

Legislation would provide harsher penalties for unlicensed contractors - HB444 introduced 1/23/08.

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Unlicensed construction contractors soon may face tougher penalties if one Ohio lawmaker has his way.

State Rep. Jimmy Stewart, R-Albany, worked closely with the Ohio Department of Commerce to draft the legislation, introduced Jan. 23, to increase the penalties for doing business as a contractor sans state license. The bill, HB 444, is a big step toward his stated goal of eliminating all unlicensed contractor activity.

"I've been hearing complaints about this issue for years regarding unlicensed contractors doing work and getting jobs. To me, it's not fair to the ones that are trying to follow the rules," said Stewart.

Because they don't have to pony up for license fees, classes to keep abreast of building codes, and the required insurance policy for contractors, unlicensed workers can offer lower prices on jobs, said Stewart. However, according to an Athens electrical contractor, the final cost of hiring an unlicensed contractor often are reflected in shoddy workmanship or the contractor not being able to repair unintentional damage.

"Some of those guys out there doing work should be horsewhipped for what they do. It's just terrible work," said Joe Profit, owner of KAL Electric.

The bill alters construction industry licensing laws to set up an enforcement policy giving the Ohio Construction Industry Licensing Board the power to fine unlicensed contractors up to \$1,000 per violation per day.

Though the OCILB currently has the power to investigate claims of unlicensed contracting, the Ohio Revised Code requires that the illegal contractor must be caught in the act. According to an aide to Stewart, catching people in the act has proven quite difficult because many counties often have only one person investigating these types of claims. Because being unlicensed is not a criminal offense, dealing with unlicensed contractor claims is not a priority to prosecuting attorneys, said Stewart.

Rep. Matt Szollosi, D-Oregon, one of the bill's co-sponsors, said the bill gives the OCILB "more teeth" with regard to oversight of the construction industry law. Also, the OCILB will have more authority in prosecuting those found guilty of contracting without a license.

The legislation applies to contractors working in a variety of areas: heating, ventilating and air conditioning contractors, electrical contractors, and plumbing and hydronics contractors.

"The licensing laws are meant to ensure than men and women who are properly trained and

have received safety training in the skill set they are using in the field, are operating in a such a fashion to provide the most safe workplace environment," said Szollosi.

"We spend a lot of money trying to keep up with all the new codes and keeping the licenses, that's not cheap. If you've somebody who is fly by night, a trunk slammer, you just can't compete against that," said Profit. "If they're not going to make everyone be licensed, why have a license? If they're not going to enforce it, they should just do away with it."