

Chapter 3745-26 I/M Program Rules and Regulations

3745-26-01 Definitions.

(A) “Applicant” means any person filing for a license to operate an official inspection station for the anti-tampering or basic inspection program.

(B) “Approved technician trainer” means an individual who has attended a train-the-trainer course, is certified as an automotive service excellence (ASE) master technician, has at least ten years of experience in the automotive industry and is approved by the director or his designee to instruct technician training.

(C) “Certified inspector” means an individual who has attended a required training course, successfully passed a written examination approved by Ohio EPA and certified by the director to inspect motor vehicles subject to the requirements of this chapter.

(D) “Certified waiver repair technician” means an individual who has attended and completed required training, successfully passed a required examination(s) and has been certified by the director in compliance with rule [3745-26-16](#) of the Administrative Code to conduct emission related repairs subject to the requirements of this chapter.

(E) “Compliance” or “comply” means a vehicle has passed all aspects and parameters of the anti-tampering, basic, enhanced, or opt-in enhanced vehicle inspection and maintenance program, whichever is required under these rules. A compliance certificate will be issued to the owner or lessee whose vehicle has successfully passed the inspection.

(F) “Contractor” means the entity selected through competitive bidding procedures or through a request for proposal to provide services to the Ohio environmental protection agency for operation of the basic, enhanced, or opt-in enhanced inspection and maintenance program.

(G) “Contractor run” means the centralized inspection stations operated by the contractor for the basic, enhanced, or opt-in enhanced inspection and maintenance program.

(H) “Designated program area” includes any county currently or formerly classified as moderate, serious, severe or extreme nonattainment for carbon monoxide or ozone in accordance with the Clean Air Act Amendments of 1990 and that is subject to a basic, an enhanced or an opt-in enhanced vehicle inspection and maintenance program.

(I) “Director” means the director of the environmental protection agency or his authorized representative.

(J) “Engine exchange” means any motor vehicle having an engine block installed that differs from the original manufacturer’s specification certified as meeting United States environmental protection agency certification requirements.

(K) “Enhanced” means the vehicle inspection program described in rules [3745-26-10](#), [3745-26-12](#), [3745-26-13](#), and [3745-26-14](#) of the Administrative Code.

(L) “Exemption certificate” means the official certificate, issued by the director, to a vehicle owner or lessee whose vehicle may not require inspection as prescribed in rule 3745-26-02 of the Administrative Code and/or in section 3704.14 of the Revised Code. An exemption certificate

shall serve the same purpose as the certificate to be presented to the registrar of motor vehicles as required by section 4503.10 of the Revised Code.

(M) “Extension certificate” means an official certificate issued by the director to a motor vehicle owner or lessee. For emergency and other purposes deemed by the director to warrant an extension of the time that any motor vehicle, required to be tested, is exempt from testing. An extension certificate shall serve the same purpose as the certificate to be presented to the registrar of motor vehicles as required by section 4503.10 of the Revised Code.

(N) “Facility,” as used in this chapter, means any building, structure, installation, operation or combination thereof used or operated to conduct vehicle inspections or licensed to perform waiver repairs pursuant to section 3704.14 of the Revised Code.

(O) “Foreign imported gray market vehicle” means any vehicle of a type required to be registered that is brought into this state from another country other than in the ordinary course of business by or through a manufacturer or dealer as defined in division (W) of section 4501.01 of the Revised Code.

(P) “Government vehicle” means any vehicle as defined in section 4503.16 of the Revised Code.

(Q) “Gross vehicle weight rating” means weight of vehicle plus the load the vehicle is capable of carrying as stated on the manufacturer’s door plate.

(R) “Inspection certificate” means the portion of the vehicle inspection report that is issued to each vehicle owner or lessee at the time of an inspection. An inspection certificate indicating compliance is to be presented to the registrar as required by division (B) of section 4503.10 of the Revised Code.

(S) “Inspection Procedures Manual” or “manual” means the book containing the most recent official document issued by the director detailing the guidelines and repair requirements to be used in the anti-tampering or tailpipe emissions inspection. Each inspection station shall keep an updated manual on the premises at all times.

(T) “Official inspection station,” “inspection station” or “reinspection station” means any automotive station or facility, leased or owned, and operated by any person licensed by the director to conduct anti-tampering inspections or tailpipe emission inspections of motor vehicles and to otherwise issue an inspection certificate.

(U) “Lessee” means any person not having title to a motor vehicle, but granted legal authority by the title holder to possess the vehicle.

(V) “License” means the lawful authority granted by the director to any qualified person to operate an inspection station for the purpose of conducting motor vehicle inspections as required herein.

(W) “Licensed waiver repair facility” means the site or location of a building used by a person, firm, corporation, or governmental entity licensed by the director in compliance with rule [3745-26-15](#) of The Administrative Code to conduct emission related repairs for a waiver to gasoline

fueled vehicles(diesel fueled vehicles do not need to have emission repairs for reinspection performed at a licensed waiver repair facility in order to obtain a waiver).

(X) “Licensee” means any person meeting the established requirements and to whom the director issues a license to conduct motor vehicle inspections.

(Y) “Motor vehicle” or “vehicle” has the meaning as defined in division (B) of section 4501.01 of the Revised Code.

(Z) “Multi-fueled vehicle” means any vehicle originally manufactured, designed, or converted from its original manufacturer’s specification to utilize more than one fuel type, one of which is gasoline.

(AA) “Nonattainment area” means an area that has not achieved the national ambient air quality standards and that is required to undergo certain air pollution control strategies pursuant to the 1990 Clean Air Act Amendments.

(BB) “Opt-in enhanced” means an enhanced vehicle inspection and maintenance program selected by a moderate ozone or carbon monoxide nonattainment area through the process outlined in section 3704.142 of the Revised Code and described in rules [3745-26-10](#), [3745-26-12](#), [3745-26-13](#) and [3745-26-14](#) of the Administrative Code.

(CC) “Owner” means any person other than a manufacturer or dealer having title to a motor vehicle.

(DD) “Person” means the state, any political subdivision, public or private corporation, partnership, firm, association, individual, organization, or other entity.

(EE) “Queuing area” means the space allocated in each lane at each centralized inspection station where vehicles wait for testing.

(FF) “Test center” means any inspection station operated by a contractor where emission inspections and reinspections are performed.

(GG) “Ultimate purchaser” with respect to any new motor vehicle means the first person, other than a dealer in its capacity as a dealer, who is a good faith purchaser of such new motor vehicle for purposes other than resale.

(HH) “Vehicle identification number” or “VIN” means the manufacturer’ original serial number affixed to or imprinted upon the chassis or other part of the motor vehicle.

(II) “Vehicle inspection report” or “VIR” means the official inspection form narrative presented to each vehicle owner or lessee at the time of an inspection. It indicates levels of hydrocarbons, carbon monoxide and nitrous oxides detected during the inspection and indicates whether the vehicle has passed the inspection. The vehicle inspection report contains a detachable inspection certificate that is to be presented to the registrar of motor vehicles as required by division (B) of section 4503.10 of the Revised Code.

(JJ) “Waiver” means a relinquishment of the requirement to meet compliance with the appropriate model year emission standards.

(KK) “Waiver certificate” means the official certificate issued to a vehicle owner or lessee whose vehicle has not met compliance with the emissions standards but has met all requirements for a waiver as prescribed in rule [3745-26-12](#) of the Administrative Code. A waiver certificate shall serve the same purpose as the compliance certificate to be presented to the registrar of motor vehicles as required by section 4503.10 of the Revised Code.

(LL) “Waiver limit” means the minimum dollar amount, as specified in section 3704.14 of the Revised Code, required to be spent for motor vehicle emission related repair and diagnostic fees, after the low emissions tune-up has been performed, by each owner or lessee whose vehicle fails the basic, enhanced or opt-in enhanced test, in order for said owner or lessee to be eligible for a waiver as prescribed in paragraphs (E)(1) and (E)(2) of rule [3745-26-12](#) of the Administrative Code. The repair work performed on the vehicle may be completed at a licensed waiver repair facility or by a vehicle owner or lessee, and shall be related to the vehicle’s emission control equipment in order to be eligible for a waiver. For any vehicle registered in a county that is subject to a basic or opt-in enhanced inspection program, “waiver limit” means at least two hundred dollars for a vehicle of a 1981 or more recent model year and one hundred dollars for a 1980 or earlier model year, except that for any county classified as serious, severe, or extreme nonattainment that is subject to an enhanced vehicle inspection and maintenance program, “waiver limit” means more than four hundred fifty dollars for any vehicle.

(MM) “Repair spending cap” means the maximum dollar amount required to be spent for motor vehicle emission related repair and diagnostic fees by each owner or lessee whose vehicle fails the basic, enhanced or opt-in enhanced test and which qualifies the vehicle owner or lessee for a waiver as prescribed in paragraphs (E)(1) and (E)(3) of rule [3745-26-12](#) of the Administrative Code. The repair work performed on the vehicle may be completed at a licensed waiver repair facility, or by a vehicle owner or lessee, and shall be related to the vehicle’s emission control equipment. For any vehicle registered in a county that is subject to a basic or opt-in enhanced inspection program, “repair spending cap” means at least three hundred dollars.

(NN) “Low income” means household income, during the past twelve month period, of not more than one hundred fifty per cent of the latest available poverty threshold level established by the U.S. department of health and human services, for the forty-eight contiguous states.

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3745-26-02 Obligations of the Motor Vehicle Owner in the Anti-tampering and Basic Automobile Inspection and Maintenance Programs.

(A) Effective February 1, 1988, except as otherwise provided in paragraphs (B) and (C) of this rule, the owner or lessee of a motor vehicle, the district of registration of which as determined under section 4503.10 of the Revised Code, is in Hamilton, Butler, Cuyahoga, Lake, or Lorain County, shall have an annual anti-tampering inspection of the motor vehicle performed at a licensed inspection station.

(1) Motor vehicles owned or leased, and operated by the state, federal, county, or any political subdivision of the state government which, according to the bureau of motor vehicles records, are located within Hamilton, Butler, Cuyahoga, Lake, or Lorain County, are subject to the requirements of this chapter.

(2) The director shall assign governmental entities a designated month to report annual motor vehicle inspection results.

(B) Effective July 1, 1990, except as otherwise provided in paragraph (D) of this rule, the owner or lessee of a motor vehicle, the district of registration which as determined under section 4503.10 of the Revised Code is in Cuyahoga County, and which is of a model year beginning in 1975, shall have a tailpipe test of the motor vehicle performed at a centralized emissions inspection station in lieu of the anti-tampering inspection provided for in paragraph (A) of this rule.

(1) Motor vehicles owned or leased, and operated by the state, federal, county or any political subdivision of the state government which, according to the bureau of motor vehicles records, are located within Cuyahoga County, are subject to the requirements of this chapter.

(2) The director shall assign governmental entities a designated month to report annual motor vehicle inspection results.

