

As Introduced

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A B I L L

To amend section 3704.14 of the Revised Code to change
the new vehicle exemption under the motor vehicle
inspection and maintenance program to five years
regardless of whether legal title to the motor
vehicle is transferred during that five-year
period.

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

Section 1. That section 3704.14 of the Revised Code be
amended to read as follows:

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

(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.

(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.

(3) "Contractor" means any person who has entered into a contract under division (D) of this section. 19
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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. 21
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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." 24
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(6) "Licensee" means any person licensed under division (C) of this section. 29
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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. 31
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(8) "Motor vehicle" and "vehicle" have the same meanings as in section 4501.01 of the Revised Code. 35
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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 37
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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
is submitted to the United States environmental protection agency
by the director as required under section 175A of the "Clean Air
Act Amendments" as part of a request for redesignation of the
nonattainment area as attainment for carbon monoxide or ozone
under section 107(d) of that act, and the director determines that
the conditions requiring implementation of such a program and set
forth in either such plan have been met. The director shall
implement and supervise the enhanced program in any county as
required under section 3704.142 of the Revised Code. The director
may terminate the program in any county that is subject to this
section in accordance with division (K)(2) of this section. The
director shall adopt, and may amend or rescind, rules to

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facilitate the implementation, supervision, administration, 82
operation, and enforcement of the program, including, without 83
limitation, rules providing for all of the following: 84

(1) The form of all inspection certificates, distribution of 85
inspection certificates to reinspection stations licensed under 86
division (C) of this section, and form and distribution of any 87
other papers or documents necessary or convenient to the program. 88
The rules shall include, without limitation, the requirement that 89
all inspection certificates bear a statement that reads: "This 90
automobile inspection is the result of requirements under the 91
Clean Air Act Amendments enacted by the United States Congress. 92
Any questions or comments you may have about this program may be 93
directed to your United States senator in care of the United 94
States Senate, The Capitol, Washington, D.C. 20510 or to your 95
United States representative in care of ~~The~~ the United States 96
House of Representatives, The Capitol, Washington, D.C. 20515." 97

(2) The replacement of lost or stolen certificates, papers, 98
or documents; 99

(3) Inspection procedures and standards to be used in motor 100
vehicle emissions inspections conducted under this section, 101
including, without limitation, a requirement that the inspections 102
test for carbon monoxide and hydrocarbons at idle or loaded mode 103
conditions; a requirement that the inspections test opacity for 104
particulates for diesel fueled vehicles; standards establishing 105
maximum allowable emissions of those pollutants, for both gasoline 106
fueled and diesel fueled vehicles, for each model year of motor 107
vehicles inspected; a requirement that beginning with the 1994 108
model year, the inspections utilize the on-board diagnostic 109
computer links mandated by the "Clean Air Act Amendments"; 110
requirements governing the computerized exhaust analyzer system to 111
be used by any contractor conducting inspections and any licensees 112
conducting reinspections; tampering parameter inspection 113

procedures and standards to be used in the visual anti-tampering	114
portion of an inspection conducted under this section;	115
requirements governing the engine tune-up that shall be performed	116
on any motor vehicle that fails an inspection conducted under this	117
section, including, without limitation, requirements that specific	118
items be checked and repaired, replaced, or adjusted as necessary	119
to restore the motor vehicle to proper working order or	120
specifications; tailpipe emissions improvement requirements	121
specified by percentage; a waiver repair verification system; and	122
any other necessary waiver procedures for motor vehicles that fail	123
an inspection under this section;	124
(4) A system for the maintenance and reporting of inspection	125
and reinspection station data and records;	126
(5) The manner of identifying exempt vehicles;	127
(6) Inspection, and supervision thereof, of fleets and	128
governmental vehicles under divisions (G) and (H) of this section;	129
(7) Establishment of specifications for an identification	130
sign that reinspection stations licensed under division (C) of	131
this section shall display in a conspicuous manner;	132
(8) The issuance of motor vehicle inspection certificates	133
only to reinspection stations licensed under division (C) of this	134
section that continue to comply with this section;	135
(9) The surveillance of reinspection stations licensed under	136
division (C) of this section and of inspection stations operated	137
by any contractor hired to conduct inspections under this section	138
to ensure that quality testing and this section and rules adopted	139
under it are being adhered to throughout the inspection and	140
reinspection process;	141
(10) The information to be included in applications for	142
licenses filed under division (C) of this section and the	143
procedure for filing those applications;	144

