

## As Introduced

125th General Assembly  
Regular Session  
2003-2004

H. B. No. 396

Representatives McGregor, Jerse, Widener

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### A BILL

To amend sections 715.27, 3737.65, 3781.102, 4740.01, 1  
4740.02, 4740.03, 4740.04, 4740.05, 4740.06, 2  
4740.07, 4740.08, 4740.09, 4740.10, 4740.101, 3  
4740.11, and 4740.13 and to enact sections 307.382 4  
and 4740.011 of the Revised Code to change the 5  
name of the Ohio Construction Industry Examining 6  
Board to the Ohio Construction Industry Licensing 7  
Board and to make other changes related to that 8  
Board. 9

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

**Section 1.** That sections 715.27, 3737.65, 3781.102, 4740.01, 10  
4740.02, 4740.03, 4740.04, 4740.05, 4740.06, 4740.07, 4740.08, 11  
4740.09, 4740.10, 4740.101, 4740.11, and 4740.13 be amended and 12  
sections 307.382 and 4740.011 of the Revised Code be enacted to 13  
read as follows: 14

**Sec. 307.382.** (A) A board of county commissioners may adopt, 15  
by resolution, rules establishing standards and providing for the 16  
licensing of contractors who are not required to hold a valid 17  
license pursuant to Chapter 4740. of the Revised Code. The rules 18  
apply within the unincorporated area of the county and within any 19  
municipal corporation where the legislative authority has 20

contracted with the board pursuant to section 307.15 of the  
Revised Code to enforce the county rules within the municipal  
corporation. The rules shall not conflict with rules the board of  
building standards adopts pursuant to section 3781.10 of the  
Revised Code or that the department of commerce adopts pursuant to  
Chapter 3703. of the Revised Code.

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(B)(1) A board of county commissioners may require any  
contractor who is not required to hold a valid license issued  
pursuant to Chapter 4740. of the Revised Code to successfully  
complete an examination, test, or demonstration of technical  
skills and may impose a fee and additional requirements for a  
license to engage in the contractor's respective trade within the  
board's jurisdiction.

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(2) No board of county commissioners shall require any  
contractor who holds a valid license issued pursuant to Chapter  
4740. of the Revised Code to complete an examination, test, or  
demonstration of technical skills to engage in the type of  
contracting for which the license is held within the  
unincorporated area of the county and within any municipal  
corporation in which the county enforces county regulations  
pursuant to a contract.

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(C)(1) A board may impose a fee to register a contractor who  
holds a valid license issued pursuant to Chapter 4740. of the  
Revised Code before that contractor may engage, within the board's  
jurisdiction, in the type of contracting for which the license is  
held. Any fee shall be the same for all contractors who engage in  
the same type of contracting.

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(2) Any board that imposes a fee immediately shall permit a  
contractor who presents proof of a valid license and pays the fee  
to engage in the type of contracting for which the license is held  
within the board's jurisdiction as specified in division (B)(2) of

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this section. 52

(D) A board of county commissioners that adopts rules for 53  
licensing contractors pursuant to this section may accept, in 54  
satisfaction of its rules, a valid and unexpired license issued 55  
pursuant to Chapter 4740. of the Revised Code for the practice of 56  
the licensed trade as it relates to the construction, replacement, 57  
maintenance, or repair of one-family, two-family, or three-family 58  
dwelling houses or accessory structures incidental to those 59  
dwelling houses. 60

**Sec. 715.27.** (A) Any municipal corporation may: 61

(1) Regulate the erection of fences, billboards, signs, and 62  
other structures, within the municipal corporation, and provide 63  
for the removal and repair of insecure billboards, signs, and 64  
other structures; 65

(2) Regulate the construction and repair of wires, poles, 66  
plants, and all equipment to be used for the generation and 67  
application of electricity; 68

(3) Provide for the licensing of house movers; plumbers; 69  
sewer tappers; vault cleaners; and ~~specialty~~ contractors who are 70  
not required to hold a valid and unexpired license issued pursuant 71  
to Chapter 4740. of the Revised Code. 72

~~A municipal corporation may, pursuant to division (A)(3) of~~ 73  
~~this section, require all specialty contractors other than those~~ 74  
~~who~~ (4) Require any individual or business that does not 75  
hold a valid and unexpired license issued pursuant to Chapter 4740. of 76  
the Revised Code, to successfully complete an examination, test, 77  
or demonstration of technical skills, and may impose a fee and 78  
additional requirements for to obtain a license or registration to 79  
register to engage in their respective occupations an occupation 80  
described in this division within the jurisdiction of the 81

municipal corporation. 82

(B) No municipal corporation shall require any ~~specialty~~ 83  
contractor who holds a valid and unexpired license issued pursuant 84  
to Chapter 4740. of the Revised Code to ~~successfully~~ complete an 85  
examination, test, or demonstration of technical skills in order 86  
to engage within the municipal corporation in the type of 87  
contracting for which the license is held, ~~within the municipal~~ 88  
~~corporation.~~ 89

(C) ~~For~~ (1) A municipal corporation shall require a specialty 90  
contractor who holds a valid and unexpired license issued pursuant 91  
to Chapter 4740. of the Revised Code, ~~before that specialty~~ 92  
~~contractor~~ to register with the municipal corporation and pay any 93  
fee the municipal corporation imposes before that contractor may 94  
engage within the municipal corporation in the type of contracting 95  
for which the license is held ~~within the municipal corporation, a~~ 96  
~~municipal corporation may require the contractor to register with~~ 97  
~~the municipal corporation and may impose a fee, provided that the.~~ 98  
Any fee is shall be the same for all ~~specialty~~ contractors who 99  
~~wish to~~ engage in ~~that~~ the same type of contracting, ~~and.~~ 100

(2) A municipal corporation may require a ~~bond and~~ proof of 101  
all of the following before a contractor may register: 102

~~(1)~~(a) Insurance pursuant to division (B)(4) of section 103  
4740.06 of the Revised Code; 104

~~(2)~~(b) Compliance with Chapters 4121. and 4123. of the 105  
Revised Code; 106

~~(3)~~(c) Registration with the tax department of the municipal 107  
corporation. 108

~~If a~~ (3) A municipal corporation requires registration, 109  
~~imposes such a fee, or requires a bond or proof of the items~~ 110  
~~listed in divisions (C)(1), (2), and (3) of this section, the~~ 111  
~~municipal corporation~~ immediately shall permit a contractor ~~who~~ 112

~~presents proof of holding a valid and unexpired license issued~~ 113  
~~pursuant to Chapter 4740. of the Revised Code, who registers, pays~~ 114  
~~the fee, obtains a bond, and submits the proof described under~~ 115  
~~divisions (C)(1), (2), and (3) of this section, as required, to~~ 116  
engage in the type of contracting for which the license is held, 117  
within the municipal corporation, when the contractor fulfills all 118  
of the municipal corporation's requirements pursuant to this 119  
division. 120

(D) A municipal corporation may revoke the registration of a 121  
contractor registered with that municipal corporation for good 122  
cause ~~shown~~. Good cause ~~shown~~ includes the failure of a contractor 123  
to maintain a ~~bond or the items listed in divisions~~ the municipal 124  
corporation requires pursuant to division (C)(1), (2), and (3)(2) 125  
of this section, ~~if the municipal corporation requires those.~~ 126

