

As Introduced

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A B I L L

To amend sections 125.11, 153.012, 3704.14, and 1
4115.04 of the Revised Code to make school 2
facilities construction subject to the Prevailing 3
Wage Law and to prohibit a board of education of a 4
school district or the governing board of an 5
educational service center from awarding a contract 6
for construction, repair, or other work on a public 7
improvement that is supported in whole or in part 8
by the state to a contractor that does not have a 9
principal place of business in Ohio. 10

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 125.11, 153.012, 3704.14, and 11
4115.04 of the Revised Code be amended to read as follows: 12

Sec. 125.11. (A) Subject to division (B) of this section, 13
contracts required to be awarded pursuant to competitive sealed 14
bidding, including such contracts awarded under section 125.081 of 15
the Revised Code, shall be awarded to the lowest responsive and 16
responsible bidder on each item in accordance with section 9.312 17

of the Revised Code. When the contract is for meat products as 18
defined in section 918.01 of the Revised Code or poultry products 19
as defined in section 918.21 of the Revised Code, only those bids 20
received from vendors offering products from establishments on the 21
current list of meat and poultry vendors established and 22
maintained by the director of administrative services under 23
section 125.17 of the Revised Code shall be eligible for 24
acceptance. The department of administrative services may accept 25
or reject any or all bids in whole or by items, except that when 26
the contract is for services or supplies available from a 27
qualified nonprofit agency pursuant to sections 4115.31 to 4115.35 28
of the Revised Code, the contract shall be awarded to that agency. 29

(B) Prior to awarding a contract under division (A) of this 30
section, the department of administrative services or the state 31
agency responsible for evaluating a contract for the purchase of 32
goods shall evaluate the bids received according to the criteria 33
and procedures established pursuant to divisions (C)(1) and (2) of 34
section 125.09 of the Revised Code for determining if a product is 35
produced or mined in the United States and if a product is 36
produced or mined in Ohio. The department or other agency shall 37
first remove bids that offer supplies that have not been or that 38
will not be produced or mined in the United States. From among the 39
remaining bids, the department shall select the lowest responsive 40
and responsible bid, in accordance with section 9.312 of the 41
Revised Code, from among the bids that offer goods that have been 42
produced or mined in Ohio where sufficient competition can be 43
generated within Ohio to ensure that compliance with these 44
requirements will not result in an excessive price for the product 45
or acquiring a disproportionately inferior product. If there are 46
two or more qualified bids that offer goods which have been 47
produced or mined in Ohio, it shall be deemed that there is 48
sufficient competition to prevent an excessive price for the 49
product or the acquiring of a disproportionately inferior product. 50

(C) Division (B) of this section applies to contracts for 51
which competitive bidding is waived by the controlling board. 52

(D) Division (B) of this section does not apply to the 53
purchase by the division of liquor control of spirituous liquor. 54

(E) The director of administrative services shall publish in 55
the form of a model act for use by counties, townships, and 56
municipal corporations, or any other political subdivision 57
described in division (B) of section 125.04 of the Revised Code, a 58
system of preferences for products mined and produced in Ohio and 59
in the United States and for Ohio-based contractors. The model act 60
shall reflect substantial equivalence to the system of preferences 61
in purchasing and public improvement contracting procedures under 62
which the state operates pursuant to this chapter and division (A) 63
of section 153.012 of the Revised Code. To the maximum extent 64
possible, consistent with the Ohio system of preferences in 65
purchasing and public improvement contracting procedures, the 66
model act shall incorporate all of the requirements of the federal 67
"Buy America Act," 47 Stat. 1520 (1933), 41 U.S.C. 10a to 10d, as 68
amended, and the rules adopted thereunder. 69

Prior to and during the development and promulgation of the 71
model act, the director shall consult with appropriate statewide 72
organizations representing counties, townships, and municipal 73
corporations so as to identify the special requirements and 74
concerns these political subdivisions have in their purchasing and 75
public improvement contracting procedures. The director shall 76
promulgate the model act by rule adopted pursuant to Chapter 119. 77
of the Revised Code and shall revise the act as necessary to 78
reflect changes in this chapter or section 153.012 of the Revised 79
Code. 80

The director shall make available copies of the model act, 81
supporting information, and technical assistance to any township, 82

county, or municipal corporation wishing to incorporate the
provisions of the act into its purchasing or public improvement
contracting procedure.

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Sec. 153.012. (A) With respect to the award of any contract
for the construction, reconstruction, improvement, enlargement,
alteration, repair, painting, or decoration of a public
improvement, including any highway improvement, made by the state
or in whole or in part supported by the state, except for a
contract for products produced or mined in Ohio or for a contract
financed in whole or in part by contributions or loans from any
agency of the United States government, preference shall be given
to contractors having their ~~principle~~ PRINCIPAL place of business
in Ohio over ~~contractors~~ CONTRACTORS having their ~~principle~~
PRINCIPAL place of business in a state which provides a preference
in that state in favor of contractors of that state for the same
type of work. Where a preference is provided by another state for
contractors of that state, contractors having their ~~principle~~
PRINCIPAL place of business in Ohio are to be granted in Ohio the
same preference over them in the same manner and on the same basis
and to the same extent as the preference is granted in letting
contracts for the same type of work by the other state. If one
party to a joint venture is a contractor having its ~~principle~~
PRINCIPAL place of business in Ohio, the joint venture shall be
considered as having its ~~principle~~ PRINCIPAL place of business in
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(B) Only contractors having their principal place of business
in Ohio, including joint ventures in which one party has a
principal place of business in Ohio, shall be eligible for the
award of a contract by a board of education of a school district
or the governing board of an educational service center for the
construction, reconstruction, improvement, enlargement,
alteration, repair, painting, or decoration of a public

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improvement that is supported in whole or in part by the state.

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Sec. 3704.14. (A) As used in this section:

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(1) "Basic motor vehicle inspection and maintenance program" or "basic program" means a motor vehicle inspection and maintenance program that complies with the requirements governing motor vehicle inspection and maintenance programs under the "Clean Air Act Amendments" and that is not an enhanced motor vehicle inspection and maintenance program.

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(2) "Clean Air Act Amendments" means the "Clean Air Act Amendments of 1990," 91 Stat. 685, 42 U.S.C.A. 7401, as amended, and regulations adopted under it.

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(3) "Contractor" means any person who has entered into a contract under division (D) of this section.

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(4) "District of registration" means the district of registration of a motor vehicle as determined under section 4503.10 of the Revised Code.

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(5) "Enhanced motor vehicle inspection and maintenance program" or "enhanced program" means a motor vehicle inspection and maintenance program that complies with the requirements governing an enhanced motor vehicle inspection and maintenance program under the "Clean Air Act Amendments."

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(6) "Licensee" means any person licensed under division (C) of this section.

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(7) "Metropolitan planning organization" means a metropolitan planning organization designated under section 9(a) of the "Federal-Aid Highway Act of 1962," 76 Stat. 1148, 23 U.S.C.A. 134, as amended.

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(8) "Motor vehicle" and "vehicle" have the same meanings as in section 4501.01 of the Revised Code.