(11) The establishment of a referee inspection system by the 145
director to resolve disagreements between owners of motor vehicles 146
and inspection and reinspection stations regarding inspection and 147
reinspection results, including, without limitation, procedures 148
for the collection of an inspection fee that a referee inspection 149
station may charge for any motor vehicle inspection conducted by 150
it. The fee shall not exceed the amount of the inspection or 151
reinspection fee paid by the owner of the motor vehicle 152
established under division (D)(7) of this section for the original 153
inspection or a reinspection of the motor vehicle under this 154
section. 155

(12) The locations of computerized, high-volume, 156
contractor-operated motor vehicle inspection stations conducting 157
inspections for the purposes of this section. The rules shall 158
require both of the following: 159

(a) In urban metropolitan statistical areas and consolidated 160
metropolitan statistical areas, as defined by the bureau of the 161
census in the United States department of commerce, eighty per 162
cent of the population that is subject to this section be no more 163
than five miles from an inspection station and one hundred per 164
cent of that population be no more than ten miles from an 165
inspection station; 166

(b) In rural areas, as defined by the bureau of the census in 167
the United States department of commerce, one hundred per cent of 168
the population that is subject to this section be no more than 169
fifteen miles from an inspection station. 170

(13) A requirement that contractor-operated inspection 171
stations conducting inspections under this section be in operation 172
for at least forty-five hours per week, which shall include, 173
without limitation, operating hours in the evening and on 174
Saturdays; 175

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

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

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

(17) The commencement date of the basic motor vehicle inspection and maintenance program established under this section shall be July 1, 1994, in all affected counties classified as moderate nonattainment for carbon monoxide or ozone under the "Clean Air Act Amendments" on ~~the effective date of this amendment~~ September 27, 1993, other than Cuyahoga county. The commencement date of the enhanced program in a county so classified as moderate nonattainment for carbon monoxide or ozone on ~~the effective date of this amendment~~ September 27, 1993, for which the implementation and supervision of the enhanced program was requested under section 3704.142 of the Revised Code shall be January 1, 1995. The commencement date of the program in any other affected counties, other than Cuyahoga county, shall be the date established by the director.

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

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

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

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

(a) A nonrefundable fee of one hundred dollars for each initial license or a nonrefundable fee of fifty dollars for renewal of any license;

(b) A demonstration that the reinspection station will comply with this section and the director's rules adopted under it.

(2) Each licensee shall conduct reinspections as required by the director's rules. The licensee shall provide an inspection certificate for vehicles that pass a reinspection under this section.

(3) A licensee shall charge the fee under the basic program that is established under division (D)(7) of this section for any

reinspection performed by the licensee under this section. 238

(4) A licensee may charge each person for services. However, 239
fees for reinspection shall be separately stated from any other 240
charge to the person. 241

(5) No licensee shall require as a condition of performing a 242
reinspection that any needed repairs or adjustments to a vehicle 243
be done by the licensee. 244

(6) A licensee shall maintain and make available for 245
inspection by the director or the director's authorized 246
representative accurate records as required by rules adopted under 247
this section. 248

(7) The director shall credit the moneys the director 249
receives under division (C) of this section to the motor vehicle 250
inspection and maintenance fund created in division (I) of this 251
section. 252

(D)(1) The initial motor vehicle inspections conducted under 253
the basic motor vehicle inspection and maintenance program, and 254
all inspections and reinspections conducted under the enhanced 255
program, required under this section shall be conducted by one or 256
more private contractors. The director of administrative services 257
shall issue and award contracts pursuant to a request for proposal 258
process. In doing so, the director shall consider factors in the 259
interest of consumers, including at least consumer price, service 260
quality, service delivery time, and convenience. The director 261
shall use the director's best efforts to secure as many proposals 262
as possible for each contract to be entered into under division 263
(D) of this section, which shall include the division of the state 264
into independent zones for the purpose of submission of the 265
proposals and awarding of the contracts. Each such zone shall 266
consist of a consolidated metropolitan statistical area or, if 267
such an area does not exist, of a metropolitan statistical area, 268

as defined by the bureau of the census of ~~of~~ in the United States 269
department of commerce. 270

Contracts awarded under division (D) of this section are 271
subject to section 153.012 of the Revised Code. For the purpose of 272
that section, the operation of the motor vehicle inspection and 273
maintenance program is hereby deemed to be a public improvement. 274

The director shall not enter into a contract for the purposes 275
of this section with any person holding a current, valid contract 276
to act as a deputy registrar under section 4503.03 of the Revised 277
Code. 278

