

## DIVISION OF INDUSTRIAL COMPLIANCE

### General information (COM)

#### Duties

**The Division of Industrial Compliance** is one of eight divisions within the Ohio Department of Commerce. The Division reviews and approves building plans for the construction and renovation of commercial and public building projects. The Division also provides regulatory certification and inspection of boiler and elevator systems essential to public welfare and safety. DIC staff members conduct inspections of plumbing, manufactured homes communities, manufactured home installations, electrical and structural systems; elevators; boilers; bedding and upholstered products. DIC provides testing, certification, licensing, and continuing education services for numerous skilled trades in Ohio’s building industry, as well as backflow technicians, and manufactured homes inspectors and installers. The Ohio Bureau of Wage & Hour operates within the Division, which is responsible for enforcing Ohio minor labor laws, minimum wage laws, prevailing wage laws, and workers with disabilities laws. The Division also provides and administratively oversees staff for the Ohio Construction Industry Licensing Board, the Ohio Board of Building Appeals, the Historical Boiler Licensing Board, and the Ohio Board of Building Appeals.

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

The Division consists of multiple sections with subject matter experts typically acting as the “chief” of those sections. The sections include: Administration (including the Superintendent, the Deputy Superintendent, and Legal Counsel), Operations and Maintenance, Elevators, Boilers, Wage & Hour, Bedding, Manufactured Homes, and the Bureau of Code Compliance (the State of Ohio Building Department).

The Division also assists in staffing administrative personnel for several statutory boards: the Board of Building Standards, the Board of Building Appeals, the Ohio Construction Industry Licensing Board, the Historical Boiler Licensing Board, the Backflow Advisory Board, and the Manufactured Homes Advisory Board.

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

The Division of Industrial Compliance (DIC) aligns with Fund 5560 and ALI 800615. This ALI supports services within the Division of Industrial Compliance related to inspections and licensing of Building Code Compliance (BCC); Plumbing; Bedding; Boilers; Elevators; and the Board of Building Standards (BBS); Board of Building Appeals (BBA); Manufactured Homes; Ohio Construction Industry Licensing Board (OCILB); and Wage and Hour.

The primary sources of revenue for this fund include: Elevator Inspection Fees; Plan Examination Fees; Boiler Fees; Board of Building Standards revenue; Bedding Fees; OCILB fees; and Manufactured Homes revenue.

Historically, revenue has been influenced by the state of the economy and specifically how the economy affects the building and construction industry. Total Revenue increased 4% in FY 2022 compared to FY 2021. While revenue related to inspection services remains relatively stable even during the pandemic, revenue received from the construction industry is seasonal and depends on the weather conditions with January and February being the low revenue receipt months and May and June being the high receipt months. Supply chain issues along with economic disruptions have created greater uncertainty in projecting revenue. Legislative changes resulting in the availability of a 3-year license renewal in OCILB in FY2021 continue to cause distortions in revenue for that board.

The budget process for DIC includes review of historical spending patterns, consideration of goals and improvement projects, and consideration of the economy and projected revenue. The requests for budgets in the near term is expected to remain relatively flat.

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

With post COVID construction in Ohio booming, the workload at the Division level remains heavy and constant.

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

The Division of Industrial Compliance currently has 204 positions including vacancies, with an additional 43 Board Member positions. The division staffing levels are proportionate to the current and anticipated workload, and hiring to fill vacancies is a priority to shorten wait time for Division services.

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

The vast majority of procedures regarding discipline is covered through administrative hearing conducted in accordance with Chapter 119 of the Ohio Revised Code. The Division has access to a number of hearing officer retained and approved by the Department of Commerce and hearing officers under state terms with DAS. The process may involve the assistance of counsel with the Ohio Attorney General's Office, aided by in-house staff like administrators and legal staff. The process is fair and efficient.

Complaints and concerns are handled by a number of division-wide customer service staff who in turn answer questions or concerns that they have the ability to and forward the ones that are more specific or involve complaints about a process, procedure, or individual to section chiefs or more senior level administrators. The process is efficient and addressed concerns as expeditiously as the individual fact pattern permits.

## Manufactured home park operator

### Survey responses (COM)

Description
Anyone who maintains or operates a manufactured home park in Ohio must possess a manufactured home park operator license pursuant to R.C. 4781.27.

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

If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	120
Number renewed annually	1,443

If the regulation is a registration, certification, or license requirement, please complete the following:	
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	No
Education or training requirements	None
Experience requirements	None
Examination requirements ( <i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Division receive any proceeds of those fees? If so, how are the proceeds used?</i> )	None
Continuing education requirements ( <i>Including a description of the curriculum and the process of setting it.</i> )	None
Initial fee	\$150.00 base fee, \$3.50 eLicense transaction fee, and lot fee of \$4.15 per lot licensed in the manufactured home park
Duration	1 calendar year (e.g., 1/1/2022 to 12/31/2022)
Renewal fee ( <i>If different from initial fee, please explain why.</i> )	No. While this is referred to as a license, it is a “registration,” as defined by R.C. 4798.01(A), as there are no personal qualification requirements. Any individual or entity that owns or operates a manufactured home park operator is required to apply for a manufactured home park operator license with the Division.

If the regulation is a registration, certification, or license requirement, please complete the following:	
Does the Division recognize uniform licensure requirements or allow for reciprocity?	No.
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	No.
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Division?	No. (There are several ways in which groups of manufactured homes may not qualify as a park or community subject to regulation, but if it does qualify then it is regulated.)
Is the Division permitted to exercise discretion in determining whether to register, certify, or license an individual?	No
Other information (Significant attributes or prerequisites to licensure not addressed in this chart.)	

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

The Division may discipline licensed manufactured home park operators for any failure to comply with sections 4781.26 to 4781.35 of the Revised Code or any rule adopted under section 4781.26 of the Revised Code.

The Division may also impose a fine on any individuals who violate section 4781.57 of the Revised Code.

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

In 2021, the revenue derived from licensing fees for manufactured home park operators was \$809,148.89. In accordance with R.C. 4781.28, revenues are used for the purpose of administering and enforcing sections 4781.26 to 4781.35 of the Ohio Revised Code and the rules adopted thereunder.

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

None.

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

The harm the regulations seek to prevent is injury, death, or damages sustained by manufactured home park operator residents and the public due to a manufactured home park being developed or maintained in an unsafe or unsanitary manner.

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

Yes, the regulations are effective at preventing the harm described above. The regulations require inspections to be performed annually and anytime development is occurring in or of a manufactured home park to protect the park residents and the public at large from unsafe or unsanitary conditions in the manufactured home park. Inspections are the appropriate state action when intending to protect consumers against unsanitary facilities and general health, safety, or welfare concerns. See R.C. 4798.02(B)(2). The Division has drafted a number of orders directed at manufactured homes parks that have resulted in repair, maintenance, and remedies by park owners in favor of residents and neighboring communities.

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

The Division currently has no authority over the conditions of individual units within manufactured homes parks unless those conditions directly impact the safety or sanitation of the park as a whole; however a clear delineation by the legislature that the individual homes are not subject to the oversight of the Division unless the above conditions are met, but are however, still subject to local authorities (like health departments) could settle some confusion over jurisdiction in this area.

**Surrounding state comparison (LSC)**

LSC staff determined that the manufactured home park operator registration is not an “occupational regulation” under the state’s general policy enacted by S.B. 255 of the 132<sup>nd</sup> General Assembly and is, therefore, beyond the scope of this report. (See, R.C. 103.27 and 4798.01.)

## Manufactured housing installer

### Survey responses (COM)

Description
An individual who installs manufactured housing in Ohio is required to possess a manufactured home installer license issued pursuant to R.C. 4781.08.

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

If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	5
Number renewed annually	57

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

<p><b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b></p>	<p>No.</p>
<p><b>Education or training requirements</b></p>	<p>Prospective manufactured home installers must complete a 12-hour installation training course the Division approves. A training course must include instruction on Ohio law governing manufactured home installation; manufacturers' installation manuals and requirements; preparation of manufactured home sites, including drainage; installation of foundation systems; blocking, perimeter support, and leveling of manufactured homes; connections of sections and components; installation of anchoring systems and components; installation of vapor barriers, curtain walls, access, and ventilation for crawl space areas; instruction in all areas on inspection checklists; work place safety; and code of ethics for installers.</p>
<p><b>Experience requirements</b></p>	<p>Prospective manufactured home installers must have at least one year of experience installing manufactured housing under the supervision of a licensed manufactured home installer.</p>
<p><b>Examination requirements</b> (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Division receive any proceeds of those fees? If so, how are the proceeds used?</i>)</p>	<p>The Ohio Department of Commerce, Division of Industrial Compliance administers the exam via <a href="http://mhpexam.commerce.ohio.gov">mhpexam.commerce.ohio.gov</a>. The fee to take the exam is \$25.00 per exam attempt. The Division directly receives the \$25.00 exam fee and uses the proceeds toward the administration and enforcement of regulating manufactured home installers, as required by R.C. 4781.04.</p>
<p><b>Continuing education requirements</b> (<i>Including a description of the curriculum and the process of setting it.</i>)</p>	<p>A manufactured home installer must complete at least eight (8) credit hours of continuing education courses approved by the Division during each two-year license period. Continuing education courses must ensure that licensees possess the knowledge, skills, and competency necessary to function as manufactured home installers in a manner that protects and serves the public interest. The knowledge or skills taught in any education course shall enable the licensee to better serve manufactured homes consumers and shall be directly related to manufactured homes installations or inspection operations. Continuing education courses must accurately and completely address any unique Ohio laws, codes, rules, customary practices, or approved</p>

If the regulation is a registration, certification, or license requirement, please complete the following:	
	methods, relevant to manufactured home installation. Training agencies must apply to the Division for approval as a training agency and for each continuing education course they wish to receive continuing education credit before they can offer an approved continuing education course for manufactured home installers.
<b>Initial fee</b>	\$250.00 plus \$3.50 eLicense transaction fee
<b>Duration</b>	2 years after issuance
<b>Renewal fee</b> <i>(If different from initial fee, please explain why.)</i>	\$250.00 plus \$3.50 eLicense transaction fee
<b>Does the Division recognize uniform licensure requirements or allow for reciprocity?</b>	There are no uniform licensure requirements. The Division's rules allow for the waiver of testing and training requirements for a non-resident provided the applicant holds a valid manufactured home installer's license issued by a state with which the Division has entered into a reciprocal licensing agreement. The Division's rules also allow for non-residents who live in a state that Ohio does not have a reciprocal licensing agreement to be issued a license with lessened application requirements if the applicant holds a manufactured home installer license from a state that maintains licensure requirements considered by the Division to be substantially similar to or exceed Ohio's requirements for manufactured home installers.
<b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b>	No.
<b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Division?</b>	Yes, an unlicensed individual may perform installation work of a manufactured home in either of the following circumstances: <ul style="list-style-type: none"> <li>• The unlicensed individual is being supervised by a licensed manufactured home installer, who is present during installation; and/or</li> </ul>

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

	<ul style="list-style-type: none"> <li>• The unlicensed individual is installing their own manufactured home for their own occupancy on private property owned by the licensed individual and that is not located in a manufactured home park.</li> </ul>
<p><b>Is the Division permitted to exercise discretion in determining whether to register, certify, or license an individual?</b></p>	<p>No.</p>
<p><b>Other information</b> (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>)</p>	

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

The Division may discipline licensed manufactured home installers for any of the following reasons:

- Failure to satisfy the requirements of section 4781.08 or 4781.10 of the Revised Code
- Violation of Chapter 4781 of the Revised Code or any rule adopted pursuant to it
- Making a material misstatement in an application for a license
- Installing manufactured housing without a license or without being under the supervision of a licensed installer
- Failure to appear for a hearing before the Division or to comply with a final adjudication order of the Division issued pursuant to Chapter 4781 of the Revised Code
- Conviction of a disqualifying offense
- Having had a license revoked, suspended, or denied by another state or jurisdiction during the preceding two years
- Engaging in conduct in another state or jurisdiction that would violate Chapter 4781 of the Revised Code if committed in Ohio
- Failure to provide a written notification of installation under R.C. 4781.11(D)

The Division may also impose a fine on any individuals who violate section 4781.11 of the Revised Code or any rule adopted pursuant to section 4781.04 of the Revised Code.

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

In 2021, the revenue derived from licensing fees for manufactured home installers was \$17,300.00. In accordance with R.C. 4781.04 and R.C. 4781.54, revenues are used for the purpose of administering and enforcing sections 4781.04 to 4781.14 of the Ohio Revised Code and the rules adopted thereunder.

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

42 U.S.C. 5404 requires a manufactured home installation program be established in each state that includes the regulation of “the training and licensing of manufactured home installers[.]” 42 U.S.C. 5404(c)(3)(B). Each state can either establish their own manufactured home installation program that meets the federal requirements or the U.S. Department of Housing and Urban Development (HUD) will implement their manufactured home installation program in the state. The requirements for the state installation programs are set forth in 24 C.F.R. 3286, Subpart I. The purpose of the requirement is to ensure that new manufactured homes are installed in accordance with the federal manufactured home installation standards (24 C.F.R. 3285).

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

The regulations seek to protect consumers from being harmed or sustaining damages due to the improper and/or unsafe installation of a manufactured home used as a dwelling. Federal law established manufactured home installation standards for new manufactured homes and requires a manufactured home installation program to be imposed in each state that regulates the training and licensing of manufactured home installers who perform installations within each state. The manufactured home installation program must set forth regulations over manufactured home installers to ensure they are performing installations in compliance with the installation standards and also holding installers “responsible for the work they perform[.]” 24 C.F.R. 3286.803(b)(4).

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

Yes, the regulations are effective at protecting consumers from improper and/or unsafe manufactured home installations, as they require installers to be trained and tested on the manufactured home installation standards and the state and federal requirements for installations. They also ensure there is a process to hold installers responsible for the work they perform. There are no less restrictive ways to prevent the harm because federal law requires manufactured home installers in every state to be trained, licensed, and overseen by a manufactured home installation program. The Department’s requirements for a manufactured home installer license are substantially similar to HUD’s license requirements in their manufactured home installation program: minimum experience, 12 hours of training, a score of at least 70 percent on a licensing exam, and bonding/insurance coverage. See 24 C.F.R. 3286.205.

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

**Surrounding state comparison (LSC)**

Manufactured Housing Installer License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania <sup>70</sup>	West Virginia
Type of regulation	License ( <i>R.C. 4781.08 and 4781.11</i> ).	License ( <i>Ind. Code 25-23.7-5-1</i> ).	License ( <i>Ky. Rev. Stat. 227.570; 815 Ky. Admin. Regs. 25:060</i> ).	For new manufactured homes, no clear equivalent (must	No clear state equivalent (must hold a HUD manufactured	License (contractor) ( <i>W. Va. Code 21-9-2 and 21-9-9; W.</i>

<sup>70</sup> While state law references issuing an equivalent license, only a HUD license is currently required (35 Pa. Stat. 1658.5; 12 Pa. Code 149.4; 49 Pa. Bulletin 5217).