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(9) "Waiver limit" means the cost of repairs needed for a motor vehicle to pass a motor vehicle emissions inspection under this section above which the owner of the motor vehicle need not have the repairs performed on the vehicle and may receive a waiver under division (F) of this section. For a motor vehicle the district of registration of which is in a county classified as moderate nonattainment that is subject to a basic or an enhanced motor vehicle inspection and maintenance program, "waiver limit" means more than one hundred dollars for a vehicle of a 1980 or earlier model year and more than two hundred dollars for a vehicle of a 1981 or later model year. For a motor vehicle the district of registration of which is in a county classified as serious, severe, or extreme nonattainment and that is subject to an enhanced motor vehicle inspection and maintenance program, "waiver limit" means more than four hundred fifty dollars. "Waiver limit" also includes the cumulative amount of the annual adjustments to each of the amounts specified in this division made by the director pursuant to regulations adopted under section 502(b)(3)(B)(v) of the "Clean Air Act Amendments." "Waiver limit" does not include the cost of any repairs performed on a vehicle for the purpose of restoring the vehicle in accordance with the findings of the visual anti-tampering portion of a motor vehicle emissions inspection conducted under this section.

(B) The director of environmental protection shall implement and supervise a motor vehicle inspection and maintenance program in any county classified as moderate, serious, severe, or extreme nonattainment for carbon monoxide or ozone in accordance with the "Clean Air Act Amendments." The director shall implement and supervise a basic or an enhanced motor vehicle inspection and maintenance program in a county that is within an area classified as nonattainment for carbon monoxide or ozone when such a program is included in the air quality maintenance plan or contingency

plan for the nonattainment area that includes the county and that 176
is submitted to the United States environmental protection agency 177
by the director as required under section 175A of the "Clean Air 178
Act Amendments" as part of a request for redesignation of the 179
nonattainment area as attainment for carbon monoxide or ozone 180
under section 107(d) of that act, and the director determines that 181
the conditions requiring implementation of such a program and set 182
forth in either such plan have been met. The director shall 183
implement and supervise the enhanced program in any county as 184
required under section 3704.142 of the Revised Code. The director 185
may terminate the program in any county that is subject to this 186
section in accordance with division (K)(2) of this section. The 187
director shall adopt, and may amend or rescind, rules to 188
facilitate the implementation, supervision, administration, 189
operation, and enforcement of the program, including, without 190
limitation, rules providing for all of the following: 191

(1) The form of all inspection certificates, distribution of 192
inspection certificates to reinspection stations licensed under 193
division (C) of this section, and form and distribution of any 194
other papers or documents necessary or convenient to the program. 195
The rules shall include, without limitation, the requirement that 196
all inspection certificates bear a statement that reads: "This 197
automobile inspection is the result of requirements under the 198
Clean Air Act Amendments enacted by the United States Congress. 199
Any questions or comments you may have about this program may be 200
directed to your United States senator in care of the United 201
States Senate, The Capitol, Washington, D.C. 20510 or to your 202
United States representative in care of ~~The~~ the United States 203
House of Representatives, The Capitol, Washington, D.C. 20515." 204

(2) The replacement of lost or stolen certificates, papers, 205
or documents; 206

(3) Inspection procedures and standards to be used in motor 207

vehicle emissions inspections conducted under this section, 208
including, without limitation, a requirement that the inspections 209
test for carbon monoxide and hydrocarbons at idle or loaded mode 210
conditions; a requirement that the inspections test opacity for 211
particulates for diesel fueled vehicles; standards establishing 212
maximum allowable emissions of those pollutants, for both gasoline 213
fueled and diesel fueled vehicles, for each model year of motor 214
vehicles inspected; a requirement that beginning with the 1994 215
model year, the inspections utilize the on-board diagnostic 216
computer links mandated by the "Clean Air Act Amendments"; 217
requirements governing the computerized exhaust analyzer system to 218
be used by any contractor conducting inspections and any licensees 219
conducting reinspections; tampering parameter inspection 220
procedures and standards to be used in the visual anti-tampering 221
portion of an inspection conducted under this section; 222
requirements governing the engine tune-up that shall be performed 223
on any motor vehicle that fails an inspection conducted under this 224
section, including, without limitation, requirements that specific 225
items be checked and repaired, replaced, or adjusted as necessary 226
to restore the motor vehicle to proper working order or 227
specifications; tailpipe emissions improvement requirements 228
specified by percentage; a waiver repair verification system; and 229
any other necessary waiver procedures for motor vehicles that fail 230
an inspection under this section; 231

(4) A system for the maintenance and reporting of inspection 232
and reinspection station data and records; 233

(5) The manner of identifying exempt vehicles; 234

(6) Inspection, and supervision thereof, of fleets and 235
governmental vehicles under divisions (G) and (H) of this section; 236

(7) Establishment of specifications for an identification 237
sign that reinspection stations licensed under division (C) of 238
this section shall display in a conspicuous manner; 239

(8) The issuance of motor vehicle inspection certificates 240
only to reinspection stations licensed under division (C) of this 241
section that continue to comply with this section; 242

(9) The surveillance of reinspection stations licensed under 243
division (C) of this section and of inspection stations operated 244
by any contractor hired to conduct inspections under this section 245
to ensure that quality testing and this section and rules adopted 246
under it are being adhered to throughout the inspection and 247
reinspection process; 248

(10) The information to be included in applications for 249
licenses filed under division (C) of this section and the 250
procedure for filing those applications; 251

(11) The establishment of a referee inspection system by the 252
director to resolve disagreements between owners of motor vehicles 253
and inspection and reinspection stations regarding inspection and 254
reinspection results, including, without limitation, procedures 255
for the collection of an inspection fee that a referee inspection 256
station may charge for any motor vehicle inspection conducted by 257
it. The fee shall not exceed the amount of the inspection or 258
reinspection fee paid by the owner of the motor vehicle 259
established under division (D)(7) of this section for the original 260
inspection or a reinspection of the motor vehicle under this 261
section. 262

(12) The locations of computerized, high-volume, 263
contractor-operated motor vehicle inspection stations conducting 264
inspections for the purposes of this section. The rules shall 265
require both of the following: 266

(a) In urban metropolitan statistical areas and consolidated 267
metropolitan statistical areas, as defined by the bureau of the 268
census in the United States department of commerce, eighty per 269
cent of the population that is subject to this section be no more 270

than five miles from an inspection station and one hundred per 271
cent of that population be no more than ten miles from an 272
inspection station; 273

(b) In rural areas, as defined by the bureau of the census in 274
the United States department of commerce, one hundred per cent of 275
the population that is subject to this section be no more than 276
fifteen miles from an inspection station. 277

(13) A requirement that contractor-operated inspection 278
stations conducting inspections under this section be in operation 279
for at least forty-five hours per week, which shall include, 280
without limitation, operating hours in the evening and on 281
Saturdays; 282

(14) A requirement that any contractor hired to conduct 283
inspections under this section not allow vehicle waiting time to 284
exceed an average of fifteen minutes and the establishment of 285
minimum performance penalties for failure to comply with that 286
requirement; 287