A contractor shall be paid from moneys generated by the 279
applicable inspection fee established by the director of 280
environmental protection under division (D)(7) of this section. No 281
general revenue funds shall be used to pay any contractor. A 282
contractor shall assume, or in accordance with a lease required 283
under division (E) of this section shall provide for the 284
assumption of, all initial capital investment costs of the motor 285
vehicle inspection and maintenance program established under this 286
section with regard to the initial inspections and reinspections 287
required to be conducted by a contractor under this section and 288
shall amortize, or in accordance with such a lease shall provide 289
for the amortization of, those costs over the period of the 290
initial contract. 291

(2) The director of administrative services shall require 292
each potential contractor to include as a part of the potential 293
contractor's proposal detailed information concerning, without 294
limitation, all of the following: 295

(a) The financial condition of the potential contractor; 296

(b) Any specialized experience and technical competence of 297
the potential contractor in connection with the type of services 298
required for the program; 299

(c) The potential contractor's past record of performance 300
with other government agencies or public entities and with private 301
industry, including, without limitation, such matters as the 302
ability to meet schedules and the names of persons who will serve 303
as references concerning the quality of the potential contractor's 304
work; 305

(d) The capacity of the potential contractor to perform the 306
work within the specified time limitations; 307

(e) The potential contractor's proposed method and equipment 308
to accomplish the work required; 309

(f) The person from whom the potential contractor proposes to 310
lease real property, including land, buildings, and other 311
structures, necessary for the operation of the program as required 312
in division (E) of this section, including information concerning 313
at least all of the following: 314

(i) Any specialized experience and technical competence of 315
the person; 316

(ii) The person's past record of performance with other 317
government agencies or public entities and with private industry, 318
including the ability to meet schedules; 319

(iii) Names of individuals who will serve as references 320
concerning the quality of the person's work; 321

(iv) The capacity of the person to perform the work within 322
the specified time limitations. 323

(g) The potential contractor's proposed schedule for leasing 324
of inspection sites, equipping of facilities, training of 325
personnel, and implementation of a public education program. 326

Each potential contractor shall include with the potential 327
contractor's proposal a signed statement from the person 328
identified under division (D)(2)(f) of this section indicating 329

that the person understands the applicable requirements 330
established under this section and rules adopted under it and 331
intends to comply with those requirements. 332

(3) The director of administrative services shall require a 333
performance bond of not less than one million dollars. Each 334
proposal shall be accompanied by a letter of commitment from a 335
bonding company stating that if the proposal is accepted, the 336
bonding company will issue such a bond. 337

(4)(a) The director of administrative services shall review 338
all information submitted with proposals under division (D)(2) of 339
this section for compliance with proposal specifications. The 340
director may require any potential contractor to supplement the 341
potential contractor's proposal with oral commentary for 342
clarification of the proposal document and to determine the 343
qualifications of the potential contractor. Any clarification of 344
information included in the proposal also shall be in writing. The 345
director shall reject the proposal of any potential contractor 346
whom the director determines to be unqualified. 347

(b) Although the director may require clarification of 348
information submitted with a proposal in accordance with division 349
(D)(4)(a) of this section, the director shall not change the 350
proposal specifications for a contract following the issuance of 351
the request for proposals for that contract. 352

(5)(a) The director of administrative services shall award an 353
initial contract for a period of operation of not more than ten 354
years. Except as otherwise provided in division (D)(5)(b) of this 355
section, a contract may be renewed for periods of not more than 356
five years each, by mutual agreement of the director and the 357
contractor. Any contract awarded under division (D)(5)(a) of this 358
section is subject to the approval of the controlling board. 359

(b) If the implementation and supervision of the enhanced 360

motor vehicle inspection and maintenance program in Cuyahoga 361
county is requested under section 3704.142 of the Revised Code and 362
the initial contract for the operation of the motor vehicle 363
inspection and maintenance program in that county is modified to 364
provide for the operation of the enhanced program in that county, 365
the initial contract for the operation of the motor vehicle 366
inspection and maintenance program in that county that is in 367
effect on ~~the effective date of this amendment~~ September 27, 1993, 368
as so modified, may be renewed for a period of not more than ten 369
years so that the first renewal of that contract will expire on 370
the same date as the initial contract for the operation of the 371
enhanced program in the other counties in the same nonattainment 372
area as Cuyahoga county. That first renewal shall be made by 373
mutual agreement of the director and the contractor and is subject 374
to the approval of the controlling board. Any subsequent renewals 375
of the contract for the operation of the program in Cuyahoga 376
county are subject to division (D)(5)(a) of this section. 377

(6) A contract entered into under division (D) of this 378
section shall include, without limitation, all of the following 379
provisions: 380

(a) A requirement that the contractor enter into a lease with 381
the person identified in the contractor's proposal under division 382
(D)(2)(f) of this section for real property, including land, 383
buildings, and other structures, necessary for the operation of 384
the program as required in division (E) of this section; 385

