



## Department of Commerce

Division of Industrial Compliance  
& Labor

Ted Strickland, Governor  
Kimberly A. Zurz, Director

To: All Building Departments

From: Willie Koester, Chairman,  
Ohio Construction Industry Licensing Board (OCILB)

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Subject: Licensing Information and Frequently Asked Questions

The Ohio Construction Industry Licensing Board (OCILB) licenses commercial contractors in the five specialty trades (Electrical, HVAC, Refrigeration, Plumbing, Hydronics) who perform work on commercial buildings. We receive calls from building departments asking questions about the licensing law and how it applies to the building department registrations. Below, please find some frequently asked questions as well as information OCILB would like to share with you.

- Ohio Revised Code (ORC) section 4740 allows local building departments to require the OCILB license for those who perform work on residential buildings.
- Ohio law provides that if a local building department registers commercial contractors in the five specialty trades, that department **shall** require the OCILB license.
- If a building department revokes a registration by going through the proper legal procedures, OCILB may also take action against that contractor's state license.
- When does a commercial project require a licensed contractor?
  - ORC 4740.01 defines a contractor as one who works on a construction project. A construction project is defined as anything covered under chapter 3781 of the Ohio Building Code. A rule of thumb is if the project requires an approval (permit), then it requires a licensed contractor.

- Is a license required for maintenance people who perform maintenance work at an apartment complex?
  - If the work being performed does not require an approval (permit), then it does not require a licensed contractor.
  
- Do maintenance people working in factories qualify to sit for the OCILB exam?
  - The majority of these applicants are not approved because they do not meet the definition of a “tradesperson”. ORC 4740.01 defines a tradesperson as one who is directed, supervised or otherwise employed by a contractor engaged in construction. Factory type environments are not contractors.
  
- What type of license is required to install hot water tanks?
  - Water tanks do require an approval (permit), and therefore, require a licensed contractor. Some building departments require the plumbing license, others the HVAC License, and some departments will accept either. This is totally up to the local building department.
  
- Can a licensed contractor who assigned his license to a company register under another company name?
  - When a contractor registers with a building department, approvals (permits) can only be obtained for the company assigned to that license. Also, contractors may only assign one company name to a license. If a license is questionable, you can look it up on the OCILB web site at <http://www.com.state.oh.us/dico/OCILB.aspx>
  
- Do all commercial buildings in Ohio need to have a licensed contractor for the five specialty trades?
  - Yes. In legislation passed in 2009, the words “for compensation” were removed from the contractor definition. Owners of buildings, church volunteers, etc. must have a licensed contractor. This legislation also made changes to Ohio law allowing OCILB to either file a complaint with the local prosecutor for unlicensed activity and/or fine the unlicensed contractor through an administrative hearing.
  
- Are independent contractors in the five specialty trades required to be licensed?
  - The Ohio Attorney General’s Office provided a formal opinion stating that contractors paid by a 1099 are classified as independent contractors and are required to be licensed.

- Can OCILB suspend a license due to non payment of child support?
  - Yes. When a license is suspended or revoked for any reason, OCILB always sends a copy of that action to the local building department that has jurisdiction where the contractor resides.

In the future, OCILB intends to notify all building departments when changes are made to the licensing program. If you have any questions regarding registering or licensing, please feel free to contact the OCILB's Executive Secretary, Carol Ross, at 614-644-3495.