(15) An adequate queuing area, as determined by the director, 288
at each contractor-operated inspection station conducting 289
inspections under this section. The rules adopted under division 290
(B)(15) of this section shall not arbitrarily discriminate against 291
any person who can reasonably be expected to submit a proposal 292
under this section for any contract provided for in division (D) 293
of this section. 294

(16) Conditions for the suspension and revocation of licenses 295
and inspector certifications issued under this section; 296

(17) The commencement date of the basic motor vehicle 297
inspection and maintenance program established under this section 298
shall be July 1, 1994, in all affected counties classified as 299
moderate nonattainment for carbon monoxide or ozone under the 300
"Clean Air Act Amendments" on ~~the effective date of this amendment~~ 301

September 27, 1993, other than Cuyahoga county. The commencement 302
date of the enhanced program in a county so classified as moderate 303
nonattainment for carbon monoxide or ozone on ~~the effective date~~ 304
~~of this amendment~~ September 27, 1993, for which the implementation 305
and supervision of the enhanced program was requested under 306
section 3704.142 of the Revised Code shall be January 1, 1995. The 307
commencement date of the program in any other affected counties, 308
other than Cuyahoga county, shall be the date established by the 309
director. 310

(18) A requirement that reinspections under the enhanced 311
motor vehicle inspection and maintenance program be conducted only 312
by a contractor hired to conduct inspections under this section; 313

(19) A requirement that each inspection station operated by a 314
contractor, each licensed reinspection station, and each referee 315
inspection station, prominently display in a location that is 316
readily visible to persons whose motor vehicles are being tested 317
pursuant to this section a sign that contains the same language 318
that is required to be printed on inspection certificates under 319
division (B)(1) of this section. 320

(C)(1) The director of environmental protection shall issue 321
licenses for reinspection stations for the purposes of the basic 322
motor vehicle inspection and maintenance program established under 323
this section for two-year periods, except that for the initial 324
license period for any station, the director may issue the license 325
for a period not to exceed five years. The director may include 326
terms and conditions as part of any license issued to ensure 327
compliance with this section and rules adopted under it. 328

The director may issue a license for each reinspection 329
station for which an application is filed that complies with this 330
section and rules adopted under it. Each application shall include 331
both of the following: 332

(a) A nonrefundable fee of one hundred dollars for each 333

initial license or a nonrefundable fee of fifty dollars for 334
renewal of any license; 335

(b) A demonstration that the reinspection station will comply 336
with this section and the director's rules adopted under it. 337
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(2) Each licensee shall conduct reinspections as required by 339
the director's rules. The licensee shall provide an inspection 340
certificate for vehicles that pass a reinspection under this 341
section. 342

(3) A licensee shall charge the fee under the basic program 343
that is established under division (D)(7) of this section for any 344
reinspection performed by the licensee under this section. 345

(4) A licensee may charge each person for services. However, 346
fees for reinspection shall be separately stated from any other 347
charge to the person. 348

(5) No licensee shall require as a condition of performing a 349
reinspection that any needed repairs or adjustments to a vehicle 350
be done by the licensee. 351

(6) A licensee shall maintain and make available for 352
inspection by the director or the director's authorized 353
representative accurate records as required by rules adopted under 354
this section. 355

(7) The director shall credit the moneys the director 356
receives under division (C) of this section to the motor vehicle 357
inspection and maintenance fund created in division (I) of this 358
section. 359

(D)(1) The initial motor vehicle inspections conducted under 360
the basic motor vehicle inspection and maintenance program, and 361
all inspections and reinspections conducted under the enhanced 362
program, required under this section shall be conducted by one or 363

more private contractors. The director of administrative services shall issue and award contracts pursuant to a request for proposal process. In doing so, the director shall consider factors in the interest of consumers, including at least consumer price, service quality, service delivery time, and convenience. The director shall use the director's best efforts to secure as many proposals as possible for each contract to be entered into under division (D) of this section, which shall include the division of the state into independent zones for the purpose of submission of the proposals and awarding of the contracts. Each such zone shall consist of a consolidated metropolitan statistical area or, if such an area does not exist, of a metropolitan statistical area, as defined by the bureau of the census of in the United States department of commerce.

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Contracts awarded under division (D) of this section are subject to division (A) of section 153.012 of the Revised Code. For the purpose of that section, the operation of the motor vehicle inspection and maintenance program is hereby deemed to be a public improvement.

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The director shall not enter into a contract for the purposes of this section with any person holding a current, valid contract to act as a deputy registrar under section 4503.03 of the Revised Code.

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A contractor shall be paid from moneys generated by the applicable inspection fee established by the director of environmental protection under division (D)(7) of this section. No general revenue funds shall be used to pay any contractor. A contractor shall assume, or in accordance with a lease required under division (E) of this section shall provide for the assumption of, all initial capital investment costs of the motor vehicle inspection and maintenance program established under this section with regard to the initial inspections and reinspections

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required to be conducted by a contractor under this section and 396
shall amortize, or in accordance with such a lease shall provide 397
for the amortization of, those costs over the period of the 398
initial contract. 399

(2) The director of administrative services shall require 400
each potential contractor to include as a part of the potential 401
contractor's proposal detailed information concerning, without 402
limitation, all of the following: 403

(a) The financial condition of the potential contractor; 404

(b) Any specialized experience and technical competence of 405
the potential contractor in connection with the type of services 406
required for the program; 407

(c) The potential contractor's past record of performance 408
with other government agencies or public entities and with private 409
industry, including, without limitation, such matters as the 410
ability to meet schedules and the names of persons who will serve 411
as references concerning the quality of the potential contractor's 412
work; 413

(d) The capacity of the potential contractor to perform the 414
work within the specified time limitations; 415

(e) The potential contractor's proposed method and equipment 416
to accomplish the work required; 417

(f) The person from whom the potential contractor proposes to 418
lease real property, including land, buildings, and other 419
structures, necessary for the operation of the program as required 420
in division (E) of this section, including information concerning 421
at least all of the following: 422

(i) Any specialized experience and technical competence of 423
the person; 424

(ii) The person's past record of performance with other 425

government agencies or public entities and with private industry, 426
including the ability to meet schedules; 427

(iii) Names of individuals who will serve as references 428
concerning the quality of the person's work; 429

(iv) The capacity of the person to perform the work within 430
the specified time limitations. 431

(g) The potential contractor's proposed schedule for leasing 432
of inspection sites, equipping of facilities, training of 433
personnel, and implementation of a public education program. 434

Each potential contractor shall include with the potential 435
contractor's proposal a signed statement from the person 436
identified under division (D)(2)(f) of this section indicating 437
that the person understands the applicable requirements 438
established under this section and rules adopted under it and 439
intends to comply with those requirements. 440

(3) The director of administrative services shall require a 441
performance bond of not less than one million dollars. Each 442
proposal shall be accompanied by a letter of commitment from a 443
bonding company stating that if the proposal is accepted, the 444
bonding company will issue such a bond. 445

(4)(a) The director of administrative services shall review 446
all information submitted with proposals under division (D)(2) of 447
this section for compliance with proposal specifications. The 448
director may require any potential contractor to supplement the 449
potential contractor's proposal with oral commentary for 450
clarification of the proposal document and to determine the 451
qualifications of the potential contractor. Any clarification of 452
information included in the proposal also shall be in writing. The 453
director shall reject the proposal of any potential contractor 454
whom the director determines to be unqualified. 455

(b) Although the director may require clarification of 456

information submitted with a proposal in accordance with division
(D)(4)(a) of this section, the director shall not change the
proposal specifications for a contract following the issuance of
the request for proposals for that contract.