(E) A municipal corporation that licenses ~~specialty~~ 127  
contractors pursuant to division (A)(3) of this section ~~may~~ shall 128  
accept, for purposes of satisfying ~~the requirements of that~~ 129  
~~division~~ its licensing requirements, a valid and unexpired license 130  
issued pursuant to Chapter 4740. of the Revised Code that ~~is held~~ 131  
~~by a specialty~~ the contractor holds, for the construction, 132  
replacement, maintenance, or repair of one-family, two-family, or 133  
three-family dwelling houses or accessory structures incidental to 134  
those dwelling houses. 135

(F) As used in this section, "~~specialty contractor~~" ~~means a~~ 136  
~~heating, ventilating, and air conditioning contractor,~~ 137  
~~refrigeration contractor, electrical contractor, plumbing~~ 138  
~~contractor, or hydronics contractor, as those terms are defined~~ 139  
has the same meaning as in section 4740.01 of the Revised Code. 140

**Sec. 3737.65.** (A) No person shall sell, offer for sale, or 141  
use any fire protection or fire fighting equipment that does not 142  
meet the ~~minimum standards established by the fire marshal in the~~ 143

~~state fire code~~ the board of building standards establishes. 144

(B) Except for public and private mobile fire trucks, no 145  
person shall service, test, repair, or install for profit any fire 146  
protection or fire fighting equipment without a certificate or a 147  
provisional certificate issued by the ~~fire marshal~~ Ohio 148  
construction industry licensing board. 149

(C)(1) The ~~fire marshal~~ Ohio construction industry licensing 150  
board shall not issue a provisional certificate ~~pursuant to~~ 151  
~~division (B) of this section~~ to any individual ~~who is not~~ unless 152  
that individual is enrolled in a bona fide apprenticeship training 153  
program registered with the apprenticeship council pursuant to 154  
section 4139.05 of the Revised Code or with the bureau of 155  
apprenticeship and training of the United States department of 156  
labor. ~~A~~ 157

~~(2) A~~ provisional certificate ~~issued pursuant to this section~~ 158  
authorizes an individual to engage in the activities permitted 159  
under division (B) of this section only if the individual+ 160

~~(1) Remains~~ is enrolled in ~~such~~ an apprenticeship training 161  
program+ described in this division and 162

~~(2) Is~~ is directly supervised by an individual who ~~possesses~~ 163  
holds a valid and current certificate issued pursuant to ~~division~~ 164  
~~(B) of this section for the activities in which the individual~~ 165  
~~issued the provisional certificate is engaged and the certified~~ 166  
~~individual directly supervising the individual issued the~~ 167  
~~provisional certificate only~~ and who supervises only one 168  
provisional certificate holder. 169

**Sec. 3781.102.** (A) Any county or municipal building 170  
department certified pursuant to ~~division (E) of~~ section 3781.10 171  
of the Revised Code as of September 14, 1970, and ~~that,~~ as of that 172  
date, was inspecting single-family, two-family, and three-family 173

residences, and any township building department certified 174  
pursuant to ~~division (E) of~~ section 3781.10 of the Revised Code, 175  
is hereby declared ~~to be~~ certified to inspect single-family, 176  
two-family, and three-family residences containing industrialized 177  
units, and ~~such building department~~ shall inspect the buildings or 178  
classes of buildings subject to ~~the provisions of division (E) of~~ 179  
section 3781.10 of the Revised Code. 180

(B) ~~Each board of county commissioners may adopt, by~~ 181  
~~resolution, rules establishing standards and providing for the~~ 182  
~~licensing of electrical and heating, ventilating, and air~~ 183  
~~conditioning contractors who are not required to hold a valid and~~ 184  
~~unexpired license pursuant to Chapter 4740. of the Revised Code.~~ 185

~~Rules adopted by a board of county commissioners pursuant to~~ 186  
~~this division may be enforced within the unincorporated areas of~~ 187  
~~the county and within any municipal corporation where the~~ 188  
~~legislative authority of the municipal corporation has contracted~~ 189  
~~with the board for the enforcement of the county rules within the~~ 190  
~~municipal corporation pursuant to section 307.15 of the Revised~~ 191  
~~Code. The rules shall not conflict with rules adopted by the board~~ 192  
~~of building standards pursuant to section 3781.10 of the Revised~~ 193  
~~Code or by the department of commerce pursuant to Chapter 3703. of~~ 194  
~~the Revised Code. This division does not impair or restrict the~~ 195  
~~power of municipal corporations under Section 3 Article XVIII,~~ 196  
~~Ohio Constitution, to adopt rules concerning the erection,~~ 197  
~~construction, repair, alteration, and maintenance of buildings and~~ 198  
~~structures or of establishing standards and providing for the~~ 199  
~~licensing of specialty contractors pursuant to section 715.27 of~~ 200  
~~the Revised Code.~~ 201

~~A board of county commissioners, pursuant to this division,~~ 202  
~~may require all electrical contractors and heating, ventilating,~~ 203  
~~and air conditioning contractors, other than those who hold a~~ 204

~~valid and unexpired license issued pursuant to Chapter 4740. of  
the Revised Code, to successfully complete an examination, test,  
or demonstration of technical skills, and may impose a fee and  
additional requirements for a license to engage in their  
respective occupations within the jurisdiction of the board's  
rules under this division.~~

~~(C) No board of county commissioners shall require any  
specialty who holds a valid and unexpired license issued pursuant  
to Chapter 4740. of the Revised Code to successfully complete an  
examination, test, or demonstration of technical skills in order  
to engage in the type of contracting for which the license is  
held, within the unincorporated areas of the county and within any  
municipal corporation whose legislative authority has contracted  
with the board for the enforcement of county regulations within  
the municipal corporation, pursuant to section 307.15 of the  
Revised Code.~~

~~(D) A board may impose a fee for registration of a specialty  
contractor who holds a valid and unexpired license issued pursuant  
to Chapter 4740. of the Revised Code before that specialty  
contractor may engage in the type of contracting for which the  
license is held within the unincorporated areas of the county and  
within any municipal corporation whose legislative authority has  
contracted with the board for the enforcement of county  
regulations within the municipal corporation, pursuant to section  
307.15 of the Revised Code, provided that the fee is the same for  
all specialty contractors who wish to engage in that type of  
contracting. If a board imposes such a fee, the board immediately  
shall permit a specialty contractor who presents proof of holding  
a valid and unexpired license and pays the required fee to engage  
in the type of contracting for which the license is held within  
the unincorporated areas of the county and within any municipal  
corporation whose legislative authority has contracted with the~~

~~board for the enforcement of county regulations within the~~ 237  
~~municipal corporation, pursuant to section 307.15 of the Revised~~ 238  
~~Code.~~ 239

~~(E) The~~ Any political subdivision associated with ~~each a~~ 240  
municipal, township, ~~and or~~ county building department certified 241  
by the board of building standards pursuant to ~~division (E) of~~ 242  
section 3781.10 of the Revised Code may prescribe fees to be paid 243  
by persons, political subdivisions, or any department, agency, 244  
board, commission, or institution of the state, for the acceptance 245  
and approval of plans and specifications, and for ~~the making of~~ 246  
inspections, made pursuant to sections 3781.03 and 3791.04 of the 247  
Revised Code. 248

