



OHIO LEGISLATIVE SERVICE COMMISSION

Bill Analysis

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Sub. H.B. 127*

132nd General Assembly

(As Reported by H. Economic Development, Commerce, and Labor)

Reps. Perales and Dever, Ashford, Henne, Lipps, Rezabek, Lepore-Hagan, Celebrezze, Romanchuk, West

BILL SUMMARY

- Requires a contractor, subcontractor, or project manager who is responsible for the structural steel welding on a construction project to ensure that standards related to welding and welding inspections be met in all construction projects covered by the bill.
- Exempts from the bill's structural steel welding requirements certain buildings and any welding that is required by the American Society of Mechanical Engineers to have its own certification.
- Authorizes the Superintendent of Industrial Compliance to certify municipal, township, and county building departments or private third parties to inspect structural steel welding projects to determine that the welding complies with the bill's requirements.
- Requires the Superintendent to adopt rules for the purpose of implementing and administering the bill's provisions.

* This analysis was prepared before the report of the House Economic Development, Commerce, and Labor Committee appeared in the House Journal. Note that the list of co-sponsors and the legislative history may be incomplete.

CONTENT AND OPERATION

Welding and inspection requirements

The bill requires a contractor, subcontractor, or project manager who is responsible for the structural steel welding on a construction project to ensure that all of the following occur:

- All welders performing structural steel welding for the project have been tested by and hold a valid certification from a facility that has been accredited by the American Welding Society (AWS) to test and certify welders and welding inspectors.
- All structural steel welding performed for the project meets specifications, guidelines, tests, and other methods used to ensure that all structural steel welds meet, at minimum, the codes and standards for such welds established in the AWS Structural Steel Welding Code D1.1 and the Ohio Building Code (which governs commercial buildings).
- All structural steel welding inspections listed in the project's job specifications are completed by a certified welding inspector (a person who has been certified by AWS to inspect structural steel welding projects and conduct welder qualification tests).

Except as described below in "**Exempt welds and structures**," the requirements listed above apply to all construction projects that involve structural steel welding which, under the bill, is structural welds, weld repair, the structural system, and the welding of all primary steel members of a structure in accordance with the AWS structural steel (D1.1).¹

Exempt welds and structures

The bill's requirements do not apply to welding that is required by the American Society of Mechanical Engineers (ASME) to have its own certification.² For example,

¹ R.C. 3781.40 and 3781.41.

² R.C. 3781.40(C).



ASME provides its own certification governing the design, fabrication, assembly, and inspection of boiler and pressure vessel components.³

The bill's requirements also do not apply to any of the following structures:

(1) A building or structure that is incidental to the agricultural use of the land on which the building or structure is located, provided the building or structure is not used to conduct retail business;

(2) An existing single-family, two-family, or three-family home for which the owner has applied to the Director of Job and Family services for a license to operate a type A family day-care home as defined in continuing law;

(3) Any building or structure for which a county zoning inspector or a township zoning inspector has issued a zoning certificate declaring the building or structure to be for agriculture use.⁴

Other laws

The bill may not be construed to limit the Division of Industrial Compliance's power to adopt rules governing manufactured home parks under the Manufactured Homes Law.⁵

Inspections and enforcement

Under the bill, and in accordance with rules described below in "**Administrative rules**," the Superintendent of Industrial Compliance may certify municipal, township, and county building departments and the personnel of those departments, or any private third party, to inspect structural steel welding projects to determine that the welding complies with the bill's requirements. The Superintendent or the building inspector or building commissioner from a certified building department is responsible for enforcing the bill's requirements within the department's jurisdiction.⁶

The bill allows a municipality, township, or county that does not have a certified building department to adopt a resolution or ordinance designating a certified building

³ American Society of Mechanical Engineers, *Boiler and Pressure Vessel Certification*, <https://www.asme.org/shop/certification-accreditation/boiler-and-pressure-vessel-certification> (accessed June 26, 2018).

⁴ R.C. 3781.06(B) and 3781.061

⁵ R.C. 3781.06(A)(2) by reference to R.C. 4781.26, not in the bill.

⁶ R.C. 3781.03 and 3781.43(A).



department or a certified, private third party to inspect structural steel welding on behalf of the uncertified municipality, township, or county. The designation is effective when it is accepted by the building department or the third party named in the resolution or ordinance. The owner of a structural steel welding project or a contractor, subcontractor, or project manager of the project may request an inspection and obtain an approval from any certified building department or private third party that has been designated by a municipal corporation, township, or county in which the project is located.⁷

The Superintendent may investigate a municipal, township, or county building department, the personnel of those departments, and any private, third party certified under the bill. The Superintendent may revoke or suspend a certification if the investigation and a finding of facts support the suspension or revocation. The Superintendent may launch an investigation on the Superintendent's own motion or on the petition of a person affected by an inspection.⁸

The Board of Building Standards, the body that certifies local building departments to enforce the state building codes under continuing law, does not have jurisdiction over certifications governed by the bill.⁹

Administrative rules

The bill requires the Superintendent to adopt rules, in accordance with the Administrative Procedure Act,¹⁰ to do all of the following:

- (1) Govern the inspection of structural steel welding;
- (2) Require the Division of Industrial Compliance, any building department or personnel of any department, or any private third party, certified to conduct inspections of structural steel welding to determine compliance with the bill's requirements;
- (3) Establish fees for conducting inspections to determine compliance with the bill's requirements;
- (4) Govern the investigation of complaints concerning any contractor, subcontractor, or project manager who fails to comply with the bill's requirements;

⁷ R.C. 3781.43(C).

⁸ R.C. 3781.43(B).

⁹ R.C. 3781.10(E).

¹⁰ R.C. Chapter 119.



(5) Establish the requirements and procedures for the certification of building departments, building department personnel, and private third parties;

(6) Establish fees to be charged to building departments, building department personnel, and private third parties applying for certification and renewal;

(7) Develop a policy regarding the maintenance of records for any inspection authorized or conducted pursuant to the bill.¹¹

Penalty

A person who recklessly fails to comply with the bill or a rule adopted by the Superintendent is subject to one of the following penalties, as applicable:

- If the violation is not detrimental to the health, safety, or welfare of any person, a fine of not more than \$100;
- If the violation is detrimental to the health, safety, or welfare of any person, a minor misdemeanor.¹²

HISTORY

ACTION

DATE

Introduced
Reported, H. Economic Development,
Commerce, & Labor

03-14-17

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¹¹ R.C. 3781.42.

¹² R.C. 3781.44 and R.C. 3781.99, not in the bill.