(C)

(1) The inspection required by paragraph (A) or (B) of this rule shall be performed during any one of the one hundred eighty days before the registration deadline assigned under section 4503.101 of the Revised Code or within the thirty days prior to the issuance of a new registration to an owner following a transfer of title or memorandum of title, subject to the exception in paragraph (C)(3) of this rule. An owner or lessee who registers a motor vehicle after the required registration period has ended may have the inspection performed at any time between the registration deadline and the actual registration date. An inspection is not required in order to initially register a new motor vehicle in Cuyahoga, Butler, Hamilton, Lake, or Lorain County. A new vehicle as used in this rule is a motor vehicle as defined in section 4501.01 of the Revised Code that is in its first year of registration.

(2) This rule does not require the inspection of motor vehicles upon transfer of title or memorandum of title but does require an inspection pursuant to paragraph (A) or (B) of this rule prior to issuance of a registration except for any motor vehicle exempted by this rule.

(3) Any vehicle inspection as required in paragraphs (A) or (B) of this rule shall be valid for one

hundred eighty days. An inspection report may be transferred from one owner to the new owner or lessee to another so long as an inspection was performed within the one hundred eighty days prior to the registration of the vehicle by the subsequent owner. If the subsequent owner's or subsequent lessee's registration renewal deadline assigned under section 4503.101 of the Revised Code falls within the one hundred eighty days from the date of the previous owner's inspection, no additional inspection shall be required for that registration renewal.

(4) With the exception of registration of a new vehicle in Cuyahoga, Hamilton, Butler, Lake and Lorain counties if an owner or lessee is issued a thirty day temporary tag, as defined in section 4503.182 of the Revised Code, for a vehicle subject to the inspection required by paragraph (A) or (B) of this rule that does not have a valid inspection from the prior owner or lessee for the motor vehicle, the subsequent owner or subsequent lessee shall have an inspection performed on the vehicle during the thirty days before the registration of the motor vehicle.

(D) Pre-1980 model year vehicles are exempt from the requirements of paragraph (A) of this rule. Pre-1975 model year vehicles are exempt from the requirements of paragraph (B) of this rule. The following motor vehicles are exempt from the requirements of paragraphs (A) and (B) of this rule:

(1) Passenger cars and noncommercial vehicles, as defined in section 4501.01 of the Revised Code, that weigh over eight thousand five hundred pounds gross vehicle weight rating;

(2) Diesel-powered vehicles;

(3) Historical vehicles as defined in section 4503.181 of the Revised Code;

(4) Licensed collectors' vehicles as defined in section 4501.01 of the Revised Code;

(5) Parade and exhibition vehicles as defined in section 4503.18 of the Revised Code;

(6) Motorcycles as defined in section 4511.01 of the Revised Code;

(7) Commercial vehicles, as defined in section 4501.01 of the Revised Code, that weigh over six thousand five hundred pounds unladen weight as indicated on bureau of motor vehicles registration;

(8) Vehicles, the district of registration which, as determined under section 4503.10 of the Revised Code, is in Hamilton, Butler, Cuyahoga, Lake or Lorain County, that are leased to a lessee whose county tax district code, as designated on the motor vehicle registration, is outside Hamilton, Butler, Cuyahoga, Lake or Lorain;

(9) Vehicles, the district of registration which, as determined under section 4503.10 of the Revised Code; is in Hamilton, Butler, Cuyahoga, Lake or Lorain County, that are registered to full-time military personnel assigned to military reservations outside the state;

(10) Vehicles for which salvage certificates of title have been issued under division (C) of section 4504.11 of the Revised Code;

(11) Recreational vehicles and motor homes as defined in section 4501.01 of the Revised Code;

(12) Electrically powered vehicles; and

(13) Alternative fueled or experimental vehicles using one hundred per cent propane, butane, alcohol, natural gas, or other alternative fuels, more than fifty per cent of the time; and at the discretion of the director.

(E)

(1) Vehicles exempt from the requirements of paragraphs (A) and (B) of this rule pursuant to paragraph (D)(1) of this rule shall have a one-time verification inspection conducted by the director or his authorized representative. Upon verification of gross vehicle weight rating greater than eighty-five hundred pounds, the vehicle owner or lessee shall be given a permanent exemption certificate for annual registration renewal.

(2) Vehicles exempt from the requirements of paragraph (A) of this rule pursuant to paragraph (D)(2) of this rule shall have a one-time verification inspection conducted by the director or his authorized representative. Upon diesel engine verification, a "pass" inspection certificate shall be issued by the inspection station to the vehicle owner or lessee for the owner's upcoming annual registration renewal.

(a) Upon verification of the vehicle information thereon, the director shall issue a permanent exemption certificate to the owner or lessee which shall be valid in a basic inspection program.

(b) The exemption certificate is considered void if the vehicle is modified in a manner to require it to be inspected.

(c) A permanent exemption issued to a vehicle exempt under paragraph (D)(1) or (D)(2) of this rule for the anti-tampering program is transferrable to a subsequent owner whose vehicle is registered in Butler, Hamilton, Lake or Lorain County.

(3) Vehicles exempt from the requirements of paragraph (B) of this rule as provided in paragraph (D)(2) of this rule shall have a one-time verification inspection conducted at a centralized inspection station operated by the director or his designee. Upon diesel engine verification, a permanent exemption certificate shall be issued to the vehicle owner or lessee for the vehicle's upcoming and subsequent registration renewals. The permanent exemption shall be valid so long as the vehicle remains registered in the name of the person to whom the exemption certificate is issued under this rule. A permanent exemption is transferable to a subsequent owner or lessee whose vehicle is registered in Butler, Hamilton, Lake, or Lorain County. The exemption certificate is considered void if the vehicle is modified in a manner to require it to be tested.

(4) Vehicles exempt under paragraphs (D)(3) to (D)(8) and (D)(11) of this rule shall not be required to obtain exemption certificates. Verification that the above-referenced vehicles are exempt shall be made in accordance with registration requirements of Chapters 4501., 4503., 4504., 4505., and 4511. of the Revised Code by the bureau of motor vehicles. Vehicles exempt under paragraph (D)(10) of this rule do not require registration under section 4503.10 of the Revised Code. Vehicles exempt under paragraph (D)(10) of this rule require neither registration under section 4503.10 of the Revised Code nor an exemption certificate.

(5) For vehicles exempt under paragraphs (D)(9), (D)(12) and (D)(13) of this rule, the owner or lessee shall obtain an exemption application from a licensed inspection station or the director or his authorized representative. The vehicle owner or lessee shall mail the exemption application and a copy of the vehicle registration to the director within the time period specified in paragraph (E)(1)(b) of this rule.

(6) Permanent exemptions issued for the anti-tampering program required in paragraph (A) of this rule to vehicles, the district of registration of which, as determined under section 4503.10 of the Revised Code, is in Cuyahoga County, which are exempt under paragraphs (C)(1) and (C)(2) of this rule, are not valid for the tailpipe emissions inspection program required in paragraph (B) of this rule. Such vehicles shall receive permanent exemption certificates as provided in paragraphs (E)(1) and (E)(3) of this rule.

(F)

(1) The director may grant administrative exemptions or extensions of the inspection period where circumstances indicate such an exemption or extension is warranted and consistent with the intent of the program rules and regulations.

(a) Such exemption or extension shall be requested, in writing, to the director on a form prescribed by the director. This form shall be available at all class A inspection stations at all centralized tailpipe emissions inspection stations, and at all licensed tailpipe emissions reinspection stations.

(b) Requests for exemptions or extensions must be received no later than twenty-one days prior to the end of the vehicle owner's inspection period.

(c) The director shall reply to the request for exemption or extension within fourteen days.

(d) Any vehicle owner receiving an exemption or extension shall comply with any term or condition specified in the exemption or extension certificate. Any vehicle owner or lessee receiving an extension who does not comply with extension requirements shall not be eligible for an exemption or extension for any subsequent year.

(2) Students whose legal residence and vehicle registration are in the inspection counties but also have established residence or domicile at their out-of-state school, and therefore do not drive within the inspection area more than two months in a given year, may apply for an annual exemption certificate for the vehicle, on a form prescribed by the director. Documentation required for student exemptions shall include proof of current out-of-state student status.

(3) A vehicle required to be inspected under paragraph (A) or (B) of this rule that is kept outside of the state of Ohio, regardless of the residence of the vehicle owner, is not eligible to receive an annual exemption from either the anti-tampering inspection or the tailpipe emissions inspection, whichever is required. This provision may be waived at the discretion of the director if a compliance inspection certificate from any United States Environmental Protection Agency recognized inspection and maintenance program is submitted to the director with an exemption application.

(4) A vehicle required to be inspected under paragraph (A) or (B) of this rule that is being repaired at the time of the vehicle registration renewal deadline may be eligible to receive an

extension from the anti-tampering or the tailpipe emissions inspection, whichever is required. The documentation for this repair extension shall include a repair order or parts order or both from the facility conducting the repairs.

(G) The owner of any motor vehicle that is required to be inspected under the provisions of this rule, who leases his vehicle to another person, may include in the lease agreement provisions by which the lessee may have the vehicle inspected and obtain an inspection certificate on behalf of the owner.

(H) Except for fleet self-inspected vehicles, the vehicle owner or lessee shall, at the time of the inspection, pay the licensee an inspection or reinspection fee of eight dollars for each vehicle inspected under the provisions of paragraph (A) of this rule. For each vehicle inspected under the provisions of paragraph (B) of this rule, the vehicle owner or lessee shall pay the centralized contractor a fee of seven dollars or reinspection station licensee a reinspection fee not to exceed ten dollars and fifty cents.

(I) The owner or lessee shall present the vehicle registration, application for registration renewal, vehicle registration expiration notice, or the title, or copy thereof, at the time of inspection, so as to verify the vehicle identification number.

(J) If the motor vehicle passes the anti-tampering inspection or the tailpipe emissions inspection, whichever is required, the licensee or contractor shall provide the owner or lessee an inspection compliance certificate signed by a certified inspector. Any inspection compliance certificate issued by a licensee or contractor shall be valid for the vehicle owner's forthcoming annual registration renewal month provided the inspection was performed within the one hundred eighty days prior to the renewal deadline.

(K) The motor vehicle owner required to have his or her vehicle tested pursuant to paragraph (A) of this rule shall present to the registrar an inspection compliance certificate or an exemption certificate with an application for vehicle registration or preregistration as determined under section 4503.10 of the Revised Code. The motor vehicle owner required to have his or her vehicle tested pursuant to paragraph (B) of this rule shall present to the registrar an inspection compliance certificate, or an exemption certificate, or a waiver with an application for vehicle registration or preregistration as determined under section 4503.10 of the Revised Code.