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(5)(a) The director of administrative services shall award an
initial contract for a period of operation of not more than ten
years. Except as otherwise provided in division (D)(5)(b) of this
section, a contract may be renewed for periods of not more than
five years each, by mutual agreement of the director and the
contractor. Any contract awarded under division (D)(5)(a) of this
section is subject to the approval of the controlling board.

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(b) If the implementation and supervision of the enhanced
motor vehicle inspection and maintenance program in Cuyahoga
county is requested under section 3704.142 of the Revised Code and
the initial contract for the operation of the motor vehicle
inspection and maintenance program in that county is modified to
provide for the operation of the enhanced program in that county,
the initial contract for the operation of the motor vehicle
inspection and maintenance program in that county that is in
effect on ~~the effective date of this amendment~~ September 27, 1993,
as so modified, may be renewed for a period of not more than ten
years so that the first renewal of that contract will expire on
the same date as the initial contract for the operation of the
enhanced program in the other counties in the same nonattainment
area as Cuyahoga county. That first renewal shall be made by
mutual agreement of the director and the contractor and is subject
to the approval of the controlling board. Any subsequent renewals
of the contract for the operation of the program in Cuyahoga
county are subject to division (D)(5)(a) of this section.

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(6) A contract entered into under division (D) of this
section shall include, without limitation, all of the following
provisions:

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(a) A requirement that the contractor enter into a lease with 489
the person identified in the contractor's proposal under division 490
(D)(2)(f) of this section for real property, including land, 491
buildings, and other structures, necessary for the operation of 492
the program as required in division (E) of this section; 493

(b) A requirement that the contractor provide any equipment, 494
parts, tools, services, personnel, supplies, materials, and 495
program software and software updates, and design and implement a 496
comprehensive public information program, necessary to conduct 497
motor vehicle inspections and reinspections required to be 498
conducted by a contractor under this section and data 499
communication links for reinspection stations licensed under 500
division (C) of this section; 501

(c) A provision allowing reasonable compensation, as 502
determined by the director of environmental protection, as 503
liquidated damages to the contractor if the motor vehicle 504
inspection and maintenance program established under this section 505
is terminated by law or its operation is discontinued during the 506
term of a contract or renewal, including, without limitation, 507
reasonable compensation for the unamortized costs of the 508
buildings, improvements, equipment, parts, tools, services, 509
supplies, and materials used by the contractor in the operation of 510
the program and the value of the remaining term of the contract to 511
the contractor. If a dispute arises as to the amount of the 512
compensation to be paid, it shall be submitted to and determined 513
by the court of claims under Chapter 2743. of the Revised Code. 514
The contractor shall remit any compensation so received for the 515
unamortized costs of the buildings and improvements to the person 516
with whom the contractor has entered into a lease in accordance 517
with division (E) of this section. 518

(d) A provision specifying that the forms for inspection 519
certificates are to be furnished by the contractor to the director 520

of environmental protection and that they shall conform to the 521
standards established by the director of environmental protection 522
in rules adopted under division (B)(1) of this section. The 523
director of environmental protection shall distribute the 524
inspection certificates to reinspection stations licensed under 525
division (C) of this section as needed. 526

(e) A provision allowing the director to require the 527
contractor to upgrade testing equipment in response to 528
improvements in technology and to negotiate reasonable 529
compensation for that upgrading. 530

(7) The director of environmental protection shall establish 531
inspection and reinspection fees to be paid by owners of motor 532
vehicles inspected under this section, provided that an owner 533
shall pay the inspection fee for the initial, annual, or biennial 534
inspection, as appropriate, only if the owner's vehicle passes 535
that inspection. The fees shall be sufficient to provide the 536
contractor's compensation identified in any contract entered into 537
under division (D) of this section plus the costs of the 538
environmental protection agency in implementing and administering 539
the motor vehicle inspection and maintenance program established 540
in this section. The inspection and reinspection fees shall not 541
differ in amount and shall not exceed ten dollars and fifty cents 542
under the basic motor vehicle inspection and maintenance program 543
or twenty-five dollars under the enhanced program. The director, 544
during the term of a contract or renewal, may increase the 545
inspection and reinspection fees if the director determines that 546
it is necessary to cover costs of the program, including increased 547
costs resulting from any upgrading of testing equipment pursuant 548
to division (D)(6)(e) of this section, or to prevent a possible 549
breach of contract, but shall not increase the fees above ten 550
dollars and fifty cents under the basic program or twenty-five 551
dollars under the enhanced program. 552

- (8) The contractor shall do both of the following: 553
- (a) Collect the fees established under division (D)(7) of 554
this section and forward to the director of environmental 555
protection the portion due the environmental protection agency; 556
- (b) Maintain and make available for inspection by the 557
director of environmental protection, the auditor of state, or 558
their authorized representatives accurate records concerning the 559
collection of the fees. For the purposes of division (D)(8)(b) of 560
this section, record-keeping and accounting practices shall be 561
approved by the director. Failure to maintain or falsification of 562
fee collection records is grounds for breach of contract. 563
- (9) The director of environmental protection shall credit the 564
moneys the director receives under division (D)(8)(a) of this 565
section to the motor vehicle inspection and maintenance fund 566
created in division (I) of this section. 567
- (10) A contractor shall maintain and make available for 568
inspection by the director of environmental protection or the 569
director's authorized representative accurate records as required 570
by rules adopted under this section. 571
- (11) If a contractor fails to perform an obligation imposed 572
by the contract entered into under division (D) of this section, 573
the director of environmental protection shall request the 574
attorney general to bring a civil action to recover the amount of 575
the bond executed under division (D)(3) of this section as well as 576
other appropriate relief. The director shall deposit any moneys 577
recovered in such a civil action in the motor vehicle inspection 578
and maintenance fund created in division (I) of this section. 579
- (12) The director of environmental protection shall compile 580
and periodically revise lists of reinspection stations licensed 581
under division (C) of this section and located within individual 582
areas that are subject to the basic motor vehicle inspection and 583

maintenance program under this section. Each such list also shall
contain the locations of inspection stations operated by a
contractor within the applicable area. A contractor shall provide
the appropriate list to any owner whose motor vehicle fails the
initial inspection required under this section.

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(13) The director of environmental protection shall compile
and periodically revise lists of inspection stations operated by a
contractor located within individual areas subject to the enhanced
motor vehicle inspection and maintenance program under this
section. A contractor shall provide the appropriate list to any
owner whose motor vehicle fails the initial inspection required
under this section.

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(14) No owners, officers, or employees of a contractor
submitting a proposal or awarded a contract under division (D) of
this section shall have a principal interest in the person
identified by the contractor under division (D)(2)(f) of this
section or in any reinspection station licensed under division (C)
of this section.

