

3745-26-01 Definitions.

[Comment: For dates and availability of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, see paragraph (QQ) of this rule titled "referenced materials."]

- (A) "Approved technician trainer" means an individual who 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 the director's designee to instruct technician training.
- (B) "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 this chapter.
- (C) "Certified repair facility" means a site, a building, structure, mobile operation, or combination thereof used by a person, business, firm, corporation, or governmental entity certified by the director in compliance with rule 3745-26-15 of the Administrative Code to conduct emission related repairs to gasoline and diesel fueled vehicles for a repair waiver. The purpose of certifying a facility is to acknowledge to the public that the facility is certified and qualified to conduct emissions related repairs and not that the facility is exclusive to make these repairs.
- (D) "Certified waiver repair technician" means an individual who has attended and completed required training, successfully passed a required examination and has been certified by the director in compliance with rule 3745-26-16 of the Administrative Code to complete emission related repairs subject to this chapter.
- (E) "Compliance" or "comply" means a vehicle has passed all aspects and parameters of the anti-tampering enhanced vehicle inspection and maintenance program, which is required under this chapter. 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 enhanced inspection and maintenance program. This contractor shall, in part, operate, manage or oversee a system of inspection stations operated by the contractor and subcontractor for the enhanced inspection and maintenance program.
- (G) "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 and that is subject to an enhanced vehicle inspection and maintenance program.
- (H) "Director" means the director of the Ohio environmental protection agency or the director's authorized representative.
- (I) "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.

- (J) "Enhanced" means the vehicle inspection program described in this chapter.
- (K) "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 3745-26-12 of the Administrative Code or as determined by the director. 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.
- (L) "Extension certificate" means an official certificate issued by the director to a motor vehicle owner or lessee for emergency or other purposes deemed by the director to warrant an extension of the time to complete the vehicle emissions test of that motor vehicle. 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.
- (M) "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.
- (N) "Government vehicle" means any vehicle as defined in section 4503.16 of the Revised Code.
- (O) "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.
- (P) "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.
- (Q) "Inspection Procedures Manual" or "manual" means the book containing the most recent official document approved 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.
- (R) "Inspection station" means any station or facility, leased or owned, and operated by the contractor or subcontractor approved by the director to conduct anti-tampering inspections and emission inspections of motor vehicles and authorized to issue an inspection certificate or any other program related certificates.
- (S) "Lessee" means any person not having title to a motor vehicle, but granted legal authority by the title holder to possess the vehicle.
- (T) "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.

- (U) "Low-speed vehicle" means a three or four-wheeled motor vehicle with an attainable speed in one mile on a paved level surface of more than twenty miles per hour but not more than twenty-five miles per hour and with a gross vehicle weight rating less than three thousand pounds.
- (V) "Mini-truck" means a vehicle that has four wheels, is propelled by an electric motor or an internal combustion engine with a piston displacement capacity of six hundred sixty cubic centimeters or less, has a total dry weight of nine hundred to two thousand two hundred pounds, contains an enclosed cabin and a seat for the vehicle operator, resembles a pickup truck or van with a cargo area or bed located at the rear of the vehicle, and was not originally manufactured to meet federal motor vehicle safety standards.
- (W) "Motor vehicle" or "vehicle" has the meaning as defined in division (B) of section 4501.01 of the Revised Code.
- (X) "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.
- (Y) "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 Clean Air Act.
- (Z) "Ohio E Check" is the enhanced motor vehicle inspection and maintenance program designated and implemented in accordance with section 3704.14 of the Revised Code in the counties that are necessary and federally mandated for the state to comply with the Clean Air Act.
- (AA) "Opt-in enhanced" means an enhanced vehicle inspection and maintenance program selected by a moderate ozone or carbon monoxide nonattainment area as described in rules 3745-26-10, 3745-26-12, 3745-26-13 and 3745-26-14 of the Administrative Code.
- (BB) "Owner" means any person other than a manufacturer or dealer having title to a motor vehicle.
- (CC) "Person" means the state, any political subdivision, public or private corporation, partnership, firm, association, individual, organization or other entity.
- (DD) "Queuing area" means the space allocated in each lane at each inspection station where vehicles wait for testing.
- (EE) "Repair facility" means a site, a building, structure, mobile operation or combination thereof used by a person, business, corporation, or government entity to conduct, as a business with a vendors license, or corporation, or government maintenance operation, emission related repairs to gasoline and diesel fueled vehicles for a repair waiver. The

director reserves the right to take into consideration other additional factors in the application of this paragraph.

