

4123:1-1-02 Certificate of operation.

(A) Reserved.

(B) Reserved.

(C) No elevator of an employer may be operated without a currently valid certificate of operation, issued by the Ohio department of commerce, divisions of industrial compliance or similar authorization issued by a municipality having jurisdiction to do so. In the absence of a currently valid certificate or authorization, an injury or death of an employee incurred by reason of an elevator of the employer shall be presumed to be due to the violation of this specific safety requirement. Such presumption may be rebutted if the employer shows that the absence of the certificate or authorization was due to factors beyond the control of the employer for one or more of the following reasons:

- (1) The inspecting authority, with knowledge of the existence of the elevator, had failed to inspect it, which knowledge may be shown by
 - (a) Evidence of express notice having been forwarded to the appropriate authority,
 - (b) Evidence that a certificate or other authorization had been issued in the past for such elevator,
 - (c) Evidence from the files of the appropriate authority or,
 - (d) Other competent evidence demonstrating such knowledge by the appropriate authority;

Provided however, that no such authority shall be found to have had knowledge of the existence of an elevator after the elevator has once been taken out of service, except for maintenance or minor repairs. An elevator operated after having been so taken out of service and before it has been inspected by the appropriate authority shall be a violation of this specific safety requirement and the presumption prescribed above shall apply.

- (2) The inspecting authority had inspected the elevator, approved it and the certificate of operation or other authorization had not been received by the employer.
- (3) The inspecting authority had inspected the elevator and no deficiency noted in the inspection report contributed to the injury or death.

Effective: 3/1/10
Prior Effective Dates: 12/1/79