(b) A requirement that the contractor provide any equipment, 386
parts, tools, services, personnel, supplies, materials, and 387
program software and software updates, and design and implement a 388
comprehensive public information program, necessary to conduct 389
motor vehicle inspections and reinspections required to be 390
conducted by a contractor under this section and data 391
communication links for reinspection stations licensed under 392

division (C) of this section; 393

(c) A provision allowing reasonable compensation, as 394
determined by the director of environmental protection, as 395
liquidated damages to the contractor if the motor vehicle 396
inspection and maintenance program established under this section 397
is terminated by law or its operation is discontinued during the 398
term of a contract or renewal, including, without limitation, 399
reasonable compensation for the unamortized costs of the 400
buildings, improvements, equipment, parts, tools, services, 401
supplies, and materials used by the contractor in the operation of 402
the program and the value of the remaining term of the contract to 403
the contractor. If a dispute arises as to the amount of the 404
compensation to be paid, it shall be submitted to and determined 405
by the court of claims under Chapter 2743. of the Revised Code. 406
The contractor shall remit any compensation so received for the 407
unamortized costs of the buildings and improvements to the person 408
with whom the contractor has entered into a lease in accordance 409
with division (E) of this section. 410

(d) A provision specifying that the forms for inspection 411
certificates are to be furnished by the contractor to the director 412
of environmental protection and that they shall conform to the 413
standards established by the director of environmental protection 414
in rules adopted under division (B)(1) of this section. The 415
director of environmental protection shall distribute the 416
inspection certificates to reinspection stations licensed under 417
division (C) of this section as needed. 418

(e) A provision allowing the director to require the 419
contractor to upgrade testing equipment in response to 420
improvements in technology and to negotiate reasonable 421
compensation for that upgrading. 422

(7) The director of environmental protection shall establish 423
inspection and reinspection fees to be paid by owners of motor 424

vehicles inspected under this section, provided that an owner
shall pay the inspection fee for the initial, annual, or biennial
inspection, as appropriate, only if the owner's vehicle passes
that inspection. The fees shall be sufficient to provide the
contractor's compensation identified in any contract entered into
under division (D) of this section plus the costs of the
environmental protection agency in implementing and administering
the motor vehicle inspection and maintenance program established
in this section. The inspection and reinspection fees shall not
differ in amount and shall not exceed ten dollars and fifty cents
under the basic motor vehicle inspection and maintenance program
or twenty-five dollars under the enhanced program. The director,
during the term of a contract or renewal, may increase the
inspection and reinspection fees if the director determines that
it is necessary to cover costs of the program, including increased
costs resulting from any upgrading of testing equipment pursuant
to division (D)(6)(e) of this section, or to prevent a possible
breach of contract, but shall not increase the fees above ten
dollars and fifty cents under the basic program or twenty-five
dollars under the enhanced program.

(8) The contractor shall do both of the following:

(a) Collect the fees established under division (D)(7) of
this section and forward to the director of environmental
protection the portion due the environmental protection agency;

(b) Maintain and make available for inspection by the
director of environmental protection, the auditor of state, or
their authorized representatives accurate records concerning the
collection of the fees. For the purposes of division (D)(8)(b) of
this section, record-keeping and accounting practices shall be
approved by the director. Failure to maintain or falsification of
fee collection records is grounds for breach of contract.

(9) The director of environmental protection shall credit the

moneys the director receives under division (D)(8)(a) of this 457
section to the motor vehicle inspection and maintenance fund 458
created in division (I) of this section. 459

(10) A contractor shall maintain and make available for 460
inspection by the director of environmental protection or the 461
director's authorized representative accurate records as required 462
by rules adopted under this section. 463

(11) If a contractor fails to perform an obligation imposed 464
by the contract entered into under division (D) of this section, 465
the director of environmental protection shall request the 466
attorney general to bring a civil action to recover the amount of 467
the bond executed under division (D)(3) of this section as well as 468
other appropriate relief. The director shall deposit any moneys 469
recovered in such a civil action in the motor vehicle inspection 470
and maintenance fund created in division (I) of this section. 471

(12) The director of environmental protection shall compile 472
and periodically revise lists of reinspection stations licensed 473
under division (C) of this section and located within individual 474
areas that are subject to the basic motor vehicle inspection and 475
maintenance program under this section. Each such list also shall 476
contain the locations of inspection stations operated by a 477
contractor within the applicable area. A contractor shall provide 478
the appropriate list to any owner whose motor vehicle fails the 479
initial inspection required under this section. 480