~~(F) Each~~ (C)(1) Any political subdivision that prescribes 249  
fees pursuant to division ~~(E)(B)~~ of this section shall collect, on 250  
behalf of the board of building standards, a fee equal to three 251  
per cent of ~~such~~ those fees. The board shall adopt rules, in 252  
accordance with Chapter 119. of the Revised Code, specifying the 253  
manner in which ~~the~~ any fee assessed pursuant to this division 254  
shall be collected and remitted monthly to the board. The board 255  
shall pay ~~the~~ any fee assessed pursuant to this division into the 256  
state treasury to the credit of the industrial compliance 257  
operating fund created in section 121.084 of the Revised Code. 258

(2) All money credited to the fund under this division shall 259  
be used exclusively for both of the following: 260

~~(1)(a)~~ (a) Operating costs of the board; 261

~~(2)(b)~~ (b) Providing services, including educational programs, 262  
for ~~the~~ building departments that ~~are certified by~~ the board 263  
certifies pursuant to ~~division (E) of~~ section 3781.10 of the 264  
Revised Code. 265

~~(G) A board of county commissioners that adopts rules~~ 266  
~~providing for the licensing of electrical and heating,~~ 267

ventilating, and air conditioning contractors, pursuant to 268  
division (B) of this section, may accept, for purposes of 269  
satisfying the requirements of rules adopted under that division, 270  
a valid and unexpired license issued pursuant to Chapter 4740. of 271  
the Revised Code that is held by an electrical or heating, 272  
ventilating, and air conditioning contractor, for the 273  
construction, replacement, maintenance, or repair of one family, 274  
two family, or three family dwelling houses or accessory 275  
structures incidental to those dwelling houses. 276

~~(H) As used in this section, "specialty contractor" means a 277  
heating, ventilating, and air conditioning contractor, 278  
refrigeration contractor, electrical contractor, plumbing 279  
contractor, or hydronics contractor, as those terms are defined 280  
has the same meaning as in section 4740.01 of the Revised Code. 281~~

**Sec. 4740.01.** As used in this chapter: 282

(A) "License" means a license ~~issued by~~ the Ohio construction 283  
industry ~~examining~~ licensing board issues to an individual as a 284  
heating, ventilating, and air conditioning contractor, 285  
refrigeration contractor, electrical contractor, plumbing 286  
contractor, ~~or~~ hydronics contractor, roofing contractor, or any 287  
other contractor holding any other license issued by a section of 288  
the Ohio construction industry licensing board. 289

(B) "~~Heating, ventilating, and air conditioning contractor~~ 290  
Contractor" means any individual or business entity ~~who~~ that 291  
satisfies both of the following: 292

(1) For compensation, directs, supervises, or has 293  
responsibility for the means, method, and manner of ~~heating,~~ 294  
~~ventilating, and air conditioning~~ construction, improvement, 295  
renovation, repair, or maintenance on a construction project and 296  
who offers, identifies, advertises, or otherwise holds out or 297

represents that the individual or business entity is permitted or 298  
qualified to perform, direct, supervise, or have responsibility 299  
for the means, method, and manner of ~~heating, ventilating, and air~~ 300  
~~conditioning~~ construction, improvement, renovation, repair, or 301  
maintenance on a construction project; 302

(2) ~~Is a tradesperson~~ Performs or employs tradespersons ~~who~~ 303  
~~perform and~~ who are trained to perform ~~heating, ventilating, and~~ 304  
~~air conditioning~~ construction, improvement, renovation, repair, or 305  
maintenance a licensed trade on a construction project. 306

(C) ~~"Refrigeration contractor" means any individual or~~ 307  
~~business entity who satisfies both of the following:~~ 308

(1) ~~For compensation, directs, supervises, or has~~ 309  
~~responsibility for the means, method, and manner of refrigeration~~ 310  
~~construction, improvement, renovation, repair, or maintenance on a~~ 311  
~~construction project and who offers, identifies, advertises, or~~ 312  
~~otherwise holds out or represents that the individual or business~~ 313  
~~entity is permitted or qualified to direct, supervise, or have~~ 314  
~~responsibility for the means, method, and manner of refrigeration~~ 315  
~~construction, improvement, renovation, repair, or maintenance on a~~ 316  
~~construction project;~~ 317

(2) ~~Is a tradesperson or employs tradespersons who perform~~ 318  
~~and who are trained to perform refrigeration construction,~~ 319  
~~improvement, renovation, repair, or maintenance on a construction~~ 320  
~~project.~~ 321

(D) ~~"Electrical contractor" means any individual or business~~ 322  
~~entity who satisfies both of the following:~~ 323

(1) ~~For compensation, directs, supervises, or has~~ 324  
~~responsibility for the means, method, and manner of electrical~~ 325  
~~construction, improvement, renovation, repair, or maintenance on a~~ 326  
~~construction project and who offers, identifies, advertises, or~~ 327  
~~otherwise holds out or represents that the individual or business~~ 328

~~entity is permitted or qualified to direct, supervise, or have  
responsibility for the means, method, and manner of electrical  
construction, improvement, renovation, repair, or maintenance on a  
construction project;~~ 329  
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~~(2) Is a tradesperson or employs tradespersons who perform  
and who are trained to perform electrical construction,  
improvement, renovation, repair, or maintenance on a construction  
project.~~ 333  
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~~As used in this chapter, "electrical contracting" does not  
include the construction, improvement, renovation, repair, or  
maintenance of any of the following systems using less than fifty  
volts:~~ 337  
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~~(a) Fire alarm or burglar alarm;~~ 341

~~(b) Tele data;~~ 342

~~(c) Cabling;~~ 343

~~(d) Sound;~~ 344

~~(e) Communication;~~ 345

~~(f) Landscape lighting and irrigation.~~ 346

~~(E) "Plumbing contractor" means any individual or business  
entity who satisfies both of the following:~~ 347  
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~~(1) For compensation, directs, supervises, or has  
responsibility for the means, method, and manner of plumbing  
construction, improvement, renovation, repair, or maintenance on a  
construction project and who offers, identifies, advertises, or  
otherwise holds out or represents that the individual or business  
entity is permitted or qualified to direct, supervise, or have  
responsibility for the means, method, and manner of plumbing  
construction, improvement, renovation, repair, or maintenance on a  
construction project;~~ 349  
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~~(2) Is a tradesperson or employs tradespersons who perform and who are trained to perform plumbing construction, improvement, renovation, repair, or maintenance on a construction project.~~

~~(F) "Hydronics contractor" means any individual or business entity who satisfies both of the following:~~

~~(1) For compensation, directs, supervises, or has responsibility for the means, method, and manner of hydronics construction, improvement, renovation, repair, or maintenance on a construction project and who offers, identifies, advertises, or otherwise holds out or represents that the individual or business entity is permitted or qualified to direct, supervise, or have responsibility for the means, method, and manner of hydronics construction, improvement, renovation, repair, or maintenance on a construction project;~~