- (FF) "Repair waiver" means obtaining a repair waiver certificate in accordance with rule 3745-26-12 of the Administrative Code in lieu of passing an emissions test in order to meet compliance with the appropriate model year emission standards. A repair waiver is valid for the period of time specified in paragraph (E)(3) of rule 3745-26-12 of the Administrative Code.
- (GG) "Repair 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.
- (HH) "Rural" means an area that does not have defined boundaries, is more sparsely populated or consists of low population density, usually used for mostly farming and agriculture.
- (II) "Subcontractor" means a person or business that contracts with the contractor to provide vehicle emissions testing or other services necessary for the performance of the vehicle inspection and maintenance program or vehicle emissions testing program.
- (JJ) "Test center" means any inspection station operated by a contractor where emission inspections and reinspections are performed.
- (KK) "Under-speed vehicle" means a three or four-wheeled vehicle, including a vehicle commonly known as a golf cart, with an attainable speed on a paved level surface of not more than twenty miles per hour and with a gross vehicle weight rating less than three thousand pounds.
- (LL) "Urban" means a metro statistical area that has a defined boundary and is characterized as having a high population density similar to that of a city, town or municipality, or a region consisting of several metropolitan areas having contiguous boundaries.
- (MM) "Utility vehicle" means a self-propelled vehicle designed with a bed, principally for the purpose of transporting material or cargo in connection with construction, agricultural, forestry, grounds maintenance, lawn and garden, materials handling, or similar activities. The vehicle has an attainable speed in one mile on a paved level surface of more than twenty miles per hour but not more than twenty-five miles per hour.
- (NN) "Vehicle identification number" or "VIN" means the manufacturer's original serial number affixed to or imprinted upon the chassis or other part of the motor vehicle.
- (OO) "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 from the tailpipe emissions test, or the diagnostic trouble codes from the on board diagnostic test, an

anti-tampering inspection and indicates whether the vehicle has passed or failed the different sections of 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.

(PP) "Waiver limit" means the minimum dollar amount required to be spent for motor vehicle emission related repair and diagnostic fees, by each owner or lessee whose vehicle fails the enhanced test in order for said owner or lessee to be eligible for a repair waiver as prescribed in paragraphs (E)(1) and (E)(2) of rule 3745-26-12 of the Administrative Code. For any vehicle registered in a county that is subject to an enhanced inspection program, "waiver limit" means at least two hundred dollars for a 1995 vehicle or earlier model year or three hundred dollars for a 1996 vehicle or more recent 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.

(QQ) Referenced materials. This chapter includes references to certain subject matter or materials. The text of the referenced materials is not included in the rules contained in this chapter. Information on the availability of the referenced materials as well as the date of and the particular edition or version of the material is included in this rule. For materials subject to change, only the specific version specified in this rule are incorporated or referenced. Material is referenced as it exists on the effective date of this rule. Except for subsequent annual publication of existing (unmodified) Code of Federal Regulation compilations, any amendment or revision to a referenced document is not referenced unless and until this rule has been amended to specify the new dates.

(1) Availability. The referenced materials are available as follows:

- (a) ASE, the national institute for automotive service excellence. Information can be obtained by writing to: "ASE, 101 Blue Seal Drive, S.E. Suite 101 Leesburg, VA 20175." Information can also be obtained by calling 1-703-669-6600 or in electronic format at: www.ase.com.
- (b) Clean Air Act. Information and copies may be obtained by writing to: "Superintendent of Documents, Attn: New Orders, PO Box 371954, Pittsburgh, PA 15250-7954." The full text of the act is also available in electronic format at <http://www.epa.gov/clean-air-act-overview/clean-air-act-text>. A copy of the act is also available for inspection and use at most public libraries and "The State Library of Ohio."
- (c) Code of Federal Regulations (CFR). Information and copies may be obtained by writing to: "Superintendent of Documents, Attn: New Orders, PO Box 371954, Pittsburgh, PA 15250-7954." The full text of the CFR is also available in electronic format at <http://www.ecfr.gov>. The CFR compilations are also available for inspection and use at most public libraries and "The State Library of Ohio."