Manufactured Housing Installer License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania <sup>70</sup>	West Virginia
				<p>hold a U.S. Department of Housing and Urban Development (HUD) manufactured home installer license to install new manufactured housing).</p> <p>For previously occupied manufactured homes, license.<sup>71</sup></p> <p><i>(Mich. Comp. Laws 125.2321; Mich. Admin. Code R. 125.1214i; LARA, <a href="#">Manufactured Home Installer and Repairer (Installer-Servicer) License Notification.</a>)</i></p>	<p>home installer license (<i>49 Pa. Bulletin 5217</i>).</p>	<p><i>Va. Code R. 42-19-3 and 42-19-6.</i></p>

<sup>71</sup> Table addresses only the requirements for a state license.

**Manufactured Housing Installer License**

	<b>Ohio</b>	<b>Indiana</b>	<b>Kentucky</b>	<b>Michigan</b>	<b>Pennsylvania<sup>70</sup></b>	<b>West Virginia</b>
Education or training	Must complete a 12-hour installation training course approved by the Division of Industrial Compliance ( <i>R.C. 4781.08; O.A.C. 4781-8-01 and 4781-8-06</i> ).	Must complete both of the following: <ul style="list-style-type: none"> <li>▪ An eight-hour installation training course approved by Indiana’s Manufactured Home Installer Licensing Board; and</li> <li>▪ A Board-approved course concerning Indiana law.</li> </ul> ( <i>Ind. Code 25-23.7-5-2; 879 Ind. Admin. Code 1-4-2</i> ).	Must complete a 15-hour course of education ( <i>815 Ky. Admin. Regs. 25:060</i> ).	Must complete 12 hours of approved installation programs ( <i>Mich. Admin. Code R. 125.1214i</i> ).	N/A	N/A
Experience	Must be at least 18 years of age. Must have both of the following:	Must be at least 18 years of age. Must have one of the following:	Must submit proof of regularly assisting in site preparation and installation	N/A	N/A	N/A

Manufactured Housing Installer License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania <sup>70</sup>	West Virginia
	<ul style="list-style-type: none"> <li>▪ At least one year of experience installing manufactured housing under a licensed manufactured home installer's supervision; and</li> <li>▪ Three references from persons who are retailers, manufacturers, or manufactured home park operators familiar with the person's installation work experience and competency, with at least</li> </ul>	<ul style="list-style-type: none"> <li>▪ At least one year of experience installing manufactured homes under the direction and supervision of a licensed installer; or</li> <li>▪ Three references, two of whom are licensed installers familiar with the individual's work experience and competency.</li> </ul> <p><i>(Ind. Code 25-23.7-5-2.)</i></p>	<p>functions under the supervision of a certified installer for at least 60 days and on at least five homes <i>(815 Ky. Admin. Regs. 25:060)</i>.</p>			

Manufactured Housing Installer License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania <sup>70</sup>	West Virginia
	two being from licensed manufactured housing installers. <i>(R.C. 4781.08; O.A.C. 4781-8-01.)</i>					
Exam	Yes <i>(R.C. 4781.08; O.A.C. 4781-8-01 and 4781-8-07).</i>	N/A	Yes <i>(815 Ky. Admin. Regs. 25:060).</i>	N/A	N/A	N/A
Continuing education	Eight credit hours every two years <i>(R.C. 4781.10; O.A.C. 4781-8-04 and Chapter 4781-9).</i>	Ten hours every four years <i>(Ind. Code 25-23.7-6-4; 879 Ind. Admin. Code 1-8-1).</i>	Five hours every year <i>(815 Ky. Admin. Regs. 2:010).</i>	12 hours every three years <i>(Mich. Admin. Code R. 125.1214i).</i>	N/A	Eight hours every three years <i>(W. Va. Code R. 42-19-6a; 42 U.S.C. 5404; 24 C.F.R 3286.205).</i>
Initial licensure fee	\$250 <i>(O.A.C. 4781-8-01).</i>	\$150 <i>(879 Ind. Admin. Code 1-4-1).</i>	\$100 <i>(815 Ky. Admin. Regs. 25:060).</i>	\$150 <i>(Mich. Comp. Laws 125.2321).</i>	N/A	\$125 <i>(W. Va. Code R. 42-19-6).</i>
License duration	Two years <i>(R.C. 4781.08).</i>	Four years <i>(Ind. Code 25-23.7-6-1).</i>	One year <i>(815 Ky. Admin. Regs. 25:060).</i>	Three years <i>(Mich. Comp. Laws 125.2321).</i>	N/A	One year <i>(W. Va. Code 21-9-9).</i>
Renewal fee	\$250 <i>(O.A.C. 4781-8-01).</i>	\$50 <i>(879 Ind. Admin. Code 1-4-1).</i>	\$50 <i>(815 Ky. Admin. Regs. 25:060).</i>	\$150 <i>(Mich. Comp. Laws 125.2321).</i>	N/A	\$125 <i>(W. Va. Code R. 42-19-6).</i>

## Manufactured home inspector and plan reviewer

### Survey responses (COM)

#### Description

An individual who reviews plans for and inspects installations of manufactured housing is required to be certified by the Division pursuant to R.C. 4781.07 and O.A.C. 4781-7-02(A).

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

Occupational license

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

**Number issued annually**

4

**Number renewed annually**

13

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

<p><b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b></p>	<p>No.</p>
<p><b>Education or training requirements</b></p>	<p>Prospective manufactured home inspectors must complete a manufactured home inspector training course the Division approves.</p>
<p><b>Experience requirements</b></p>	<p>An applicant must meet at least one of the following:</p> <ul style="list-style-type: none"> <li>(1) 3 years' experience in a position of responsibility, directly related to construction, such as foreman, which required the ability to effectively read and interpret building plans and specifications; or</li> <li>(2) 3 years' experience in an architect or engineer office performing building design or drafting duties or construction supervision; or</li> <li>(3) An associate degree (2 years) from a college or university in architecture, engineering, or building technology; or</li> <li>(4) 3 years as a quality assurance inspector or field service technician in a manufactured homes manufacturing plant; or</li> <li>(5) 3 years as an Ohio licensed manufactured home installer; or</li> <li>(6) International Code Council or Board of Building Standards current and active certification as a building inspector, residential inspector, or plans reviewer; or</li> <li>(7) Any combination of experience and education in the manufactured homes construction industry or building construction industry totaling 3 years as approved by the Division; or</li> <li>(8) Other equivalent experience as approved by the Division.</li> </ul>

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

<p><b>Examination requirements</b> (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Division receive any proceeds of those fees? If so, how are the proceeds used?</i>)</p>	<p>The Ohio Department of Commerce, Division of Industrial Compliance administers the exam via <a href="http://mhpexam.commerce.ohio.gov">mhpexam.commerce.ohio.gov</a>. The fee to take the exam is \$25.00 per exam attempt. The Division directly receives the \$25.00 exam fee and uses the proceeds toward the administration and enforcement of regulating manufactured home inspectors, as required by R.C. 4781.04.</p>
<p><b>Continuing education requirements</b> (<i>Including a description of the curriculum and the process of setting it.</i>)</p>	<p>A manufactured home inspector must complete at least twelve (12) credit hours of continuing education courses approved by the Division during each three-year certification period. Continuing education courses must ensure that inspectors possess the knowledge, skills, and competency necessary to function as manufactured home inspectors in a manner that protects and serves the public interest. The knowledge or skills taught in any education course shall enable the inspector to better serve manufactured homes consumers and shall be directly related to manufactured homes installations or inspection operations. Continuing education courses must accurately and completely address any unique Ohio laws, codes, rules, customary practices, or approved methods, relevant to manufactured home installation. Training agencies must apply to the Division for approval as a training agency and for each continuing education course they wish to receive continuing education credit before they can offer an approved continuing education course for manufactured home inspectors.</p>
<p><b>Initial fee</b></p>	<p>\$50.00 plus \$3.50 eLicense transaction fee</p>
<p><b>Duration</b></p>	<p>3 years from issuance</p>
<p><b>Renewal fee</b> (<i>If different from initial fee, please explain why.</i>)</p>	<p>\$50.00 plus \$3.50 eLicense transaction fee</p>
<p><b>Does the Division recognize uniform licensure requirements or allow for reciprocity?</b></p>	<p>No.</p>

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

<p><b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b></p>	<p>No.</p>
<p><b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Division?</b></p>	<p>Yes, an individual employed by the Division of Industrial Compliance may inspect manufactured home installations without needing to possess a manufactured home inspector certification.</p>
<p><b>Is the Division permitted to exercise discretion in determining whether to register, certify, or license an individual?</b></p>	<p>No.</p>
<p><b>Other information</b> (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>)</p>	

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

The Division may discipline certified manufactured home inspectors for any of the following reasons:

- Failure to satisfy the requirements for a certification or renewal under Chapter 4781 of the Revised Code
- Failure to meet the continuing education requirements for renewal under Chapter 4781 of the Revised Code
- Violation of Chapter 4781 of the Revised Code
- Making a false or material misstatement in an application for certification
- Inspecting manufactured homes in Ohio without a certification or without being employed as an inspector by a certified building department, health department, or third party agency
- Failure to appear for a hearing before the Division or to comply with a final adjudication order of the Division issued pursuant to Chapter 4781 of the Revised Code

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

- Conviction of a disqualifying offense
- Having had a certification revoked, suspended, or denied by another state or jurisdiction
- Engaging in conduct in another state or jurisdiction that would violate Chapter 4781 of the Revised Code if committed in Ohio
- Failure to provide electronic permit/inspection updates on the Division’s seal report website in a timely manner as determined by the Division
- Acting in a manner that violates the code of ethics for manufactured home inspectors
- Violations of the Division’s rules and/or policies

The Division may also impose a fine for any violations of any rule adopted pursuant to section 4781.04 of the Revised Code.

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

In 2021, the revenue derived from licensing fees for manufactured home inspectors was \$925.00. In accordance with R.C. 4781.04 and R.C. 4781.54, revenues are used for the purpose of administering and enforcing sections 4781.04 to 4781.14 of the Ohio Revised Code and the rules adopted thereunder.

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

42 U.S.C. 5404 requires a manufactured home installation program be established in each state that includes the regulation of “inspection of the installation of manufactured homes.” 42 U.S.C. 5404(c)(3)(C). Each state can either establish their own manufactured home installation program that meets the federal requirements or the U.S. Department of Housing and Urban Development (HUD) will implement their manufactured home installation program in the state. The requirements for the state installation programs are set forth in 24 C.F.R. 3286, Subpart I. The purpose of the requirement is to ensure that new manufactured homes are installed in accordance with the federal manufactured home installation standards (24 C.F.R. 3285).

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

The regulations seek to protect consumers from being harmed or sustaining damages due to the improper and/or unsafe installation of a manufactured home used as a dwelling. Federal law established manufactured home installation standards for new manufactured homes and requires a manufactured home installation program to be imposed in each state that regulates the inspection of installation of manufactured homes. The manufactured home installation program must set forth regulations to ensure new manufactured home installations are being performed in compliance with the installation standards. See 24 C.F.R. 3286.803(b).

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

Yes, the regulations are effective at protecting consumers from improper and/or unsafe manufactured home installations, as they require inspectors to be trained and tested on the manufactured home installation standards and the state and federal requirements for installations. They also provide a process to hold inspectors responsible for the work they perform. There are no less restrictive ways to prevent the harm. Federal law requires each manufactured home installation program to create a process for the inspection of new manufactured home installations. The Department's requirements for a manufactured home inspector certification are narrowly tailored to ensure inspectors are qualified but not unnecessarily burdensome, with an inspector only needing to meet minimum experience standards, complete an approved training course, and pass an exam on the installation standards and federal and state installation requirements.

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

## Surrounding state comparison (LSC)

Manufactured Home Inspector Certification						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Type of regulation	License ( <i>R.C. 4781.281</i> ).	No clear equivalent (mobile home community plans must be certified by an Indiana registered engineer or architect) ( <i>410 Ind. Admin. Code 6-6-12</i> ).	No clear equivalent (manufactured homes are inspected by state-employed inspectors under specified circumstances) ( <i>Ky. Rev. Stat. 227.660; 815 Ky. Admin. Regs. 25:001 and 25:050</i> ).	No clear equivalent.	No clear equivalent (building code officials who inspect the manufactured home installation must complete a training program approved by Pennsylvania's Department of Community and Economic Development ( <i>35 Pa. Stat. 1658.5; 12 Pa. Code 149.5</i> ).	No clear equivalent (West Virginia Manufactured Housing Construction and Safety Board is the primary inspection agency) ( <i>W. Va. Code 21-9-11</i> ).
Education or training	Must complete an approved inspector training course. See also, "Experience." ( <i>O.A.C. 4781-7-02</i> .)	N/A	N/A	N/A	N/A	N/A

**Manufactured Home Inspector Certification**

	<b>Ohio</b>	<b>Indiana</b>	<b>Kentucky</b>	<b>Michigan</b>	<b>Pennsylvania</b>	<b>West Virginia</b>
Experience	<p>Must meet one of the following:</p> <ul style="list-style-type: none"> <li>▪ Have at least three years of experience in a position of responsibility, directly related to construction that required the ability to effectively read and interpret building plans and specifications;</li> <li>▪ Have at least three years of experience in an architect or engineer office performing building design, drafting, or</li> </ul>	N/A	N/A	N/A	N/A	N/A

**Manufactured Home Inspector Certification**

	<b>Ohio</b>	<b>Indiana</b>	<b>Kentucky</b>	<b>Michigan</b>	<b>Pennsylvania</b>	<b>West Virginia</b>
	construction supervision; <ul style="list-style-type: none"> <li>▪ Have an associate degree in architecture, engineering, or building technology;</li> <li>▪ Have at least three years as a quality assurance inspector or field service technician in a manufactured home manufacturing plant;</li> <li>▪ Have at least three years as an Ohio licensed manufactured home installer;</li> <li>▪ Hold an International</li> </ul>					

**Manufactured Home Inspector Certification**

	<b>Ohio</b>	<b>Indiana</b>	<b>Kentucky</b>	<b>Michigan</b>	<b>Pennsylvania</b>	<b>West Virginia</b>
	<p>Code Council or Board of Building Standards certification as a building inspector, residential inspector, or plans reviewer;</p> <ul style="list-style-type: none"> <li>▪ Have any combination of experience and education in the manufactured home construction industry or building construction industry totaling three years as approved by the Division;</li> <li>▪ Have other equivalent experience as</li> </ul>					

**Manufactured Home Inspector Certification**

	<b>Ohio</b>	<b>Indiana</b>	<b>Kentucky</b>	<b>Michigan</b>	<b>Pennsylvania</b>	<b>West Virginia</b>
	approved by the Division. <i>(O.A.C. 4781-7-02).</i>					
Exam	Yes <i>(O.A.C. 4781-7-02 and 4781-8-07).</i>	N/A	N/A	N/A	N/A	N/A
Continuing education	12 hours every three years <i>(O.A.C. 4781-7-02).</i>	N/A	N/A	N/A	N/A	N/A
Initial licensure fee	\$50 <i>(R.C. 4781.281; O.A.C. 4781-7-02).</i>	N/A	N/A	N/A	N/A	N/A
License duration	Three years <i>(R.C. 4781.281; O.A.C. 4781-7-02).</i>	N/A	N/A	N/A	N/A	N/A
Renewal fee	\$50 <i>(R.C. 4781.281; O.A.C. 4781-7-02).</i>	N/A	N/A	N/A	N/A	N/A

## Boiler and pressure vessel inspector

### Survey responses (COM)

#### Description

There are two broad categories of inspections required by Chapter 4104. of the Revised Code: Construction inspections and In-service Inspections. Construction inspections are inspections performed during the construction and fabrication of a boiler or pressure vessel. See R.C. 4104.10 and 4104.12. Whereas in-service inspections include inspection of the installation of a boiler as well as interval inspections of the boiler after it has been put into service. See R.C. 4104.11 and 4104.12. While both boilers and pressure vessels are required to undergo construction inspections, only boilers are subject to in-service inspections. See *generally* R.C. 4104.10; 4104.11; and 4104.12; *see also* R.C. 4104.04 (listing various devices that are exempt from the inspection requirements of Chapter 4104. of the Revised Code).

