemployer, and if all administrative appeals are not yet exhausted when the employer inquires, the appropriate Bureau personnel must inform the employer of any denial, revocation, or rescission, and the fact that the PEO has the right to appeal the Administrator's decision.

- A statement that nothing contained in the bill's newly created PEO law or in any PEO agreement can affect, modify, or amend any collective bargaining agreement that exists on the bill's effective date or can alter the rights or obligations of any client employer, PEO, or shared employee under the "National Labor Relations Act," the "Railway Labor Act," or any other applicable federal or state law.

General Workers' Compensation Law

Adds to the House-passed version provisions that:

- Extend the time period during which the Administrator may grant immediate allowance and make immediate payment of medical bills for medical conditions that have a historical record of being allowed whenever included in a claim, from April 10, 2004, to September 30, 2005.

- Exempt from required workers' compensation coverage an individual who is incorporated as a corporation.

Pressure Piping Law

Repeals the existing Pressure Piping Law and replaces it with a new Pressure Piping Law (including revised key definitions) that does all of the following:

- Requires the owner of any power piping or process piping system to: (1) ensure that functions specified in the bill are performed in compliance with applicable sections of the B31 standards contained in the Code for Pressure Piping, published by the American Society of Mechanical Engineers, (2) maintain complete records of information specified in the bill, (3) make specified disclosures to the building and fire code enforcement authorities who have inspection authority; however, the bill prohibits any person or state agency from requiring that these records be submitted to

the Division of Industrial Compliance or to a certified building department for approval.

- Specifies that nothing in these provisions regarding an owner's duties limit the application of the Architects and Professional Engineers and Surveyors Laws (R.C. Chapters 4703. and 4733.)

- Requires the Board of Building Standards to adopt rules establishing requirements for the design, installation, inspection of, and design review procedure for building services piping and nonflammable medical gas, medical oxygen, and medical vacuum piping systems.

- Delineates the proper authorities for enforcing the Board's rules applicable to nonflammable medical gas, medical oxygen, and medical vacuum piping systems.

- Requires that all welding and brazing of metallic piping systems be performed in accordance with section IX of the Boiler and Pressure Vessel Code, published by the American Society of Mechanical Engineers, and requires the owner to maintain specified records and submit to the Superintendent a fee established by the Superintendent and copies of specified records in accordance with rules the Superintendent adopts.

- Requires that a person who inspects the installation of or witnesses the testing of any nonflammable medical gas and vacuum piping system must be certified to do so pursuant to rules the Board adopts under the Building Standards Law.

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