(2) Referenced materials:

- (a) 40 CFR Part 51; "Requirements for preparation, adoption, and submittal of implementation plans"; as published in the July 1, 2020 Code of Federal Regulations.
- (b) 40 CFR 51.356; "Vehicle coverage"; as published in the July 1, 2020 Code of Federal Regulations.
- (c) 40 CFR 51.359; "Quality control"; as published in the July 1, 2020 Code of Federal Regulations.
- (d) 40 CFR 51.363; "Quality assurance"; as published in the July 1, 2020 Code of Federal Regulations.
- (e) 40 CFR 51.367; "Inspector training and licensing or certification"; as published in the July 1, 2020 Code of Federal Regulations.
- (f) 40 CFR 85, Subpart V; "Emissions Control System Performance Warranty Regulations and Voluntary Aftermarket Part Certification Program"; as published in the July 1, 2020 Code of Federal Regulations.
- (g) Clean Air Act; 42 USC 7401 to 7671q; "The Public Health and Welfare-Air Pollution Prevention and Control"; as published in the 2018 edition of the United States Code.
- (h) Section 207 (B) of the Clean Air Act as contained in 42 USC section 7451; "Compliance by vehicles and engines in actual use"; as published in the 2018 edition of the United States Code.

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3745-26-10 Requirements for contractors in the enhanced automobile inspection and maintenance program.

[Comment: For dates and availability of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, see paragraph (QQ) of rule 3745-26-01 of the Administrative Code titled "referenced materials."]

- (A) The motor vehicle inspections conducted under the 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. A contractor may subcontract testing or other services with a person or business, in accordance with the terms of the contract, provided the contractor and subcontractor comply with the contract and this chapter, as applicable.
- (C) The contractor shall construct, maintain and operate computerized, high volume on board diagnostics inspection stations and tailpipe emission inspection stations, except where the director determines that the tailpipe emission inspections are no longer necessary, in a designated program area for the purpose of inspecting vehicles as required under section 3704.14 of the Revised Code. These contractor run vehicle emissions inspection stations shall meet, but not be limited to the following requirements:
 - (1) Eighty per cent of the population that is subject to 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) A majority of the 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.
- (D) The contractor or any of the contractor's employees are 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) The contractor shall provide emission inspection data analyses and furnish to the director summary reports on a weekly, monthly, quarterly, and yearly basis and special reports as requested by the director to carry out the requirements of section 3704.14 of the Revised Code.

- (G) The director may conduct periodic announced and unannounced audits of testing facilities to ensure that the contractor continues to meet this chapter 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 VIR shall contain the following statement: "This automobile inspection is the result of requirements under the Clean Air Act as enacted by the United States Congress and enforced by U.S. EPA. Any questions or comments on the need of the testing program can be directed to U.S. EPA at Environmental Protection Agency, Ariel Rios Building, Office of Transportation and Air Quality, 1200 Pennsylvania Ave. NW, Washington, D.C. 20460. <http://www.epa.gov/home/forms/contact-epa>."
- (J) Each contractor or subcontractor shall be responsible for complying with equipment requirements and procedures established in 40 CFR part 51.

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3745-26-12 Requirements for motor vehicle owners in the enhanced automobile inspection and maintenance program.

[Comment: For dates and availability of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, see paragraph (QQ) of rule 3745-26-01 of the Administrative Code titled "referenced materials."]

(A) Motor vehicles subject to inspection.

- (1) Beginning January 1, 1996, the director shall implement and supervise an enhanced vehicle inspection and maintenance program in the counties that are necessary for the state to effectively comply with the Clean Air Act.
- (2) Unless otherwise exempt pursuant to division (B)(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 enhanced program.