Similarly, there are two broad categories of inspectors of boilers and pressure vessels: general inspectors and special inspectors. R.C. 4104.08. General inspectors are appointed by the Director of Commerce and perform inspections of boilers and pressure vessels as employees of the state of Ohio. R.C. 4104.08(A); O.A.C. 4101:4-1-01(W). Special Inspectors, by contrast, “are typically employed by an insurance company authorized to write boiler and pressure vessel insurance in the state of Ohio but can also be employed as an inspector by the owner-user of the boiler or pressure vessel which is proposed for use or is operating within the state of Ohio. The owner-user must maintain an established inspection program meeting the requirements of the ‘National Board’ publication ‘NB-371, Accreditation of Owner-User Inspection Organizations (OUIO)’ referenced in rule 4101:4-3-01 of the Administrative Code. In their capacity as a special inspector, they are a representative of the state boiler inspection department, acting independently of their relationship with their employer.” O.A.C. 4101:4-1-01(X); *see also* R.C. 4104.08(B). While both general and special inspectors are authorized to perform in-service inspections of boilers, construction inspections may only be performed by an “authorized inspector” who is employed by an “authorized inspection agency.” O.A.C. 4101:4-2-02(A)-(B). And given that an authorized inspector is employed by an authorized inspection agency, and *not* the state of Ohio, all authorized inspectors, by definition, are categorized as special inspectors. See *id.*; O.A.C. 4101:4-1-01(W)-(X).

“The inspection of boilers and their appurtenances and pressure vessels shall be made by the inspectors mentioned in sections 4104.07 to 4104.20 of the Revised Code.” R.C. 4104.06(A). Those sections of the Revised Code, among other things, require that such inspectors obtain a certificate of competency and commission authorizing the holder thereof to inspect boilers and pressure vessels in this state. See R.C. 4104.07; 4104.08(D).

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

Section 4104.06 of the Revised Code requires that inspections of boilers and pressure vessels “be made by the inspectors mentioned in sections 4104.07 to 4104.20 of the Revised Code.” R.C. 4104.06(A). And those sections of the Revised Code go on to provide that an inspector of boilers and pressure vessels must obtain a certificate of competency and commission authorizing him or her to inspect boilers and pressure vessels in this state. As such, a certificate of competency and commission to inspect boilers would constitute an “occupational license” under section 4798.01(B)(2) of the Revised Code.

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

<b>Number issued annually</b>	Approximately 15 new Ohio boiler inspector commissions are issued annually.
<b>Number renewed annually</b>	Approximately 180 Ohio commissions are renewed each year.
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	No.
<b>Education or training requirements</b>	“An applicant for examination as an inspector of boilers and pressure vessels shall be qualified as prescribed in the ‘National Board’ publication ‘NB-263, Rules for National Board Inservice and New Construction Commissioned Inspectors’ as referenced in rule 4101:4-3-01 of the Administrative Code.” O.A.C. 4101:4-2-02(C).
<b>Experience requirements</b>	In order to become a commissioned inspector of boilers by the national board of boiler and pressure vessel inspectors an applicant must obtain a high school education or its equivalent and either obtain five credit points of experience as set forth in Table 1 of the NB-263 (“Rules for Commissioned Inspectors”) or complete the National Board’s Inservice Inspector Training Program. Completion of an accredited apprenticeship program, for example, grants 2 credit points, as does obtaining a two-year degree or certificate in engineering, technology, science, or

If the regulation is a registration, certification, or license requirement, please complete the following:	
	<p>mathematics from an accredited institution. See NB-263: "RCI-1 Rules for Commissioned Inspectors," Nat'l Bd. of Boiler &amp; Pressure Vessel Inspectors, <i>available at</i> <a href="https://www.nationalboard.org/SiteDocuments/Commissioned%20Inspectors/NB-263_RCI-1_2021.pdf">https://www.nationalboard.org/SiteDocuments/Commissioned%20Inspectors/NB-263_RCI-1_2021.pdf</a>.</p>
<p><b>Examination requirements</b> (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Division receive any proceeds of those fees? If so, how are the proceeds used?</i>)</p>	<p>"The written examination administered by the superintendent shall be the 'National Board Commission Examination.'" O.A.C. 4101:4-2-02(D). The examination is generally administered by the National Board directly, but the "superintendent may allow an applicant to sit for the examination at an 'On-Demand' location accepted by the 'National Board' in accordance with 'Part 2' of the 'National Board' publication 'NB-263, Rules for the National Board Inservice and New Construction Commissioned Inspectors' as referenced in rule 4101:4-3-01 of the Administrative Code." O.A.C. 4101:4-2-02(E).</p>
<p><b>Continuing education requirements</b> (<i>Including a description of the curriculum and the process of setting it.</i>)</p>	<p>In order for an inspector to maintain their commission with the National Board of Boiler and Pressure Vessel Inspectors, the inspector must complete one National Board continuing education training course each year. The specifics of this requirement are detailed in paragraph 1-8 of NB- 263 "Rules for Commissioned Inspectors (RCI-1)," which has been adopted by the board of building standards as set forth in rule 4101:4-3-01 of the Administrative Code.</p>
<p><b>Initial fee</b></p>	<p>\$10.00 is charged for obtaining a commission as a special inspector. General inspectors, as employees of the Division of Industrial Compliance, are not charged a fee for issuance of the Ohio Commission.</p>
<p><b>Duration</b></p>	<p>1 year.</p>
<p><b>Renewal fee</b> (<i>If different from initial fee, please explain why.</i>)</p>	
<p><b>Does the Division recognize uniform licensure requirements or allow for reciprocity?</b></p>	<p>Yes, the examination required to become a boiler and pressure vessel inspector in Ohio is the "National Board Commission Examination." O.A.C. 4101:4-2-02(D). Similarly, the qualifications prescribed by the Board of Building Standards to become a commissioned boiler inspector in Ohio requires the individual to be qualified as "prescribed in the 'National Board' publication</p>

If the regulation is a registration, certification, or license requirement, please complete the following:	
	'NB-263, Rules for National Board Inservice and New Construction Commissioned Inspectors' as referenced in rule 4101:4-3-01 of the Administrative Code." O.A.C. 4101:4-2-02(C). Both the exam and necessary qualifications are nationally recognized and industry-accepted standards for becoming a boiler inspector in other jurisdictions. Additionally, insurance companies may designate "holders of certificates of competency or commissions issued by other states or nations whose examinations for certificates or commissions have been approved by the board of building standards" as special inspectors. R.C. 4104.08(B).
<b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b>	No.
<b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Division?</b>	"The inspection of boilers and their appurtenances and pressure vessels shall be made by the inspectors mentioned in sections 4104.07 to 4104.20 of the Revised Code. The superintendent of industrial compliance shall administer and enforce such sections and rules adopted by the board of building standards pursuant to section 4104.02 of the Revised Code." R.C. 4104.06(A). Inspection of boilers and their appurtenances not required by section 4104.07 to 4104.20 of the Revised Code, however, may be performed by individuals without obtaining a boiler inspector commission from the State of Ohio.
<b>Is the Division permitted to exercise discretion in determining whether to register, certify, or license an individual?</b>	No.
<b>Other information</b> ( <i>Significant attributes or prerequisites to licensure not addressed in this chart.</i> )	

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

“The certificate of competency issued under section 4104.07 of the Revised Code or the commission provided for in section 4104.08 of the Revised Code may be revoked by the superintendent of industrial compliance for the incompetence of the holder thereof, or for willful falsification of any matter or statement contained in the holder’s application or in a report of any inspection in accordance with Chapter 119. of the Revised Code. If a certificate or commission is lost or destroyed, a new certificate or commission shall be issued in its place without another examination.” R.C. 4104.09.

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

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

The Division is unaware of a federal regulation that would apply to the occupation and federal law does not appear to require the state to regulate the occupation.

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

Boilers and pressure vessels that malfunction or are improperly maintained and operated can experience an equipment failure resulting in catastrophic damage to the equipment, the building in which it is located (including surrounding buildings/structures), and serious injury or death to individuals near the area.

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

Yes, inspection of boilers and pressure equipment at the time of installation as well as in-service inspections thereafter help to ensure that such equipment is properly operated and maintained, and, thereby can continue to operate in a safe manner as intended.

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

## Surrounding state comparison (LSC)

Boiler and Pressure Vessel Inspector						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Type of regulation	License (general inspectors, special inspectors, and authorized inspectors; special and authorized inspectors must hold a National Board of Boiler and Pressure Vessel Inspectors (National Board) commission) ( <i>R.C. 4104.07(D) and 4104.08; O.A.C. 4101:4-1-01 and 4101:4-2-02</i> ).	License ( <i>Ind. Code 22-15-6-5; 675 Ind. Admin. Code 30-3-3(2)</i> ).	License (owner-user inspectors employed by a company operating a pressure vessel, boiler inspectors, and special boiler inspectors) ( <i>Ky. Rev. Stat. 236.070, 236.080, and 236.095</i> ).	Special inspector license ( <i>Mich. Comp. Laws 339.5925</i> ).	License ( <i>35 Pa. Stat. 1331.12; 34 Pa. Code 3a.5</i> ).	License (inspector and general inspector) ( <i>W. Va. Code 21-3-7; W. Va. Code R. 42-3-3, 42-3-11, and 42-3-12</i> ).
Education or training	Must be qualified as prescribed by the National Board, which includes completion of a high school education or equivalent, 80 hours of on-the-	Must satisfy at least one of the following: <ul style="list-style-type: none"> <li>▪ Hold a bachelor's degree in engineering;</li> <li>▪ Hold an associate degree in</li> </ul>	N/A	See "Experience."	Must hold National Board commission ( <i>34 Pa. Code 3a.5 and NB-263, 1-1 and Table 1 incorporated by reference through 34 Pa. Code 3a.4</i> ).	Must hold National Board commission ( <i>W. Va. Code R. 42-3-11 and 42-3-12; NB-263, 1-1 and Table 1</i> ).

Boiler and Pressure Vessel Inspector						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	<p>job training, completion of the National Board Authorized Inspector Commission Course, and completion of five credits based on a mix of specified education and experience. (O.A.C. 4101:4-2-02(C); NB-263, 1-1 and Table 1 incorporated by reference through O.A.C. 4101:4-3-01).</p>	<p>mechanical technology; or</p> <ul style="list-style-type: none"> <li>Hold a high school diploma or the equivalent.</li> </ul> <p>(675 Ind. Admin. Code 30-3-3(3)).</p>				
Experience	See "Education or training."	If hold a bachelor's degree described above, have one year of experience in the design, construction, operation, or inspection of high-pressure	For boiler inspectors, must have not less than five years of practical experience in the construction, maintenance, repair, or operation of high-	Must have at least three years of inspection experience as an inspector of high-pressure boilers. Credits two years of experience to an applicant holding a degree	See "Education or training."	See "Education and training" (W. Va. Code R. 42-3-11 and 42-3-12).

**Boiler and Pressure Vessel Inspector**

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
		<p>boilers and pressure vessels.</p> <p>If hold an associate’s degree as described above, have two years of experience in the design, construction, operation, or inspection of high-pressure boilers and pressure vessels.</p> <p>If hold a high school diploma or equivalent, have three years of experience in the design, construction, operation, or inspection of high-pressure boilers and pressure vessels.</p> <p><i>(675 Ind. Admin. Code 30-3-3(3).)</i></p>	<p>pressure boilers and pressure vessels, as a mechanical engineer, practical steam operating engineer, boilermaker, pressure vessel inspector, or boiler inspector</p> <p><i>(Ky. Rev. Stat. 236.070).</i></p>	<p>in engineering, mathematics, or science from an accredited college or university</p> <p><i>(Mich. Admin. Code R. 408.4067).</i></p>		

**Boiler and Pressure Vessel Inspector**

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Exam	National Board commission exam ( <i>R.C. 4104.07; O.A.C. 4101:4-2-02(D)</i> ).	Yes, unless the applicant holds a boiler and pressure vessel inspector’s license issued by another state with substantially equal licensure qualifications or a National Board commission ( <i>Ind. Code 22-15-6-5(b)(2); 675 Ind. Admin. Code 30-3-4.1</i> ).	National Board commission exam, unless either of the following applies: <ul style="list-style-type: none"> <li>▪ If applying for a special inspector commission, the applicant holds a National Board commission or holds a commission or certificate of competency as an inspector of boilers and pressure vessels for a state that has a standard of exam substantially</li> </ul>	Yes, unless hold a National Board license or a license or certificate of competency as a boiler inspector for a state that has an exam substantially similar to Michigan’s exam ( <i>Mich. Comp. Laws 339.5925 and 339.5927 and Mich. Admin. Code R. 408.4071</i> ).	Yes, in addition to the National Board commission exam ( <i>35 Pa. Stat. 1331.12(a); 34 Pa. Code 3a.5</i> ).	N/A (but must take exam to receive National Board commission) ( <i>W. Va. Code R. 42-3-11 and 42-3-12; NB-263</i> ).