~~(2) Is a tradesperson or employs tradespersons who perform and who are trained to perform hydronics construction, improvement, renovation, repair, or maintenance on a construction project.~~

~~(G) "Contractor Licensed trades" means the trades performed by a heating, ventilating, and air conditioning contractor, a refrigeration contractor, an electrical contractor, a plumbing contractor, or a hydronics contractor, roofing contractor, or other contractor holding any other license issued by the Ohio construction industry licensing board.~~

~~(H)(D) "Tradesperson" means an individual who, for compensation, engages in construction, improvement, renovation, repair, or maintenance of buildings or structures without assuming responsibility for the means, method, or manner of that construction, improvement, renovation, repair, or maintenance.~~

~~(I)(E) "Construction project" means a the construction project involving improvement, renovation, repair, or maintenance~~

of a building or structure that is subject to Chapter 3781. of the 389  
Revised Code and the rules adopted under that chapter, but not 390  
involving the following buildings or structures: 391

~~(1) An~~ an industrialized unit as defined in division (C)(3) 392  
of section 3781.06 of the Revised Code: 393

~~(2) A~~ or a building or structure constructed pursuant to 394  
rules adopted under section 3781.181 or 3781.21 of the Revised 395  
Code. 396

(F) "Roofing contractor" means a contractor, as defined in 397  
division (B) of this section, who installs and repairs roofs and 398  
decks on residential, commercial, and industrial structures using 399  
materials that form water-tight and weather-resistant surfaces, 400  
including, but not limited to cedar, cement fiber, and composition 401  
shingles, all types of metal coverings, wood shakes, slate, metal 402  
and clay shingles, and other applications of protective and 403  
reflective roof and deck coatings, sheet metal valleys, flashings, 404  
gravel stops, gutters and downspouts, and bituminous 405  
waterproofing. 406

Sec. 4740.011. (A) The Ohio construction industry licensing 407  
board may adopt rules pursuant to Chapter 119. of the Revised Code 408  
under which the board issues licenses for any area of construction 409  
that is reasonably related to an existing section of the board. 410  
This division does not authorize the board to issue licenses for 411  
the installation of landscape lighting and irrigation. 412

(B) In addition to other licenses it issues, the electrical 413  
section shall issue licenses for the following: 414

(1) Fire and burglar alarm installation; 415

(2) Low voltage electrical contracting using fifty volts or 416  
less; 417

(3) Installation of traffic signal lighting. 418

(C) In addition to other licenses it issues, the mechanical section shall issue licenses for installation of the following: 419  
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(1) Pre-fabricated fireplaces; 421

(2) Gas piping, including but not limited to propane. 422

(D) In addition to other licenses it issues, the plumbing section shall issue licenses for the following: 423  
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(1) Installation of water softeners; 425

(2) Backflow testing. 426

**Sec. 4740.02.** (A)(1) There is hereby created within the 427  
department of commerce, the Ohio construction industry ~~examining~~ 428  
licensing board, consisting of ~~seventeen~~ twenty-two residents of 429  
this state. The board shall ~~consist of~~ have an administrative 430  
section, a plumbing section, an electrical section, ~~and~~ a heating, 431  
ventilating, air conditioning, and refrigeration section, and a 432  
roofing section. The director of commerce shall appoint all 433  
members of the board. ~~The~~ 434

(2) The administrative section consists of six members. The 435  
director or the director's designee shall serve as a member of the 436  
~~administrative section and the.~~ The director shall appoint to the 437  
~~administrative section to represent the public,~~ one member ~~who is~~ 438  
~~a representative of the public~~ who is not a member of any group 439  
certified by any section of the board. ~~The plumbing, electrical,~~ 440  
~~and heating, ventilating, air conditioning, and refrigeration~~ 441  
~~sections each shall~~ Each section annually shall elect a member of 442  
~~their own respective the~~ section to serve a one-year term on the 443  
administrative section. 444

(B) The plumbing section ~~shall consist~~ consists of five 445  
members, one of whom is a plumbing inspector employed by the 446  
department of commerce, a municipal corporation, or a health 447  
district, two of whom are plumbing contractors who have no 448

affiliation with any union representing plumbers, and two of whom 449  
are plumbing contractors who are signatories to agreements with 450  
unions representing plumbers. 451

(C) The electrical section ~~shall consist~~ consists of five 452  
members, one of whom is an electrical inspector employed by the 453  
department of commerce, a municipal corporation, or a county, two 454  
of whom are electrical contractors who have no affiliation with 455  
any union representing electricians, and two of whom are 456  
electrical contractors who are signatories to agreements with 457  
unions representing electricians. 458

(D) The heating, ventilating, air conditioning, and 459  
refrigeration section ~~shall consist~~ consists of five members, one 460  
of whom is a heating, ventilating, air conditioning, and 461  
refrigeration inspector employed by either the department of 462  
commerce or a municipal corporation; two of whom are heating, 463  
ventilating, and air conditioning contractors or refrigeration 464  
contractors who have no affiliation with any union representing 465  
heating, ventilating, and air conditioning tradespersons or 466  
refrigeration tradespersons; and two of whom are heating, 467  
ventilating, and air conditioning contractors or refrigeration 468  
contractors who are signatories to agreements with unions 469  
representing heating, ventilating, and air conditioning 470  
tradespersons or refrigeration tradespersons. 471

(E) ~~Within ninety days after July 31, 1992, initial~~ 472  
~~appointments shall be made to the board. The roofing section~~ 473  
~~consists of five members, one of whom is employed by a state or~~ 474  
~~local certified building department, two of whom are roofing~~ 475  
~~contractors who are not affiliated with any union, and two of whom~~ 476  
~~are roofing contractors who are signatories to agreements with~~ 477  
~~unions.~~ 478

(F) Of the initial appointments to ~~the board, two~~ 479  
~~appointments in~~ each section, other than the administrative 480

section, two are for terms ending one year after July 31, ~~1992,~~ 481  
~~and of the year of the appointment,~~ two are for terms ending two 482  
years after July 31, ~~1992.~~ ~~All other appointments to the board are~~ 483  
~~for terms ending of the year of the appointment,~~ and one is for a 484  
term that ends three years after July 31, ~~1992~~ of the year of the 485  
appointment. Thereafter, terms of office are for three years, with 486  
each term ending on the ~~same day of the same month of the year as~~ 487  
~~did the term that it succeeds~~ thirty-first day of July. Each 488  
member shall hold office from the date of appointment until the 489  
end of the term for which the member was appointed. Members may be 490  
reappointed. Vacancies shall be filled in the manner provided for 491  
original appointments. Any member appointed to fill a vacancy 492  
occurring prior to the expiration ~~date~~ of the term for which the 493  
member's predecessor was appointed shall hold office as a member 494  
for the remainder of that term. A member shall continue in office 495  
subsequent to the expiration ~~date~~ of the ~~member's~~ term until the 496  
~~member's~~ a successor takes office or until a period of sixty days 497  
has elapsed, whichever occurs first. 498

~~(F)~~(G) Before entering upon the discharge of official duties, 499  
each member shall take, and file with the secretary of state, the 500  
oath of office required by Section 7 of Article XV, Ohio 501  
Constitution. 502

~~(G)~~(H) Each member ~~of the board,~~ except for the director or 503  
the director's designee ~~the director appoints under division (A)~~ 504  
~~of this section,~~ shall receive a per diem amount fixed pursuant to 505  
section 124.15 of the Revised Code when actually attending to 506  
matters of the board and for the time spent in necessary travel, 507  
and all actual and necessary expenses incurred in the discharge of 508  
official duties. 509

~~(H)~~(I) The director of commerce may remove any appointed 510  
member of the board ~~the director appoints~~ for malfeasance, 511  
misfeasance, or nonfeasance. 512

~~(I)~~(J) Membership on the board and holding any office of the board does not constitute the holding of a public office or employment within the meaning of any section of the Revised Code, or an interest, either direct or indirect, in a contract or expenditure of money by the state or any municipal corporation, township, special district, school district, county, or other political subdivision. No member or officer of the board is disqualified from holding any public office or employment nor shall the officer or member forfeit any public office or employment by reason of holding a position as an officer or member of the board.