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(15) The department of administrative services may issue to
the environmental protection agency a release and permit under
section 125.06 of the Revised Code pursuant to which that agency
may issue and award a contract or contracts under division (D) of
this section. If a release and permit is issued, any reference to
the director of administrative services under divisions (D) and
(E) of this section is deemed to be a reference to the director of
environmental protection.

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(E)(1) Notwithstanding section 3704.01 of the Revised Code,
as used in division (E) of this section, "person" has the same
meaning as in section 1.59 of the Revised Code.

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(2) In order to fulfill the requirements of this section and
to comply with the "Clean Air Act Amendments," any contractor that

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is awarded one or more contracts under division (D) of this 615
section shall enter into one or more assignable and renewable 616
leases with another person for the rental and use of real 617
property, including land, buildings, and other structures. 618

(3) The director of administrative services shall require a 619
contractor to make assignments of all leases under which the 620
contractor is lessee for real property to another contractor 621
awarded a contract under division (D) of this section. The 622
director shall require any contractor that is awarded a subsequent 623
contract under that division to renew the lease into which the 624
contractor entered under division (E)(2) of this section, or, if a 625
different contractor is awarded such a subsequent contract, the 626
director shall require that contractor to enter into a lease with 627
the person who was the lessor of the previous contractor. 628

(F)(1)(a) Except as otherwise provided in this section and 629
rules adopted under it, the owner of any self-propelled motor 630
vehicle the district of registration of which is or is located in 631
a county that is subject to this section shall have the vehicle 632
inspected annually, within three hundred sixty-five days prior to 633
the registration deadline established pursuant to rules adopted 634
under section 4503.101 of the Revised Code, by a contractor in 635
accordance with rules adopted under division (B)(3) of this 636
section if that county is subject to the basic motor vehicle 637
inspection and maintenance program pursuant to rules adopted under 638
that division or shall have the vehicle so inspected biennially 639
within three hundred sixty-five days prior to the registration 640
deadline so established if that county is subject to the enhanced 641
program pursuant to those rules. If the district of registration 642
of the motor vehicle is or is located in a county that is subject 643
to the enhanced program pursuant to rules adopted under division 644
(B)(3) of this section, the owner of the motor vehicle shall have 645
it inspected and, if necessary, reinspected only in a county that 646

is subject to the enhanced program under those rules. Any motor
vehicle that fails the inspection shall be reinspected in
accordance with rules adopted under that division. If the owner's
vehicle passes the inspection or any reinspection, the owner, at
the time of the inspection or reinspection, shall pay the
applicable fee established under division (D)(7) of this section.
An owner of a motor vehicle the district of registration of which
is or is located in a county that is subject to the basic program
under this section and for which a multi-year registration is in
effect under section 4503.103 of the Revised Code or rules adopted
under it, in each of the years intervening between the year of the
issuance of that registration and its expiration, shall have the
vehicle inspected annually within the three hundred sixty-five
days prior to the anniversary of the registration deadline
applicable in the year in which the multi-year registration was
issued. An owner of a motor vehicle the district of registration
of which is or is located in a county that is subject to the
enhanced program under this section for which a multi-year
registration is in effect under section 4503.103 of the Revised
Code or rules adopted under it, biennially during the years
intervening between the year of issuance of that registration and
its expiration, shall have the vehicle inspected within three
hundred sixty-five days prior to each of the biennial
anniversaries of the registration deadline applicable in the year
in which the multi-year registration was issued. An owner who
registers a motor vehicle after the registration deadline for the
vehicle has passed in a year in which the vehicle is required to
be inspected under division (F)(1)(a) of this section may have the
vehicle inspected at any time between the registration deadline
and the actual registration date.

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Division (F)(1) of this section does not require the
inspection of a motor vehicle upon transfer of ownership or

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possession.

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Except as otherwise provided in division (F)(3) or (4) of this section, proof that an inspection certificate was issued for a motor vehicle during the previous twelve months shall be provided before the registrar of motor vehicles may issue license plates for that vehicle under section 4503.40 or 4503.42 of the Revised Code.

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The owner of any motor vehicle that is required to be inspected under this section, but that is leased to another person may require the lessee to have the vehicle inspected and obtain the inspection certificate on behalf of the owner.

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(b) If a vehicle required to be inspected passes the inspection, the contractor shall give the owner an inspection certificate for the vehicle.

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(c) The contractor shall include as part of the inspection required under this section a visual anti-tampering inspection that meets the requirements established by rules adopted under division (B)(3) of this section. If the visual anti-tampering inspection indicates that any emission control device has been removed, modified, or impaired, the owner shall have performed on the vehicle whatever repairs are necessary to pass the visual anti-tampering inspection and to restore the vehicle to its proper condition, including, without limitation, the restoration of any emission control device that was removed, modified, or impaired. If the district of registration of the vehicle is or is located in a county that is subject to the basic motor vehicle inspection and maintenance program under this section, the owner then shall take the vehicle to a contractor or a licensee. If the district of registration of the vehicle is or is located in a county that is subject to the enhanced program under this section, the owner then shall take the vehicle to a contractor. If the contractor or licensee determines that the vehicle has been restored to its

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proper condition and the vehicle then passes the tailpipe 711
emissions inspection required under this section, the contractor 712
or licensee shall give the owner an inspection certificate for the 713
vehicle. 714

(d) Except as otherwise provided in division (F)(1)(f) of 715
this section, if a vehicle required to be inspected under this 716
section fails the inspection, and the contractor's visual 717
anti-tampering inspection conducted under division (F)(1)(c) of 718
this section does not reveal any removal, modification, or 719
impairment of an emission control device or, if the original 720
visual anti-tampering inspection revealed such a removal, 721
modification, or impairment, the vehicle again fails the tailpipe 722
emissions inspection after the owner has performed all necessary 723
repairs to restore the vehicle to its proper condition, the owner 724
shall have the cost of repairs necessary to pass the tailpipe 725
emissions inspection estimated by a repair facility, which cost 726
shall include the cost of an engine tune-up. If the cost of the 727
repairs that are necessary for the vehicle to pass the tailpipe 728
emissions inspection do not exceed the waiver limit for that 729
vehicle, the owner shall have the repairs performed on the 730
vehicle. The owner then shall have the vehicle reinspected by a 731
contractor or licensee. 732

If the vehicle passes the reinspection, the contractor or 733
licensee shall give the owner an inspection certificate for the 734
vehicle. If the vehicle fails the reinspection, and the cost of 735
the repairs already performed on the vehicle is less than the 736
applicable waiver limit, the owner shall have additional repairs 737
performed on the vehicle in order to enable it to pass another 738
reinspection. If, after repairs costing at least the applicable 739
waiver limit have been performed on the vehicle under division 740
(F)(1)(d) of this section, the vehicle fails the reinspection, but 741
the reinspection indicates an improvement in tailpipe emissions of 742

the pollutant concerning which the vehicle initially failed the inspection as specified in rules adopted under division (B)(3) of this section and if, following the repairs, no emission levels increase above the standard established by rules adopted under that division for any pollutant concerning which the vehicle did not initially fail, the contractor shall give the owner an inspection certificate for the vehicle that includes a waiver indicating that the vehicle did not pass the required inspection, but that the owner had repairs costing at least the applicable waiver limit performed on the vehicle.