Boiler and Pressure Vessel Inspector						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
			<p>equal to Kentucky's; or</p> <ul style="list-style-type: none"> <li>If applying for an owner-user inspector commission, the applicant holds a National Board commission.</li> </ul> <p><i>(Ky. Rev. Stat. 236.080, 236.090, and 236.095).</i></p>			
Continuing education	<p>Special inspectors and authorized inspectors must comply with National Board requirements (O.A.C. 4101:4-1-01(D) and (X)); NB-263, 1-8, incorporated by reference through O.A.C. 4101:4-3-01).</p>	<p>Comply with the National Board requirements or its equivalent requirements approved by the Department of Homeland Security (Indiana Dept. of Homeland Security, <a href="#">Boilers and Pressure Vessels</a>; 675 Ind.</p>	<p>Six hours (815 Ky. Admin. Regs. 2:010).</p>	N/A	<p>Must comply with National Board commission requirements (NB-263, 1-8 incorporated by reference through 34 Pa. Code 3a.4).</p>	<p>Must comply with National Board commission requirements (W. Va. Code R. 42-3-11 and 42-3-12; NB-263).</p>

**Boiler and Pressure Vessel Inspector**

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
		<i>Admin. Code 30-1-2(Sec. 2(d)).</i>				
Initial licensure fee	\$150 exam fee ( <i>R.C. 4104.07(A)</i> ).	\$100 exam fee, if applicable, plus \$25 license fee ( <i>675 Ind. Admin. Code 12-3-13(g) and (h)</i> ).	N/A	\$100 exam fee, if applicable, plus \$80 license fee ( <i>Mich. Admin. Code R. 408.4038</i> ).	\$44 exam fee plus \$22 certificate of competency and commission fee ( <i>34 Pa. Code 3a.2</i> ).	For a special inspector, \$35 ( <i>W. Va. Code R. 42-3-12.2 and 42-3-14</i> ).
License duration	One year ( <i>R.C. 4104.08(C)</i> ).	One year ( <i>Ind. Code 22-15-6-2(d)</i> ).	One year ( <i>815 Ky. Admin. Regs. 2:010</i> ).	One year ( <i>Mich. Admin. Code R. 408.4079</i> ).	One year ( <i>35 Pa. Stat. 1331.12(a)</i> ).	One year ( <i>W. Va. Code R. 42-3-11 and 42-3-12</i> ).
Renewal fee	Annual fee in an amount determined by the Director of Commerce ( <i>R.C. 4104.08(C)</i> ).	\$25 ( <i>675 Ind. Admin. Code 12-3-13(h)</i> ).	N/A	\$50 ( <i>Mich. Admin. Code R. 408.4038</i> ).	\$15 annual new credential card fee ( <i>34 Pa. Code 3a.2</i> ).	For a special inspector, \$35 ( <i>W. Va. Code R. 42-3-12.5</i> ).

## Steam engineer or boiler operator

### Survey responses (COM)

Description
Broadly speaking, boilers, including stationary steam engines, fall into one of two categories: (1) “historical boilers,” which refer to “a steam boiler of riveted construction that is preserved, restored, or maintained for hobby or demonstration,” R.C. 4104.31(B), and what is commonly referred to in the industry as a “modern-day boiler,” which generally captures all boilers not of “riveted” construction, i.e., those constructed through a process of welding and/or brazing. Unless an exception applies, a license is generally required to operate modern-day boilers. See R.C. 4104.05. And there are three types of boiler operator and pressure equipment licensees: Low pressure boiler operators, high pressure boiler operators, and steam engineers. See R.C. 4104.05(A)(1); 4104.19(A).

Type (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)
Because a steam engineer or boiler operator must possess certain personal qualifications in order to obtain an operator’s license under section 4104.19 of the Revised Code, such licenses constitute an “occupational license” as that term is defined in section 4798.01 of the Revised Code.

If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	Approximately 125 operator licenses are issued under section 4104.19 of the Revised Code annually.
Number renewed annually	Approximately 6500 such licenses are renewed annually.

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

**Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?**

There was a temporary drop of roughly 1000 operator license renewals during the initial period of the COVID-19 pandemic.

**Education or training requirements**

See experience requirements below.

**Experience requirements**

To qualify to take the examination required to obtain a steam engineer, high pressure boiler operator, or low pressure boiler operator license, a person shall meet both of the following requirements:

- (1) Be at least eighteen years of age;
- (2) Have one year of experience in the operation of steam engines, high pressure boilers, or low pressure boilers as applicable to the type of license being sought, or a combination of experience and education for the type of license sought as determined to be acceptable by the superintendent.

R.C. 4104.19(B)(1)-(2).

Experience sufficient to meet the statutory requirement has been set by rule for each category of pressure equipment license:

(A) No person shall be examined for licensing as a low-pressure boiler operator who has not first demonstrated that they meet one of the following experience qualifications:

- (1) Two thousand hours of operating experience associated in the direct care, custody, and control of the fuel, combustion air, water level, steam pressure, system load, and supporting equipment of a steam boiler not exceeding fifteen pounds per square inch; or
- (2) Six hundred hours of operating experience associated in the direct care, custody, and control of the fuel, combustion air, water level, steam pressure, system load, and supporting equipment of a steam boiler not exceeding fifteen pounds per square inch and the successful completion of a fifty hour steam boiler operation course approved by the superintendent.

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

- (B) No person shall be examined for licensing as a high-pressure boiler operator who has not first demonstrated that they meet one of the following experience qualifications:
- (1) Two thousand hours of operating experience associated in the direct care, custody, and control of the fuel, combustion air, water level, steam pressure, system load, and supporting equipment of a steam boiler exceeding fifteen pounds per square inch;
  - (2) One thousand hours of operating experience associated in the direct care, custody, and control of the fuel, combustion air, water level, steam pressure, system load, and supporting equipment of a steam boiler exceeding fifteen pounds per square inch and the successful completion of a seventy-five hour steam boiler operation course approved by the superintendent; or
  - (3) Current possession of a low-pressure boiler operator license with an additional five hundred hours of operating experience associated in the direct care, custody, and control of the fuel, combustion air, water level, steam pressure, system load, and supporting equipment of a steam boiler exceeding fifteen pounds per square inch and the successful completion of a seventy-five hour steam boiler operation course approved by the superintendent.
- (C) No person shall be examined for licensing as a stationary steam engineer who has not first demonstrated that they meet one of the following experience qualifications:
- (1) Two thousand hours of operating experience associated in the direct care, custody, and control of the system load, turbine speed, lubrication, temperatures, and vibrations of a steam turbine exceeding thirty horsepower or two thousand hours of operating experience associated in the direct care, custody, and control of the fuel, combustion air, water level, steam pressure, system load, and supporting equipment of a steam boiler exceeding fifteen pounds per square inch;
  - (2) One thousand hours of operating experience associated in the direct care, custody, and control of the system load, turbine speed, lubrication, temperatures, and vibrations of a steam turbine exceeding thirty horsepower or one thousand hours of operating experience associated in the direct care, custody, and control of the fuel, combustion air, water level, steam pressure, system load, and supporting equipment of a steam boiler exceeding fifteen

If the regulation is a registration, certification, or license requirement, please complete the following:	
	<p>pounds per square inch and the successful completion of a one hundred twenty-five hour steam boiler and steam turbine operation course approved by the superintendent;</p> <p>(3) Current possession of a high-pressure boiler operator license with an additional five hundred hours of operating experience associated in the direct care, custody, and control of the system load, turbine speed, lubrication, temperatures, and vibrations of a steam turbine exceeding thirty horsepower and the successful completion of a one hundred twenty-five hour steam boiler and steam turbine operation course approved by the superintendent;</p> <p>(4) Two thousand hours of operating experience associated in the direct care, custody, and control of the system load, turbine speed, lubrication, temperatures, and vibrations of a steam turbine in excess of one hundred horsepower; or</p> <p>(5) Two thousand hours of operating experience associated in the direct care, custody, and control of the system load, turbine speed, lubrication, temperatures, and vibrations of a steam turbine for electrical generation.</p> <p>O.A.C. 1301:3-5-10(A)-(C).</p>
<b>Examination requirements</b> ( <i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Division receive any proceeds of those fees? If so, how are the proceeds used?</i> )	Applicants for boiler operator and steam engineer licenses must obtain a passing score on the required examination under section 4104.19 of the Revised Code. The examination is administered by a third-party testing agency and the Division does not receive any proceeds from administration of the examination. The examination fee is paid directly to the testing agency. The administrator was selected through a request for proposal process. The fee paid to the testing administrator to sit for the examination is \$100.00.
<b>Continuing education requirements</b> ( <i>Including a description of the curriculum and the process of setting it.</i> )	None.
<b>Initial fee</b>	\$99.00. O.A.C. 1301:3-5-05.1(D).
<b>Duration</b>	One year. R.C. 4104.19(F).

If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>Renewal fee</b> <i>(If different from initial fee, please explain why.)</i>	\$72.00. O.A.C. 1301:3-5-05.1(D).
<b>Does the Division recognize uniform licensure requirements or allow for reciprocity?</b>	The Division does not recognize uniform licensure requirements or allow for reciprocity. Experience obtained by individuals operating under other state's licenses, as well as relevant operator experience obtained during military service, however, is relevant and such experience is considered by the Division when reviewing an applicant's qualification to obtain an operator's license in Ohio.
<b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b>	No.
<b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Division?</b>	An operator license is not required in order to operate a boiler with less than three hundred sixty square feet of heating surface. Additionally, an unlicensed individual may perform duties relevant to operating a boiler or stationary steam engine if they are being supervised by a license holder for the equipment at issue. See O.A.C. 4101:4-10-01.
<b>Is the Division permitted to exercise discretion in determining whether to register, certify, or license an individual?</b>	No.
<b>Other information</b> <i>(Significant attributes or prerequisites to licensure not addressed in this chart.)</i>	

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

“The superintendent, in accordance with Chapter 119. of the Revised Code, may suspend or revoke any license, or may refuse to issue a license under this chapter upon finding that a licensee or an applicant for a license has violated or is violating the requirements of this chapter.” R.C. 4104.19(G).

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

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

The Division is unaware of a federal regulation that would apply to the occupation and federal law does not appear to require the state to regulate the occupation.

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

If a boiler or stationary steam engine malfunctions or experiences a low-water event, it can result in catastrophic damage to the equipment, the building in which it is located, and serious bodily harm to those in the vicinity, including death. Moreover, a low-water event can occur quickly and, in some instances, requires very quick correction in order to avoid potential failure of the equipment.

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

Yes, the license requirement for operation of boilers and pressure equipment above certain size thresholds helps to ensure that if a boiler or stationary steam engine begins to malfunction that the equipment can be returned to safe operating parameters and damage/harm to the equipment and individuals in and around the boiler can, thereby, be prevented.

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

## Surrounding state comparison (LSC)

Steam Engineer or Boiler Operator						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Type of regulation	License issued for the following: <ul style="list-style-type: none"> <li>▪ Low-pressure boiler operator;</li> <li>▪ High-pressure boiler operator; or</li> <li>▪ Stationary steam engineer.</li> </ul> <i>(R.C. 4104.19).</i>	No clear equivalent (permit applies to device) <i>(Ind. Code 22-15-6-2; 675 Ind. Admin. Code 12-3-13(a)).</i>	No clear equivalent.	Certification <i>(Mich. Comp. Laws 339.5931; Mich. Admin. Code R. 408.5601).</i>	No clear equivalent (certificate applies to device) <i>(35 Pa. Stat. 1331.11).</i>	No clear equivalent (permit applies to the device) <i>(W. Va. Code 21-3-7; W. Va. Code R. 42-3-8).</i>
Education or training	See "Experience."	N/A	N/A	See "Experience."	N/A	N/A
Experience	Must be at least 18 years of age. For a low-pressure boiler operator, one of the following: <ul style="list-style-type: none"> <li>▪ 2,000 hours of experience operating a low-pressure</li> </ul>	N/A	N/A	For a low-pressure boiler operator registration, at least one year of experience operating or maintaining low- or high-pressure boilers, steam prime movers, or	N/A	N/A

**Steam Engineer or Boiler Operator**

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	<p>steam boiler; or</p> <ul style="list-style-type: none"> <li>▪ 600 hours of such experience and complete a 50-hour steam boiler operation course approved by the Superintendent of Industrial Compliance.</li> </ul> <p>For a high-pressure boiler operator, one of the following:</p> <ul style="list-style-type: none"> <li>▪ 2,000 hours of experience operating a high-pressure steam boiler;</li> <li>▪ 1,000 hours of experience operating a high-pressure</li> </ul>			<p>associated auxiliaries.</p> <p>For a high-pressure boiler operator registration, at least one of the following:</p> <ul style="list-style-type: none"> <li>▪ At least two years of experience in the operation of a high-pressure boiler;</li> <li>▪ A low-pressure boiler operator's registration and at least one year of experience in low-pressure boiler operation; or</li> <li>▪ At least one year of either a qualified</li> </ul>		

Steam Engineer or Boiler Operator

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	<p>steam boiler and complete a 75-hour Superintendent-approved steam boiler operation course; or</p> <ul style="list-style-type: none"> <li>▪ Hold a low-pressure boiler operator license and complete 500 hours of experience operating a high-pressure steam boiler and a 75-hour Superintendent-approved steam boiler operation course.</li> </ul> <p>For a stationary steam engineer, one of the following:</p>			<p>training or technical education program or an approved apprenticeship program.</p> <p><i>(Mich. Comp. Laws 339.5937(2) and (3)).</i></p>		

Steam Engineer or Boiler Operator						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	<ul style="list-style-type: none"> <li>▪ 2,000 hours of experience operating a steam turbine or a high-pressure steam boiler;</li> <li>▪ 1,000 hours of experience operating a steam turbine or a high-pressure steam boiler and complete a 125-hour Superintendent-approved steam boiler and steam turbine operation course;</li> <li>▪ Hold a high-pressure boiler operator license and complete 500 hours of</li> </ul>					

Steam Engineer or Boiler Operator						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	<p>experience operating a steam turbine and a 125-hour Superintendent-approved steam boiler and steam turbine operation course;</p> <ul style="list-style-type: none"> <li>▪ 2,000 hours of experience operating a steam turbine in excess of 100 horsepower; or</li> <li>▪ 2,000 hours experience operating a steam turbine for electrical generation.</li> </ul> <p><i>(R.C. 4104.19; O.A.C. 1301:3-5-10.)</i></p>					

Steam Engineer or Boiler Operator						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Exam	Yes ( <i>R.C. 4104.19</i> ).	N/A	N/A	National Institute for the Uniform Licensing of Power Engineers exam ( <i>Mich. Admin. Code R. 408.5606(1)</i> ).	N/A	N/A
Continuing education	N/A	N/A	N/A	N/A	N/A	N/A
Initial licensure fee	\$99 application fee plus \$100 exam fee and \$72 license fee ( <i>R.C. 4104.18; O.A.C. 1301:3-5-05.1(D); Dept. of Commerce, <a href="#">Boiler Operator &amp; Steam Engineer Licenses</a></i> ).	N/A	N/A	\$50 exam application fee plus \$100 exam fee and \$80 registration fee ( <i>Mich. Admin. Code R. 408.4038(1) and 408.5606(2)</i> ).	N/A	N/A
License duration	One year ( <i>R.C. 4104.19(F)</i> ).	N/A	N/A	One year ( <i>Mich. Admin. Code R. 408.5608</i> ).	N/A	N/A

Steam Engineer or Boiler Operator						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Renewal fee	\$72 renewal fee (R.C. 4104.18(D) and (E); O.A.C. 1301:3-5-05.1(D)).	N/A	N/A	\$80 (Mich. Admin. Code R. 408.4038(1)).	N/A	N/A

## Boiler contractor

### Survey responses (COM)

#### Description

A “boiler contractor” refers to “any person, firm, partnership, company, or corporation that engages in the practice of installing or making major repairs or modifications to any boiler that is subject to the provisions of Chapter 4101:4-1 to 4101:4-10 and 1301:3-5 of the Administrative Code.” O.A.C. 4101:4-1-01(T). Boiler contractors are required to register annually with the superintendent of industrial compliance. R.C. 4104.101. While all boiler contractors may make routine repairs that involve welding or a major repair to an existing boiler, see O.A.C. 4101:4-7-01(D), only boiler contractors that have obtained a “National Board ‘R’ Certificate of Authorization,” commonly referred to as an “R-stamp holder,” may perform boiler alterations, see O.A.C. 4101:4-7-01(E).

