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OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research
and Drafting

Legislative Budget
Office

S.B. 238
135th General Assembly

Fiscal Note & Local Impact Statement

[Click here for S.B. 238's Bill Analysis](#)

Version: As Introduced

Primary Sponsor: Sen. Schaffer

Local Impact Statement Procedure Required: No

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Highlights

- The bill establishes a new optional certification for specialty residential construction contractors to be issued by the Ohio Construction Industry Licensing Board (OCILB) within the Department of Commerce (COM). It establishes a certification fee that ranges between \$20 and \$100, based on the number of years before the certification expires, up to five years. The fee revenue would be deposited into the Industrial Compliance Operating Fund (Fund 5560).

Detailed Analysis

Specialty residential contractors

The bill establishes a new optional certification for specialty residential construction contractors, issued by the Ohio Construction Industry Licensing Board (OCILB) to a residential heating, ventilating, and air conditioning (HVAC) contractor, as well as residential refrigeration, electrical, plumbing, or hydronics contractor. The bill further establishes the application, renewal, and continuing education requirements related to this certification, the details of which can be found in the [LSC bill analysis](#).

Overall, OCILB will incur additional costs for issuing these specialty certifications and renewals. These costs would be partially offset through certification fees created under the bill. The initial certification lasts for five years and has an initial certification fee of \$100. The fee varies proportionally if the certificate is less than five years but can be no less than \$20. This fee revenue would be deposited into the Industrial Compliance Operating Fund (Fund 5560). Ultimately, the additional costs incurred by OCILB, as well as any offsetting fee revenue, will depend on the number of contractors that choose to obtain this optional certificate. In FY 2023, OCILB issued 4,405 electrical, 3,304 HVAC, 3,014 plumbing, 1,090 hydronics, and 885 refrigeration commercial

licenses. Presumably, those individuals with commercial licensure would not also obtain the optional residential certificates as well.

The bill contains a continuing education requirement for contractors wishing to maintain their certification. The bill requires these continuing education courses be offered by OCILB-approved training providers who are required to pay an annual fee of \$25. In addition to this annual fee, the bill requires training providers to remit \$1 per credit hour for each person attending continuing education courses. Fees collected from these sources would also be paid into the Industrial Compliance Operating Fund (Fund 5560).

Finally, the bill prohibits an individual from knowingly acting as, or claiming to be, a certified residential-only contractor without obtaining the certificate established under the bill. Doing so results in a minor misdemeanor penalty on the first offense, and a fourth degree misdemeanor for each subsequent violation. A minor misdemeanor carries a fine of up to \$150, while a fourth degree misdemeanor carries a penalty of up to 30 days in jail and a fine of up to \$250. Misdemeanor violations carry a \$29 state court cost penalty, \$20 of which is deposited into the Indigent Defense Support Fund (Fund 5DY0) and the remaining \$9 deposited into the Victims of Crime/Reparations Fund (Fund 4020). The bill also permits the Attorney General (AGO) to bring a civil action for appropriate relief, including a temporary restraining order or permanent injunction. Presumably, there would not be a significant number of criminal cases arising from the prohibitions of the bill, nor many such civil actions initiated by the Attorney General.