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For the purposes of divisions (F)(1)(d) to (f) of this section, only a contractor may do either of the following:

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(i) Issue inspection certificates that include waivers;

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(ii) Notwithstanding any provision of those divisions, conduct reinspections of vehicles the district of registration of which is or is located in a county that is subject to the enhanced program under this section.

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(e) Except as otherwise provided in division (F)(1)(f) of this section, if the cost of the repairs that are necessary for the vehicle to pass the tailpipe emissions inspection is estimated to be more than the applicable waiver limit, the owner need not have all of those repairs performed on the vehicle, but shall have an engine tune-up performed on the vehicle that meets the standards established by rules adopted under division (B)(3) of this section as well as any other necessary repairs the cost of which, together with the cost of the engine tune-up, equals at least the applicable waiver limit. Upon the owner's presentation of original repair receipts attesting that repairs costing at least the applicable waiver limit, including, without limitation, the engine tune-up required under division (F)(1)(e) of this section, have been performed on the vehicle, the contractor or licensee shall reinspect the vehicle to determine the

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effectiveness of the required engine tune-up. If the reinspection 775
indicates an improvement in tailpipe emissions of the pollutant 776
concerning which the vehicle initially failed the inspection as 777
specified in rules adopted under division (B)(3) of this section 778
and if, following the engine tune-up, no emission levels increase 779
above the standard established by rules adopted under that 780
division for any pollutant concerning which the vehicle did not 781
initially fail, the contractor shall give the owner an inspection 782
certificate for the vehicle that includes a waiver indicating that 783
the vehicle did not pass the required inspection, but that the 784
owner complied with all requirements governing waivers. 785

(f) If a vehicle required to be inspected under this section 786
fails the inspection, and the contractor's visual anti-tampering 787
inspection conducted under division (F)(1)(c) of this section does 788
not reveal any removal, modification, or impairment of an emission 789
control device or, if the original visual anti-tampering 790
inspection revealed such a removal, modification, or impairment, 791
the vehicle again fails the tailpipe emissions inspection after 792
the owner has performed all necessary repairs to restore the 793
vehicle to its proper condition, the owner may perform the repairs 794
necessary for the vehicle to pass the tailpipe emissions 795
inspection. The owner shall keep a detailed record of the costs 796
incurred in performing those repairs. After performing repairs on 797
the vehicle costing not more than the applicable waiver limit, the 798
owner shall have the vehicle reinspected by the contractor or a 799
licensee. 800

If the vehicle passes the reinspection, the contractor or 801
licensee shall give the owner an inspection certificate for the 802
vehicle. If the vehicle fails the reinspection and the documented 803
cost of the repairs performed by the owner is less than the 804
applicable waiver limit, the owner shall have the cost of repairs 805
necessary to pass the tailpipe emissions inspection estimated by a 806

repair facility. The estimate shall include, without limitation, the cost of an engine tune-up that meets the standards established by rules adopted under division (B)(3) of this section. If the cost of the engine tune-up, together with the documented cost of the repairs performed by the owner, does not exceed the applicable waiver limit, the owner shall have the engine tune-up performed on the vehicle as well as any other necessary repairs the cost of which, together with that documented cost and the cost of the engine tune-up, equals at least the applicable waiver limit.

If the documented cost of repairs performed by the owner and the estimated cost of an engine tune-up that meets the standards established in rules adopted under division (B)(3) of this section exceed the applicable waiver limit, the owner shall have additional repairs performed on the vehicle by a repair facility in order to enable it to pass another reinspection or until a minimum expenditure equal to the applicable waiver limit is met, whichever occurs first.

If, after repairs costing at least the applicable waiver limit have been performed on the vehicle under division (F)(1)(f) of this section, the vehicle fails the tailpipe reinspection, but the reinspection indicates an improvement in the tailpipe emissions of the pollutant concerning which the vehicle initially failed the inspection as specified in rules adopted under division (B)(3) of this section and if, following the repairs, no emission levels increase above the standard established by rules adopted under that division for any pollutant concerning which the vehicle did not initially fail, the contractor shall give the owner an inspection certificate for the vehicle that includes a waiver indicating that the vehicle did not pass the required inspection, but that the owner performed or had performed on the vehicle repairs costing at least the applicable waiver limit.

(g) If a motor vehicle that is required to be inspected under

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this section is covered by a valid and unexpired emission 839
performance warranty as provided under section 207(b) of the 840
"Clean Air Act Amendments," the owner shall have any repairs 841
necessary for the vehicle to pass that inspection performed on the 842
vehicle under that warranty. Such a vehicle is not eligible for a 843
waiver under division (F)(1)(d), (e), or (f) of this section. 844

(2) An owner or lessee of a motor vehicle required to be 845
inspected under this section and applicable rules adopted under it 846
shall present an inspection certificate issued for that vehicle by 847
a contractor or a licensee under this section when registering the 848
vehicle under Chapter 4503. of the Revised Code. 849

(3) The following motor vehicles are exempt from the 850
inspection requirements of this section and applicable rules 851
adopted under it: 852

(a) Vehicles over twenty-five years old, as determined by 853
model year, on the date on which proof of an annual inspection 854
otherwise would be required to be submitted with an application 855
for registration of the vehicles under this section and Chapter 856
4503. of the Revised Code; 857

(b) Vehicles registered to military personnel assigned to 858
military reservations outside this state, the district of 859
registration of which is or is located in any county that is 860
subject to this section; 861

(c) Passenger cars and noncommercial motor vehicles, as 862
defined in section 4501.01 of the Revised Code, that weigh over 863
ten thousand pounds gross vehicle weight; 864

(d) Commercial cars, as defined in section 4501.01 of the 865
Revised Code, having a taxable gross vehicle weight of more than 866
ten thousand pounds as provided in section 4503.042 of the Revised 867
Code; 868

(e) Historical vehicles registered under section 4503.181 of 869

the Revised Code;	870
(f) Licensed collector's vehicles as defined in section 4501.01 of the Revised Code;	871 872
(g) Parade and exhibition vehicles registered under section 4503.18 of the Revised Code;	873 874
(h) Motorcycles as defined in section 4511.01 of the Revised Code;	875 876
(i) Electrically powered and alternatively fueled vehicles, including at least those that are equipped to operate using primarily one hundred per cent propane, butane, hydrogen, alcohol, or natural gas as fuel;	877 878 879 880
(j) Recreational vehicles as defined in section 4501.01 of the Revised Code.	881 882
(4) A motor vehicle, the legal title to which has never been transferred by a manufacturer, distributor, or dealer to an ultimate purchaser as defined in section 4517.01 of the Revised Code, is exempt from the inspection requirements of this section and rules adopted under it for a period of one year commencing on the date when the first certificate of title to the vehicle was issued on behalf of the ultimate purchaser under Chapter 4503. of the Revised Code if the district of registration of the vehicle is or is located in a county that is subject to the basic motor vehicle inspection and maintenance program under this section and rules adopted under it or is exempt from those inspection requirements for a period of two years commencing on the date when the first certificate of title to the vehicle was issued on behalf of the ultimate purchaser under that chapter if the district of registration of the vehicle is or is located in a county that is subject to the enhanced program under this section and rules adopted under it.	883 884 885 886 887 888 889 890 891 892 893 894 895 896 897 898 899
(5) The director shall notify, by mail, the owners of all	900

motor vehicles, the district of registration of which is or is 901
located in any county that is subject to this section, of the 902
applicable requirements established under this section. 903