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

Because boiler contractors are required by section 4104.101 of the Revised Code to register annually prior to “install[ing], mak[ing] major repairs to, or modify[ing] any boiler,” such registration is an “occupational license” as that term is defined in section 4798.01 of the Revised Code.

If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>Number issued annually</b>	Approximately 50 new boiler contractor registrations are issued annually.
<b>Number renewed annually</b>	Approximately 1400 boiler contractor registrations are renewed each year.
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	No.
<b>Education or training requirements</b>	The boiler contractor must have the necessary ASME Codes depending upon the type of alteration, modification, or repair being performed on the boiler or pressure equipment. <i>See generally</i> O.A.C. 4101:4-7-01; O.A.C. 4101:4-3-01.
<b>Experience requirements</b>	See education or training requirements above.
<b>Examination requirements</b> ( <i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Division receive any proceeds of those fees? If so, how are the proceeds used?</i> )	No examination is required in order to register as a boiler contractor under section 4104.101 of the Revised Code.
<b>Continuing education requirements</b> ( <i>Including a description of the curriculum and the process of setting it.</i> )	None.
<b>Initial fee</b>	The annual registration processing fee is fifty dollars. O.A.C. 4101:4-7-01(B).

If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>Duration</b>	One year.
<b>Renewal fee</b> <i>(If different from initial fee, please explain why.)</i>	
<b>Does the Division recognize uniform licensure requirements or allow for reciprocity?</b>	No.
<b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b>	No.
<b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Division?</b>	<p>Rule 4101:4-2-01 of the Ohio Administrative Code provides exceptions for certain devices not subject to the boiler contractor registration requirements:</p> <p>The following boilers and pressure vessels shall comply with the rules of the board for construction but shall not be subjected to the superintendent’s inspection requirements or contractor registration requirements prescribed in Chapter 1301:3-5 or 4101:4-7, respectively, of the Administrative Code:</p> <ul style="list-style-type: none"> <li>(1) Portable boilers or pressure vessels when located on farms and used solely for agricultural purposes;</li> <li>(2) Low pressure boilers which are located in private residences or in apartment houses of less than or equal to five family units (these boilers are regulated by Chapters 4101:8-1 to 4101:8-44 of the Administrative Code known as the “Residential Code of Ohio” or Chapters 4101:2-1 to 4101:2-15 of the Administrative Code known as the “Ohio Mechanical Code”);</li> <li>(3) Pressure vessels containing only water under pressure for domestic supply purposes, including those containing air, the compression of which serves only as a cushion or airlift pumping system, when located in private residences or in apartment</li> </ul>

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

	<p>houses of less than or equal to five family units (these pressure vessels, hot water expansion tanks, and pressure tanks are regulated by the Chapters 4101:2-1 to 4101:2-15 of the Administrative Code known as the “Ohio Mechanical Code” and Chapters 4101: 3-1 to 4101:3-13 of the Administrative Code known as the “Ohio Plumbing Code”);</p> <p>(4) Portable boilers used in pumping, heating, steaming, and drilling, in the open field, for water, gas, and oil;</p> <p>(5) Portable boilers used in the construction of and repair to public roads, railroads, and bridges.</p> <p>O.A.C. 4101:4-2-01(B). Accordingly, the requirement that individuals “install[ing], mak[ing] major repairs to, or modify[ing] any boiler” register annually with the superintendent does not apply to work performed by individuals on such exempted equipment.</p>
<p><b>Is the Division permitted to exercise discretion in determining whether to register, certify, or license an individual?</b></p>	<p>No.</p>
<p><b>Other information</b> <i>(Significant attributes or prerequisites to licensure not addressed in this chart.)</i></p>	

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

Depending upon the type of work being performed by the boiler contractor, inspection of the work being performed may be required in order to comply with the requirements of Chapter 4104. of the Revised Code. This does not, however, include direct oversight of the boiler contractor while the work is being performed.

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

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

The Division is unaware of a federal regulation applying to the occupation and no federal law appears to require the state to regulate the occupation.

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

A boiler or pressure equipment that malfunctions or is repaired improperly can result in catastrophic damage to the equipment, the building it is located within, and serious injury, including death, to those in the proximity when the malfunction or low-water event occurs.

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

Yes, by requiring boiler contractor registration, including the requirement that the contractor obtain a permit to perform the work at issue, the requirement for registration ensures that the work is performed by an individual using proper procedures.

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

**Surrounding state comparison (LSC)**

Boiler Contractor						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Type of regulation	Registration ( <i>R.C. 4104.101</i> ).	No clear equivalent.	Boiler and pressure vessel contractor license ( <i>Ky. Rev. Stat. 236.210(1)</i> ).	License (a boiler installer’s license or a boiler repairer’s license ( <i>Mich. Admin. Code R. 408.4033, 408.4089, and 408.4117</i> ).	No clear equivalent (must hold a National Board “R,” “VR,” or “NR” certificate of authorization issued by the National Board)	No clear equivalent (permit applies to the device) ( <i>W. Va. Code 21-3-7; W. Va. Code R. 42-3-5</i> ).

Boiler Contractor						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
					<i>(35 Pa. Stat. 1331.8).</i>	
Education or training	N/A	N/A	N/A	N/A	N/A	N/A
Experience	N/A	N/A	Must be at least 18 years of age <i>(815 Ky. Admin. Regs. 15:080).</i>	For a boiler installer's license, at least five years of experience in all phases of boiler installation in the class of license for which the applicant is applying. A credit of two years of experience may be given for experience in the design, construction, manufacture, or inspection of boilers. <i>(Mich. Admin. Code R. 408.4091.)</i>  For a boiler repairer's license, at least five years	N/A	N/A

Boiler Contractor						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
				of experience in all phases of boiler repair in the class of license for which the applicant is applying. A credit of three years of experience may be given for experience in the design, construction, manufacture, or inspection of boilers ( <i>Mich. Admin. Code R. 408.4119.</i> )		
Exam	N/A	N/A	Yes ( <i>Ky. Rev. Stat. 236.210(2); 815 Ky. Admin. Regs. 15:080.</i> )	Yes, for both licenses ( <i>Mich. Admin. Code R. 408.4103 and 408.4121.</i> )	N/A	N/A
Continuing education	N/A	N/A	Six hours ( <i>815 Ky. Admin. Regs. 2:010.</i> )	N/A	N/A	N/A

Boiler Contractor						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Initial licensure fee	\$50 ( <i>O.A.C. 4101:4-7-01(B)</i> ).	N/A	\$250 ( <i>Ky. Admin. Regs. 15:080</i> ).	For both types of licenses, \$100 exam fee plus \$80 license fee ( <i>Mich. Admin. Code R. 408.4038</i> ).	N/A	N/A
License duration	One year ( <i>R.C. 4104.101(C)</i> ).	N/A	One year ( <i>Ky. Rev. Stat. 236.210</i> ).	For both types of licenses, one year ( <i>Mich. Admin. Code R. 408.4107 and 408.4125</i> ).	N/A	N/A
Renewal fee	\$50 ( <i>O.A.C. 4101:4-7-01(B)</i> ).	N/A	\$175 ( <i>815 Ky. Admin. Regs. 15:080(4)</i> ).	For both types of licenses, \$80 ( <i>Mich. Admin. Code R. 408.4038</i> ).	N/A	N/A

## Backflow technician

### Survey responses (COM)

#### Description

A backflow prevention device is a device installed on a building's water pipes that allows water to flow in one direction and prevents the flow of water in the opposite direction. This type of device ensures that drinking water is not contaminated as a result of "backflow" of water moving from the building back to the source of water, whether that source of water be a private water system, such as a well, or a public drinking water system.

There are two categories of backflow prevention devices: "isolation" and "containment" backflow prevention devices. An "[i]solation backflow prevention device" means a device for the prevention of the backflow of liquids, solids, or gases that is regulated by the building code adopted pursuant to section 3781.10 of the Revised Code and rules adopted pursuant to this section." R.C. 3703.21(F)(1). Whereas a "[c]ontainment backflow prevention device" means a device for the prevention of the backflow of liquids, solids, or gases that is installed by the supplier of, or as a requirement of, any public water system as defined in division (A) of section 6109.01 of the Revised Code." R.C. 3703.21(F)(2).

The distinction between isolation and containment backflow prevention devices is important for two reasons. First, the Division of Industrial Compliance only has jurisdiction over *isolation* backflow prevention devices. *See generally* R.C. 3703.21(C). And second, a backflow technician certificate is only required for installation, testing, or repair of isolation backflow prevention devices. *Id.* Whereas a backflow technician certificate is not required for "installation, testing, or repair of any containment backflow prevention device." *Id.*

There are three classes of backflow technician certificates, each granting authority to a backflow technician to test specific categories of isolation backflow prevention devices:

- (1) If the backflow prevention device is, or will be, located within a lawn irrigation process piping system, the individual must possess a valid "Class A" or "Class B" backflow technician certification issued in accordance with section 3703.21 of the Revised Code and rules promulgated thereunder.
- (2) If the backflow prevention device is an isolation device that is owned by the public water system, the individual must possess a valid "Class A" or "Class C" backflow technician certification issued in accordance with section 3703.21 of the Revised Code and rules promulgated thereunder.
- (3) For all other isolation backflow prevention devices not subject to paragraph (A)(1) or (A)(2) of this rule, the individual must possess a valid "Class A" backflow technician certification issued in accordance with section 3703.21 of the Revised Code and rules promulgated thereunder.

**Description**

O.A.C. 1301:3-7-02(A)(1)-(3).

The superintendent of industrial compliance is responsible for overseeing enforcement of backflow technician certification. *See generally* R.C. 3703.21. The backflow advisory board was established under section 3703.21 of the Revised Code to “advise the superintendent on matters pertaining to the training and certification of backflow technicians.” R.C. 3703.21(A).

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

Because a certified backflow technician must possess certain personal qualifications in order to obtain a backflow technician certificate under section 3703.21 of the Revised Code, such certificates constitute an “occupational license” as that term is defined in section 4798.01 of the Revised Code.

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

In 2021, roughly 280 backflow technician certificates were issued.

**Number renewed annually**

In 2021, roughly 950 backflow technician certificates were renewed.

**Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?**

No.

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

**Education or training requirements**

Backflow technician certification requires: “[c]ompletion of a twenty-four hour backflow course by an approved training agency that includes a mandatory hands-on testing and repairing examination administered by an approved training agency.” O.A.C. 1301:3-7-03(C)(2).

**Experience requirements**

Rule 1301:3-7-02 of the Administrative Code provides:

In order to qualify to sit for the backflow technician examination, the applicant must successfully demonstrate to the satisfaction of the superintendent or the superintendent’s designee . . . the following:

- (1) Significant workplace experience relevant to backflow technician work, as follows:
  - (a) If the applicant is experienced in the plumbing industry, the applicant must possess five years of experience with a plumbing contractor, a hydronic contractor, or a fire protection company certified by the Ohio state fire marshal; or, the applicant must hold a current plumbing inspector certification from the division or bureau of building standards.
  - (b) If the applicant is experienced in the water purveyor or industry business, the applicant must possess five years of experience in the water purveyor industry; or, the applicant must possess a minimum of an Ohio environmental protection agency license class I distribution of an Ohio environmental protection agency water treatment operator license.
  - (c) If the applicant does not have the experience set forth in paragraph (B)(1)(a) or (B)(1)(b) of this rule, the board may consider other acceptable experience related to the performance of backflow technician duties, including consideration of such experience as it relates to the class of backflow technician certification that is being applied for.

O.A.C. 1301:3-7-02(C)(1)(a)-(c).

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

<p><b>Examination requirements</b> (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Division receive any proceeds of those fees? If so, how are the proceeds used?</i>)</p>	<p>In order to obtain a backflow technician certificate, an individual must obtain a passing score on the backflow technician examination as required by rule 1301:3-7-03 of the Administrative Code. The exam is administered by Division personnel. The exam is selected by the Division’s plumbing section supervisor and is approved by the superintendent. The examination fee is \$50.00, and, if re-examination is required, an additional \$50.00 fee must be submitted. Proceeds from the examination are used to cover the administrative costs associated with preparing, proctoring, and scoring the exam.</p>
<p><b>Continuing education requirements</b> (<i>Including a description of the curriculum and the process of setting it.</i>)</p>	<p>Certified backflow technicians must complete eight hours of approved continuing education courses every three years in order to renew their backflow technician certificates. Training agencies offering these courses, as well as the initial twenty-four-hour training course, must obtain approval from the superintendent as training agencies in order for the courses they offer to count toward the requirements for backflow technician education under section 3703.21 of the Revised Code.</p>
<p><b>Initial fee</b></p>	<p>The initial application fee is \$50.00. O.A.C. 1301:3-7-04(A)(1).</p>
<p><b>Duration</b></p>	<p>Three years.</p>
<p><b>Renewal fee</b> (<i>If different from initial fee, please explain why.</i>)</p>	<p>\$75.00.</p>
<p><b>Does the Division recognize uniform licensure requirements or allow for reciprocity?</b></p>	<p>While there are no uniform license requirements recognized by the Division, experience obtained by applicants in other states will be considered when reviewing their application to ascertain whether they meet the experience and training requirements to obtain an Ohio backflow technician certificate.</p>

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

<p><b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b></p>	<p>No.</p>
<p><b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Division?</b></p>	<p>A backflow technician certificate issued by the Division is not required to test or install a “containment” backflow prevention device. See R.C. 3703.21(C) &amp; (F)(1)-(2). Under section 3703.21 of the Revised Code, however, “isolation” backflow prevention devices may only be installed and tested by individuals holding the applicable backflow technician certificate relevant to the category of isolation backflow device at issue.</p>
<p><b>Is the Division permitted to exercise discretion in determining whether to register, certify, or license an individual?</b></p>	<p>Applicants must demonstrate they possess the necessary experience to meet the requirements for certification as set forth in rule 1301:3-7-02 of the Ohio Administrative Code. This requires exercise of some degree of discretion to ascertain, for example, whether the applicant has “other acceptable experience related to the performance of backflow technician duties, including consideration of such experience as it relates to the class of backflow technician certification that is being applied for.” O.A.C. 1301:3-7-02(C)(1)(c).</p>
<p><b>Other information</b> (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>)</p>	

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

Disciplinary authority over certified backflow technicians is provided for in rule 1301:3-7-07 of the Ohio Administrative Code, which provides, in part:

(A) An application for a backflow technician certificate, and a backflow technician certificate issued in accordance with Chapter 1301:3-7 of the Administrative Code, may be denied, revoked, suspended, or refused to be renewed, in accordance with Chapters 119. and 3703. of the Revised Code if the applicant for, or holder of, the backflow technician certificate has engaged in any of the following:

(1) Falsified documentation;

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

- (2) Violated any provision of Chapter 3703. of the Revised Code or rules adopted pursuant thereto;
- (3) Obtained a license by fraud, misrepresentation, or deception;
- (4) Engaged in fraud, misrepresentation, deception, malfeasance, misfeasance, or nonfeasance in the conduct of business; or
- (5) Performed work that exceeds the scope of the class of backflow technician certificate that the individual holds, in violation of rule 1301:3-7-02 of the Administrative Code.