(13) The director of environmental protection shall compile 481
and periodically revise lists of inspection stations operated by a 482
contractor located within individual areas subject to the enhanced 483
motor vehicle inspection and maintenance program under this 484
section. A contractor shall provide the appropriate list to any 485
owner whose motor vehicle fails the initial inspection required 486
under this section. 487

(14) No owners, officers, or employees of a contractor 488
submitting a proposal or awarded a contract under division (D) of 489
this section shall have a principal interest in the person 490
identified by the contractor under division (D)(2)(f) of this 491
section or in any reinspection station licensed under division (C) 492
of this section. 493

(15) The department of administrative services may issue to 494
the environmental protection agency a release and permit under 495
section 125.06 of the Revised Code pursuant to which that agency 496
may issue and award a contract or contracts under division (D) of 497
this section. If a release and permit is issued, any reference to 498
the director of administrative services under divisions (D) and 499
(E) of this section is deemed to be a reference to the director of 500
environmental protection. 501

(E)(1) Notwithstanding section 3704.01 of the Revised Code, 502
as used in division (E) of this section, "person" has the same 503
meaning as in section 1.59 of the Revised Code. 504

(2) In order to fulfill the requirements of this section and 505
to comply with the "Clean Air Act Amendments," any contractor that 506
is awarded one or more contracts under division (D) of this 507
section shall enter into one or more assignable and renewable 508
leases with another person for the rental and use of real 509
property, including land, buildings, and other structures. 510

(3) The director of administrative services shall require a 511
contractor to make assignments of all leases under which the 512
contractor is lessee for real property to another contractor 513
awarded a contract under division (D) of this section. The 514
director shall require any contractor that is awarded a subsequent 515
contract under that division to renew the lease into which the 516
contractor entered under division (E)(2) of this section, or, if a 517
different contractor is awarded such a subsequent contract, the 518
director shall require that contractor to enter into a lease with 519

the person who was the lessor of the previous contractor. 520

(F)(1)(a) Except as otherwise provided in this section and 521
rules adopted under it, the owner of any self-propelled motor 522
vehicle the district of registration of which is or is located in 523
a county that is subject to this section shall have the vehicle 524
inspected annually, within three hundred sixty-five days prior to 525
the registration deadline established pursuant to rules adopted 526
under section 4503.101 of the Revised Code, by a contractor in 527
accordance with rules adopted under division (B)(3) of this 528
section if that county is subject to the basic motor vehicle 529
inspection and maintenance program pursuant to rules adopted under 530
that division or shall have the vehicle so inspected biennially 531
within three hundred sixty-five days prior to the registration 532
deadline so established if that county is subject to the enhanced 533
program pursuant to those rules. If the district of registration 534
of the motor vehicle is or is located in a county that is subject 535
to the enhanced program pursuant to rules adopted under division 536
(B)(3) of this section, the owner of the motor vehicle shall have 537
it inspected and, if necessary, reinspected only in a county that 538
is subject to the enhanced program under those rules. Any motor 539
vehicle that fails the inspection shall be reinspected in 540
accordance with rules adopted under that division. If the owner's 541
vehicle passes the inspection or any reinspection, the owner, at 542
the time of the inspection or reinspection, shall pay the 543
applicable fee established under division (D)(7) of this section. 544
An owner of a motor vehicle the district of registration of which 545
is or is located in a county that is subject to the basic program 546
under this section and for which a multi-year registration is in 547
effect under section 4503.103 of the Revised Code or rules adopted 548
under it, in each of the years intervening between the year of the 549
issuance of that registration and its expiration, shall have the 550
vehicle inspected annually within the three hundred sixty-five 551

days prior to the anniversary of the registration deadline 552
applicable in the year in which the multi-year registration was 553
issued. An owner of a motor vehicle the district of registration 554
of which is or is located in a county that is subject to the 555
enhanced program under this section for which a multi-year 556
registration is in effect under section 4503.103 of the Revised 557
Code or rules adopted under it, biennially during the years 558
intervening between the year of issuance of that registration and 559
its expiration, shall have the vehicle inspected within three 560
hundred sixty-five days prior to each of the biennial 561
anniversaries of the registration deadline applicable in the year 562
in which the multi-year registration was issued. An owner who 563
registers a motor vehicle after the registration deadline for the 564
vehicle has passed in a year in which the vehicle is required to 565
be inspected under division (F)(1)(a) of this section may have the 566
vehicle inspected at any time between the registration deadline 567
and the actual registration date. 568

Division (F)(1) of this section does not require the 569
inspection of a motor vehicle upon transfer of ownership or 570
possession. 571