(L) If the vehicle fails its annual anti-tampering inspection, or its annual tailpipe emissions inspection, whichever is required, the licensee or the contractor shall provide the owner or lessee an inspection certificate and report indicating failure of all or part of the vehicle inspection. This report shall list the components to be replaced and/or the systems to be repaired or other work to be performed upon the vehicle. The licensee or contractor shall provide information outlining the appeal procedure in paragraph (M) of this rule. The owner or lessee shall:

(1) Make the repairs necessary to enable the vehicle to pass the anti-tampering inspection or the tailpipe emissions inspection, whichever is required. Only new original, or new aftermarket manufacturer's specification emission control equipment or recertified used catalytic converters which meet the emission reduction requirements and criteria set by the United States Environmental Protection Agency are acceptable for emission control equipment repair or replacement required under this chapter. The director may establish a list of approved emission control replacement parts;

(2) Have the vehicle reinspected at any licensed anti-tampering inspection station, or for the tailpipe emissions inspection, at any centralized tailpipe emissions inspection station or at a licensed tailpipe emissions reinspection station after the required repairs have been performed; and

(3) Present a dated repair or sales receipt for the repair or replacement of any item causing the failure of the vehicle, and present the failure certificate, before the vehicle will be reinspected.

(M) The director shall establish an appeal system, as required in division (B)(11) of section 3704.14 of the Revised Code, to resolve disagreements between owners of motor vehicles and inspection stations regarding inspection results. If a vehicle has failed its initial anti-tampering inspection, or its tailpipe emissions inspection, whichever is required, the vehicle owner or lessee shall have fourteen calendar days to appeal the results of the inspection to the Ohio environmental protection agency, in writing, on a form prescribed by the director, to be available at all licensed inspection stations.

(1) Upon notice of request for an appeal, the director or his representative shall contact the owner or lessee and will reinspect the vehicle at a place and time of the director's convenience.

(2) The director's determination of the vehicle's compliance or noncompliance with inspection standards shall be final upon reinspection by the director.

(a) If, upon reinspection, the vehicle does not pass, another fail certificate shall be issued and an additional eight-dollar anti-tampering inspection fee or tailpipe emissions inspection fee of seven dollars will be charged to the vehicle owner or lessee.

(b) If, upon reinspection, the vehicle passes, a compliance inspection certificate shall be issued to the vehicle owner or lessee at no charge if the vehicle is subject to the anti-tampering inspection. If the vehicle is subject to the tailpipe emissions inspection and passes the, reinspection, the vehicle owner shall pay a fee of seven dollars.

(N) If the tailpipe test is required to be conducted pursuant to paragraph (B) of this rule and if the vehicle exhaust exceeds the standards set forth by the director for hydrocarbons (HC) or carbon monoxide (CO), the contractor shall conduct a three-parameter anti-tampering inspection of these items: catalytic converter system, fuel cap seal, and fuel inlet restrictor. The vehicle owner shall be presented a certificate of noncompliance indicating the exceedance of HC or CO and indicating whether the vehicle failed any portion of the three-parameter anti-tampering inspection. The vehicle owner shall be refunded the inspection fee upon the initial failure of the vehicle.

(O) The following are repair and waiver requirements:

(1) If a vehicle failing the applicable HC or CO standard as established by the director also fails the three-parameter anti-tampering inspection required in paragraph (N) of this rule, the vehicle owner shall have any necessary items repaired in accordance with paragraph (L)(1) and paragraph (O) of this rule.

(2) If a vehicle fails for excessive HC and/or CO emissions as established by the director, the

vehicle owner shall have repairs performed on the vehicle to enable it to pass a reinspection. Repairs shall be performed in accordance with the waiver requirements in paragraph (O)(5) of this rule and with the warranty procedures in paragraph (O)(5)(f) of this rule.

(3) Repaired vehicles may be reinspected at centralized contractor run facilities or licensed decentralized reinspection stations.

(4) When reinspected, the vehicle owner shall pay a reinspection fee not to exceed ten dollars and fifty cents.

(5)

(a) If a vehicle fails the inspection required under paragraph (B) of this rule but does not fail the three-parameter anti-tampering inspection conducted under paragraph (N) of this rule, or if the vehicle is repaired after failing the three-point anti-tampering inspection, and fails the reinspection, the owner shall have the cost of repairs necessary to pass the tailpipe emissions inspection estimated by a repair facility. This cost estimate shall include the cost of an engine tune-up. If the repair cost necessary for a vehicle of a 1975 to 1980 model year to pass the tailpipe emissions inspection is estimated not to exceed one hundred dollars, the owner shall have the repairs performed on the vehicle. If the cost of the repairs that are necessary for a vehicle of a 1981 or later model year to pass the tailpipe emissions inspection is estimated not to exceed two hundred dollars, the owner shall have the repairs performed on the vehicle. The owner shall then have the vehicle reinspected by a licensed reinspection station or by the contractor.

(b) If the vehicle passes the reinspection, the owner shall be given an inspection compliance certificate for the vehicle. The vehicle owner shall pay a reinspection fee not to exceed ten dollars and fifty cents.

(c) If the vehicle fails the reinspection and the cost of repairs already performed is less than one hundred dollars for a vehicle of a 1975 to 1980 model year or is less than two hundred dollars for a vehicle of a 1981 or later model year, the owner shall have additional repairs performed on the vehicle in order to enable it to pass another reinspection. In no case, however, shall the total cost of all the repairs performed on the vehicle under paragraph (O)(5)(a) of this rule exceed one hundred dollars for a vehicle of a 1975 to 1980 model year or two hundred dollars for a vehicle of a 1981 or later model year. These costs shall exclude the cost of any repairs performed on the vehicle to restore the vehicle's emission control system to the original manufactured configuration in accordance with paragraph (O)(1) of this rule.

(d) If the cost of repairs that are necessary for the vehicle to pass the tailpipe emissions inspection is estimated to be more than one hundred dollars for a vehicle of a 1975 to 1980 model year or more than two hundred dollars for a vehicle of a 1981 or later model year, excluding the cost of any repairs performed on the vehicle for the purpose of restoring the vehicle in accordance with paragraph (L)(1) of this rule, the owner shall have an engine tune-up performed on the vehicle as well as have any other necessary repairs the cost of which, together with the cost of the engine tune-up, equals at least the repair limit amount established for the vehicle model year in paragraph (O)(5)(a) of this rule. Upon the owner's presentation of a tailpipe emissions inspection certificate with the repair information section completed, and any applicable repair receipts attached, attesting that cost of repairs is estimated to exceed the repair

limit amount in paragraph (O)(5)(a) of this rule, and that repairs costing at least the applicable amount, including, without limitation, the engine tune-up required in paragraph (O)(5)(a) of this rule, have been performed on the vehicle, the contractor or licensee shall reinspect the vehicle to determine tune-up effectiveness.

If the reinspection indicates an improvement in tailpipe emissions of the pollutant for which the vehicle initially failed the inspection and if, following the engine tune-up, no emissions levels increase above the standard established by the director for any pollutant for which the vehicle did not initially fail, the contractor or licensee shall give the owner an inspection certificate for the vehicle that includes a waiver indicating the vehicle did not pass the required inspection, but that the owner had the required tune-up performed on it.

(e) Repairs necessary to pass the tailpipe emissions inspection or the visual anti-tampering inspection conducted under paragraph (N) of this rule may be performed by the vehicle owner. The owner shall keep a detailed record of the costs incurred in performing those repairs and shall be required to attest to the validity of that record.

(f) If a motor vehicle that is required to be inspected under paragraph (B) of this rule is covered by a valid and unexpired emission performance warranty as provided under section 207 (B) of the "Clean Air Act Amendments of 1977," 91 Stat. 685, 42 USCA 7401, as amended, 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 this rule.

(P) If a vehicle owner or lessee loses an inspection certificate and a valid vehicle inspection identification number does not appear on the bureau of motor vehicles registration data file, the vehicle owner or lessee is required to have the vehicle reinspected at a licensed anti-tampering inspection station or at a centralized tailpipe emissions inspection station, depending upon whether an anti-tampering inspection or tailpipe test is required.

(Q) For vehicles subject to the inspection required in paragraphs (A) and (B) of this rule, 1980 and later vehicles having engine conversions performed prior to February 1, 1988 and 1975 through 1979 model year vehicles having engine conversions performed prior to the commencement date of the tailpipe emissions inspection program shall comply with the inspection requirements and possess all the emission control components as specified below.

(1) All the motor vehicles meeting the criteria in paragraph (Q) of this rule shall meet the manufacturer's emission control specifications for the vehicle model year or the manufacturer's emission control specifications for the engine block replacement year with the following provision.

Regardless of the emission control specification selected, all engine block conversions are required, at a minimum, without exception, to use unleaded fuel and to have the following emission controls systems:

- (a) Fuel inlet restrictor;
- (b) Catalytic converter; and
- (c) Positive crankcase ventilation.

(2) The vehicle owner shall provide written proof of the engine block year and date of the engine conversion or date of vehicle purchase.

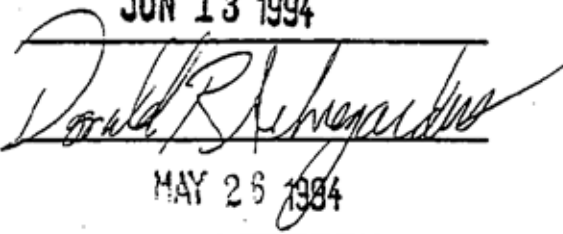
(3) Vehicles covered under paragraph (Q) of this rule may include, but not be limited to, the following:

- (a) Vehicles converted from diesel to gasoline power;
- (b) Gasoline to gasoline engine conversions; and
- (c) Vehicles registered as homemade or self-assembled kit cars.

(R) 1980 and later vehicles having engine conversions performed after February 1, 1988 and 1975 through 1979 model year vehicles having engine conversions performed after October 1, 1990 shall comply with the inspection requirements and possess all the emission control components as indicated by the vehicle identification number, make, and model year.

(S) 1975 and later foreign imported gray market vehicles must comply with the same inspection requirements as if the vehicle were manufactured to meet United States standards for emission controls. If there is no United States certified version of the vehicle or if the vehicle manufacturer does not market the vehicle make in the United States, the vehicle owner shall comply with the documentation and engine specification requirements under paragraph (Q) of this rule. The owner of a vehicle for which a waiver has been issued from the United States environmental protection agency may qualify for a permanent exemption. Such an exemption will be issued only if the waiver is presented with an application for exemption.

(T) The motor vehicle owner or lessee shall maintain the integrity of all emission control systems and their associated engine components to allow these systems to function at their optimum efficiency. Maintenance items shall include, but not be limited to, an intact exhaust system free of exhaust leaks of any kind between the exhaust manifold and the tailpipe.

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Certification: 
MAY 26 1984
Date

Promulgated under: RC Chapter 119
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May 19, 1990
April 21, 1989
July 17, 1987

3745-26-03 Inspection Station Licensing Procedure.

(A) The director shall determine the maximum number of inspection stations per county to be licensed under this program to conduct inspections or reinspections required under paragraph (A) and (B) of rule 3745-26-02 of the Administrative Code. The director shall evaluate economic, administrative, and contractual factors in determining this number. The director may reevaluate this number at any time.