~~(J)~~(K) The board, and each section of the board, shall meet only after adequate advance notice of the meeting has been given to each member of the board or section, ~~as appropriate.~~

**Sec. 4740.03.** (A) The administrative section of the Ohio construction industry ~~examining~~ licensing board annually shall elect from among its members a chairperson and other officers as the board, by rule, designates. The chairperson shall preside over meetings of the administrative section or designate another member to preside in the chairperson's absence. The administrative section shall hold at least two regular meetings each year, but may meet at additional times as specified by rule, at the call of the chairperson, or upon the request of two or more members. A majority of the members of the administrative section constitutes a quorum for the transaction of all business. The administrative section may not take any action without the concurrence of at least three of its members.

(B)(1) The administrative section shall employ a secretary, who is not a member of the board, to serve at the pleasure of the administrative section, and shall fix the compensation of the secretary. The secretary shall be in the unclassified civil

service of the state. 544

(2) The secretary shall do all of the following: 545

(a) Keep or set standards for and delegate to another person 546  
the keeping of the minutes, books, and other records and files of 547  
the board and each section of the board; 548

(b) Issue all licenses in the name of the board; 549

(c) Post on the internet in a format capable of being 550  
searched by each criteria, all of the following for each license: 551

(i) The name of the license holder; 552

(ii) The company to which the license is assigned or an 553  
indication that the license is in escrow; 554

(iii) The license number; 555

(iv) The contractor number. 556

The secretary shall make the initial posting not later than 557  
ninety days after the effective date of this amendment. The 558  
secretary shall post information for any new license within seven 559  
days after issuance of the license. 560

(d) Send out all notices, including advance notices of 561  
meetings of the board and each section of the board, and attend to 562  
all correspondence of the board and each section of the board, 563  
under the direction of the administrative section; 564

~~(d)~~(e) Receive and deposit all fees payable pursuant to this 565  
chapter into the construction industry ~~examining~~ licensing fund 566  
created pursuant to section 4740.11 of the Revised Code; 567

~~(e)~~(f) Perform all other duties incidental to the office of 568  
the secretary or properly assigned to the secretary by the 569  
administrative section of the board. 570

(3) Before entering upon the discharge of the duties of the 571  
secretary, the secretary shall file with the treasurer of state a 572

bond in the sum of five thousand dollars, payable to the state, to 573  
ensure the faithful performance of the secretary's duties. The 574  
board shall pay the premium of the bond in the same manner as it 575  
pays other expenditures of the board. 576

(C) Upon the request of the administrative section of the 577  
board, the director of commerce shall supply the board and its 578  
sections with personnel, office space, and supplies, as the 579  
director determines appropriate. The administrative section of the 580  
board shall employ any additional staff it considers necessary and 581  
appropriate. 582

(D) The chairperson of the board or the secretary, or both, 583  
as authorized by the board, shall approve all vouchers of the 584  
board. 585

(E) The administrative section shall adopt uniform rules to 586  
govern the activities of the other sections. These rules control 587  
in any conflict with the rules of another section. 588

**Sec. 4740.04.** The administrative section of the Ohio 589  
construction industry ~~examining licensing board is responsible for~~ 590  
~~the administration of~~ shall administer this chapter and shall do 591  
all of the following: 592

(A) Schedule the contractor examinations ~~for heating,~~ 593  
~~ventilating, and air conditioning contractors, refrigeration~~ 594  
~~contractors, electrical contractors, plumbing contractors, and~~ 595  
~~hydronics contractors, as directed by the applicable~~ as each 596  
section of the board directs. ~~The administrative section shall~~ 597  
~~schedule examinations to~~ Each examination shall be held at least 598  
four times per year. 599

(B) Select and contract with one or more persons to do all of 600  
the following relative to the examinations ~~described in division~~ 601  
~~(A) of this section:~~ 602

(1) Prepare, administer, score, and maintain the confidentiality of the examinations;

(2) Be responsible for all the expenses required to fulfill division (B)(1) of this section;

(3) Charge an applicant a fee, in an amount ~~authorized by the~~ administrative section of the board, authorizes for administering the examination;

(4) Design the examination for each type of contractor to determine an applicant's competence to perform ~~the~~ that type of contracting ~~for which the applicant is seeking licensure.~~

(C) Issue and renew licenses to individuals who have attained at least the minimum score on an examination ~~authorized by the plumbing section for plumbing contractors, the electrical section for electrical contractors, the heating, ventilating, air conditioning, and refrigeration section for heating, ventilating, and air conditioning contractors and refrigeration contractors, and both the heating, ventilating, air conditioning, and refrigeration and plumbing sections for hydronics contractors, on the condition that the appropriate section authorizes for that licensed trade. The hydronics contractors shall pass the examinations that both the heating, ventilating, and air conditioning section and the plumbing section administer. The~~ appropriate section of the board ~~determines that~~ shall determine whether the individual also applicant is qualified as required by section 4740.06 of the Revised Code to hold a license~~;~~.

(D) Make an annual written report to the director of commerce on proceedings had by or before the board for the previous year and make an annual statement of all money received and expended by the board during the year;

(E) Keep a record containing the name, address, the date on which the board issues or renews a license to, and the license

number of, every heating, ventilating, and air conditioning 634  
contractor, refrigeration contractor, electrical contractor, 635  
~~plumbing contractor, and hydronics contractor issued to which it~~ 636  
issues a license pursuant to this chapter; 637

(F) Regulate a contractor's use and display of a license 638  
issued pursuant to this chapter and of any information contained 639  
in that license; 640

(G) Adopt rules in accordance with Chapter 119. of the 641  
Revised Code as necessary to properly discharge the administrative 642  
section's duties under this chapter; 643

(H) Keep a record of its proceedings and do all things 644  
necessary to carry out this chapter. 645

**Sec. 4740.05.** ~~The heating, ventilating, air conditioning, and~~ 646  
~~refrigeration section of the Ohio construction industry examining~~ 647  
licensing board for heating, ventilating, and air conditioning 648  
~~contractors and refrigeration contractors; the plumbing section of~~ 649  
~~the board for plumbing contractors; the electrical section for~~ 650  
~~electrical contractors; and both the heating, ventilating, air~~ 651  
~~conditioning, and refrigeration and the plumbing sections for~~ 652  
~~hydronics contractors, and each section of the board shall do all~~ 653  
of the following: 654