Unless otherwise exempt pursuant to division (B)(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 (B)(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 biennially.
- (3) With the exception of when vehicles are exempt from testing, 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 a vehicle inspected in any county in Ohio where the approved test is being offered.
 - (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, extension certificate, or a waiver certificate with an application for vehicle registration as determined under section 4503.10 of the Revised Code.
 - (6) With the exception of when vehicles are exempt from testing, 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 this rule is obtained. Repair waivers and all types of exemption and extension certificates are not transferrable.
 - (7) Foreign imported gray-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 shall 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 the director's 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 passing 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 and can 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 under the Clean Air Act as enacted by the United States Congress and enforced by U.S. EPA. Any questions or concerns on the need of the testing program can be directed to U.S. EPA at Environmental Protection Agency, Ariel Rios Building, Office of Transportation

and Air Quality, 1200 Pennsylvania Ave. NW, Washington, D.C. 20460.
www.epa.gov/home/forms/contact-epa."

(B) Non-permanent exemptions and extensions.

- (1) Pursuant to division (B)(3) of section 3704.14 of the Revised Code, new vehicles are exempt from the inspection requirements for four years in the enhanced program. New vehicle exemptions commence beginning with the first model year of the vehicle and expire at the end of the fourth year, for example, a 2011 model year's exemption expires December 31, 2014. An exemption certificate is not required for owners of new vehicles.
- (2) Consistent with the intent of these rules, the director may grant 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 non-permanent 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, from any test center, or from the website www.ohiocheck.org.
- (4) Any owner or lessee receiving a non-permanent 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) Extensions shall be issued at the discretion of the director, for the purpose of allowing for a delay in the testing requirement for a period of up to six months. The following are the types of extensions and the requirements and documentation necessary to qualify for an extension:
 - (a) A repair extension may be granted for a motor vehicle that is undergoing repair at the time of the registration or registration renewal. In addition to the application, an extension request based upon repair shall include a copy of the repair order or parts order, or both when available, from the facility performing the repairs, and a copy of the current vehicle registration.
 - (b) An out of state extension may be granted for a motor vehicle that is located in another state provided law enforcement verifies the vehicle location as requested in the application or by another verification method approved by the director on a case-by-case basis.
 - (c) A readiness extension may be granted for a motor vehicle that is having readiness issues related to testing. The documentation shall include a failed inspection report or customer notice indicating not able to test due to readiness.
 - (d) A hardship extension for any motor vehicle may be granted to a motor vehicle

owner or lessee that meets the following criteria:

- (i) The motor vehicle fails any part of the emission test, except the gas cap test.
 - (ii) The motor vehicle owner or lessee completes and submits an application for a hardship extension.
 - (iii) The applicant certifies that the applicant's income qualifies as "low income," as defined in rule 3745-26-01 of the Administrative Code.
 - (iv) 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 themselves, 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.
- (e) A director's discretionary extension may be granted as the director determines is necessary and appropriate for very unique circumstances not addressed in this paragraph.
- (6) A non-permanent 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 non-permanent 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 non-permanent 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 non-permanent 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.

(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) Noncommercial vehicles with gross vehicle weight ratings of more than ten thousand pounds after a one time visual verification and inspection by an Ohio EPA representative.
- (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.

- (12) Vehicles that are registered according to sections 4511.214 and 4511.215 of the Revised Code as defined in section 4501.01 of the Revised Code and rule 3745-26-01 of the Administrative Code. These types of vehicles include but are not limited to utility vehicles, low-speed vehicles, under-speed vehicles and mini-trucks.

(D) Inspection procedures and repair requirements.

- (1) All inspections shall be performed at a designated and approved inspection station. If required, the 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 and that the vehicle is registered in a testing county or the owner or lessee resides in a testing county.
- (2) Vehicles shall receive a visual check. Vehicles found to be in an unsafe condition will not receive an emissions test but will be issued a rejection report indicating items that need to be repaired. This rejection does not count as a failure for purposes of paragraph (F) of this rule. 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) For tailpipe testing only.
 - (i) Under-inflated tires, emergency spare tires, or tires in an unsafe condition.
 - (ii) Loud internal engine noise, obvious exhaust leaks, or a missing tailpipe.
- (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 this rule shall have a tampering inspection to ensure that the vehicle contains the emissions control equipment and that the equipment properly operates. Vehicles that are missing a gas cap, when required, will fail the gas cap test and vehicle inspection.