(G) The owner of a fleet of twenty-five or more vehicles 904
required to be inspected under this section, instead of having the 905
owner's motor vehicles inspected by a contractor or reinspected by 906
a contractor or a licensee, may conduct self-inspection of those 907
vehicles in accordance with rules adopted by the director of 908
environmental protection under this section. The rules shall 909
establish, without limitation, requirements governing inspections 910
and reinspections conducted by any such owner, any inspection 911
stations owned and operated by any such owner for that purpose, 912
and inspection equipment used for that purpose; an annual 913
reporting requirement to assist the director in determining 914
compliance with this division; and the method of and procedures 915
for payment of a fee that shall not exceed three dollars for each 916
vehicle that is included in the self-inspection program. 917

(H) The federal government, the state, any political 918
subdivision, and any agency or instrumentality of those entities, 919
in accordance with rules adopted by the director of environmental 920
protection under this section, shall have inspected by a 921
contractor or reinspected by a contractor or a licensee or shall 922
self-inspect any motor vehicles that they own and operate in any 923
county that is subject to this section. The director shall adopt 924
rules under this section for the purposes of this division. The 925
rules shall establish, without limitation, an annual reporting 926
requirement to assist the director in determining compliance with 927
this division. The director may issue a notice of violation to a 928
governmental entity that the director finds has violated any 929
specific prohibition or has failed to comply with any affirmative 930
requirement of this section or any rule adopted under it. The 931
notice of violation shall set forth the specific violation or 932

failure to comply allegedly committed by the governmental entity 933
and shall be accompanied by an order requiring the governmental 934
entity to pay to the director the appropriate civil penalty 935
prescribed in this division. A governmental entity that receives a 936
notice of violation and order under this division for a violation 937
or failure to comply is liable for a civil penalty of two hundred 938
fifty dollars. The director may request the attorney general to 939
take appropriate action to effect compliance. Notwithstanding 940
division (A) of this section, as used in this division, "motor 941
vehicle" has the same meaning as in section 4511.01 of the Revised 942
Code. 943

(I) There is hereby created in the state treasury the motor 944
vehicle inspection and maintenance fund, which shall consist of 945
moneys received by the director under this section and section 946
3704.17 of the Revised Code. The director shall use moneys in the 947
fund solely for administration, supervision, and enforcement of 948
the program established under this section and rules adopted under 949
it and public education concerning the program. 950

(J) The director periodically shall review the information 951
submitted to the director by licensed reinspection stations 952
pursuant to rules adopted under division (C)(6) of this section, 953
information submitted to the director by any contractor under 954
division (D)(10) of this section, annual reports submitted by 955
motor vehicle fleet owners under division (G) of this section and 956
rules adopted under that division, and the list of motor vehicles 957
for which multi-year registrations are in effect provided to the 958
director under division (I)(2)(b) of section 4503.10 of the 959
Revised Code, as necessary to determine whether owners of motor 960
vehicles who have obtained multi-year registrations under section 961
4503.103 of the Revised Code or rules adopted under it have 962
complied with the requirement of division (F)(1)(a) of this 963
section to have their vehicles inspected and obtain inspection 964

certificates for them annually or biennially, whichever is applicable. If the director finds from that information that, in a year intervening between the years of issuance and expiration of a multi-year registration in which an owner is required to have a vehicle inspected and obtain an inspection certificate for it under that division, the owner has not done so within the applicable three hundred sixty-five day period, the director immediately shall send written notice of that fact to the registrar of motor vehicles. Upon receipt of information submitted pursuant to rules adopted under division (C)(6) of this section, information submitted under division (D)(10) of this section, or the annual report of a fleet owner submitted pursuant to rules adopted under division (G) of this section indicating that an owner who was the subject of an earlier notice to the registrar under this division has had the vehicle named in the notice inspected and has obtained an inspection certificate for it in compliance with division (F)(1)(a) of this section, the director immediately shall send written notice of that fact to the registrar.

(K)(1)(a) If a redesignation request demonstrating compliance with the national ambient air quality standard for carbon monoxide or ozone in a county designated as nonattainment for carbon monoxide or ozone and demonstrating that operation of a motor vehicle inspection and maintenance program is not necessary for attainment and maintenance of those standards in that county has been submitted to and is pending before the United States environmental protection agency under the "Clean Air Act Amendments," and if no release and permit has been issued to the environmental protection agency under division (D)~~(14)~~(15) of this section and section 125.06 of the Revised Code, the director of environmental protection may submit a written request to the director of administrative services to indefinitely delay the

issuance of a request for proposals or the award of a contract 997
under division (D) of this section for the operation of a motor 998
vehicle inspection and maintenance program in that county or, if 999
such a request for proposals has been issued under that division, 1000
to withdraw it. Upon receipt of such a written request from the 1001
director of environmental protection, the director of 1002
administrative services shall take the requested actions. 1003

(b) If a release and permit has been issued to the 1004
environmental protection agency under division (D)~~(14)~~(15) of this 1005
section and section 125.06 of the Revised Code, the director of 1006
environmental protection may indefinitely delay the issuance of a 1007
request for proposals and award of a contract under division (D) 1008
of this section for the operation of a motor vehicle inspection 1009
and maintenance program or may withdraw any such request that has 1010
been issued under that division in connection with a county for 1011
which a redesignation request making the demonstrations described 1012
in division (K)(1)(a) of this section has been submitted to and is 1013
pending before the United States environmental protection agency 1014
under the "Clean Air Act Amendments." 1015

(c) If no release and permit has been issued to the 1016
environmental protection agency under division (D)~~(14)~~(15) of this 1017
section and section 125.06 of the Revised Code, the director of 1018
environmental protection may submit a written request to the 1019
director of administrative services to proceed with the issuance 1020
of a request for proposals and the award of a contract for the 1021
operation of a motor vehicle inspection and maintenance program 1022
under division (D) of this section in a county for which a 1023
redesignation request described in division (K)(1)(a) of this 1024
section was submitted to the United States environmental 1025
protection agency or, if such a release and permit has been issued 1026
to the environmental protection agency, the director of 1027
environmental protection may proceed with the issuance of such a 1028

request under either of the following circumstances: 1029

(i) Upon disapproval of the redesignation request by the 1030
United States environmental protection agency; 1031

(ii) Upon approval of the redesignation request by the United 1032
States environmental protection agency if the director of 1033
environmental protection determines that operation of a motor 1034
vehicle inspection and maintenance program in the county is 1035
necessary to protect and maintain compliance with the national 1036
ambient air quality standard for carbon monoxide or ozone in the 1037
county. 1038