(A) Adopt rules in accordance with Chapter 119. of the 655  
Revised Code ~~as this chapter relates to their respective sections.~~ 656  
~~The rules shall be that are~~ limited to the following: 657

(1) Application procedures for examinations; 658

(2) ~~Specifications concerning continuing~~ Continuing education 659  
requirements for license renewal that ~~address~~ include all of the 660  
following: 661

(a) Criteria for selecting and approving courses and persons 662  
to provide those courses; 663

(b) ~~A specification that~~ The number of hours of continuing 664  
education coursework that an individual must complete for license 665  
renewal, subject to the following: 666

(i) That individuals holding a valid and unexpired license be 667  
required to accrue no more than thirty hours of continuing 668  
education courses over a period of three years; 669

(ii) That a section may require an individual to complete ten 670  
hours of coursework during each year with the provision that a 671  
person may carry over excess credits earned during one year into 672  
the next year; 673

(iii) That not less than ten hours during a three-year period 674  
be trade specific as the section determines; 675

(iv) That an individual may receive up to ten hours of credit 676  
in a single day; 677

(v) That individuals who hold multiple licenses complete the 678  
continuing education requirements for courses that focus on the 679  
trade specific curriculum only, as each section determine, 680  
applicable to the specific trade for each section in which the 681  
individual holds a license; 682

(vi) That the credit an individual earns for non-trade 683  
specific courses in one section be credited to the non-trade 684  
specific requirements for all licenses the individual holds. 685

(c) A requirement that persons seeking approval to provide 686  
continuing education courses submit information regarding the 687  
courses to the appropriate section ~~of the board~~ for approval not 688  
less than ~~ninety~~ thirty days nor more than one year prior to the 689  
date on which the courses are offered, unless a section ~~of the~~ 690  
~~board~~ permits submission at a different time; 691

(d) A prohibition against any person providing a continuing 692  
education course ~~for the purpose of meeting continuing education~~ 693

~~requirements~~ unless, not more than one year prior to the date the 694  
course is offered, the ~~person has been approved by the~~ appropriate 695  
section of the board approves that person to provide that course; 696

(e) A provision limiting approval of continuing education 697  
courses to one year; 698

(f) A provision establishing the following annual fees, to be 699  
paid to the board by persons approved to provide continuing 700  
education courses: 701

(i) For the approval of each continuing education course, not 702  
more than ten dollars plus an additional one dollar per credit 703  
hour fee per attendee to be paid after the event at the time each 704  
attendee's credit is certified; 705

(ii) For the approval of each person providing continuing 706  
education courses, twenty-five dollars. 707

(3) Criteria for the section ~~of the board shall to~~ use in 708  
evaluating the qualifications of an individual; 709

(4) Criteria for the section ~~of the board shall to~~ use in 710  
deciding whether to issue, renew, suspend, revoke, or refuse to 711  
issue or renew a license; 712

(5) Determinations and approvals made under the reciprocity 713  
provision of section 4740.08 of the Revised Code. 714

(B) Investigate allegations in reference to violations of 715  
this chapter and the rules adopted pursuant ~~thereto pertaining~~ to 716  
it that pertain to the section and determine by rule a procedure 717  
~~for~~ to conduct investigations and hearings on these allegations; 718

(C) Maintain a record of its proceedings; 719

(D) Grant approval to persons to offer continuing education 720  
courses pursuant to rules adopted under division (A)(2) of this 721  
section; 722

(E) Provide and maintain a single-license bond for each 723

contractor to which a license is assigned, not to exceed 724  
twenty-five thousand dollars. The bond shall be conditioned upon 725  
the contractor completing construction and correcting any physical 726  
damage to public property or infrastructure, for which the sole 727  
beneficiary or obligee of any default payment shall be the public 728  
authority, to correct any noncompliance specific to the default. 729  
Any certified county or municipal building department may require 730  
as part of local license registration that the department be 731  
informed of any change in status of the license, bond, or proof of 732  
insurance. 733

(F) The board shall adopt rules in accordance with Chapter 734  
119. of the Revised Code to provide appropriate terms for the 735  
license bond and to provide procedures under which the current 736  
status of any license, bond, and proof of insurance, including 737  
self-insurance, is available to the public and to inspecting 738  
authorities. 739

(G) As required, do all things necessary to carry out this 740  
chapter. 741

**Sec. 4740.06.** (A) Any individual who applies for a license 742  
shall file a written application with the appropriate section of 743  
the Ohio construction industry ~~examining~~ licensing board, 744  
accompanied with the application fee as determined pursuant to 745  
section 4740.09 of the Revised Code. The individual shall file the 746  
application ~~with the appropriate section~~ not more than sixty days 747  
nor less than thirty days prior to the date of the examination. 748  
The application shall be on the form ~~prescribed by the appropriate~~ 749  
the section of the board prescribes and verified by the 750  
applicant's oath. ~~It shall contain~~ The applicant shall provide 751  
information satisfactory to the ~~appropriate~~ section showing that 752  
the applicant meets the requirements of division (B) of this 753  
section. 754

(B) To qualify to take ~~the~~ an examination ~~required to obtain~~ 755  
~~a license for a heating, ventilating, and air conditioning~~ 756  
~~contractor, refrigeration contractor, electrical contractor,~~ 757  
~~plumbing contractor, or hydronics contractor,~~ an individual shall: 758

(1) Be at least eighteen years of age; 759

(2) Be a United States citizen, or legal alien who produces 760  
valid documentation to demonstrate the individual is a legal 761  
permanent resident of Ohio; 762

(3) Either have been a tradesperson ~~for~~ in the type of 763  
~~contractor~~ licensed trade for which the application is filed for 764  
not less than five years immediately prior to the date the 765  
application is filed, be an engineer, have three years of business 766  
experience in the construction industry, or have other experience 767  
acceptable to the appropriate section of the board ~~that authorizes~~ 768  
~~issuance of the type of license sought;~~ 769

(4) Maintain contractor's liability insurance, including 770  
without limitation, complete operations coverage, in an amount 771  
~~determined by~~ the appropriate section of the board determines; 772

(5) Not have done any of the following: 773

(a) Been convicted of or pleaded guilty to a misdemeanor 774  
involving moral turpitude or of any felony within the last ten 775  
years prior to the date of application. The board, in its 776  
discretion, may grant the individual a license if the individual 777  
demonstrates to the board's satisfaction that granting a license 778  
to the individual will not jeopardize the safety of the public; 779

(b) Violated this chapter or any rule adopted pursuant to 780  
~~this chapter~~ it; 781

(c) Obtained or renewed a license issued pursuant to this 782  
chapter, or any order, ruling, or authorization of the board or a 783  
section of the board by fraud, misrepresentation, or deception; 784

(d) Engaged in fraud, misrepresentation, or deception in the 785  
conduct of business. 786