(B) The director shall classify and license inspection stations as either "class A", "class B", or "class C" inspection stations as defined in rule 3745-26-01 of the Administrative Code for the purposes of conducting inspections required under paragraph (A) or (B) of rule 3745-26-02 of the Administrative Code whichever is required.

(C) For the purposes of inspections conducted under paragraph (A) of rule 3745-26-02 of the Administrative Code, provided that the number of licenses allocated by the director for the applicable county has not been exceeded, the director may issue a class A or class B inspection station license, valid for a one-year period, to an applicant who meets the following requirements:

(1) Submission of a complete application on a form prescribed by the director;

(2) Payment of a nonrefundable fee of one hundred dollars for each initial license or fifty dollars for each renewal license:

(a) If the number of licenses allocated by the director for the applicable county has been exceeded, the one-hundred-dollar application fee shall be returned to the applicant.

(b) Any applicant whose application and fee has been returned shall be placed on a waiting list and shall be notified by the director of the next opportunity to submit an application for that county.

(3) Execution of a notarized contract with the director stating the applicant will, to the best of its ability, execute and fulfill all obligations and responsibilities of this chapter and state the applicant will obtain a statement of insurance in an amount sufficient to cover replacement cost of inspection equipment provided by the director. The contract shall be in a form prescribed by the director.

(a) The applicant shall provide proof of the statement of insurance to the director or his authorized representative. The insurance document must include the insurance company name, address, telephone number, and the name of the insurance agent.

(b) No inspection equipment provided by the director shall be installed at an inspection station until proof of the statement of insurance is presented to the director or his authorized representative. A licensed inspection station shall maintain insurance coverage at all times throughout its participation as a licensed inspection station. A licensed inspection station shall provide proof of continued insurance coverage upon any license renewal.

(4) A demonstration, during an on-site inspection by a designee of the director, of compliance with the requirements of this chapter.

(D) For applicants which meet the criteria for licensing as an inspection station, the director shall issue an initial license to the facility for a period not to exceed two years. The director shall designate an annual renewal month for each license issued. Each license renewal shall be valid for a one-year period. If the annual renewal application is received postmarked after the last day of the renewal month, a fifty dollar late fee shall be added to the renewal fee. Any renewal application received postmarked later than seven days after the last day of the renewal month shall be considered a voluntary relinquishment of the station license and therefore subject to the requirements under paragraph (B) of rule 3745-26-08 of the Administrative Code. The license shall be valid only for the owner in whose name the license is issued and for transaction of business for the purpose of this chapter, and for the location designated thereon.

(E) The director shall provide copies of the "Inspection Procedures Manual" and the official sign to be posted at licensed inspection stations. Class B inspection stations shall not be required to post the official inspection station sign.

(F) Submittal of an initial licensing application and payment of the required fee shall authorize the applicant to send three personnel, including the station manager, to the required anti-tampering inspectors' training course at no charge to the applicant. On a form prescribed by the director, applicants and licensees may request attendance of additional personnel at a fee sufficient to cover the costs of the training materials not to exceed fifteen dollars per employee.

(G) For the purposes of conducting the tailpipe emissions reinspections or fleet self-inspections to meet the requirements of paragraph (B) of rule 3745-26-02 of the Administrative Code, provided that the number of licenses allocated by the director for the applicable county has not been exceeded, the director may issue a reinspection station license, or a class B inspection station license that will be valid for one-year period to an applicant meeting the following requirements:

(1) The ability to conduct emission control systems repairs or the engine tune-up required by the director in paragraph (O) (5) of rule 3745-26-02 of the Administrative Code.

(2) Submission of a complete application on a form prescribed by the director;

(3) Payment of a nonrefundable fee of one hundred dollars for each initial license or fifty dollars for each renewal license. The one hundred dollar application fee shall be returned to the applicant if the number of licenses allocated by the director for Cuyahoga County has been exceeded. Any applicant whose application fee has been returned shall be placed on the waiting list and shall be notified by the director of the next opportunity to submit an application for that county; and

(4) Execution of a notarized contract with the director stating the applicant will, to the best of his ability, execute and fulfill all obligations and responsibilities of this chapter. The applicant will provide proof that the required emissions equipment as detailed in paragraph (E) of rule 3745-26-04 of the Administrative Code has been (or will be within one week of licensing) purchased or leased and is ready for operation.

3745-26-04 Licensed Inspection Station Requirements and Obligations.

(A) A licensed inspection station shall be geographically located within Hamilton, Butler, Cuyahoga, Lake, or Lorain County or any contiguous county.

(B) A licensed inspection station shall meet the following building and space requirements:

(1) Each station shall be an enclosed permanent structure in good structural and visual repair and, except for fleet stations, be easily accessible to the public. Temporary structures such as tents, sheds, or mobile vehicles are not acceptable.

(2) The floor surface must be hard and smooth (such as concrete), in good repair and must be kept clean and free from excess grease, dirt and other loose material. Dirt or gravel floors are not acceptable.

(3) Designated inspection areas must be located entirely within the enclosed structure and shall be an area of no less than twelve feet by twenty feet. Other business transactions are permitted within the designated inspection areas.

(4) If a licensed inspection station has more than one interior inspection area, each must meet the stated building and space requirements.

(5) Have a hoist, floor jacks, or pit available.

(C) A licensed inspection station shall meet the following manpower requirements:

(1) Each inspection station shall have a minimum of two certified inspectors, as certified in accordance with rule 3745-26-06 of the Administrative Code, one of whom shall be a supervisor or manager at the licensed inspection station. Fleet inspection stations shall have at least one certified inspector. The licensee shall immediately notify the director, in writing, when an employee, who is a certified inspector, resigns or is dismissed from employment. If a certified inspector resigns or is dismissed, resulting in only one certified inspector currently at the facility, the inspection station may continue to conduct anti-tampering inspections or tailpipe emissions inspections, provided the licensee registers an additional employee to attend the next certification training course scheduled by the director.

(2) Except for fleet inspection stations, each licensed inspection station shall have at least one certified inspector on duty and available to make inspections for at least eight hours of each normal working day, excluding Saturdays, Sundays and legal holidays. Anti-tampering inspections or tailpipe emissions inspections or reinspections, whichever are required, may be conducted seven days per week and twenty-four hours a day, provided a certified inspector conducts them. Each licensed inspection station, except for fleet self-inspection stations, shall post its days and hours of inspection in a conspicuous place.

(3) Any and all inspectors employed by the station licensee shall be the responsibility of the licensee.

(D) No licensed inspection station licensed for the purposes of conducting inspections required under paragraph (A) of rule 3745-26-02 of the Administrative Code shall conduct anti-tampering

inspections unless the following items are on its premises:

- (1) An operable flashlight.
 - (2) A gas tank inlet restrictor gauge of metal construction which can accurately measure fifteen-sixteenths of an inch outside diameter, or a new disconnected leaded gasoline nozzle.
 - (3) A modular telephone jack.
 - (4) The most current reference manual with emission control system application tables available from a source specified by the director or his designee, the initial copy of such manual provided by the Ohio environmental protection agency upon licensing.
 - (5) An updated copy of the "Inspection Procedures Manual" provided by the director and any periodic newsletters or other correspondence from the director readily available at the inspection site at all times.
 - (6) Unused inspection certificates and inspection certificate copies, which shall be stored in a locked box or a locked desk drawer.
 - (7) Exemption applications and appeal application forms.
 - (8) A conspicuously displayed official inspection station sign as described in paragraph (H)(2)(a) of this rule.
- (E) No licensed tailpipe emissions reinspection station or class B tailpipe emissions inspection station shall conduct tailpipe emissions inspections or reinspections unless the following items are on the premises:
- (1) A California bar 90 certified four gas emissions analyzer and bar 90 certified printer with bar code reader;
 - (2) A copy of the Bureau of Automotive Repair, Department of Consumer Affairs, State of California, certificate of approval for the bar 90 analyzer system;
 - (3) Complete analyzer technical description;
 - (4) Analyzer functional schematics;
 - (5) Analyzer model and serial numbers;
 - (6) Analyzer operating and maintenance instructions to include periodic recommendations for maintaining sample integrity;
 - (7) Analyzer service schedule identifying the items needing maintenance and the procedures to be followed by the purchaser. the service to be performed only by the manufacturer shall be clearly identified;
 - (8) Analyzer manufacturer warranty provisions;

(9) A gas tank inlet restrictor gauge of metal construction which can accurately measure fifteen-sixteenths of an inch outside diameter, or a new disconnected leaded gasoline nozzle;

(10) Non-reactive tailpipe extenders or probe adapter for inspecting vehicles with screened or baffled exhaust systems;

(11) A dedicated dial-up direct line with modular telephone jack;

(12) The most current reference manual with emissions control system application tables available from a source approved by the director or his designee;

(13) An updated copy of the "Tailpipe Emissions Inspection Procedures Manual" provided by the director and any periodic newsletters or other correspondence from the director readily available at the inspection site at all times;

(14) Unused inspection certificates and inspection certificate copies, which shall be stored in a locked box or locked desk drawer;

(15) A conspicuously displayed official inspection station sign as described in paragraph (H) (2) (a) of this rule. Class B stations are not required to post the sign;

(16) Exemption and appeal applications; and

(17) A service agreement for repair and maintenance of the Ohio EPA certified analyzer system.

(F) If the director deems it necessary, the addition or deletion of inspection equipment may be required at a later date.

(G) It is the responsibility of the licensee to maintain all required inspection equipment listed in paragraph (D) or (E) of this rule in good repair, free of excess grease, oil, dirt, or other loose materials.

(H) The owner or operator of each licensed inspection station shall display the official inspection station sign issued to it by the director pursuant to paragraph (E) of rule 3745-26-03 of the Administrative Code in a conspicuous place and at all times, except that the owner or operator of a class B inspection station is not required to display such a sign.

(1) The sign shall remain the property of the Ohio environmental protection agency and, upon discontinuance as an inspection station, shall be surrendered by the licensee to an authorized representative of the agency when so ordered by the director.

(2) The official inspection station sign shall be displayed at each official inspection station. The official inspection station sign shall be displayed in full view of the public and shall not be altered in any way.

(a) The official inspection station sign shall be conspicuously posted. "Conspicuously" means

the sign must be permanently affixed outside of the inspection facility and visible to the general public from the middle of the nearest roadway or alternative location approved by the director.

(b) Inspection stations are permitted to reproduce the official inspection station sign or program logo in any size, provided it is identical to the official state-provided sign or program logo.

(3) Paragraph (H) of this rule in no way prohibits an inspection station from using radio, television or print media to advertise that it is a licensed inspection station.

(I) The owner or operator of each licensed inspection station shall display its license under glass inside the licensed inspection station where it is clearly visible to the public. Other notices deemed necessary by the director for the purposes of this chapter shall be posted in the same conspicuous place.

(J) Each licensed anti-tampering inspection station and each class B tailpipe emissions inspection station shall purchase inspection certificates only from the director or his designee. The agency shall provide to licensed tailpipe emissions reinspection stations the inspection certificates at no charge. Only inspection certificates approved, issued, and distributed by the director shall be used.