Except as otherwise provided in division (F)(3) or (4) of 572
this section, proof that an inspection certificate was issued for 573
a motor vehicle during the previous twelve months shall be 574
provided before the registrar of motor vehicles may issue license 575
plates for that vehicle under section 4503.40 or 4503.42 of the 576
Revised Code. 577

The owner of any motor vehicle that is required to be 578
inspected under this section, but that is leased to another person 579
may require the lessee to have the vehicle inspected and obtain 580
the inspection certificate on behalf of the owner. 581

(b) If a vehicle required to be inspected passes the 582
inspection, the contractor shall give the owner an inspection 583

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

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(d) Except as otherwise provided in division (F)(1)(f) of this section, if a vehicle required to be inspected under this section fails the inspection, and the contractor's visual anti-tampering inspection conducted under division (F)(1)(c) of this section does not reveal any removal, modification, or impairment of an emission control device or, if the original visual anti-tampering inspection revealed such a removal, modification, or impairment, the vehicle again fails the tailpipe emissions inspection after the owner has performed all necessary

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repairs to restore the vehicle to its proper condition, the owner shall have the cost of repairs necessary to pass the tailpipe emissions inspection estimated by a repair facility, which cost shall include the cost of an engine tune-up. If the cost of the repairs that are necessary for the vehicle to pass the tailpipe emissions inspection do not exceed the waiver limit for that vehicle, the owner shall have the repairs performed on the vehicle. The owner then shall have the vehicle reinspected by a contractor or licensee.

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

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

- (i) Issue inspection certificates that include waivers;

(ii) Notwithstanding any provision of those divisions, 648
conduct reinspections of vehicles the district of registration of 649
which is or is located in a county that is subject to the enhanced 650
program under this section. 651

(e) Except as otherwise provided in division (F)(1)(f) of 652
this section, if the cost of the repairs that are necessary for 653
the vehicle to pass the tailpipe emissions inspection is estimated 654
to be more than the applicable waiver limit, the owner need not 655
have all of those repairs performed on the vehicle, but shall have 656
an engine tune-up performed on the vehicle that meets the 657
standards established by rules adopted under division (B)(3) of 658
this section as well as any other necessary repairs the cost of 659
which, together with the cost of the engine tune-up, equals at 660
least the applicable waiver limit. Upon the owner's presentation 661
of original repair receipts attesting that repairs costing at 662
least the applicable waiver limit, including, without limitation, 663
the engine tune-up required under division (F)(1)(e) of this 664
section, have been performed on the vehicle, the contractor or 665
licensee shall reinspect the vehicle to determine the 666
effectiveness of the required engine tune-up. If the reinspection 667
indicates an improvement in tailpipe emissions of the pollutant 668
concerning which the vehicle initially failed the inspection as 669
specified in rules adopted under division (B)(3) of this section 670
and if, following the engine tune-up, no emission levels increase 671
above the standard established by rules adopted under that 672
division for any pollutant concerning which the vehicle did not 673
initially fail, the contractor shall give the owner an inspection 674
certificate for the vehicle that includes a waiver indicating that 675
the vehicle did not pass the required inspection, but that the 676
owner complied with all requirements governing waivers. 677

(f) If a vehicle required to be inspected under this section 678
fails the inspection, and the contractor's visual anti-tampering 679

inspection conducted under division (F)(1)(c) of this section does
not reveal any removal, modification, or impairment of an emission
control device or, if the original visual anti-tampering
inspection revealed such a removal, modification, or impairment,
the vehicle again fails the tailpipe emissions inspection after
the owner has performed all necessary repairs to restore the
vehicle to its proper condition, the owner may perform the repairs
necessary for the vehicle to pass the tailpipe emissions
inspection. The owner shall keep a detailed record of the costs
incurred in performing those repairs. After performing repairs on
the vehicle costing not more than the applicable waiver limit, the
owner shall have the vehicle reinspected by the contractor or a
licensee.

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

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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.

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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.

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

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

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(3) The following motor vehicles are exempt from the
inspection requirements of this section and applicable rules

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adopted under it:	744
(a) Vehicles over twenty-five years old, as determined by model year, on the date on which proof of an annual inspection otherwise would be required to be submitted with an application for registration of the vehicles under this section and Chapter 4503. of the Revised Code;	745 746 747 748 749
(b) Vehicles registered to military personnel assigned to military reservations outside this state, the district of registration of which is or is located in any county that is subject to this section;	750 751 752 753
(c) Passenger cars and noncommercial motor vehicles, as defined in section 4501.01 of the Revised Code, that weigh over ten thousand pounds gross vehicle weight;	754 755 756
(d) Commercial cars, as defined in section 4501.01 of the Revised Code, having a taxable gross vehicle weight of more than ten thousand pounds as provided in section 4503.042 of the Revised Code;	757 758 759 760
(e) Historical vehicles registered under section 4503.181 of the Revised Code;	761 762
(f) Licensed collector's vehicles as defined in section 4501.01 of the Revised Code;	763 764
(g) Parade and exhibition vehicles registered under section 4503.18 of the Revised Code;	765 766
(h) Motorcycles as defined in section 4511.01 of the Revised Code;	767 768
(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;	769 770 771 772
(j) Recreational vehicles as defined in section 4501.01 of	773