(C) ~~If the~~ When an applicant for licensure as a ~~heating,~~ 787  
~~ventilating, and air conditioning contractor, refrigeration~~ 788  
~~contractor, electrical contractor, plumbing contractor, or~~ 789  
~~hydronics~~ contractor in a licensed trade meets the qualifications 790  
set forth in division (B) of this section and passes the required 791  
examination, the appropriate section of the board, within ninety 792  
days after the ~~applicant filed the~~ application was filed, shall 793  
authorize the administrative section of the board to license the 794  
applicant for the type of contractor's license for which the 795  
applicant qualifies. A section of the board may withdraw its 796  
authorization to the administrative section for issuance of a 797  
license for good cause ~~shown, on the condition that~~ if it gives 798  
notice of that withdrawal ~~is given~~ prior to the administrative 799  
section's issuance of the license. 800

(D) Each license ~~issued under this chapter~~ expires one year 801  
after the date of issue, ~~but each.~~ An individual holding a valid, 802  
unexpired license may renew the license, without reexamination, by 803  
~~applying~~ submitting an application to the appropriate section of 804  
the board not more than ninety days before the expiration of the 805  
license, ~~and submitting with the application~~ along with the 806  
renewal fee ~~as determined pursuant to section 4740.09 of the~~ 807  
~~Revised Code~~ the section requires and proof of compliance with the 808  
applicable continuing education requirements ~~applicable to that~~ 809  
~~contractor~~. The ~~renewal application~~ applicant shall ~~contain~~ 810  
provide information in the renewal application satisfactory to 811  
demonstrate to the ~~appropriate section of the board showing~~ that 812  
the applicant continues to meet the requirements of division (B) 813  
of this section. 814

~~The appropriate~~ A section of the board may waive any of the 815  
requirements for renewal of a license upon finding that ~~the~~ an 816

applicant substantially ~~has met~~ meets the renewal requirements or 817  
that failure to timely apply for renewal is due to excusable 818  
neglect. ~~If, in renewing a license, a~~ A section of the board that 819  
~~waives requirements for renewal, that section of a license~~ may 820  
impose conditions upon ~~that~~ the licensee and assess a late filing 821  
fee of not more than double the usual renewal fee. 822

(E) An individual holding a valid and unexpired license ~~may~~ 823  
and who is not employed by a contractor business entity shall 824  
request the section of the board that authorized the issuance of 825  
that license to place the license in inactive status under 826  
conditions and for a period of time as ~~determined by~~ that section 827  
~~of the board~~ determines. 828

(F) Except for the ninety-day extension provided for a 829  
license assigned to a business entity under division (D) of 830  
section 4740.07 of the Revised Code, a license held by an 831  
individual immediately terminates upon the death of the 832  
individual. 833

~~(G) Nothing in any license issued by the Ohio construction~~ 834  
~~industry examining board shall be construed to limit or eliminate~~ 835  
~~any requirement of or any license issued by the Ohio fire marshal~~ 836  
No license the board issues shall be construed to limit or 837  
eliminate any license or requirement for any license a municipal 838  
corporation issues for a journeyman or tradesperson. 839

**Sec. 4740.07.** (A) Except as provided in this section, the 840  
administrative section of the Ohio construction industry ~~examining~~ 841  
licensing board shall issue and renew all licenses under this 842  
chapter in the name of the individual who meets the requirements 843  
of section 4740.06 of the Revised Code. 844

(B) ~~Any~~ Each individual ~~may~~ shall request, at the time of 845  
applying for a license or at any time thereafter, that the 846  
individual's license be assigned to a business entity with whom 847

the individual is associated as a full-time officer, proprietor, 848  
partner, or employee. If the individual is issued or holds a 849  
license and meets the requirements of this section for the 850  
assignment of the license to a business entity, the administrative 851  
section shall assign the license to and issue a license in the 852  
name of the business entity. The license assigned and issued to a 853  
business entity under this division shall state the name and 854  
position of the individual who assigned the license to the 855  
business entity. The board shall assign that entity a single 856  
contractor number. 857

(C) During the period a business entity holds a license 858  
issued under division (B) of this section, the administrative 859  
section shall not issue to ~~the~~ an individual who assigned ~~the~~ a 860  
license to ~~the~~ a business entity another license for the same type 861  
of contracting for which the business entity utilizes the assigned 862  
license ~~is utilized by the business entity.~~ 863

(D)(1) If an individual who assigned a license to a business 864  
entity ceases to be associated with the business entity for any 865  
reason, including, ~~without limitation,~~ the death of the 866  
individual, the individual or business entity immediately shall 867  
notify the appropriate section of the board of the date on which 868  
the individual ceased to be associated with the business entity. A 869  
license assigned to a business entity is invalid ninety days after 870  
the date on which the individual who assigned the license ceases 871  
to be associated with the business entity. 872

(2) If a license assigned to a business entity becomes 873  
invalid pursuant to division (D)(1) of this section and another 874  
individual has assigned a license to the business entity for the 875  
same type of contracting for which the invalidated license had 876  
been assigned, the business entity may continue to operate under 877  
the other assigned license. 878

(E) Any work conducted by a business entity under a license 879

assigned under this section is deemed to be conducted under the 880  
personal supervision of the individual named in the license and 881  
~~all violations~~ any violation of any terms of the license ~~are~~ is 882  
deemed to have been committed by the individual named in the 883  
license. 884

For the period of time during which more than one license for 885  
the same type of contracting is assigned ~~under this section~~ to a 886  
business entity, any work ~~conducted by~~ the business entity 887  
conducts under any of those licenses is deemed to be conducted 888  
under the personal supervision of the individuals named in ~~each of~~ 889  
~~the those~~ licenses and ~~all violations~~ any violation of ~~any the~~ 890  
terms of any ~~of the licenses are~~ license is deemed to have been 891  
committed by the individuals named in ~~each~~ all of the licenses. 892

(F) No individual who assigns a license to a business entity 893  
~~under division (B) of this section~~ shall assign a license for the 894  
same type of contracting to another business entity until ~~after~~ 895  
ninety days after the individual ceases to be associated with the 896  
business entity to ~~whom~~ which the individual had ~~previously~~ 897  
assigned a license. 898

(G) Any individual who assigns a license to a business entity 899  
under this section shall be actively engaged in business as the 900  
type of contractor for which the license is issued and be readily 901  
available for consultation with the business entity to which the 902  
license is assigned. 903

(H) No license assigned under this section shall be assigned 904  
to more than one business entity at a time. 905

(I) Any contractor licensed pursuant to this chapter shall 906  
display all of the following: 907

(1) A copy of the license in a conspicuous place in each 908  
office or place of business of the contractor; 909

(2) The contractor number on any vehicles associated with the 910

business to which the license is assigned;

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(3) The contractor number on any item associated with the  
contracting business, including business cards, advertisements,  
web sites, and promotional materials.

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**Sec. 4740.08.** Upon application to the appropriate section of  
the Ohio construction industry ~~examining~~ licensing board and  
payment of the licensure fee ~~determined pursuant to section~~  
~~4740.09 of the Revised Code for the issuance of a license, the~~  
appropriate section of the board shall authorize the  
administrative section ~~of the board~~ to issue, without examination,  
a license to an individual registered, licensed, or certified in  
another state ~~of the United States, provided that if~~ the  
appropriate section of the board determines, pursuant to the rule  
~~adopted it adopts~~ under division (A)(5) of section 4740.05 of the  
Revised Code, that the requirements for registration, licensure,  
or certification under the laws of the other state ~~of the United~~  
~~States~~ are substantially equal to the requirements for licensure  
in this state and ~~further provided that such~~ the other state  
extends similar reciprocity to persons licensed under this  
chapter. The appropriate section of the board may withdraw its  
authorization to the administrative section for issuance of a  
license for good cause ~~shown~~ prior to the administrative section's  
issuance of the license.