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 CFR part 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 considered to have failed the emissions test and will be issued a vehicle inspection report indicating the 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, model year 1995 and older gasoline vehicles will receive an emissions inspection to ensure the concentration of hydrocarbons, nitrous oxides and carbon monoxide meet applicable standards for the model year. For model year 1996 and older diesel-powered vehicles, the emissions inspection will test for exhaust opacity. Maximum allowable emission standards shall be determined by the director. Gasoline vehicles model year 1996 and newer and diesel fueled vehicles model year 1997 and newer that are required to be tested shall pass an on board diagnostic test, unless an alternative test is determined to be required.
- (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 the 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 or the systems to be repaired.

- (7) Upon receipt of the vehicle inspection report indicating failure, the owner or lessee shall do the following:
 - (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.
- (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 enhanced test is covered by a valid and unexpired emission performance warranty as provided under section 207 (B) of the Clean Air Act 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 may obtain a duplicate certificate from a designated test facility.
- (11) Emissions inspections shall incorporate the on-board diagnostic computer link feature mandated by the Clean Air Act when the feature is available.

(E) Waivers.

- (1) To qualify for a waiver certificate, a motor vehicle owner or lessee shall provide all of the following:
 - (a) The most recent VIR. 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" as provided in paragraph (E)(2) of this rule, if the repairs were performed within sixty days of that initial inspection.
 - (b) Emission-related 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. 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 themselves.

For a vehicle registered in a county subject to the enhanced inspection program, the motor vehicle owner or lessee shall satisfy paragraphs (E)(2) and (E)(3) of this rule.

- (2) The vehicle owner or lessee shall demonstrate that an amount equal to or greater than the "waiver limit" as defined in rule 3745-26-01 of the Administrative Code has been spent 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 themselves. 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 the following:
 - (a) For all vehicles, the motor vehicle shows no sign of tampering with the emission control equipment.
 - (b) For gasoline vehicles model year 1995 and older or all vehicles that are tailpipe tested, reinspection results subsequent to emission-related repairs and adjustments indicate not less than a thirty per cent 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.

- (c) For all vehicles attempting to qualify for a repair waiver and to the extent possible, the repair waiver inspection will verify the emission-related repairs or replaced parts were made to that vehicle and as itemized on the repair receipt.
- (3) 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) The contractor shall refund the inspection costs for one pass per vehicle incurred by a motor vehicle dealer. These refunds shall apply to vehicles that become registered in a county that is subject to the motor vehicle inspection and maintenance program.
- (2) The contractor shall provide for one free passing emissions inspection or a total of three emissions inspections for a motor vehicle in any three-hundred-sixty-five day period. The owner or lessee of a motor vehicle is responsible for inspection fees that are related to emission inspections beyond one free passing emissions inspection or three total emission inspections in any three-hundred-sixty-five day period. Inspection fees that are charged by a contractor conducting emission inspections under a motor vehicle inspection and maintenance program shall be approved by the director.

(G) Appeal procedures.

A motor vehicle owner or lessee may appeal the results of an emissions inspection if the owner or lessee 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.

- (1) Upon notice of request for an appeal, the director 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.

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Requirements for certified inspectors in the enhanced automobile inspection and maintenance program.

[Comment: For dates and availability of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, see paragraph (MM) of rule 3745-26-01 of the Administrative Code titled "referenced materials."]

(A) Application procedures.

Each person applying for inspector certification shall 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 51.367.
- (2) Applicants shall successfully complete the required training and score at least eighty per cent 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 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.

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3745-26-14 Enforcement of program rules and regulations for the enhanced automobile inspection and maintenance program.

[Comment: For dates and availability of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, see paragraph (QQ) of rule 3745-26-01 of the Administrative Code titled "referenced materials."]

- (A) As required by 40 CFR 51.359 and 40 CFR 51.363, the director shall administer a program of quality assurance and shall require each contractor to implement a 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 paragraph (B) of rule 3745-26-13 of the Administrative Code, or for any of the following:
 - (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 paragraph (C) of rule 3745-26-13 of the Administrative 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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Waiver repair facility certification procedures, requirements, and obligations.

