

As Introduced

**129th General Assembly
Regular Session
2011-2012**

H. B. No. 178

Representative Young

**Cosponsors: Representatives Martin, Huffman, Adams, J., McGregor,
Schuring**

—

A BILL

To amend section 3704.14 of the Revised Code to 1
provide authority for the implementation of a 2
decentralized motor vehicle inspection and 3
maintenance program through June 30, 2017. 4

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

Section 1. That section 3704.14 of the Revised Code be 5
amended to read as follows: 6

Sec. 3704.14. (A)(1) If the director of environmental 7
protection determines that implementation of a motor vehicle 8
inspection and maintenance program is necessary for the state to 9
effectively comply with the federal Clean Air Act after June 30, 10
~~2009~~ 2011, the director may provide for the implementation of the 11
program in ~~those counties in this state in which such a program is~~ 12
~~federally mandated~~ the seven counties in which the program is 13
operating on the effective date of this amendment. Upon making 14
such a determination, the director of environmental protection may 15
request the director of administrative services to extend the 16
terms of the contract that was entered into under the authority of 17
~~Section 7 of Am. Sub. H.B. 24 1~~ of the ~~127th~~ 128th general 18

assembly. Upon receiving the request, the director of 19
administrative services shall extend the contract, beginning on 20
July 1, ~~2009~~ 2011, in accordance with this section. The contract 21
shall be extended for a period of up to ~~six~~ twelve months with the 22
contractor who conducted the motor vehicle inspection and 23
maintenance program under that contract. 24

(2) Prior to the expiration of the contract extension that is 25
authorized by division (A)(1) of this section, the director of 26
environmental protection may request the director of 27
administrative services to enter into a contract with a vendor to 28
operate a decentralized motor vehicle inspection and maintenance 29
program in each county in this state in which such a program is 30
federally mandated through June 30, ~~2011~~ 2015, with an option for 31
the state to renew the contract through June 30, ~~2012~~ 2017. The 32
contract shall ensure that the decentralized motor vehicle 33
inspection and maintenance program achieves ~~at least the same~~ 34
substantially similar ozone precursor reductions as achieved by 35
the program operated under the authority of the contract that was 36
extended under division (A)(1) of this section. The director of 37
administrative services shall select a vendor through a 38
competitive selection process in compliance with Chapter 125. of 39
the Revised Code. 40

(3) Notwithstanding any law to the contrary, the director of 41
administrative services shall ensure that a competitive selection 42
process regarding a contract to operate a decentralized motor 43
vehicle inspection and maintenance program in this state 44
incorporates the following ~~elements~~, which shall be included in 45
the contract: 46

(a) A For purposes of expanding the number of testing 47
locations for consumer convenience and increased local business 48
participation, a requirement that the vendor selected to operate 49

~~the program provide notification of the program's requirements to~~ 50
~~each owner of a motor vehicle that is required to be inspected~~ 51
~~under the program. The contract shall require the notification to~~ 52
~~be provided not later than sixty days prior to the date by which~~ 53
~~the owner of the motor vehicle is required to have the motor~~ 54
~~vehicle inspected. The director of environmental protection and~~ 55
~~the vendor shall jointly agree on the content of the notice.~~ 56
However, the notice shall include at a minimum the locations of 57
all inspection facilities within a specified distance of the 58
address that is listed on the owner's motor vehicle registration 59
utilize established local businesses by authorizing existing auto 60
repair facilities to operate as licensed inspection and waiver 61
testing facilities; 62

(b) A requirement that the tailpipe emissions analyzer 63
utilized for emissions testing be BAR-97 certified; 64

(c) A requirement that the contractor supply proven 65
technology for on-board diagnostic testing equipment to all 66
inspection facilities. 67

(4) A decentralized motor vehicle inspection and maintenance 68
program operated under this section shall comply with division (B) 69
of this section. The director of environmental protection shall 70
administer the decentralized motor vehicle inspection and 71
maintenance program operated under this section. 72

(B) The decentralized motor vehicle inspection and 73
maintenance program authorized by this section, at a minimum, 74
shall do all of the following: 75

(1) Comply with the federal Clean Air Act; 76

(2) Provide for the issuance of inspection certificates; 77

(3) Provide for a new car exemption for motor vehicles ~~four~~ 78
five years old or newer and provide that a new motor vehicle is 79
exempt for ~~four~~ five years regardless of whether legal title to 80

the motor vehicle is transferred during that period. 81

(C) A motor vehicle inspection and maintenance program shall 82
not be implemented in any county in which such a program is not 83
authorized under division (A) of this section without the approval 84
of the general assembly through the enactment of legislation. 85
Further, a motor vehicle inspection and maintenance program shall 86
not be implemented in any county beyond June 30, ~~2012~~ 2017, 87
without the approval of the general assembly through the enactment 88
of legislation. 89

(D) The director of environmental protection shall adopt 90
rules in accordance with Chapter 119. of the Revised Code that the 91
director determines are necessary to implement this section. The 92
director may continue to implement and enforce rules pertaining to 93
the motor vehicle inspection and maintenance program previously 94
implemented under former section 3704.14 of the Revised Code as 95
that section existed prior to its repeal and reenactment by Am. 96
Sub. H.B. 66 of the 126th general assembly, provided that the 97
rules do not conflict with this section. 98

(E) There is hereby created in the state treasury the auto 99
emissions test fund, which shall consist of money received by the 100
director from any cash transfers, state and local grants, and 101
other contributions that are received for the purpose of funding 102
the program established under this section. The director of 103
environmental protection shall use money in the fund solely for 104
the implementation, supervision, administration, operation, and 105
enforcement of the motor vehicle inspection and maintenance 106
program established under this section. Money in the fund shall 107
not be used for either of the following: 108

(1) To pay for the inspection costs incurred by a motor 109
vehicle dealer so that the dealer may provide inspection 110
certificates to an individual purchasing a motor vehicle from the 111
dealer when that individual resides in a county that is subject to 112

the motor vehicle inspection and maintenance program; 113

(2) To provide payment for more than one free passing 114
emissions inspection or a total of three emissions inspections for 115
a motor vehicle in any three-hundred-sixty-five-day period. The 116
owner or lessee of a motor vehicle is responsible for inspection 117
fees that are related to emissions inspections beyond one free 118
passing emissions inspection or three total emissions inspections 119
in any three-hundred-sixty-five day period. Inspection fees that 120
are charged by a contractor conducting emissions inspections under 121
a motor vehicle inspection and maintenance program shall be 122
approved by the director of environmental protection. 123

(F) The motor vehicle inspection and maintenance program 124
established under this section expires upon the termination of all 125
contracts entered into under this section and shall not be 126
implemented beyond the final date on which termination occurs. 127

Section 2. That existing section 3704.14 of the Revised Code 128
is hereby repealed. 129