(1) All certificates shall be stored when not in use, even during normal business hours, in a locked box or locked desk drawer at the licensed inspection station.

(2) The licensee shall be accountable and maintain for all sequentially numbered inspection certificates issued to the inspection station.

(K) The licensee shall permit only certified inspectors to conduct the anti-tampering inspection, the tailpipe emissions inspection or reinspection, whichever is required, of any vehicle presented to the station for inspection. The anti-tampering inspection or tailpipe emissions reinspection shall take place at a time agreed upon between the vehicle owner and the licensee. The licensee shall inspect any vehicle, required to be tested, which is presented for inspection or reinspection. The licensee shall not exclude from testing, based on the make or year of the vehicle, any vehicle requiring inspection or reinspection. No vehicle shall be inspected or reinspected which lacks an intact exhaust tailpipe. The licensee shall conduct inspections only on those vehicles required to be inspected which are within one hundred eighty days of the vehicle registration expiration deadline.

(L) If the motor vehicle passes the anti-tampering inspection or the tailpipe emissions inspection or reinspection, whichever is required, the certified inspector who performed the inspection shall provide an inspection certificate for the vehicle indicating compliance with all inspection requirements in this chapter. The inspector whose signature and certification number appears on the compliance certificate shall be accountable for all aspects of that inspection.

(M) If the motor vehicle fails the anti-tampering inspection or the tailpipe emissions inspection or reinspection, whichever is required, the certified inspector who performed the inspection shall provide an inspection certificate indicating the rejection of the vehicle, why the vehicle failed, and inform the owner of the corrective measures required to ensure the vehicle will pass a reinspection. The inspector shall give the vehicle owner information, on a form provided by the director, as to the appeal procedures in the event the owner disputes the results of the inspection

administered by the licensed inspection station personnel.

(N) The licensed inspection station shall charge a non-taxable fee of eight dollars for each vehicle for which an anti-tampering inspection or anti-tampering reinspection is conducted. No other fee, such as lift charges, may be charged for an anti-tampering inspection or reinspection.

(1) No licensed inspection station shall require, as a condition of conducting an anti-tampering inspection, that any repairs or adjustments be performed by the licensee or any person affiliated with the licensed inspection station.

(2) No repairs or adjustments shall be made to an inspected vehicle unless authorized by the vehicle owner.

(3) The fee for the anti-tampering inspection shall be separately stated from any other charge to the vehicle owner.

(O) The licensed tailpipe emissions reinspection station shall charge a fee not to exceed ten dollars and fifty cents for each vehicle for which a tailpipe emissions reinspection is conducted. No other fee, such as lift charges, may be charged for a tailpipe emissions reinspection.

(1) No licensed reinspection station shall require, as a condition of conducting a reinspection, that any repairs or adjustments be performed by the licensee or any person affiliated with the licensed reinspection station.

(2) No repairs or adjustments shall be made to an inspected vehicle unless authorized by the vehicle owner.

(3) The fee for the reinspection shall be separately stated from any other charge to the vehicle owner.

(P) Each licensed inspection station, including fleet inspection stations, shall accurately maintain all records, forms, or reports the director deems necessary for the administration and quality assurance of the program. Except for fleet inspection stations, such records, forms, or reports shall be maintained on the premises of the inspection station. All such records, forms, or reports shall be readily available to the director or his authorized representative. Each licensed inspection station shall transmit inspection records to the contractor's database via computer modem on a day assigned by the director. These records shall be transmitted on a weekly basis.

(Q) Licensed inspection stations shall be subject to announced and unannounced periodic audits by the director or his authorized representative, as prescribed in Chapter 3704. of the Revised Code, to determine compliance with program rules and inspection procedures.

Effective:

MAY 15 1990

CERTIFICATION

Richard L. Shank

MAY 01 1990

Date

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Rule amplifies: RC Section 3704.14
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April 21, 1989,

3745-26-05 Provisions for Qualification as a Class B Inspection Station.

(A) An applicant may qualify as a class B inspection station to conduct inspections required under paragraph (A) or (B) of rule 3745-26-02 of the Administrative Code, whichever is required, if its owner or operator is a person, firm, company, corporation or political subdivision of the state or federal government which has twenty-five or more motor vehicles subject to the inspection requirement registered in its name. All provisions and exceptions of this chapter apply to class B inspection stations.

(1) No fleet inspection station shall conduct anti-tampering or tailpipe emissions inspections, whichever is required, of any motor vehicle not registered in its name, except that a fleet inspection station which is a political subdivision of the state or federal government may contract with another political subdivision of the state or federal government which has less than twenty-five motor vehicles registered in its name to conduct anti-tampering inspections.

(2) If two political subdivisions of the state or federal government form such a contract for the performance of anti-tampering or tailpipe emissions inspections, the political subdivision of the state or federal government in whose name the motor vehicles are registered shall maintain the inspection records.

(B) Inspection stations shall not be licensed both as a class B and a class A inspection station.

(C) As part of application as a class B inspection station, applicants shall submit to the director a complete list of vehicles to be inspected under the fleet license. The vehicle list shall include the following information for each vehicle to be inspected:

(1) License number;

(2) Vehicle identification number;

(3) Vehicle year;

(4) Vehicle make;

(5) Vehicle model; and

(6) Any specialized vehicle numbering list which may be utilized by the applicant.

(D) Class B vehicle anti-tampering inspections and tailpipe emissions inspections, whichever is required, shall be performed during the one hundred eighty days before the registration deadline under section 4503.10 of the Revised Code. The director shall assign government class B inspection stations a designated month to report inspection results, to purchase inspection certificates for each vehicle subject to inspection, and to update the required vehicle list.

(E) Class B stations are not permitted to inspect or issue compliance certificates for private vehicles of employees or officers of the firm or the general public. This restriction applies even though a private vehicle may be used part time or full time for business.

(F) Class B inspection stations licensed to conduct tailpipe emissions inspections for the

purposes of paragraph (B) of rule 3745-26-02 of the Administrative Code shall meet the requirements of paragraph (H) of rule 3745-26-03 and paragraph (E) of 3745-26-04 of the Administrative Code.

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CERTIFICATION Richard L. Shaul

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3745-26-06 Requirements for Certified Inspectors.

(A) The director shall certify any person as an inspector to conduct the anti-tampering inspections required in paragraph (A) of rule 3745-26-02 of the Administrative Code provided the applicant:

- (1) Submits a completed application on a form prescribed by the director;
- (2) Is at least eighteen years of age;
- (3) Completes and passes a training course sponsored by the Ohio environmental protection agency for the purpose of learning the methods and procedures to be used in conducting anti-tampering inspections. A minimum score of eighty points is required to pass the training course written examination;
- (4) Must be employed at a licensed inspection station or a facility which has submitted an application for licensing as an inspection station; and
- (5) Possesses current Automotive Service Excellence certification in engine performance, ensuring that the inspector has demonstrated competence in the area of emissions control systems as determined by a non-profit testing organization, or other similar emission control or engine performance training approved by the director. Applicants must demonstrate or provide proof if claiming to have had similar training.

(B) Certification as an inspector shall be valid for two years. An inspector shall be certified to conduct anti-tampering inspections at one licensed inspection station only.

(1) Except as provided in paragraph (F) of rule 3745-26-03 of the Administrative Code, a fee sufficient to cover the costs of training materials, not to exceed fifteen dollars, shall be charged for the inspector's initial certification.

(2) The owner of a licensed inspection station may request certification training for a new employee by contacting the director as to the location and times when the employee may attend the inspector's training.

(C) The director shall provide each applicant an inspector's certificate upon certification. The certificate shall be displayed in a conspicuous place at the licensed inspection station where the certified inspector is employed.

(1) Certified inspectors who change their place of employment from one licensed inspection station to another may continue to conduct anti-tampering inspections so long as their certification is valid.

(2) Certified inspectors shall notify the director prior to a change in place of employment and apply, at no charge, for re-assignment of the certification to the new employment location.

(D) Inspectors employed at class B inspection stations may conduct anti-tampering inspections at any facility or location owned or operated by the employer for which the class B station license was issued.

(E) Certified inspectors shall not conduct anti-tampering inspections while under the influence of illegal drugs or intoxicating beverages.

(F) The director shall certify any person as an inspector to conduct the tailpipe emissions reinspections or class B tailpipe emissions inspections required in paragraph (B) of rule 3745-26-02 of the Administrative Code provided the applicant:

(1) Meets the requirements of paragraphs (A)(1) and (A)(2) of this rule;

(2) Is employed by a licensed facility;

(3) Possesses current Automotive Service Excellence certification in engine performance, ensuring that the inspector has demonstrated competence in the area of emission control systems as determined by a non-profit testing organization, or other similar emission control or engine performance training approved by the director. Applicants must demonstrate or provide proof if claiming to have had similar training; and

(4) Completes and passes a training course sponsored by the Ohio environmental protection agency for the purposes of learning the methods and procedures to be used in conducting tailpipe emissions inspections and reinspections. A minimum score of eighty points is required to pass the training course written examination.

(G) Certification as a tailpipe emissions inspector shall be valid for two years. An inspector shall be certified to conduct tailpipe emissions reinspections or class B emissions inspections at one licensed facility only.

(1) Except as provided in paragraph (F) of rule 3745-26-03 of the Administrative Code, a fee sufficient to cover the costs of training materials, not to exceed twenty-five dollars, shall be charged for the inspector's initial certification.

(2) The owner of a licensed reinspection station or a licensed class B tailpipe emissions inspection station may request certification training for a new employee by contacting the director as to the location and times when the employee may attend the inspector's training.

(H) The director shall provide each applicant an inspector's certificate upon certification. The certificate shall be displayed in a conspicuous place and the licensed reinspection station or class B tailpipe emissions inspection station where the certified inspector is employed.

(1) Certified inspectors who change their place of employment from one licensed emissions inspection or reinspection station to another may continue to conduct tailpipe emissions inspections or reinspections so long as their certifications are valid.

(2) Certified inspectors shall notify the director prior to a change in place of their employment and apply, at no charge, for re-assignment of the certification to the new employment location.

(I) Inspectors employed at class B tailpipe emissions inspection stations located in Cuyahoga County may conduct tailpipe emissions inspections at any facility or location owned or operated by the employer for which the class B station license was issued.

(J) Certified inspectors shall not conduct tailpipe emissions inspections or reinspections while under the influence of illegal drugs or intoxicating beverages.

(K) The director may require a certified inspector to attend a procedures update training course at any time or require a re-examination at any time to determine if the inspector has full knowledge of the current rules and procedures of this chapter. If the re-examination discloses the inspector is not knowledgeable of the current rules and procedures, the inspector shall be prohibited from conducting anti-tampering or tailpipe emissions inspections or reinspections, whichever is required, until successful completion of another training course.

(L) It is the responsibility of the licensee to have a current, valid, certified inspector license.