(B) In accordance with Chapters 119. and 3703. of the Revised Code, the superintendent may:

- (1) Suspend or revoke a backflow technician certificate for a specified period of time, from a minimum of six months to a maximum of life; and/or
- (2) Require a holder of a backflow technician certificate to complete additional continuing education courses within a specified time period.

O.A.C. 1301:3-7-07(A)-(B)(2).

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

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

The Division is unaware of a federal regulation that would apply to the occupation. Similarly, it does not appear that federal law requires the state to regulate the occupation.

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

If contaminated water from a building “backflows” into the water source (whether that be a private well or the public drinking water system), it can result in serious harm to those exposed to the contaminants, including all users of the drinking water system. Backflow prevention devices ensure that water moves in only one direction into a building and cannot “backflow” into the drinking water system, thereby preventing any harmful contaminants from leaving a building and entering the public water system.

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

Yes, backflow prevention devices must be properly installed, tested, and repaired in order for such devices to serve their purpose and protect the drinking water system from backflow contamination. Requiring certification of backflow technicians who will perform the installation, testing, and repair of such devices ensures they will serve their purposes and safeguard users of the drinking water system as well as the system itself.

Are there any changes the Division would like to see implemented?

### Surrounding state comparison (LSC)

Backflow Technician (Class A, B, and C Certificates)						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Type of regulation	License (O.A.C. 1301:3-7-02.)	No clear equivalent. Cross connection (backflow) control devices are inspected and tested by state-registered inspectors. (327 Ind. Admin. Code 8-10-8 and 8-10-9.)	No clear equivalent. Must hold a plumbing permit to install a backflow prevention device. (815 Ky. Admin. Regs. 20:050.)	No clear equivalent. Local regulations apply. (Mich. Admin. Code R. 325.11402.)	No clear equivalent.	No clear equivalent. Backflow prevention devices are tested by state-certified testers. (W. Va. Code 16-1-9 and W. Va. Code R. 64-25-1 et seq.)
Education or training	24 hour backflow course taught by an approved training agency	N/A	N/A	N/A	N/A	N/A

**Backflow Technician (Class A, B, and C Certificates)**

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	(O.A.C. 1301:3-7-02).					
Experience	<p>One of the following:</p> <ul style="list-style-type: none"> <li>▪ Five years of experience with a plumbing or hydronic contractor, a state-certified fire protection company, or in the water purveyor industry; or</li> <li>▪ Possess a current Ohio plumbing inspector certification or an Ohio Environmental Protection Agency class I water treatment</li> </ul>	N/A	N/A	N/A	N/A	N/A

**Backflow Technician (Class A, B, and C Certificates)**

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	operator license. (O.A.C. 1301:3-7-02.)					
Exam	Yes (O.A.C. 1301:3-7-03).	N/A	N/A	N/A	N/A	N/A
Continuing education	Eight-hour backflow course by an approved training agency (O.A.C. 1301:3-7-05).	N/A	N/A	N/A	N/A	N/A
Initial licensure fee	\$50 application fee and \$50 exam fee (O.A.C. 1301:3-7-04).	N/A	N/A	N/A	N/A	N/A
License duration	Three years (O.A.C. 1301:3-7-05).	N/A	N/A	N/A	N/A	N/A
Renewal fee	\$75 (O.A.C. 1301:3-7-05).	N/A	N/A	N/A	N/A	N/A

## Plumbing inspector

### Survey responses (COM)

#### Description

Jurisdiction over inspection of plumbing under Chapter 3703. of the Revised Code may fall to a number of governmental entities. *See generally* R.C. 3703.01. For example, municipal corporations that have been certified by the board of building standards may exercise enforcement authority for plumbing in buildings within their respective jurisdiction. *See* R.C. 3703.01(B)(1)(a). Similarly, health districts may exercise enforcement authority if they employ a plumbing inspector certified pursuant to section 3781.10 of the Revised Code or the health district may contract with a board of county commissioners or another board of health to authorize the county building department or the other board of health to inspect plumbing in the contracting health district’s jurisdiction. R.C. 3703.01(B)(1)(b)(i)-(ii). And unless an exception applies, the “division of industrial compliance in the department of commerce shall . . . [i]inspect all nonresidential buildings within the meaning of section 3781.06 of the Revised Code.” R.C. 3703.01(A)(1). The Division’s jurisdiction for plumbing inspections functions as a “reserve” jurisdiction; meaning the Division may exercise enforcement authority in all areas where another entity has not first availed itself of exercising its own jurisdiction (assuming the other entity is authorized to do so as set forth in section 3703.01 of the Revised Code by becoming certified or contracting with another entity as discussed above). *See generally* R.C. 3703.01.

Until September 2021, the superintendent of the division of industrial compliance was charged with “prescribing minimum qualifications based on education, training, experience, or demonstrated ability, that the superintendent shall use in certifying or recertifying *plumbing inspectors to do plumbing inspections for health districts and county building departments* that are authorized to perform inspections pursuant to a contract under division (C)(1) of this section, and for continuing education of plumbing inspectors. Those minimum qualifications shall be related to the types of buildings for which a person seeks certification.” *Former* R.C. 3703.01 (emphasis added). And at that time, jurisdiction for certification of plumbing inspectors performing inspections on behalf of certified building departments fell to the Board of Building Standards. The Division’s authority for certifying plumbing inspectors employed by health districts, however, was removed in House Bill 110 in September 2021.

Now, authority for certification of “departments, personnel, and persons to enforce the state residential building code, to enforce the nonresidential building code, or to enforce both the residential and the nonresidential building codes,” lies *exclusively* with the Board of Building Standards. *See generally* R.C. 3781.10.

Nonetheless, the Division will provide report responses for its prior role of certifying plumbing inspectors employed by health districts. These responses, however, concern only plumbing inspectors employed by health districts and the process of obtaining certification from the Division to perform inspections on behalf of health districts. Information regarding personnel of certified building departments that were certified by the Board of Building Standards is beyond the scope of this report.

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

Because a certified plumbing inspector employed by a health district previously was required to possess certain personal qualifications in order to obtain a plumbing inspector certification under rule 1301:3-2-03 of the Ohio Administrative Code, such certificates constituted an “occupational license” as that term is defined in section 4798.01 of the Revised Code.

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

<b>Number issued annually</b>	Prior to the Division’s certification program for plumbing inspectors being terminated, the Division generally issued roughly a dozen new certifications to plumbing inspectors each year.
<b>Number renewed annually</b>	Prior to the Division’s certification program for plumbing inspectors being terminated, the Division generally renewed roughly 160 plumbing inspector certifications each year.
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	Yes, there has been a drastic decrease in the number of active certifications for plumbing inspectors (as it pertains to certification from the Division), because the Division no longer certifies plumbing inspectors for health districts. Prior to that time, however, the number of active certifications issued by the Division had remained relatively consistent in the preceding six years, with the exception of a small decline during the period of the COVID-19 pandemic.
<b>Education or training requirements</b>	“High school education or equivalent.” O.A.C. 1301:3-2-03(B)(1).
<b>Experience requirements</b>	“Seven years of practical experience in the installation of plumbing; or . . . A professional engineer pursuant to section 4733.01 of the Revised Code and three years of experience in plumbing system design, estimating, or supervision of plumbing systems installations.” O.A.C. 1301:3-2-03(B)(2)-(3).

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

<p><b>Examination requirements</b> (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Division receive any proceeds of those fees? If so, how are the proceeds used?</i>)</p>	<p>Previously, the Division administered the examination, which included subject matter such as plumbing code, plumbing drawings, and multi-story building plans. The examination also included a multiple-choice section. A \$25.00 examination fee was charged by the Division, and this cost was used to cover the administrative costs associated with preparing, proctoring, and scoring the examination.</p>
<p><b>Continuing education requirements</b> (<i>Including a description of the curriculum and the process of setting it.</i>)</p>	<p>Ten credit hours of annual training offered by the plumbing supervisor of the Division of Industrial Compliance was required. This training included plumbing and building code updates, administration updates, and general plumbing code best practices. Such training is now offered by the Board of Building Standards for inspectors certified by the Board.</p>
<p><b>Initial fee</b></p>	<p>Previously, the application fee was \$50.00, examination fee was \$25.00, and certification fee was \$25.00.</p>
<p><b>Duration</b></p>	<p>One year.</p>
<p><b>Renewal fee</b> (<i>If different from initial fee, please explain why.</i>)</p>	<p>The renewal fee was \$60.00.</p>
<p><b>Does the Division recognize uniform licensure requirements or allow for reciprocity?</b></p>	<p>No, but prior experience obtained in other jurisdictions would be considered when determining whether the applicant had sufficient experience to obtain a certification as a plumbing inspector in Ohio.</p>
<p><b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b></p>	<p>No.</p>

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

<p><b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Division?</b></p>	<p>As previously discussed, if the individual were employed by the health district, they were required to obtain a certification from the Division in order to perform plumbing inspections under Chapter 3703. of the Revised Code. If, however, the plumbing inspection (as required by Chapter 3703.) were being performed by personnel of a certified building department, those personnel were required to obtain a certification from the Board of Building Standards. As such, there were circumstances where inspections could be performed without obtaining a certification from the Division.</p>
<p><b>Is the Division permitted to exercise discretion in determining whether to register, certify, or license an individual?</b></p>	<p>No.</p>
<p><b>Other information</b> (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>)</p>	

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

A plumbing inspector certificate could be denied, revoked, or suspended if the applicant was found to have done any of the following:

- (1) Falsify documentation;
- (2) Violate any provision of Chapter 3703. of the Revised Code or rules adopted pursuant thereto;
- (3) Obtain a license by fraud, misrepresentation, or deception; or
- (4) Engage in fraud, misrepresentation, deception, malfeasance, misfeasance, or nonfeasance in the conduct of business.

O.A.C. 1301:3-2-08(A)(1)-(4).

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

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

The Division is unaware of federal regulations that would apply to the occupation, and it does not appear that federal law requires the state to regulate the occupation.

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

Safety codes, such as the Ohio Building Code and Plumbing Code are established to ensure buildings and structures, including plumbing therein, are built in a safe manner. Inspections of building and structures ensures that the buildings comply with applicable safety codes, including the plumbing code. Given the technical nature and complexity of such systems, inspections must be performed by individuals that have the requisite education, training, and experience to conduct the inspection competently.

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

Yes, requiring inspectors to obtain certification ensures such individuals are sufficiently competent to properly understand the systems that are being inspected as well as to make accurate determinations as to whether such systems conform with the plans that have been approved for each project as well as to determine whether the work complies with applicable safety codes.

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

**Surrounding state comparison (LSC)**

Plumbing Inspector ( <i>Plumbing Code</i> )						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Type of regulation	License ( <i>O.A.C. 1301:3-2</i> ).	No clear equivalent.	Plumbing inspectors assigned to each county by the state and city-county appointed inspectors may be certified by the Department of	License (plumbing inspector registration) ( <i>Mich. Admin. Code R. 408.30001 through 408.30055</i> ).	Plumbing inspector certificate ( <i>34 Pa. Code 401.3</i> ).	Plumbing inspector certificate ( <i>W. Va. Code R. 103-6-3</i> ).

Plumbing Inspector ( <i>Plumbing Code</i> )						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
			Housing, Buildings, and Construction ( <i>Ky. Rev. Stat. 198B.090 by reference to Ky. Rev. Stat. 318.090 and 318.140</i> ). <sup>72</sup>			
Education or training	High school education or equivalent ( <i>O.A.C. 1301:3-2-03</i> ).	N/A	N/A	18 hours of approved education or training in administration, communication, technical, plan review, and specialty areas ( <i>Mich. Admin. Code R. 408.30031</i> ).	N/A	N/A
Experience	One of the following: <ul style="list-style-type: none"> <li>Seven years of practical experience in</li> </ul>	N/A	Eight years of experience as a master or journeyman plumber ( <i>Ky. Rev.</i>	Licensed journeyman plumber for no less than two years or licensed	N/A	N/A

<sup>72</sup> Kentucky law requires the Department of Housing, Buildings, and Construction to create and administer a plumbing inspector certificate program, but it does not appear the Department has adopted rules to do so (*Ky. Rev. Stat. 198B.090*).

**Plumbing Inspector (*Plumbing Code*)**

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	<p>the installation of plumbing; or</p> <ul style="list-style-type: none"> <li>▪ If the applicant for licensure is a registered professional engineer, three years-of experience in plumbing system design, estimating, or supervision of plumbing systems installations. </li></ul> <p><i>(O.A.C. 1301:3-2-03.)</i></p>		<p><i>Stat. 198B.090, by reference to Ky. Rev. Stat. 318.090 and 318.140.</i></p>	<p>master plumber for any amount of time (<i>Mich. Admin. Code R. 408.30046</i>).</p>		
Exam	<p>Yes (<i>O.A.C. 1301:3-2-03</i>).</p>	N/A	N/A	N/A	<p>Exam administered by the Department of Labor and Industry (DLI), the National Certification Program for</p>	<p>International Code Council plumbing inspector exam (P1 residential or P2 commercial); exam is waived if applicant is a</p>

Plumbing Inspector ( <i>Plumbing Code</i> )						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
					Construction Code Inspectors, Assessment Services Incorporated, or other nationally recognized DLI approved testing program (34 Pa. Code 401.6).	state-licensed architect or professional engineer ( <i>W. Va. Code R. 103-6-3</i> ).
Continuing education	Ten hours ( <i>O.A.C. 1301:3-2-06</i> ).	N/A	N/A	47 hours per three-year renewal cycle ( <i>Mich. Admin. Code R. 408.30055</i> ).	15 credit hours (34 Pa. Code 401.9).	N/A
Initial licensure fee	\$50 application fee plus \$25 exam fee plus \$25 certification fee ( <i>O.A.C. 1301:3-2-07</i> ).	N/A	N/A	\$75 (\$25 per year of registration) ( <a href="#">Application for Registration of Building Officials, Inspectors, and Plan Reviewers (PDF)</a> ).	\$109.70 ( <a href="#">DLI Bureau of Occupational and Industrial Safety CAL Division Fee Schedule</a> ).	\$75 ( <i>W. Va. Code R. 103-6-3</i> ).
License duration	One year ( <i>O.A.C. 1301:3-2-06</i> ).	N/A	N/A	Three years ( <i>Mich. Admin.</i>	Three years (34 Pa. Code 401.4).	Three years ( <i>W. Va. Code R. 103-6-5</i> ).

