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# BBS MEMO

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Ohio Board of Building Standards

November 15, 2001

6606 Tussing Road, P.O. Box 4009, Reynoldsburg, Ohio 43068-9009

## Certified Building Departments and Contractor Licensing

With the enactment of H.B. #434 contractor licensing for certain speciality trades became mandatory in Ohio. Licensing by the Ohio Construction Industry Examining Board is required for HVAC, Refrigeration, Electrical, Plumbing, and Hydronics contractors after October 21, 2001. Section 6 of the Act provides that the provisions of this act are general laws created in the exercise of the state's police power, arising out of matters of statewide concern, and are designed for the health, safety, and welfare of contractors, their employees, and the public. Section 6 also provides that the provisions of this act eliminate duplicative bureaucracies to create a system under which an affected contractor may obtain a single license to permit the contractor to do business in all parts of this state and to obtain authorization to do business in other states.

This MEMO is meant to address the certified building departments' responsibilities under of H.B. #434. The Act provides no role for the certified building departments or the building official to play in the enforcement of the licensing provisions of Chapter 4740, Revised Code. A building department has no authority to withhold the in-taking, processing, and approval of plans submitted on a building construction project without knowing if the contractors who will do the work are licensed. At this stage, contracts have usually not been let for the general or the speciality sub-contractors who will do the work. Additionally, a building department has no authority to delay the commencement of construction, to make inspection, or issuance of a certificate of occupancy once the building has been completed and passed all inspections if unlicensed contractors are employed to perform the work. The contractors licensing law is a distinct law from the building standards law found in Chapters 3781 and 3791, Revised Code. The General Assembly gave no authority to certified building departments to enforce the licensing requirements of Chapter 4740.

If a municipal corporation or county wishes to register speciality contractors, it may do so by enacting the proper ordinances or resolutions. Additionally, the local legislation can require the appropriate official to notify the Ohio Construction Industry Examining Board when an unlicensed contractor is performing work so that it can take appropriate action under H.B. #434. The enforcement of H.B. #434 resides exclusively with the OCIEB.

**In conclusion, certified building departments have no legal authority to enforce the provisions of the contractor licensing law.**