Effective: MAY 15 1990

RECEIVED

CERTIFICATION *Richard L. Shank* MAY 01 1990

MAY 01 1990 **ILLINOIS COMMITTEE**
Date **ON AGENCY RULE REVIEW**

Promulgated under: RC Chapter 119
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April 21, 1989,

3745-26-07 Suspension or Revocation of Inspection Station License or Inspector Certification.

(A) Any loss, negligent, or unauthorized use of inspection certificates or violations, by submission or omission, of the rules of this chapter shall be grounds for suspension or revocation of the inspection station license or inspector's certification in accordance with Chapter 119. and section 3704.17 of the Revised Code.

(B) Any inspection station whose license or inspector whose certification is revoked under Chapter 119. or section 3704.17 of the Revised Code shall not be eligible to reapply for licensing as an inspection station or certified inspector for a three-year period from the date of the revocation. The application, forms, fees, and procedures shall be the same as prescribed for new inspection station.

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CERTIFICATION Richard L Shand
MAY 01 1990
Date

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3745-26-08 Procedure for Station Change of Ownership, Name, or Location, or Cessation of Inspection Operation.

(A) An inspection station owner shall contact the director at least thirty days prior to a change of ownership, business name, or location. In the event of such changes, the inspection facility owner must submit a new licensing application to the director.

(1) The application fee shall be waived if there is a change of facility name only or change of ownership.

(2) An application fee shall be charged for a change in location.

(3) The authority to inspect vehicles ceases immediately when there is a change in facility ownership or location from that stated in the application currently on file with the director.

(4) The director shall reissue a license under the new facility name, owner, or location, provided the facility meets or continues to meet the minimum criteria for licensing as an inspection station.

(B) In the case of voluntary relinquishment or abandonment of license, or going out of business, it is the responsibility of the licensee to notify the director, at least seven days in advance, of the exact date the station will cease conducting anti-tampering or tailpipe emissions inspections or reinspections. The director or his representative shall reclaim all state-owned or state-provided property, including the station license, the official inspection station sign, and any unused inspection certificates.

(1) The licensee shall be refunded for any unused certificates at the original purchase cost, provided all certificates issued to the station are accounted for.

(2) The application, forms, fees, and procedures shall be the same as prescribed for a new inspection station when there is a reapplication after voluntary relinquishment or abandonment of an inspection station license.

(3) Any inspection station voluntarily relinquishing its license shall be eligible to reapply for licensing eighteen months from the date of relinquishment. This requirement may be waived or modified at the sole discretion of the director.

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3745-26-09 Fee System

(A) Except for class B inspection stations, for the inspections required under paragraph (A) of rule 3745-26-02 of the Administrative Code the licensee shall charge a non-taxable inspection or reinspection fee of eight dollars for each vehicle required to be inspected. For the reinspections required under paragraph (B) of rule 3745-26-02 of the Administrative Code, the reinspection fee shall not exceed ten dollars and fifty cents.

(B)

(1) The director shall establish the fee charged class A and class B inspection stations for inspection certificates prior to program implementation date. The fee shall be sufficient to cover the costs of implementation, administration, and operation of the inspection program. At the close of each subsequent state biennium year the director shall evaluate the fee charged and, if he deems it necessary, make a redetermination of such fee.

(2) Class B inspection stations conducting anti-tampering inspections required under paragraph (A) of rule 3745-26-02 of the Administrative Code or conducting tailpipe emissions inspections required under paragraph (B) of rule 3745-26-02 of the Administrative Code shall purchase inspection certificates from the director or his designee at a cost established in paragraph (B)(1) of this rule for each certificate.

(3) Centralized tailpipe testing facilities and licensed tailpipe emissions reinspection stations are not required to pay a certificate fee to the director of environmental protection for the inspections required under paragraph (B) of rule 3745-26-02 of the Administrative Code.

(4) Each inspection certificate purchased or provided by the director, whichever is applicable, shall bear the following statement: "This automobile inspection is the result of a mandate by the United States Environmental Protection Agency in compliance with the Clean Air Act Amendments of 1977 enacted by the United States Congress."

(5) Fees collected by the director as required under this chapter shall be credited to the "Inspection and Maintenance Special Rotary Account" created in the state treasury by Amended Substitute House Bill 500 of the 116th General Assembly for the implementation administration and operation of the program.

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3745-26-10 Requirements for Contractors in the Basic Enhanced or Opt-in Enhanced Automobile Inspection and Maintenance Program.

(A) Initial motor vehicle inspections conducted under the basic, opt-in enhanced or enhanced tailpipe emissions inspection program required under section 3704.14 of the Revised Code shall be conducted by one or more private contractors.

(B) The contract shall be awarded by the director of administrative services and the contractor shall comply with all aspects of the bid contract as awarded.

(C) The contractor shall construct, maintain and operate computerized, high volume tailpipe emission inspection stations in a designated program area for the purpose of inspecting vehicles as required under section 3704.14 of the Revised Code. These contractor run tailpipe emission inspection stations shall meet, but not be limited to the following requirements:

(1) Eighty per cent of the population that is subject to division (F) of section 3704.14 of the Revised Code shall be no more than five miles from an emission inspection station and that one hundred per cent of that population be no more than ten miles from an emissions inspection station. In rural areas, one hundred per cent of that population shall be no more than fifteen miles from an inspection station;

(2) Stations shall be in operation for no fewer than forty-five hours per week, which shall include, without limitation, operating hours in the evening and on Saturdays;

(3) The amount of time a vehicle must wait within the confines of the queuing area shall not exceed a daily average of fifteen minutes;

(4) Each queuing area shall be at least one hundred fifty continuous feet per inspection lane; and

(5) There shall be no fewer than three permanent sheltered test lanes per urban facility and no fewer than two test lanes for each rural test facility.

(D) The contractor or any of its employees is prohibited from having principal interest in a company that is in the business of vehicle repair or service, in vehicle parts sales, or in motor vehicle sales or leasing.

(E) The contractor shall not refer vehicle owners to any particular vehicle repair service provider.

(F) For each designated program area required under division (B) of section 3704.14 of the Revised Code, the contractor shall provide emission inspection data analyses and furnish to the director summary reports on a weekly, monthly, quarterly, and yearly basis as requested by the director.

(G) The director may conduct periodic announced and unannounced audits of centralized facilities to ensure that the contractor continues to meet the requirements of these rules and the provisions of section 3704.14 of the Revised Code and 40 CFR Part 51.

(H) Each contractor shall be responsible for the upkeep, distribution and replacement of all vehicle inspection reports and other documents necessary or convenient to the program.

(I) Each contractor operated inspection station shall display a sign visible to motorists that contains the following statement: “This automobile inspection is the result of requirements under the clean air act amendments enacted by the United States Congress. Any questions or comments you may have about this program may be directed to your United States senator in care of the United States Senate, The Capitol, Washington D.C. 20510, or to your United States representative in care of the United States House of Representatives, The Capitol, Washington D.C. 20515.”

(J) Each contractor shall be responsible for complying with equipment requirements and procedures established in 40 CFR Part 51.

Effective 6-13-1994

Rule promulgated under: RC Chapter 119.

Rule authorized by: RC 3704.14

Rule amplifies: RC 3704.14

3745-26-11 Inspection Requirements

(A) All emissions control systems referenced in the "Inspection Procedures Manual" used for the anti-tampering inspection are required to be inspected as determined by the director. The determination of applicability shall be made using the reference manual specified in paragraph (D)(7) of rule 3745-26-06 of the Administrative Code or the vehicle emission control information (VECI) label located on each vehicle. If conflict exists, the VECI label shall take precedence. As applicable, the emissions control systems required to be inspected are as follows:

- (1) Fuel inlet restrictor;
- (2) Catalytic converter;
- (3) Evaporative emissions control;
- (4) Positive crankcase ventilation;
- (5) Thermostatic air cleaner;
- (6) Air injection reaction, or pulse air, as appropriate;
- (7) Exhaust gas recirculation;
- (8) Oxygen sensor; and
- (9) Computer controls.

(B) The procedures for the tailpipe emissions inspection or reinspection shall include, but not be limited to, the following:

- (1) All licensed tailpipe emissions inspection and reinspection stations shall perform the required tailpipe emissions analyzer maintenance and follow the analyzer operating procedures as determined by the director of environmental protection and the instrument manufacturer;
- (2) The tailpipe emissions analyzer shall be kept in a stable environment which affords adequate protection from the weather and local sources of hydrocarbons or other pollutants that may interfere with analyzer performance or accuracy of test results or both.
- (3) The entire tailpipe emissions inspection or reinspection shall take place within the reach of the tailpipe emissions analyzer hose.
- (4) The tailpipe emissions analyzer probe shall be inserted into the vehicle tailpipe the depth recommended by the manufacturer for a quality sample. If a baffle or screen prevents probe insertion to an adequate depth, a suitable probe adapter or extension boot which effectively lengthens the tailpipe shall be used.
- (5) For all vehicles equipped with a multiple exhaust system, the analyzer's dual exhaust procedure shall be used.

(6) All procedures outlined in the most current reference manual, issued by the director, for the tailpipe emissions inspection program.

(C) The inspection procedure begins when the customer and an anti-tampering or tailpipe emissions inspector reach an agreement to perform an inspection. Certified anti-tampering or tailpipe emissions inspectors shall not pre-adjust or pre-inspect any vehicle once an inspection has been requested.

(D) No anti-tampering inspection compliance certificate shall be issued unless all emissions control systems are present and properly connected.

(E) No tailpipe emissions inspection or reinspection compliance certificate shall be issued unless the vehicle's exhaust meets the applicable standards as determined by the director and published in the most recent edition of "The United States Environmental Protection Agency Inspection/Maintenance Quarterly Report."

(F) No fee other than eight dollars for an anti-tampering inspection or reinspection or seven dollars for a tailpipe emissions inspection shall be charged. A fee not to exceed ten dollars and fifty cents for a tailpipe emissions reinspection shall be charged.

(G) All licensed class A anti-tampering inspection stations shall be available for testing a minimum of forty hours per week. All licensed tailpipe emissions inspection and reinspection stations shall be available for testing a minimum of forty-five hours per week.

(H) All aspects of the anti-tampering inspection or tailpipe emissions inspection or reinspection shall be performed by a certified inspector following the procedures outlined in this rule, on the licensed station premises.

(I) The certified anti-tampering or tailpipe emissions inspector shall accurately identify and enter vehicle and owner information into the AIM computer or tailpipe emissions analyzer computer, whichever is applicable, as listed on the vehicle registration. Additionally, the data entered into the tailpipe emissions analyzer and recorded on the vehicle inspection report must be the data from the vehicle being tested.

(J) A certified inspector identification number may only be used by the certified inspector to whom it was assigned.

(K) A certified inspector's identification number printed on an inspection report is an electronic signature and an endorsement that the entire inspection was performed by the certified inspector to whom the number was assigned.

(L) Certified inspectors are responsible for all inspection certificates bearing their identification numbers.

(M) A certified inspector shall report any unauthorized use of an access code to the director or his authorized representative within twenty-four hours of the unauthorized use.

(N) No person shall tamper with or circumvent any system or function of the tailpipe emissions analyzer or AIM computer.