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**Sec. 4740.09.** ~~The fees for licenses and their renewal,  
including late fees, subject~~ Subject to the controlling board  
~~approval of the controlling board, shall be determined by each~~  
~~respective section of the Ohio construction industry examining~~  
~~board. Each respective section of the board may increase these~~  
~~fees, provided that no increase exceeds fifty per cent of the~~  
~~lowest fee determined by that section of the board during the~~

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~~three year period immediately preceding an increase, and further~~ 941  
~~provided that no increase is made more than once a year~~ 942  
fees for license examinations, certificates, and renewals are as follows: 943

(A) Twenty-five dollars for the examination for each license; 944

(B) Twenty-five dollars for the issuance of each certificate 945  
of licensure; 946

(C) Forty dollars for the annual renewal of each license. 947

**Sec. 4740.10.** ~~(A) The heating, ventilating, air conditioning,~~ 948  
~~and refrigeration section of the Ohio construction industry~~ 949  
~~examining board for heating, ventilating, and air conditioning~~ 950  
~~contractors and for refrigeration contractors; the electrical~~ 951  
~~section of the board for electrical contractors; the plumbing~~ 952  
~~section of the board for plumbing contractors; and both the~~ 953  
~~plumbing section and the heating, ventilating, air conditioning,~~ 954  
~~and refrigeration section for hydronics contractors~~ appropriate 955  
section of the Ohio construction industry licensing board may 956  
suspend or revoke a license and may direct the administrative 957  
section of the board to refuse to issue or renew a license if the 958  
section ~~of the board~~ finds that the applicant or licensee has done 959  
any of the following: 960

(1) Been convicted of a misdemeanor involving moral turpitude 961  
or a felony; during the ten years prior to the date of 962  
application. Notwithstanding a conviction, the board may grant the 963  
individual a license if the individual demonstrates to the board's 964  
satisfaction that the safety of the public is not jeopardized if 965  
it grants the license. 966

(2) Violated any provision of this chapter or the rules 967  
adopted pursuant thereto; 968

(3) Obtained a license or any order, ruling, or authorization 969  
of the board by fraud, misrepresentation, or deception; 970

(4) Engaged in fraud, misrepresentation, or deception in the 971  
conduct of business. 972

(B) The appropriate section of the board shall determine the 973  
length of time that a license is to be suspended and whether or 974  
when an individual whose license has been revoked may apply for 975  
reinstatement. The appropriate section of the board may accept or 976  
refuse an application for reinstatement and may require an 977  
examination for reinstatement. 978

(C) The appropriate section of the board may ~~investigate:~~ 979

(1) Investigate any alleged violation of this chapter or 980  
rules adopted pursuant ~~thereto to it~~. If, after ~~its an~~ 981  
investigation, a section ~~of the board~~ determines that any person 982  
has engaged or is engaging in any practice that violates this 983  
chapter or the rules adopted pursuant ~~thereto to it~~, that section 984  
may apply to the court of common pleas of the county in which the 985  
~~section determined that the~~ violation occurred or is occurring for 986  
an injunction or other appropriate relief to enjoin or terminate 987  
the violation. 988

(2) Levy a civil fine of not more than five hundred dollars 989  
against any individual or business who violates this chapter or 990  
the rules adopted pursuant to it. 991

(D) Any person who wishes to make a complaint against a 992  
person who holds a license shall submit the complaint in writing 993  
to the appropriate section of the board within ~~one year~~ three 994  
years after the date of the action or event upon which the 995  
complaint is based. 996

**Sec. 4740.101.** On receipt of a notice pursuant to section 997  
3123.43 of the Revised Code, the construction industry ~~examining~~ 998  
licensing board shall comply with sections 3123.41 to 3123.50 of 999  
the Revised Code and any applicable rules adopted under section 1000

3123.63 of the Revised Code with respect to a certificate issued 1001  
pursuant to this chapter. 1002

**Sec. 4740.11.** The Ohio construction industry ~~examining~~ 1003  
licensing board and its sections shall deposit all receipts 1004  
collected under this chapter into the state treasury to the credit 1005  
of the industrial compliance operating fund created in section 1006  
121.084 of the Revised Code. 1007

**Sec. 4740.13.** (A) No person shall act as or claim to be a 1008  
~~heating, ventilating, and air conditioning contractor,~~ 1009  
~~refrigeration contractor, plumbing contractor, electrical~~ 1010  
~~contractor, or hydronics~~ contractor unless that person holds or 1011  
has been assigned a license issued pursuant to this chapter for 1012  
the type of contractor that person is acting as or claiming to be. 1013

(B) The legislative body of a municipal corporation, a board 1014  
of township trustees, or a board of county commissioners shall 1015  
require a contractor to register a license prior to the time of 1016  
bidding any public project to be awarded by the political 1017  
subdivision and may not require any other license or permit. 1018

~~Contractors~~ (C) A contractor licensed under this chapter may 1019  
install, service, and maintain the related or interfaced control 1020  
wiring for equipment and devices related to ~~their~~ a specific 1021  
license, and incidental to licensed work on the condition that the 1022  
control wiring is less than twenty-five volts. 1023

**Section 2.** That existing sections 715.27, 3737.65, 3781.102, 1024  
4740.01, 4740.02, 4740.03, 4740.04, 4740.05, 4740.06, 4740.07, 1025  
4740.08, 4740.09, 4740.10, 4740.101, 4740.11, and 4740.13 of the 1026  
Revised Code are hereby repealed. 1027

**Section 3.** The Director of Commerce shall appoint the five 1028

members of the roofing section of the Ohio Construction Industry Licensing Board no later than July 31, 2004.

**Section 4.** For backflow contractors, the plumbing section of the Ohio Construction Industry Licensing Board shall issue a backflow license to any person who holds a valid backflow certificate in the state on the effective date of this section. No other person is eligible for certification pursuant to this section.

For all other licenses this act establishes, the appropriate section shall issue a license to any individual who does all of the following:

(A) Applies to the section within one hundred eighty days from the effective date of this section;

(B) Pays a fee of \$40;

(C) Has been actively engaged in the trade applied for in this state for at least three consecutive years immediately prior to the effective date of this section;

(D) Furnishes business records, including but not limited to contracts, permits, inspection reports, or other evidence verifying experience to the satisfaction of the section;

(E) Provides evidence of current contractor's liability insurance including complete operations coverage in the amount of five hundred thousand dollars, except that any applicant affiliated with a business that has more than one applicant or license holder need only provide evidence of the total amount of five hundred thousand dollars;

(F) Provides evidence of current compliance with workers' compensation coverage, Chapters 4121. and 4123. of the Revised Code, and any other applicable legal requirements to do business in the state as determined by the administrative section.