If no such release and permit has been issued to the 1039
environmental protection agency, the director of administrative 1040
services, upon receipt of a written request from the director of 1041
environmental protection under division (K)(1)(c) of this section, 1042
shall take the requested actions. 1043

(2) If at any time air quality monitoring data in any county 1044
where a motor vehicle inspection and maintenance program is 1045
required under this section and rules adopted under it demonstrate 1046
that that county has attained and maintained compliance for three 1047
consecutive years with the national ambient air quality standard 1048
for carbon monoxide or ozone under the "Clean Air Act Amendments," 1049
the director, at the earliest possible date, shall prepare and 1050
submit to the administrator of the United States environmental 1051
protection agency a demonstration that such attainment has been so 1052
achieved and maintained in that county. If the administrator 1053
approves the director's submittal as demonstrating that compliance 1054
with the national ambient air quality standard for carbon monoxide 1055
or ozone under that act has been achieved and maintained in the 1056
county and if the director determines that continued operation of 1057
a motor vehicle inspection and maintenance program in the county 1058
is not necessary to protect and maintain compliance with the 1059
national ambient air quality standard for carbon monoxide or 1060

ozone, the director may rescind the rules adopted under division 1061
(B) of this section requiring implementation and operation of the 1062
program in that county. A rescission shall take effect in such a 1063
county on the date of the expiration of the contract or renewal 1064
thereof provided for in division (D) of this section that next 1065
succeeds the administrator's approval of the demonstration in that 1066
county. 1067

(L) There is hereby created the motor vehicle inspection and 1068
maintenance program legislative oversight committee, which shall 1069
be comprised of six members. The speaker of the house of 1070
representatives shall appoint three members of the house of 1071
representatives to the committee, not more than two of whom shall 1072
be from any one political party, and the president of the senate 1073
shall appoint three members of the senate to the committee, not 1074
more than two of whom shall be from any one political party. Each 1075
member shall serve at the pleasure of the member's appointing 1076
authority. During the first year of any legislative session, the 1077
~~chairman~~ chairperson of the committee shall be a member from the 1078
house of representatives and the ~~vice-chairman~~ vice-chairperson 1079
shall be a member from the senate, as designated by their 1080
appointing authorities. During the second year of any legislative 1081
session, the ~~chairman~~ chairperson shall be a member from the 1082
senate and the ~~vice-chairman~~ vice-chairperson shall be a member 1083
from the house of representatives, as designated by their 1084
appointing authorities. 1085

The committee shall monitor the motor vehicle inspection and 1086
maintenance program established under this section and, in doing 1087
so, shall work in complete cooperation with the Ohio environmental 1088
protection agency and the United States environmental protection 1089
agency. The former agency shall provide to the committee any data, 1090
reports, and other information and materials requested by the 1091
committee. 1092

The director shall notify the committee whenever the program 1093
established under this section is required to be implemented in a 1094
county because of a change in that county's nonattainment 1095
classification under the "Clean Air Act Amendments" or if an 1096
enhanced program is required to be implemented in a county under 1097
section 3704.142 of the Revised Code. 1098

If at any time the program established under this section is 1099
terminated, the committee shall cease to exist on the date of 1100
termination. 1101

(M) Implementation of the motor vehicle inspection and 1102
maintenance program established under this section is an essential 1103
state function mandated by the "Clean Air Act Amendments." The 1104
director or the director's authorized representative may perform 1105
essential governmental duties that are necessary to implement the 1106
program properly within any county that is subject to this 1107
section, including at least the placement of directional traffic 1108
signs to assist citizens in finding inspection stations. The 1109
director or the director's authorized representative need not 1110
comply with any applicable ordinances or resolutions of any 1111
political subdivisions if that compliance would prevent the 1112
director or the director's authorized representative from 1113
performing any such essential governmental duties. 1114

Sec. 4115.04. (A) Every public authority authorized to 1115
contract for or construct with its own forces a public 1116
improvement, before advertising for bids or undertaking such 1117
construction with its own forces, shall have the director of 1118
commerce determine the prevailing rates of wages of mechanics and 1119
laborers in accordance with section 4115.05 of the Revised Code 1120
for the class of work called for by the public improvement, in the 1121
locality where the work is to be performed. Such schedule of wages 1122
shall be attached to and made part of the specifications for the 1123

work, and shall be printed on the bidding blanks where the work is 1124
done by contract. A copy of the bidding blank shall be filed with 1125
the director before such contract is awarded. A minimum rate of 1126
wages for common laborers, on work coming under the jurisdiction 1127
of the department of transportation, shall be fixed in each county 1128
of the state by said department of transportation, in accordance 1129
with section 4115.05 of the Revised Code. 1130

(B) Sections 4115.03 to 4115.16 of the Revised Code do not 1131
apply to: 1132

(1) Public improvements in any case where the federal 1133
government or any of its agencies furnishes by loan or grant all 1134
or any part of the funds used in constructing such improvements, 1135
provided the federal government or any of its agencies prescribes 1136
predetermined minimum wages to be paid to mechanics and laborers 1137
employed in the construction of such improvements; 1138

(2) A participant in a work activity, developmental activity, 1139
or an alternative work activity under sections 5107.40 to 5107.69 1140
of the Revised Code when a public authority directly uses the 1141
labor of the participant to construct a public improvement if the 1142
participant is not engaged in paid employment or subsidized 1143
employment pursuant to the activity; 1144

~~(3) Public improvements undertaken by, or under contract for,~~ 1145
~~the board of education of any school district or the governing~~ 1146
~~board of any educational service center;~~ 1147

~~(4) Public improvements undertaken by, or under contract for,~~ 1148
a county hospital operated pursuant to Chapter 339. of the Revised 1149
Code if none of the funds used in constructing the improvements 1150
are the proceeds of bonds or other obligations which are secured 1151
by the full faith and credit of the state, the county, a township, 1152
or a municipal corporation and none of the funds used in 1153
constructing the improvements, including funds used to repay any 1154
amounts borrowed to construct the improvements, are funds that 1155

have been appropriated for that purpose by the board of county 1156
commissioners, the state, a township, or a municipal corporation 1157
from funds generated by the levy of a tax; provided, however, that 1158
a county hospital may elect to apply sections 4115.03 to 4115.16 1159
of the Revised Code to a public improvement undertaken by, or 1160
under contract for, the county hospital. 1161

Section 2. That existing sections 125.11, 153.012, 3704.14, 1162
and 4115.04 of the Revised Code are hereby repealed. 1163

Section 3. Section 125.11 of the Revised Code is presented in 1164
this act as a composite of the section as amended by both Am. Sub. 1165
S.B. 99 and Am. Sub. S.B. 162 of the 121st General Assembly. The 1166
General Assembly, applying the principle stated in division (B) of 1167
section 1.52 of the Revised Code that amendments are to be 1168
harmonized if reasonably capable of simultaneous operation, finds 1169
that the composite is the resulting version of the section in 1170
effect prior to the effective date of the section as presented in 1171
this act. 1172