Effective: MAY 15 1990
CERTIFICATION Richard L. Shank
 MAY 01 1990
 Date

Promulgated under: RC Chapter 119
Rule amplifies: RC Section 3704.14
Rule authorized by: RC Section 3704.03

3745-26-12 Requirements for Motor Vehicle Owners in the Enhanced or Opt-in Enhanced Automobile Inspection and Maintenance Program.

(A) Motor vehicles subject to inspection

(1) Beginning January 1, 1996, the director shall implement and supervise an opt-in enhanced vehicle inspection and maintenance program in any moderate ozone nonattainment county or an enhanced program in any county classified serious, severe, or extreme nonattainment for carbon monoxide or ozone.

(2) Unless otherwise exempt pursuant to division (F) (3) of section 3704.14 of the Revised Code, each twenty-five year-old or more recent motor vehicle whose owner or lessee resides in a county that is part of a designated program area, and each twenty-five year-old or more recent motor vehicle that is part of a fleet operated in a county that is part of a designated program area, is subject to biennial inspection for the opt-in enhanced or enhanced programs.

Unless otherwise exempt pursuant to division (F) (3) of section 3704.14 of the Revised Code, each motor vehicle that is owned or leased by the state, local government, or any political subdivision whose office is located within a county that is part of a designated program area, is subject to inspection in odd numbered years and shall report the inspection results to the director by December thirty-first of that year.

Pursuant to 40 CFR part 51.356, unless otherwise exempt pursuant to division (F) (3) of section 3704.14 of the Revised Code, each motor vehicle that is owned or leased by the federal government or its employees and is operated on a federal installation within a county that is part of a designated program area is subject to inspection. Vehicles owned or leased by the federal government will be required to have an inspection in odd numbered years and shall report the inspection results to the director by December thirty-first of that year.

(a) The county of residence of a motor vehicle owner is determined by the resident's or owner's address provided on the registration issued by the registrar of motor vehicles.

(b) A lessee's county of residence is determined by the resident's address listed on the lease agreement.

(c) Federal installations located in a designated program area shall provide documentation of proof of compliance with test requirements to the director of Ohio EPA. Documentation shall include a list of subject vehicles and be updated annually.

(3) Vehicle owners shall comply with the following test frequency in a designated program area:

(a) A vehicle owner or lessee whose vehicle is an odd number model year is required to present a valid inspection certificate upon vehicle registration in odd numbered calendar years.

(b) A vehicle owner or lessee whose vehicle is an even number model year is required to present a valid inspection certificate upon vehicle registration in even numbered calendar years.

(4) A vehicle owner or lessee may have his or her vehicle inspected in any Ohio designated program area as long as the emissions inspection is comparable to the required inspection in his or her county of residence.

(5) At the time of vehicle registration or registration renewal, the motor vehicle owner or lessee shall present to the registrar of motor vehicles an inspection compliance certificate, an exemption certificate, or a waiver certificate with an application for vehicle registration as determined under section 4503.10 of the Revised Code.

(6) Except for new motor vehicles, as defined in division (C) of section 4517.01 of the Revised Code, vehicles that have been transferred to a new owner or lessee or those issued a thirty-day temporary tag as defined in section 4503.182 of the Revised Code shall have an emissions inspection performed unless a valid compliance certificate from the previous owner is transferred to the new owner or a duplicate certificate as prescribed in paragraph (D)(10) of rule 3745-26-12 of the Administrative Code is obtained. Waiver and exemption certificates are not transferrable.

(7) Foreign imported grey-market vehicles that have been issued documents of exemption from emission requirements by the United States Environmental Protection Agency are not exempt from testing in Ohio.

(8) Vehicles subject to inspection that have been rebuilt or that have had engine exchanges must meet inspection requirements for the model year of the motor vehicle chassis.

(9) For a kit car or self-assembled car whose engine year can be confirmed by the director or his designee, the vehicle will be tested based on the standards for the confirmed engine year. If the engine year cannot be confirmed, the motor vehicle will be tested on the standard for the year the vehicle was titled.

(10) A vehicle inspection report issued to a motor vehicle owner or lessee is valid for three hundred sixty-five days from the date of the inspection. A valid compliance certificate may be transferred to a subsequent owner or lessee of that vehicle.

(11) All vehicle inspection reports shall contain the following statement "This automobile inspection is a result of requirements of the clean air act amendments enacted by the United States Congress. Any questions or comments you may have about this program may be directed to your United States senator in care of the "United States Senate, The Capitol, Washington, D.C. 20510, or to your United States representative in care of the United States House of Representatives, The Capitol, Washington D.C. 20515."

(B) Temporary exemptions and extensions

(1) Pursuant to division (F) (4) of section 3704.14 of the Revised Code, new vehicles whose titles have never been transferred by a manufacturer, distributor, or dealer to an ultimate purchaser are exempt from the inspection requirements for two years in the opt-in enhanced and enhanced programs. New vehicle exemptions commence on the day the first certificate of the title is issued on behalf of the ultimate purchaser. An exemption certificate is not required for owners of new vehicles.

(2) Consistent with the intent of these rules, the director may grant temporary exemptions for or extensions of the time during which any motor vehicle required to be tested pursuant to section 3704.14 of the Revised Code and the rules adopted thereunder is exempt from testing, if circumstances indicate such an exemption or extension is warranted.

(3) Any application for a temporary exemption or extension shall be submitted on a form prescribed by the director. Copies of this form may be obtained free of charge from the Ohio environmental protection agency, from the bureau of motor vehicles or from any test center.

(4) Any owner or lessee receiving a temporary exemption or extension shall comply with any terms and conditions specified by the director on the extension certificate. If the recipient of an extension certificate fails to comply with the terms and conditions, that owner or lessee shall not be eligible for future exemptions or extensions.

(5) A temporary exemption for a motor vehicle may be issued if one of the following criteria is met by the owner or lessee:

(a) For motor vehicles owned or operated by military personnel stationed outside Ohio

If a motor vehicle is registered in an Ohio designated program area, but is owned or operated by a member of the armed forces who is stationed outside Ohio, the application for temporary exemption shall include a copy of that person's current military orders, a copy of the vehicle registration and a completed exemption application.

(b) For motor vehicles owned or operated by students attending schools outside the state of Ohio that are not within another state's designated program area

If a motor vehicle registered in an Ohio designated program area is owned or operated by a person attending school outside the state of Ohio but which is not in another state's designated program area, the application for temporary exemption shall include a statement from the registrar of the school attesting to the student's registration and the effective dates of that registration, a copy of the vehicle registration and a completed exemption application.

(c) For motor vehicles operated outside Ohio in another state's designated program area but not operated by a person eligible for a military or student exemption.

If a motor vehicle registered in an Ohio designated program area is owned or operated by a person in another state's designated program area, the application for temporary exemption shall include a valid compliance certificate from the motor vehicle inspection program in that area, a copy of the vehicle registration and a completed exemption application.

(6) An extension may be granted for a motor vehicle that is undergoing repair at the time of its registration or registration renewal. The documentation for any extension based upon repair shall include a copy of the repair order or parts order, or both, from the facility performing the repairs, a copy of the vehicle registration and a copy of the completed application.

(7) A temporary hardship extension for any motor vehicle may be granted to a motor vehicle owner or lessee. The hardship extension shall be effective for six months from the date the

director issues the extension. The director shall issue an extension certificate to any vehicle owner or lessee if all of the following criteria are met:

- (a) The motor vehicle fails any part of the emission test, except that the hardship extension is not available if a vehicle fails only the gas cap test;
- (b) The motor vehicle owner or lessee completes and submits an application for a temporary hardship extension;
- (c) The applicant certifies that his or her income qualifies as "low income," as defined in these rules; and
- (d) The motor vehicle owner or lessee provides a written estimate of seventy-five dollars or more for vehicle emission repairs, parts or services, including diagnostic fees, related to the failure. If a motor vehicle owner or lessee intends to perform the necessary services or repairs, the written estimate shall include only the cost of emission related parts. The written estimate shall not include any costs associated with any motor vehicle emission related recall that has been or is to be paid by a manufacturer or dealer.

A temporary hardship extension is not transferrable to a subsequent owner or lessee.

(C) Permanent exemptions

Effective January 1, 1996 the following motor vehicles are permanently exempt from the emissions inspection required in the designated program area.

- (1) Vehicles that are older than twenty-five years, as determined by vehicle model year;
- (2) Passenger, noncommercial and commercial vehicles with gross vehicle weight ratings of more than ten thousand pounds, except for urban buses which shall be tested;
- (3) Historical vehicles registered under section 4503.181 of the Revised Code. Owners of historical vehicles are not required to obtain exemption certificates;
- (4) Collector's vehicles registered under section 4501.01 of the Revised Code. Owners of collector's vehicles are not required to obtain exemption certificates;
- (5) Parade and exhibition vehicles registered under section 4503.18 of the Revised Code. Owners of parade and exhibition vehicles are not required to obtain exemption certificates;
- (6) Motorcycles as defined in section 4511.01 of the Revised Code. Owners of motorcycles are not required to obtain exemption certificates;
- (7) Vehicles, the district of registration of which is located in a designated program area, that are leased to a lessee whose county taxing district code, as designated on the vehicle registration, is outside a designated program area. The lessees of such vehicles are not required to obtain exemption certificates as long as the lessee's county taxing district remains outside a designated program area;

(8) Vehicles for which salvage certificates of title have been issued under division (C) of section 4505.11 of the Revised Code. Owners or lessees of salvaged vehicles are not required to obtain exemption certificates;

(9) Recreational vehicles and motor homes as defined in section 4501.01 of the Revised Code. Owners or lessees of recreational vehicles and motor homes are not required to obtain exemption certificates;

(10) Electrically-powered vehicles shall receive a one-time verification inspection prior to receiving an exemption certificate;

(11) Vehicles operating on an alternative fuel such as primarily one hundred per cent propane, butane, alcohol, or natural gas. Experimental vehicles and vehicles operating on other alternative fuels may be exempted at the director's discretion. Such vehicles shall have a one-time verification inspection performed on the vehicle prior to receiving an exemption certificate.

(D) Inspection procedures and repair requirements

(1) All initial inspections and reinspections shall be performed at a contractor-run test center. A vehicle owner or lessee shall present the vehicle registration, an application for registration renewal, a vehicle registration expiration notice, or the vehicle title, or copy thereof, at the time of inspection so as to verify the vehicle identification number.

(2) Vehicles shall receive a visual check. Vehicles found to be in an unsafe condition or missing a catalytic converter, if required, will not receive an emissions test but will be issued a rejection report indicating items that need to be repaired. No fee shall be charged if the vehicle is rejected. Any vehicle may be rejected for one or more of the following conditions:

(a) Fuel, engine oil, coolant or transmission oil leaks in or around engine, fuel tank, or lines causing a visible pooling of fluid onto floor.

(b) Under-inflated tires, emergency spare tires or tires in an unsafe condition.