the Revised Code. 774

(4) A motor vehicle, the legal title to which has never been 775
transferred by a manufacturer, distributor, or dealer to an 776
ultimate purchaser as defined in section 4517.01 of the Revised 777
Code, is exempt from the inspection requirements of this section 778
and rules adopted under it for a period of ~~one year~~ five years 779
commencing on the date when the first certificate of title to the 780
vehicle was issued on behalf of the ultimate purchaser under 781
Chapter 4503. of the Revised Code ~~if the district of registration~~ 782
~~of the vehicle is or is located in a county that is subject to the~~ 783
~~basic motor vehicle inspection and maintenance program under this~~ 784
~~section and rules adopted under it or is exempt from those~~ 785
~~inspection requirements for a period of two years commencing on~~ 786
~~the date when the first certificate of title to the vehicle was~~ 787
~~issued on behalf of the ultimate purchaser under that chapter if~~ 788
~~the district of registration of the vehicle is or is located in a~~ 789
~~county that is subject to the enhanced program under this section~~ 790
~~and rules adopted under it. A motor vehicle that is exempt from~~ 791
~~the motor vehicle inspection and maintenance program for a period~~ 792
~~of five years under division (F)(4) of this section remains exempt~~ 793
~~during that five-year period regardless of whether legal title to~~ 794
~~the motor vehicle is transferred during that period.~~ 795

(5) The director shall notify, by mail, the owners of all 796
motor vehicles, the district of registration of which is or is 797
located in any county that is subject to this section, of the 798
applicable requirements established under this section. 799

(G) The owner of a fleet of twenty-five or more vehicles 800
required to be inspected under this section, instead of having the 801
owner's motor vehicles inspected by a contractor or reinspected by 802
a contractor or a licensee, may conduct self-inspection of those 803
vehicles in accordance with rules adopted by the director of 804
environmental protection under this section. The rules shall 805

establish, without limitation, requirements governing inspections 806
and reinspections conducted by any such owner, any inspection 807
stations owned and operated by any such owner for that purpose, 808
and inspection equipment used for that purpose; an annual 809
reporting requirement to assist the director in determining 810
compliance with this division; and the method of and procedures 811
for payment of a fee that shall not exceed three dollars for each 812
vehicle that is included in the self-inspection program. 813

(H) The federal government, the state, any political 814
subdivision, and any agency or instrumentality of those entities, 815
in accordance with rules adopted by the director of environmental 816
protection under this section, shall have inspected by a 817
contractor or reinspected by a contractor or a licensee or shall 818
self-inspect any motor vehicles that they own and operate in any 819
county that is subject to this section. The director shall adopt 820
rules under this section for the purposes of this division. The 821
rules shall establish, without limitation, an annual reporting 822
requirement to assist the director in determining compliance with 823
this division. The director may issue a notice of violation to a 824
governmental entity that the director finds has violated any 825
specific prohibition or has failed to comply with any affirmative 826
requirement of this section or any rule adopted under it. The 827
notice of violation shall set forth the specific violation or 828
failure to comply allegedly committed by the governmental entity 829
and shall be accompanied by an order requiring the governmental 830
entity to pay to the director the appropriate civil penalty 831
prescribed in this division. A governmental entity that receives a 832
notice of violation and order under this division for a violation 833
or failure to comply is liable for a civil penalty of two hundred 834
fifty dollars. The director may request the attorney general to 835
take appropriate action to effect compliance. Notwithstanding 836
division (A) of this section, as used in this division, "motor 837

vehicle" has the same meaning as in section 4511.01 of the Revised Code.

