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4781-7-05 Certified third-party ~~plans review agencies and certified third party~~ inspection agencies.

- (A) The ~~commission~~division may contract with certified third-party ~~plans review agencies for plans review services and/or certified third party~~ inspection agencies to perform inspections or plan reviews. ~~The commission~~Trained division inspectors may also ~~hire staff to~~ perform these functions.
- (B) ~~The~~To become certified, third-party ~~plans review and/or~~ inspection agencies must provide the following information to the ~~commission~~division:
- (1) The name, address, and telephone number of the third-party ~~plans review and/or~~ inspection agency; names and addresses of all owners, shareholders, partners, limited liability companies, and/or directors with a five ~~percent~~per cent share or larger of the business. If any of the owners, shareholders, partners, limited liability companies, and/or directors ~~is~~are corporately owned, the names and addresses must include the real persons' names through each layer of ownership.
 - (2) Provide notification of any felony conviction(s) to the ~~commission~~division for all owners, partners, directors, and shareholders with a five per cent share or larger, as required by the ~~commission~~division on a form provided by the ~~commission~~division. ~~Owners, partners, directors or shareholders having a felony conviction may be denied as third party plans review and/or inspection agency by the commission. The division may deny certification as a third party inspection agency to any business with an owner, partner, director, and/or shareholder who has a felony conviction.~~
 - (3) Provide notification of any owners, shareholders, partners, limited liability companies, and/or directors who also have a five ~~percent~~per cent share or larger in any manufactured home installation company, manufactured home retail lot, manufactured home development, manufactured home park, manufactured home manufacturer, or manufactured home equipment supplier. If any of the owners, shareholders, partners, limited liability companies, and/or directors ~~is~~are corporately owned, the names and addresses must include the real persons' names through each layer of ownership. The ~~commission~~division may limit the jurisdictional area where the third-party ~~plans review agency and/or third party~~ inspection agencies may perform plan review or inspections of manufactured homes or deny certification as a third-party ~~plans review and/or~~ inspection agency based upon a conflict of interest.
- (C) Third-party ~~plans review and/or~~ inspection agencies shall apply to the ~~commission~~division for certification on a form approved by the ~~commission~~division. Principals of a third-party ~~plans review and/or~~ inspection agency are required to have at least two years' experience in inspecting manufactured homes, ~~or~~ have inspected at least fifteen manufactured homes, which must be verified by a previous employer who is certified as an inspection agency with the ~~commission~~division, or other experience as approved by the ~~commission~~division.
- (D) Each third-party inspection ~~and/or plans review~~ agency shall be required to provide, within twenty-four hours of issuing a permit, computer website input for operational reporting regarding updates to the seal report or any other information that is requested by the division as it relates to activities pursuant to this chapter ~~within twenty-four hours of issuing a permit~~ for public viewing on the ~~OMHC~~department's website at ~~www.omhc.ohio.gov~~www.com.ohio.gov.

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- (E) Any third-party agency ~~who~~that enforces ~~commission~~division rules shall notify the ~~commission~~division of changes in personnel within thirty calendar days after such personnel changes have been made. ~~A~~Each ~~third-party agency must have a~~ minimum of one inspector certified by the ~~commission~~division, a back-up inspector certified by the ~~commission~~division, and an ~~electrical safety inspector (ESI)~~ESI as ~~either employees~~employees or under contract ~~are required~~.
- (F) Third-party inspectors ~~and plans reviewers~~.
- (1) Inspectors for certified third-party inspection ~~and/or plans review~~ agencies ~~shall meet and be~~are subject to all the requirements for inspectors in rule 4781-7-02 of the Administrative Code. Inspectors for certified third-party inspection agencies can inspect the installation of a manufactured home and any elements that deal with installation of a manufactured home that are under the jurisdiction of the division and conduct plans reviews of the installation of manufactured homes.
- (2) Third-party inspectors ~~and/or plans reviewers~~ shall be held to the ethics standards for inspectors in accordance with rule 4781-7-06 of the Administrative Code. Third-party agencies that are not subject to the standards of the state ethics laws, including Chapter 102. of the Revised Code, shall be held to rule 4781-7-06 of the Administrative Code.
- (G) ~~Certification for all third party inspection and/or plans review agencies is~~A third-party inspection agency's certification is effective for three years. ~~If a third party agency fails to renew its certification on or before the expiration of its certification, the certification shall be placed on lapsed status. A third party agency can activate their certification within the first three years of the lapsed status by paying the renewal fee and late fee, if any, and complying with all other requirements.~~Each certified third-party inspection agency shall apply for renewal and pay a nonrefundable renewal fee in an amount set forth in paragraph (K) of this rule prior to the expiration date of the certification. All applications for renewal of expired certifications shall be processed as renewals during the one-year period following expiration. All applications for renewal of expired certifications submitted more than one year following the expiration shall be processed as a new application. The agency shall not perform any duties for which a certification is required while expired.
- (H) A third-party inspection ~~and/or plans review~~ agency must maintain insurance and/or bonding requirements as prescribed by the ~~commission~~division during the duration of the certification period. Failure to do so will cause the certification to be placed on inactive status, during which the agency shall not perform any duties for which a certification is required.
- (I) No certified third-party inspection agency may contract with any political subdivision within the state to be the sole provider of manufactured home installation inspections ~~in any political subdivision of the state~~or manufactured homes plan review.
- (J) After an investigation, if a finding of facts establishes that a third-party ~~plan review agency and/or third party~~ inspection agency or any of ~~their~~its employees has not complied with Chapter 4781. of the Revised Code or the rules promulgated thereunder, the ~~commission~~division may ~~decertify~~suspend or revoke the third-party agency's certification. The ~~commission~~division may initiate an investigation on its own motion or upon receipt of a complaint. If the ~~commission~~division proposes to ~~decertify a third party inspection and/or plans~~

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~~reviewsuspend or revoke the agency's or an inspector employed by or retained by a third party inspection agency and/or plans review agency~~certification, the ~~commission~~division shall conduct a hearing pursuant to Chapter 119. of the Revised Code. If the ~~commission~~division finds that the third-party employee inspector or the third-party inspection agency ~~and/or plans review agency~~ has violated the rules, the ~~commission~~division may ~~decertify, suspend, revoke, or~~ issue a fine, or ~~do~~ a combination thereof. Any fine imposed cannot exceed one thousand dollars per day per violation. A ~~third party employee inspector or the~~ third-party inspection agency ~~and/or plans review agency~~ shall return ~~the~~any certification and identification cards to the ~~commission~~division within three business days after receipt of the ~~commission's~~division's order of ~~of~~ revocation.

(K) Fees.

- (1) The non-refundable fee for application or renewal for certification of a third-party inspection agency ~~and/or a third party plans review agency~~ shall be three hundred dollars for each.
- ~~(2) (2) The non-refundable late fee for certification renewal shall be one hundred fifty dollars in addition to the renewal fee.~~
- ~~(3) (3) The non-refundable fee for the final inspection seal charged to a third party plans review and/or inspection agency shall be one hundred dollars and shall be paid for prior to issuing a permit.~~
- ~~(4) (2) Fees shall be made payable by check or money order to "Treasurer, State of Ohio," or by credit card. Any online credit card payments may be subject to a convenience fee as charged to the commission~~Any payment of fees may be subject to a convenience fee as charged to the division.