(c) Loud internal engine noise, obvious exhaust leaks, or a missing tailpipe or a missing gas cap.

(3) A vehicle known to be on an emission related recall or that has an unresolved emission related recall repair will not be inspected until the recall repair is completed and documented with proof of the work performed. After such proof has been presented, an emission test may be performed on the vehicle. Recall repair costs, whether borne by the manufacturer or dealer shall not be counted toward a waiver.

(4) Any vehicle subject to the requirements of this rule shall have a tampering inspection to ensure that it contains the emissions control equipment and that the equipment properly operates.

Each tampering inspection will be performed on the basis of the vehicle's original emission control system configuration at the time of manufacture, or on a U.S. EPA certified emission control configuration for an engine of the same or newer model year and weight class of that of the vehicle. After market replacement parts and add-on and modified parts meeting the performance criteria specified in 40 Code of Federal Regulations, volume 85, subpart V, or

meeting the requirements of the U.S. EPA memorandum 1A policy document, or which have not otherwise been found in violation of the anti-tampering provisions of the Clean Air Act as amended are considered to be in compliance with this chapter.

Vehicles that fail the tampering inspection will be charged the inspection fee and issued a vehicle inspection report indicating failure items. The owner or lessee shall have the vehicle repaired to pass the initial tampering test.

(5) If a vehicle passes the tampering inspection, it will receive an emissions inspection to ensure the concentration of hydrocarbons, nitrous oxides, and carbon monoxide meet applicable standards for the model year. For diesel-powered vehicles, the emissions inspection will test for exhaust opacity. Maximum allowable emission standards shall be determined by the director.

(6) If the vehicle passes the required emissions inspection, the contractor shall provide the owner or lessee with a vehicle inspection report that includes a compliance certificate.

If a vehicle fails its required emissions inspection, the contractor shall provide the owner or lessee with a vehicle inspection report and certificate indicating which items failed the inspection. This report shall list possible components that may need to be replaced and/or the systems to be repaired.

(7) Upon receipt of the vehicle inspection report indicating failure, the owner or lessee shall:

(a) Have emissions related repairs performed on the vehicle;

(b) Have the necessary repairs performed so that the vehicle can pass a subsequent reinspection. Only new original or new aftermarket catalytic converters or recertified used catalytic converters meeting the emission reduction requirements and criteria set by the United States environmental protection agency are acceptable for catalytic converter replacement required under this chapter;

(c) Have the vehicle reinspected after the required repairs have been performed;

(d) Present a dated repair or sales receipt for the repair or replacement of any item causing the failure of the vehicle, and present the vehicle inspection report indicating noncompliance, before the vehicle can be reinspected; and

(e) Have the back side of the vehicle inspection report completed and signed by the person performing the repairs.

(8) Any vehicle owner or lessee may perform repairs necessary to prepare the vehicle for reinspection, however, only actual costs of emissions related parts, not labor costs, incurred by an owner or lessee in performing self repairs upon vehicles shall be applied towards a waiver.

(9) If a motor vehicle failing the opt-in enhanced or enhanced test is covered by a valid and unexpired emission performance warranty as provided under section 207 (B) of the Clean Air Act Amendments of 1990, 104 Stat. 2399, 42 USCA section 7401, as amended, the vehicle owner or lessee shall have any repairs necessary for the vehicle to pass inspection performed on the vehicle under that warranty. Such a vehicle is not eligible for a waiver under this rule. Costs incurred under warranty repairs shall not be applied towards a waiver.

(10) If a vehicle owner or lessee loses an inspection certificate and a valid vehicle inspection identification number does not appear on the bureau of motor vehicles' registration data file, the vehicle owner or lessee must have the vehicle reinspected and pay the required inspection fee to be determined by the director or obtain a duplicate certificate from a designated test facility and pay the designated fee.

(11) Emissions inspections shall incorporate the on-board diagnostic computer link feature mandated by the Clean Air Act Amendments of 1990 when the feature is available.

(E) Waivers

(1) To qualify for a waiver certificate, a motor vehicle owner or lessee must provide all of the following:

(a) Proof that the motor vehicle has received a low emission tune-up as required by section 3704.14 of the Revised Code.

(b) The most recent vehicle inspection report (VIR). Actual repairs and repair information on the VIR must have been completed by the vehicle owner, lessee, or a repair technician. Emission related repairs performed prior to the vehicle's initial inspection can be included in calculating whether the vehicle owner or lessee has met the "waiver limit" or the "repair spending cap," as provided in paragraphs (E)(2) and (E)(3) of this rule, only if the repairs were performed within sixty days of that initial inspection.

(c) Repair receipts including itemized costs from a repair facility, or costs of parts if repairs are performed by an owner or lessee, to bring the vehicle into compliance with the required emission inspection.

For a vehicle registered in a county classified as serious, severe, or extreme nonattainment, the motor vehicle owner or lessee must satisfy the requirements of paragraph (E)(2) of this rule. For a vehicle registered in a county not classified as serious, severe, or extreme nonattainment, but that is subject to a basic or enhanced inspection or program, the motor vehicle owner or lessee must satisfy the requirements of paragraphs (E)(2) and (E)(3) of this rule.

(2) The vehicle owner or lessee must demonstrate that he or she has spent an amount equal to or greater than the "waiver limit" specified in section 3704.14 of the Revised Code on emission-related repairs and diagnostic fees. This amount shall not include the cost of repairing or replacing tampered emissions control equipment, nor shall it include the cost of a low emission tune-up, and it shall include only the cost of parts if the repairs are performed by the vehicle owner or lessee. If the vehicle owner or lessee demonstrates that the "waiver limit" has been spent, the vehicle shall be inspected and the documentation reviewed to establish both of the following:

(a) The motor vehicle shows no sign of tampering with the emission control equipment; and

(b) Reinspection results subsequent to emission-related repairs and adjustments indicate not less than a thirty percent reduction in the measured concentrations of each pollutant that exceeded the applicable standard for that pollutant during the initial inspection. Also, the reinspection results

for each pollutant that passed during the initial inspection shall not exceed the standard for that pollutant after emission-related repairs and adjustments.

(3) The vehicle owner or lessee must demonstrate that he or she has spent an amount equal to or greater than the “repair spending cap” on emission-related repairs and diagnostic fees. This amount shall not include the cost of repairing or replacing tampered emissions control equipment, and shall include only the cost of parts if the repairs are performed by the vehicle owner or lessee.

(4) A waiver certificate shall be valid for three hundred sixty-five days from its date of issuance or until the next required vehicle emission test. A waiver is not transferrable to a subsequent owner or lessee.

(F) Test fees

(1) Pursuant to section 3704.14 of the Revised Code, the director shall establish non-taxable fees for biennial inspections and reinspections. The inspection and reinspection fees shall not differ in amount and shall not exceed twenty-five dollars for the opt-in enhanced or enhanced program.

(2) Vehicle owners or lessees shall pay the required inspection fee upon initially failing the tampering check, upon initially passing the complete enhanced or opt-in enhanced test, or upon any reinspection performed after the first reinspection. The first reinspection is performed at no charge to the owner or lessee.

(3) The director may increase the inspection and reinspection fees if he determines it necessary to cover costs of the program.

(4) Fees collected by the director as required under this chapter shall be credited to the “inspection and maintenance special rotary account” established in section 3704.14 of the Revised Code.

(G) Appeal procedures

A motor vehicle owner or lessee may appeal the results of an emissions inspection if he or she believes the inspection was not administered according to rules or procedures of this chapter. The owner or lessee may appeal the inspection results to the director within fourteen days of failing an emissions inspection. An official appeal shall be in writing and on a form prescribed by the director.

(1) Upon notice of request for an appeal, the director or his representative shall contact the owner or lessee and will reinspect the vehicle at a place and time of the director’s convenience.

(2) The director’s determination of the vehicle’s compliance or noncompliance with inspection standards shall be final upon reinspection by the director.

(a) If, upon reinspection, the vehicle does not pass, a noncompliance certificate shall be issued and an additional fee will be charged to the vehicle owner or lessee.

(b) If, upon reinspection, the vehicle passes, a compliance inspection certificate shall be issued to the vehicle owner or lessee at no charge.

Effective: 8-15-1996

Rule promulgated under: RC Chapter 119.

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Rule amplifies: RC 3704.14

Previous effective dates: 6-13-94; 12-29-95; 5-15-96 (Emergency Rule);

3745-26-13 Requirements for Certified Inspectors in the Enhanced or Opt-in Enhanced Automobile Inspection and Maintenance Program.

(A) Application procedures

Each person applying for inspector certification must be at least eighteen years old. Applicants shall submit a complete application and agree in writing to inspect vehicles in accordance with the rules of this chapter and the Administrative Code.

(B) Inspector training and certification

(1) The contractor in each designated nonattainment area shall be responsible for training each inspector applicant employed by the contractor according to the requirements in 40 CFR Part 51.367.

(2) Applicants shall successfully complete the required training and score at least eighty percent on the written examination and hands-on demonstration administered by Ohio EPA.

(3) The director shall issue a certificate to each person who satisfies all the requirements of this rule. The certificate shall be available at the test facility where the certified inspector performs inspections.

(4) Each inspector shall be certified for a two-year period. Inspectors requiring recertification may be recertified after attending and successfully completing a recertification course and test.

(C) Inspector conduct

(1) Certified inspectors shall not conduct inspections while under the influence of alcohol and/or a disabling medication or drug.

(2) Certified inspectors shall not participate in the solicitation of a bribe in order to pass a vehicle or any other fraudulent activity.

(3) The director may require a certified inspector to attend additional training at any time or require re-administration of the written exam or hands-on demonstration to determine if a certified inspector has sufficient knowledge of the rules and procedures in this chapter and the Administrative Code.

(4) The director may immediately suspend or revoke an inspector's certification for failing to comply with this rule.

Effective 6-13-1994

Rule promulgated under: RC Chapter 119.

Rule authorized by: RC 3704.14

Rule amplifies: RC 3704.14

R.C. [119.032](#) review date: 3/15/2002, 3/15/2007

3745-26-14 Enforcement of Program Rules and Regulations for the Enhanced or Opt-in Enhanced Automobile Inspection and Maintenance Program.

(A) As required by 40 CFR Part 51.359 and 51.363, and as authorized in division (B)(9) of section 3704.14 of the Revised Code, the director shall administer a program of quality assurance and shall require each contractor to implement its own quality control program.

(B) The director may deny, or immediately suspend or revoke an inspector's certification issued under section 3704.14 of the Revised Code for any violations of these sections and section 3704.14, or for:

- (1) Commission of fraud or willful misrepresentation in application for or in obtaining a license.
- (2) Conviction of a felony while certified as an inspector.
- (3) Improper testing of motor vehicles.
- (4) Improper use or misrepresentations of vehicle inspection reports.
- (5) Misrepresentation of vehicle inspection.

(C) Any inspector whose certification is revoked under Chapter 119. or section 3704.17 of Revised Code shall not be eligible to reapply for certification for a three-year period from the date the inspector certification was revoked.

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