

# NOTICE OF PUBLIC HEARING

**NOTE ON ELECTRONIC HEARINGS:** To reduce the spread of the novel coronavirus (the virus that causes COVID-19) and in compliance with the Director's Stay Safe Ohio Order that was issued on April 30, 2020 by Ohio Department of Health Director Dr. Amy Acton, the Ohio Department of Commerce, Division of Industrial Compliance will temporarily conduct public hearings virtually through electronic means. During the hearing, any person affected by the proposed actions who wishes to appear and be heard **must participate electronically**. Information on how an affected person may participate in the hearing is provided below in this Notice.

Notice is hereby given that the Ohio Department of Commerce in accordance with Ohio Revised Code § 119.03 intends to amend six rules governing Elevator Inspection found in Ohio Administrative Code § 1301:3-6-01; 1301:3-6-02; 1301:3-6-03; 1301:3-6-04; 1304:3-6-05; 1304:3-6-06.

The following rules are being amended for the reasons set forth below:

**1301:3-6-01:**

Amendments to the rule include grammatical and stylistic changes, as well as the removal of four regulatory restrictions pursuant to section 121.95 of the Revised Code.

**1301:3-6-02:**

Proposed amendments include: 1) adding malfeasance, misfeasance, and nonfeasance to the list of conduct that may subject a certificate holder to discipline; 2) updating the edition of the reference standard cited in the rule; and 3) making grammatical and stylistic changes.

**1301:3-6-03**

Proposed amendments include updating the edition of the reference standard cited in the rule (ASME A17.1) to the 2016 edition and grammatical and stylistic changes.

**1301:3-6-04**

Proposed amendments include updating the edition of the reference standards cited in the rule (ASME A17.1 and A17.2) to a more current edition and grammatical and stylistic changes.

**1301:3-6-05:**

Proposed amendments include clarifying appeal rights that apply to applicants for and holders of certificates of competency if disciplinary action is taken against the individual, as well as grammatical or stylistic changes.

**1304:3-6-06:**

The only amendment proposed for the rule was a correction of a misspelling.

The proposed rules are available by contacting the Ohio Department of Commerce, Division of Industrial Compliance, Office of Division Counsel, 6606 Tussing Road, Reynoldsburg, OH 43068, by calling (614) 752-7124. The proposed rules are also available at the following website: [www.registerofohio.state.oh.us](http://www.registerofohio.state.oh.us).

**The Department will conduct an electronic public hearing on the proposed rules via Microsoft Teams on May 19, 2021, at 9:00 a.m.**

At the public hearing, any person affected by the proposed actions may appear and be heard in person, by the person's attorney, or both, and may present the person's position, arguments, or contentions, orally or in writing, offer and examine witnesses, and present evidence tending to show that the proposed rules, if adopted or effectuated, will be unreasonable or unlawful. **Any person who wishes to appear and be heard at the hearing and/or to provide written positions, arguments, or contentions or evidence that tends to show that the proposed rules, if adopted, will be unreasonable or unlawful must notify and provide any materials that the person wishes to present at the hearing to the hearing administrator, Dawn Evarson, at least twenty-four (24) business hours prior to the hearing date and time by sending an e-mail to: [Dawn.Evarson@com.state.oh.us](mailto:Dawn.Evarson@com.state.oh.us). Any submission to the hearing administrator must be made electronically as a secured PDF file.** If the required prior notice is provided, the hearing administrator will provide the participant with a hyperlink by which the person may participate in the hearing, as permitted by the hearing officer.

Any person who does not wish to present his or her position, arguments, or contentions during or at the hearing may present them in writing by mailing his or her written comments to the Ohio Department of Commerce, Division of Industrial Compliance, Office of Division Counsel, 6606 Tussing Road, Reynoldsburg, OH 43068. Written comments may also be submitted to the hearing administrator by e-mail to: [Dawn.Evarson@com.state.oh.us](mailto:Dawn.Evarson@com.state.oh.us). **Any written comments submitted by e-mail must be contained in a secured PDF file.** All written comments must be submitted to the Department no later than 5:00 pm. on May 19, 2021. Written comments submitted after this date may be considered as time and circumstances permit.

**The Ohio Department of Commerce is an equal opportunity service provider.**