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

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

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pursuant to rules adopted under division (C)(6) of this section, 870
information submitted under division (D)(10) of this section, or 871
the annual report of a fleet owner submitted pursuant to rules 872
adopted under division (G) of this section indicating that an 873
owner who was the subject of an earlier notice to the registrar 874
under this division has had the vehicle named in the notice 875
inspected and has obtained an inspection certificate for it in 876
compliance with division (F)(1)(a) of this section, the director 877
immediately shall send written notice of that fact to the 878
registrar. 879

(K)(1)(a) If a redesignation request demonstrating compliance 880
with the national ambient air quality standard for carbon monoxide 881
or ozone in a county designated as nonattainment for carbon 882
monoxide or ozone and demonstrating that operation of a motor 883
vehicle inspection and maintenance program is not necessary for 884
attainment and maintenance of those standards in that county has 885
been submitted to and is pending before the United States 886
environmental protection agency under the "Clean Air Act 887
Amendments," and if no release and permit has been issued to the 888
environmental protection agency under division (D)~~(14)~~(15) of this 889
section and section 125.06 of the Revised Code, the director of 890
environmental protection may submit a written request to the 891
director of administrative services to indefinitely delay the 892
issuance of a request for proposals or the award of a contract 893
under division (D) of this section for the operation of a motor 894
vehicle inspection and maintenance program in that county or, if 895
such a request for proposals has been issued under that division, 896
to withdraw it. Upon receipt of such a written request from the 897
director of environmental protection, the director of 898
administrative services shall take the requested actions. 899

(b) If a release and permit has been issued to the 900
environmental protection agency under division (D)~~(14)~~(15) of this 901

section and section 125.06 of the Revised Code, the director of 902
environmental protection may indefinitely delay the issuance of a 903
request for proposals and award of a contract under division (D) 904
of this section for the operation of a motor vehicle inspection 905
and maintenance program or may withdraw any such request that has 906
been issued under that division in connection with a county for 907
which a redesignation request making the demonstrations described 908
in division (K)(1)(a) of this section has been submitted to and is 909
pending before the United States environmental protection agency 910
under the "Clean Air Act Amendments." 911

(c) If no release and permit has been issued to the 912
environmental protection agency under division (D)~~(14)~~(15) of this 913
section and section 125.06 of the Revised Code, the director of 914
environmental protection may submit a written request to the 915
director of administrative services to proceed with the issuance 916
of a request for proposals and the award of a contract for the 917
operation of a motor vehicle inspection and maintenance program 918
under division (D) of this section in a county for which a 919
redesignation request described in division (K)(1)(a) of this 920
section was submitted to the United States environmental 921
protection agency or, if such a release and permit has been issued 922
to the environmental protection agency, the director of 923
environmental protection may proceed with the issuance of such a 924
request under either of the following circumstances: 925

(i) Upon disapproval of the redesignation request by the 926
United States environmental protection agency; 927

(ii) Upon approval of the redesignation request by the United 928
States environmental protection agency if the director of 929
environmental protection determines that operation of a motor 930
vehicle inspection and maintenance program in the county is 931
necessary to protect and maintain compliance with the national 932
ambient air quality standard for carbon monoxide or ozone in the 933

county.

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

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(2) If at any time air quality monitoring data in any county where a motor vehicle inspection and maintenance program is required under this section and rules adopted under it demonstrate that that county has attained and maintained compliance for three consecutive years with the national ambient air quality standard for carbon monoxide or ozone under the "Clean Air Act Amendments," the director, at the earliest possible date, shall prepare and submit to the administrator of the United States environmental protection agency a demonstration that such attainment has been so achieved and maintained in that county. If the administrator approves the director's submittal as demonstrating that compliance with the national ambient air quality standard for carbon monoxide or ozone under that act has been achieved and maintained in the county and if the director determines that continued operation of a motor vehicle inspection and maintenance program in the county is not necessary to protect and maintain compliance with the national ambient air quality standard for carbon monoxide or ozone, the director may rescind the rules adopted under division (B) of this section requiring implementation and operation of the program in that county. A rescission shall take effect in such a county on the date of the expiration of the contract or renewal thereof provided for in division (D) of this section that next succeeds the administrator's approval of the demonstration in that county.

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(L) There is hereby created the motor vehicle inspection and maintenance program legislative oversight committee, which shall

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be comprised of six members. The speaker of the house of
representatives shall appoint three members of the house of
representatives to the committee, not more than two of whom shall
be from any one political party, and the president of the senate
shall appoint three members of the senate to the committee, not
more than two of whom shall be from any one political party. Each
member shall serve at the pleasure of the member's appointing
authority. During the first year of any legislative session, the
~~chairman~~ chairperson of the committee shall be a member from the
house of representatives and the ~~vice-chairman~~ vice-chairperson
shall be a member from the senate, as designated by their
appointing authorities. During the second year of any legislative
session, the ~~chairman~~ chairperson shall be a member from the
senate and the ~~vice-chairman~~ vice-chairperson shall be a member
from the house of representatives, as designated by their
appointing authorities.

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

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

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

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

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Section 2. That existing section 3704.14 of the Revised Code is hereby repealed.

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