Plumbing Inspector ( <i>Plumbing Code</i> )						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
				<i>Code R. 408.30055).</i>		
Renewal fee	\$60 ( <i>O.A.C. 1301:3-2-07</i> ).	N/A	N/A	\$75 ( <i>Application for Registration of Building Officials, Inspectors, and Plan Reviewers (PDF)</i> ).	\$109.70 ( <i>DLI Bureau of Occupational and Industrial Safety CAL Division Fee Schedule</i> ).	\$75 ( <i>W. Va. Code R. 103-6-5</i> ).

## Elevator inspector

### Survey responses (COM)

Description
<p>Elevator inspectors perform inspections of elevators and lifting apparatus as required by Chapter 4105. of the Revised Code. R.C. 4105.01(E)-(G). There are two categories of elevator inspectors: general inspectors and special inspectors. <i>Id.</i> General inspectors refer to state inspectors examined and hired to inspect elevators and lifting apparatus “for the state” (i.e., on behalf of the Division of Industrial Compliance (the “Division”). R.C. 4105.01(E). Special inspectors refer to inspectors examined and commissioned by the superintendent of industrial compliance to inspect elevators and lifting apparatus <i>in</i> the state (i.e., on behalf of an insurance company). R.C. 4105.01(F). Elevators insured by a company authorized to insure elevators in the state of Ohio may be inspected by a special inspector of such company. R.C. 4105.07. If an elevator has not been inspected by a special inspector, then general inspectors may perform the inspections required by Chapter 4105. of the Revised Code. R.C. 4105.08.</p>

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

In order to act as inspectors of elevators, both general inspectors and special inspectors are required to hold a “certificate of competency” under section 4105.02 of the Revised Code. Accordingly, a certificate of competency would constitute an “occupational license” under section 4798.01(B)(2) of the Revised Code.

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

<b>Number issued annually</b>	In general, between zero and three new certificates of competency are issued by the Division per year.
<b>Number renewed annually</b>	Roughly 65 certificates of competency are renewed annually.
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	No, there has not been a significant increase or decreases in active licenses in the preceding six years.
<b>Education or training requirements</b>	<p>Pursuant to section 4105.02 of the Revised Code, applicants for certificates of competency submit a written application to the Division stating the school education of the applicant. The statute further provides that the applicant may sit for the required examination “if the division considers the applicant’s history and experience sufficient.” R.C. 4105.02.</p> <p>The Division has determined that individuals that hold an ASME QEI-1 (“Standard for the Qualification of Elevator Inspectors”) certification from an accredited organization are deemed to meet the education and training requirements to obtain a certificate of competency.</p>
<b>Experience requirements</b>	Pursuant to section 4105.02 of the Revised Code, applicants for certificates of competency submit a written application to the Division that includes a list of their employers, the period of

<b>If the regulation is a registration, certification, or license requirement, please complete the following:</b>	
	<p>employment they held with each employer, and the position they held with each. In addition, the applicant submits “a letter from one or more of the applicant’s prior employers certifying as to the applicant’s character and fitness.” R.C. 4105.02.</p> <p>The Division has determined that individuals that have obtained an ASME QEI-1 (“Standard for the Qualification of Elevator Inspectors”) certification from an accredited organization are deemed to meet the experience requirements to obtain a certificate of competency.</p>
<b>Examination requirements</b> ( <i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Division receive any proceeds of those fees? If so, how are the proceeds used?</i> )	<p>Under section 4105.02 of the Revised Code, applicants for certificates of competency are to be “examined by the superintendent of industrial compliance by a written examination dealing with the construction, installation, operation, maintenance, and repair of elevators and their appurtenances.” R.C. 4105.02. One examination relied upon for this purpose is the examination associated with obtaining the ASME QEI-1 certification. The QEI-1 certification examination is administered by an accredited certifying agency. The Division does not receive proceeds for administration of the QEI certification examination.</p>
<b>Continuing education requirements</b> ( <i>Including a description of the curriculum and the process of setting it.</i> )	<p>Holders of certificates of competency must “[c]omply with the continuing education requirements as set forth in ASME QEI-1 2018: Standard for the Qualification of Elevator Inspectors, as well as maintaining a current QEI certification issued by as certifying agency.” O.A.C. 1301:3-6-02(D)(1). This generally requires an individual to complete ten hours of continuing education approved by the certifying agency with which the individual obtained his or her QEI-1 certification. In addition, attendance at an annual meeting hosted by the elevator section of the Division is also required. O.A.C. 1301:3-6-02(D)(2).</p>
<b>Initial fee</b>	<p>There is a twenty-five-dollar application fee for special inspectors. General inspectors are hired by the Division and are not charged a fee for obtaining a certificate of competency as this is included in their on-boarding process as new employees.</p>
<b>Duration</b>	<p>One year.</p>

<b>If the regulation is a registration, certification, or license requirement, please complete the following:</b>	
<b>Renewal fee</b> <i>(If different from initial fee, please explain why.)</i>	There is a twenty-five-dollar application fee for special inspectors. General inspectors are employees of the Division and are not charged a fee for renewing a certificate of competency as this is included as part of Division’s employee development program for such positions.
<b>Does the Division recognize uniform licensure requirements or allow for reciprocity?</b>	Yes, the Division recognizes uniform licensing requirements by issuing certificates of competency to applicants that hold the ASME QEI-1 (“Standard for the Qualification of Elevator Inspectors”) Certification, which is issued by any of a number of accredited certifying agencies. Similarly, QEI-1 certification is a standard for elevator inspectors recognized nationally. As such, reciprocity is allowed for individuals licensed in other states where QEI-1 Certification is required to obtain an inspector’s “license” and, as such, such individuals may obtain their certificate of competency in Ohio with such a credential as well.
<b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b>	Yes, the ASME QEI-1 (“Standard for the Qualification of Elevator Inspectors”) certification is a nationally recognized certification (i.e., “license” as that term is used in section 4798.01 of the Revised Code) that the Division accepts as sufficient to demonstrate the necessary education and experience for individuals to obtain a certificate of competency in Ohio. There are, however, some differences regarding Ohio’s elevator inspection requirements and industry practices that are addressed in the required annual meeting of elevator inspectors, which is required as part of renewing the certificate of competency. As such, the Division does not believe the QEI-1 certification is a one-for-one substitute for the requirement to obtain a certificate of competency in Ohio.
<b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Division?</b>	No, in accordance with section 4105.02 of the Revised Code, “No person may act, either as a general inspector or as a special inspector, of elevators, unless the person holds a certificate of competency from the division of industrial compliance.” This means that all inspections required by Chapter 4105. of the Revised Code must be completed by a holder of a certificate of competency. A certificate of competency, however, is not required if an inspection is being performed and the inspection is <i>not</i> being conducted to meet the requirements for compliance with Chapter 4105. of the Revised Code. For example, inspections performed by an elevator service company (an industry where no occupational license is required) in conjunction with routine maintenance work on an elevator.

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

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

No.

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

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

Applicants for certificates of competency may have their applications denied and holders of certificates of competency may have their certificates suspended or revoked for (1) failing to meet, or maintain, the requirements for obtaining a certificate of competency; (2) “[m]isfeasance, misfeasance, nonfeasance, incompetence, or untrustworthiness of the applicant or holder thereof; or (3)[f]alsification of any matter by a certificate holder or applicant before the division.” O.A.C. 1301:3-6-02(B)(1)-(3).

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

The application fee for issuance and renewal of a certificate of competency to inspect elevators is only \$25.00. And the fee is not charged to general inspectors, of which there are 61. The fee, however, is charged for special inspectors, of which there are only 4 at present. As such, only \$100.00 is generated annually for this fee. This revenue is used to cover the administrative costs associated with processing the certificate of competency application and is used, in part, to defray the costs associated with enforcing Chapter 4105. Of the Revised Code and rules promulgated thereunder.

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

Federal law does not apply to the occupation, nor does it require the state to regulate the occupation.

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

Chapter 4105. of the Revised Code requires inspections of elevators and lifting apparatus at the time of installation of the conveyance and when alterations or modifications are made to the conveyance Similarly, performance of regularly scheduled inspections of such conveyances (generally two inspections per year of most conveyances) is also required by Chapter 4105. This is required to ensure that elevators and lifting apparatus are operating in a safe manner and in compliance with industry standards. Moreover, the overwhelming majority of elevator use is performed by individuals that do not own the elevators that they are using. And, therefore, have no way of ensuring independently that such conveyances are safe to operate.

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

Yes, the regulation is effective at preventing the harm described above. Given the complexity and technical nature of elevators and lifting apparatus, the variability associated with differing types of such conveyances, and the potential harm that a malfunctioning conveyance could cause, it is crucial that inspections be performed in a consistent manner by competent individuals. As such, no less restrictive way exists to prevent the harm.

Are there any changes the Division would like to see implemented?

No.

### Surrounding state comparison (LSC)

Elevator Inspector ( <i>General Inspector and Special Inspector</i> )						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Type of regulation	License (certificate of competency) ( <i>R.C. 4105.02</i> ).	Elevator inspector license ( <i>Ind. Code 22-15-5-11</i> ).	License (certificate of competency in the inspection of elevators) ( <i>Ky. Rev. Stat. 198B.410</i> ).	License (certificate of competency for the inspection of elevators) ( <i>Mich. Comp. Laws 408.810</i> ).	License (elevator inspector certification) ( <i>34 Pa. Code 401.3, 401.6, and 401.7</i> ).	License (certificate of competency for elevator inspections) ( <i>W. Va. Code 21-3C-2</i> ).
Education or training	Requires a current Qualified Elevator Inspector (QEI) certification, which is offered by at least two private organizations and involves education and	Requires QEI certification or another certification approved by the Fire Prevention and Building Safety Commission ( <i>Ind. Code 22-15-5-11</i> ).	N/A	N/A	Requires QEI certification ( <i>Pennsylvania Dept. of Labor &amp; Industry, <a href="#">Uniform Construction Code (UCC) Certification Booklet (PDF)</a></i> ).	Requires QEI certification ( <i>W. Va. Code 21-3C-2; W. Va. Code R. 42-21-11</i> ).

**Elevator Inspector (General Inspector and Special Inspector)**

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	experience requirements and an exam ( <i>R.C. 4105.02 and 4105.12; Ohio Dept. of Commerce, <a href="#">Elevator Inspector Application (PDF)</a></i> ).					
Experience	Requires QEI certification ( <i>R.C. 4105.02 and 4105.12; O.A.C. 1301:3-6-02; Ohio Dept. of Commerce, <a href="#">Elevator Inspector Application (PDF)</a></i> ).	Requires QEI certification or another approved certification ( <i>Ind. Code 22-15-5-11</i> ).	Some experience is required, but the amount is unspecified in state law ( <i>Ky. Rev. Stat. 198B.410</i> ).	For a general inspector, three years of experience in elevator construction or the equivalent as determined by the Elevator Safety Board.  For a special inspector, three years of experience in designing, installing, maintaining, or inspecting elevators.	Requires QEI certification ( <i>Pennsylvania Dept. of Labor &amp; Industry, <a href="#">Uniform Construction Code (UCC) Certification Booklet (PDF)</a></i> ).	Requires QEI certification.  Must be at least 21 years of age. ( <i>W. Va. Code 21-3C-2; W. Va. Code R. 42-21-11.</i> )

Elevator Inspector ( <i>General Inspector and Special Inspector</i> )						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
				( <i>Mich. Comp. Laws 408.810.</i> )		
Exam	Yes, as part of the QEI certification ( <i>R.C. 4105.02 and 4105.011.</i> )	Yes, as part of the QEI certification ( <i>Ind. Code 22-15-5-11.</i> )	Yes ( <i>Ky. Rev. Stat. 198B.410.</i> )	Yes ( <i>Mich. Comp. Laws 408.810; Mich. Admin. Code R. 408.7017.</i> )	Yes, as part of QEI certification ( <i>34 Pa. Code 401.6; Pennsylvania Dept. of Labor &amp; Industry, <a href="#">Uniform Construction Code (UCC) Certification Booklet (PDF)</a>.</i> )	Yes, either one required by the West Virginia Division of Labor or the exam required as part of the QEI certification ( <i>W. Va. Code R. 42-21-11.</i> )
Continuing education	Comply with the requirements to maintain the QEI certification.  Attend an annual meeting held by the Elevator Section of the Division of Industrial Compliance.  ( <i>O.A.C. 1301:3-6-02.</i> )	Eight hours that must be completed within one year before license renewal in addition to QEI certification requirements ( <i>Ind. Code 22-15-5-15.</i> )	Eight hours through the National Elevator Industry Educational Program, the National Association of Elevator Contractors (NAEC), or another approved provider ( <i>Ky. Rev. Stat. 198B.4023.</i> )	N/A	15 hours every three years ( <i>34 Pa. Code 401.8 and 401.9.</i> )	None prescribed by state law, but continuing education is required to maintain the QEI certification ( <i>see, for example, NAEC, <a href="#">QEI Handbook and Application (PDF)</a>.</i> )

Elevator Inspector ( <i>General Inspector and Special Inspector</i> )						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Initial licensure fee	For a special inspector, \$25 (O.A.C. 1301:3-6-02).	\$100 (675 Ind. Admin. Code 12-3-15).	\$10 (Ky. Rev. Stat. 198B.410).	\$50 (Mich. Admin. Code R. 408.7019).	\$50 (34 Pa. Code 401.2).	\$10 (W. Va. Code 21-3C-2; W. Va. Code R. 42-21-11).
License duration	One year (R.C. 4105.04 (for special inspectors) and O.A.C. 1301:3-6-02).	Two years (Ind. Code 22-15-5-11).	One year (Ky. Rev. Stat. 198B.4023).	N/A	Three years (34 Pa. Code 401.4 and 401.8).	One year (W. Va. Code R. 42-21-11).
Renewal fee	For a special inspector, \$25 (O.A.C. 1301:3-6-02).	\$100 (675 Ind. Admin. Code 12-3-15).	\$10 (Ky. Rev. Stat. 198B.410 and 198B.4023).	N/A	\$50 (34 Pa. Code 401.2).	\$10 (W. Va. Code R. 42-21-11; West Virginia Division of Labor, <a href="#">Renewal Application for Private Elevator Inspector (PDF)</a> ).

## Stuffed toy and bedding registration

### Survey responses (COM)

Description
Unless an exception applies, under section 3713.02 of the Revised Code, anyone manufacturing, renovating, wholesaling, or reupholstering stuffed toys or articles of bedding in this state, or selling or offering for sale any second-hand stuffed toy or any second-hand article of bedding in this state, may not do so without first registering with the superintendent of industrial compliance in accordance with section 3713.05 of the Revised Code. Accordingly, the Division issues registrations to importers, manufacturers, renovators, wholesalers, reupholsterers, as well as second-hand dealers of bedding. Additionally, “[a]ll persons required to register under division (A) of section 3713.02 of the Revised Code manufacturing, making, or wholesaling bedding or stuffed toys, or both, that are sold or offered for sale shall have the material content of their products tested and analyzed at an established laboratory designated by the superintendent of industrial compliance before the bedding or stuffed toys are sold or offered for sale.” R.C. 3713.08(A).

Type (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)
Because obtaining a bedding registration under Chapter 3713. of the Revised Code only requires that an individual give notice to the Division of certain information, rather than demonstrate that the individual meets certain qualifications, bedding registrations required under section 3713.02 of the Revised Code and issued under section 3713.05 of the Revised Code constitute a “registration,” as that term is defined in section 4798.01 of the Revised Code.

If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	1134 new bedding registrations in total were issued in 2021.
Number renewed annually	Roughly 6300 registrations were renewed in 2021.

If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	No, the bedding section receives approximately 1,000 new applications a year. And, in general, roughly that same number of registrations are cancelled each year.
<b>Education or training requirements</b>	N/A
<b>Experience requirements</b>	N/A
<b>Examination requirements</b> ( <i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Division receive any proceeds of those fees? If so, how are the proceeds used?</i> )	N/A
<b>Continuing education requirements</b> ( <i>Including a description of the curriculum and the process of setting it.</i> )	N/A
<b>Initial fee</b>	Importer: \$50.00; Manufacturer: \$50.00; Wholesaler: \$50.00; Reupholsteror: \$50.00; Secondhand dealers: \$50.00; Renovators: \$35.00; Mobile home and recreational vehicle dealers: \$50.00; auction houses: \$50.00. O.A.C. 4101:6-1-03(B).
<b>Duration</b>	One year.
<b>Renewal fee</b> ( <i>If different from initial fee, please explain why.</i> )	

<b>If the regulation is a registration, certification, or license requirement, please complete the following:</b>	
<b>Does the Division recognize uniform licensure requirements or allow for reciprocity?</b>	Yes, registrations are recognized by other states that have bedding registration requirements and, similarly, registration with the state of Ohio is recognized in other states that require bedding registration.
<b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b>	No.
<b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Division?</b>	<p>Pursuant to section 3713.05 of the Revised Code:</p> <p style="padding-left: 40px;">[T]he following are exempt from registration:</p> <ul style="list-style-type: none"> <li>(1) An organization described in section 501(c)(3) of the “Internal Revenue Code of 1986,” and exempt from income tax under section 501(a) of that code and that is operated exclusively to provide recreation or social services;</li> <li>(2) A person who is not regularly engaged in the business of manufacturing, making, wholesaling, or importing stuffed toys but who manufactures or makes stuffed toys as a leisure pursuit and who sells one hundred or fewer stuffed toys within one calendar year;</li> <li>(3) A person who is not regularly engaged in the business of manufacturing, making, wholesaling, or importing quilts, comforters, pillows, or cushions, but who manufactures or makes these items as a leisure pursuit and who sells five or fewer quilts, ten or fewer comforters, or twenty or fewer pillows or cushions within one calendar year.</li> </ul> <p>R.C. 3713.05(C)(1)-(3).</p>
<b>Is the Division permitted to exercise discretion in determining whether to register, certify, or license an individual?</b>	No, the Division is not permitted to exercise discretion in determining whether to register an individual under section 3713.05 of the Revised Code. It should be noted, however, that in addition to the registration requirement, Chapter 3713. of the Revised Code also includes a requirement that articles of bedding, upholstered furniture, and stuffed toys are labeled in accordance with section 3713.08 of the Revised Code. As part of the labeling process, manufacturers are required to have the contents of the regulated article tested and analyzed to

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

	confirm that the material contained in the articles conform with what is represented on the label of the article. Although the testing and analysis is not discretionary in its application by the bedding laboratory, the tester does apply his or her education, training, and technical expertise in performing such test and analysis to determine the content and make-up of the article when performing the required laboratory testing.
<b>Other information</b> ( <i>Significant attributes or prerequisites to licensure not addressed in this chart.</i> )	N/A

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

The Division has authority to “periodically inspect and investigate any establishment where bedding or stuffed toys are manufactured, made, remade, renovated, repaired, sanitized, sold, or offered for sale, or where previously used material is processed for use in the manufacture of bedding or stuffed toys.” R.C. 3713.09(A). If inspectors find that regulated articles are not properly labeled as required by section 3713.08 of the Revised Code, the inspector may place the article “off sale” until such time as the product is tagged or labeled in accordance with Chapter 3713. Additionally, contents of articles may be examined if there is cause to believe the product is not labeled properly. *See* R.C. 3713.09(B)(1). The superintendent may also examine “records of any importer, manufacturer, or wholesaler of stuffed toys or articles of bedding, mobile home and recreational vehicle dealer, conversion van dealer, secondhand dealer, or auction house to determine compliance with this chapter.” R.C. 3713.09(C).

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

Revenue is used to cover the administrative costs associated with maintenance of the bedding section of the Division of Industrial Compliance. Additionally, fees collected by registrants is used to cover the costs of inspecting bedding retailers and secondhand dealers to verify that articles of bedding, upholstered furniture, and stuffed toys are labeled in accordance with section 3713.08 of the Revised Code, and that secondhand dealers are properly labeling secondhand articles of bedding and stuffed toys as well as confirming that secondhand articles have been properly sanitized as required by section 3713.02(D) of the Revised Code.

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

The Division is unaware of a federal regulation requiring registration of bedding, upholstered furniture, and stuffed toy industry participants. Such products, however, are subject to various consumer products safety regulations. For example, regulations promulgated by the U.S. Consumer Product Safety Commission include federal flammability standards applicable to mattresses sold in the United States. See 16 C.F.R. Parts 1632 and 1633.

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

Bedding, upholstered furniture, and stuffed toy regulations seek to protect the public from several types of harms. First, that the public is adequately informed of the contents of the articles of such products available in the marketplace. Second, that such products' labels accurately reflect the contents of the materials contained therein. Third, that such products are made of materials that are safe for bodily use. And fourth, with regard to secondhand products, that such articles are properly labeled so that consumers know that the products have previously been put to bodily use and also that secondhand articles have been sanitized and/or sterilized.

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

Yes, both the labeling and testing requirements, which are applicable to those required to register with the Division under section 3713.05 of the Revised Code, applicable to articles of bedding, upholstered furniture, and stuffed toys, help to ensure that regulated articles are properly labeled so as to adequately inform the public of the contents of regulated articles; ensures that the products' labels accurately represent what is actually contained within the articles; and ensures that such products are made with materials that are safe for bodily use. Similarly, with regard to secondhand articles, labeling and sanitization ensure consumers do not mistakenly purchase an article of bedding or stuffed toys believing it to be new when it has in fact been previously put to bodily use.

Are there any changes the Division would like to see implemented?

### Surrounding state comparison (LSC)

Stuffed Toy or Bedding Importer, Manufacturer, Renovator, Wholesaler, Maker, or Reupholsterer						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Type of regulation	Registration ( <i>R.C. 3713.02</i> ).	No clear equivalent.	No clear equivalent.	No clear equivalent. Local regulations apply.	Stuffed toy registration ( <i>35 Pa. Stat. 5203</i> ). Bedding and upholstery registration ( <i>35 Pa. Stat. 979; 34 Pa. Code 47.12</i> ).	Bedding and upholstery registration ( <i>W. Va. Code 47-1A-7 and 47-1A-14</i> ).
Education or training	N/A	N/A	N/A	N/A	N/A	N/A
Experience	N/A	N/A	N/A	N/A	N/A	N/A
Exam	N/A	N/A	N/A	N/A	N/A	N/A
Continuing education	N/A	N/A	N/A	N/A	N/A	N/A

**Stuffed Toy or Bedding Importer, Manufacturer, Renovator, Wholesaler, Maker, or Reupholsterer**

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Initial licensure fee	\$50, or if only engaging in renovation, \$35 ( <i>R.C. 3713.05</i> ).	N/A	N/A	N/A	For stuffed toy registration, \$82.27.  For bedding and upholstery registration, \$164.55.  ( <i>71 Pa. Stat. 240.13A; 51 Pa. Bulletin 6849.</i> )	\$90 ( <i>W. Va. Code 47-1A-14</i> ).
License duration	One year ( <i>R.C. 3713.07</i> ).	N/A	N/A	N/A	For stuffed toy registration, one year ( <i>35 Pa. Stat. 5203</i> ).  For bedding and upholstery registration, one year ( <i>35 Pa. Stat. 979</i> ).	One year ( <i>W. Va. Code 47-1A-14</i> ).
Renewal fee	\$50, or if only engaging in renovation, \$35 ( <i>R.C. 3713.05 and O.A.C. 4101:6-1-03</i> ).	N/A	N/A	N/A	For stuffed toy registration, \$82.27.  For bedding and upholstery registration, \$164.55.	\$90 ( <i>W. Va. Code 47-1A-14</i> ).

Stuffed Toy or Bedding Importer, Manufacturer, Renovator, Wholesaler, Maker, or Reupholsterer						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
					(71 Pa. Stat. 240.13A and 51 Pa. Bulletin 6849.)	

## Tramway operator

### Surrounding state comparison (LSC)

Tramway Operator						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Type of regulation	Registration ( <i>R.C. 4169.03(D)</i> ).	License (regulated amusement device operating permit) ( <i>Ind. Code 22-12-1-19.1 and 22-15-7-9</i> ).	Registration ( <i>Ky. Rev. Stat. 198B.460</i> ).	Registration (permit) ( <i>Mich. Comp. Laws 408.329</i> ).	Registration (certificate of operation) ( <i>34 Pa. Code 401.1 and 405.6(a)</i> ).	No clear equivalent.
Education or training	N/A	An affidavit affirming that personnel who operate or maintain the device have sufficient background, knowledge, and skills to	N/A	N/A	N/A	N/A

Tramway Operator						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
		adequately operate and maintain device ( <i>Ind. Code 22-15-7-2(c)</i> ).				
Experience	N/A	N/A	N/A	N/A	N/A	N/A
Exam	N/A	N/A	N/A	N/A	N/A	N/A
Continuing education	N/A	N/A	N/A	N/A	N/A	N/A
Initial licensure fee	<p>A separate fee for each of the following:</p> <ul style="list-style-type: none"> <li>▪ Aerial passenger tramway (\$500);</li> <li>▪ Skimobile (\$200);</li> <li>▪ Chair lift (\$200);</li> <li>▪ J-bar, T-bar, or platter pull (\$100);</li> </ul>	<p>A separate fee for each of the following:</p> <ul style="list-style-type: none"> <li>▪ Surface-level ski lift, passenger tramway, aerial tramway or lift, or surface lift or tow (\$144);</li> <li>▪ Above-surface ski lift, passenger tramway, aerial</li> </ul>	<p>\$100 for a stair lift, chairlift, platform lift, or fixed guideway system.</p> <p>If the operator has not yet constructed or installed the equipment, the operator must pay the following additional fees for plan approval:</p> <ul style="list-style-type: none"> <li>▪ \$85 for a zero to five</li> </ul>	<p>The greater of an annual permit fee of \$25 or an application fee of the following amounts for each piece of equipment:</p> <ul style="list-style-type: none"> <li>▪ Rope tow (\$2);</li> <li>▪ J-bar, T-bar, or platter pull (\$5);</li> <li>▪ Chair lift or skimobile (\$15); and</li> </ul>	<p>A separate fee for each of the following:</p> <ul style="list-style-type: none"> <li>▪ Ski lift that is a surface lift (\$658.19); and</li> <li>▪ Ski lift that is an aerial passenger ropeway (\$3,071.56).</li> </ul> <p><i>(71 Pa. Stat. 240.13A(a)(2)(i); Pennsylvania. Dept. of Labor</i></p>	N/A

Tramway Operator						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	<ul style="list-style-type: none"> <li>▪ Rope tow (\$50);</li> <li>▪ Wire rope tow (\$75); and</li> <li>▪ Conveyor (\$100).</li> </ul> <p>If an aerial passenger tramway, skimobile, or chair lift are operated during both a winter and a summer season, the fee is 1.5 times the standard fee. <i>(R.C. 4169.03(A).)</i></p>	<p>tramway or lift, or surface lift or tow (\$288); and</p> <ul style="list-style-type: none"> <li>▪ Other amusement device (\$144).</li> </ul> <p><i>(Ind. Code 22-15-7-2(c); 675 Ind. Admin. Code 23-1-63.)</i></p>	<p>horsepower system;</p> <ul style="list-style-type: none"> <li>▪ \$100 for a six to ten horsepower system; and</li> <li>▪ \$100 plus \$10 for each additional horsepower exceeding ten.</li> </ul> <p><i>(815 Ky. Admin. Regs. 4:010 and 4:025.)</i></p>	<ul style="list-style-type: none"> <li>▪ Aerial tramway (\$30).</li> </ul> <p>If the operator has not yet constructed the equipment, the operator must pay an additional \$200 fee for plan approval.</p> <p><i>(Mich. Comp. Laws 408.336(a) and (c).)</i></p>	<p><i>and Industry, <a href="#">Fee Schedule.</a></i></p>	
License duration	One year <i>(R.C. 4169.03(B)).</i>	One year <i>(Ind. Code 22-15-7-2(b)).</i>	One year <i>(Ky. Rev. Stat. 198B.470; 815 Ky. Admin. Regs. 4:010).</i>	One year <i>(Mich. Comp. Laws 408.329 and 408.331).</i>	Four years <i>(34 Pa. Code 405.6(b) and 405.7(b)).</i>	N/A
Renewal fee	Same as initial registration fee <i>(R.C. 4169.03(A)).</i>	Same as initial permit fee <i>(675</i>	Same as initial registration fee	Same as initial permit fee <i>(Mich.</i>	\$157.97 to renew the certificate and an inspection fee	N/A

Tramway Operator						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
		<i>Ind. Admin. Code 23-1-63).</i>	<i>(815 Ky. Admin. Regs. 4:010).</i>	<i>Comp. Laws 408.336(a)).</i>	for each of the following: <ul style="list-style-type: none"> <li>▪ Ski lift that is a surface lift (\$191.97); and</li> <li>▪ Ski lift that is an aerial passenger ropeway (\$855.65).</li> </ul> <i>(71 Pa. Stat. 240.13A; Pennsylvania Dept. of Labor and Industry, <a href="#">Fee Schedule</a>.)</i>	