- (A) For the purposes of compliance with the waiver related repairs in paragraph (E) of rule 3745-26-12 of the Administrative Code, the director may issue a waiver repair facility certification or renewal thereof, to an applicant who meets the following:
- (1) Submission of a completed application on a form prescribed by the director.
 - (2) Demonstration, during any on-site inspection by a designee of the director, of compliance with this chapter.
- (B) For applicants who meet or continue to meet the criteria for certifying as a waiver repair facility, the director shall issue an initial or a renewal certification to the facility for a period not to exceed three years. Any renewal application not received within ten days after the last day of the renewal date shall be considered evidence that the facility does not intend to renew their application for a certificate. For any voluntary relinquishment or abandonment of certificate, or cessation of operation of the facility, it is the responsibility of the applicant to notify the director, at least seven days in advance, of the exact date the facility will cease conducting waiver repairs as a certified facility. The director shall reclaim all state-owned or state-provided property.
- (C) The certificate shall be valid only for the following:
- (1) The owner in whose name the certificate is issued.
 - (2) The transaction of business for the purpose of this chapter.
 - (3) The location designated on the certificate. The applicant shall provide proof that the required emissions equipment as detailed in paragraph (G) of this rule, has been or will be purchased or leased and ready for operation within one week of purchase or lease.
- (D) The director may include terms and conditions as part of any certificate issued, to ensure compliance with this chapter.
- (E) Each waiver repair facility shall have a minimum of one certified waiver repair technician, as certified in accordance with rule 3745-26-16 of the Administrative Code. The applicant shall notify the director within seven calendar days, in writing, when the last employee, who is a certified waiver repair technician, resigns, is dismissed, or otherwise leaves employment at the facility. If a certified waiver repair technician resigns, is dismissed, or otherwise leaves employment at the facility

resulting in no certified technicians currently at the facility, the facility will no longer be qualified to be on the list as a certified repair facility.

- (F) The director may revoke any waiver repair facility certificate for a facility failing to maintain and meet the terms and conditions established in this rule.
- (G) Certified waiver repair facilities shall lose their certification if any of the following items are missing or are not in full operating condition:
- (1) Current reference materials.
 - (2) DVOM or digital multi-meter.
 - (3) Vacuum gauge.
 - (4) Fuel pressure test kit.
 - (5) Carbon cleaner system.
 - (6) Three, four, or five gas analyzer.
 - (7) Scan tool.
 - (8) Ignition scope with DIS capabilities.
- (H) The following items are required beginning January 1, 1998 when U.S. EPA's phase-in specifications are upgraded:
- (1) Lab scope.
 - (2) Purge flow tester.
 - (3) Scan tool with OBD II capabilities.
- (I) If the director deems it necessary and upon reasonable written notice, additions or deletions of waiver repair facility equipment may be required.
- (J) The owner or operator of each certified waiver repair facility shall display the official sign issued by the director. The official certified waiver repair facility sign shall be displayed in full view of the public and shall not be altered in any way.

The sign shall remain the property of the Ohio EPA and, upon discontinuance as a certified waiver repair facility, shall be surrendered by the applicant to an authorized representative of the Ohio EPA when so ordered by the director.

- (K) Each certified waiver repair facility shall contact the director at least thirty days prior to a change of ownership, business name, or location. Upon notice of a change of a facility owner or location, the director shall issue a certificate under the subsequent facility name, owner, or location, provided the facility meets or continues to meet the minimum criteria as a certified waiver repair facility.
- (L) In the event of any changes, the subsequent owner or the current owner of a subsequent facility location shall submit a new certification application to the director.

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Requirements for certified waiver repair technicians and approved technician trainers.

[Comment: For dates and availability of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, see paragraph (MM) of rule 3745-26-01 of the Administrative Code titled "referenced materials."]

- (A) The director shall certify any applicant as a waiver repair technician to conduct waiver repairs as required in paragraph (E) of rule 3745-26-12 of the Administrative Code provided the applicant does the following:
- (1) Submits a completed application on a form prescribed by the director.
 - (2) Completes and satisfactorily passes a training curriculum sponsored or approved by the Ohio environmental protection agency for the purpose of learning the methods and procedures to be used in properly repairing vehicles failing an emissions inspection. The applicant is required to satisfactorily pass the approved training course written examination.
 - (3) The requirement to complete and satisfactorily pass the approved training course may be waived by the director, if the applicant possesses current automotive service excellence (ASE) certification in advanced engine performance (L1) or other certification deemed comparable by the director. .
 - (4) Possesses current ASE certification in Engine Performance (A8) and Electrical Systems (A6), ensuring that the technician has demonstrated competence in the area of basic emissions control systems. Beginning January 1, 1998, ASE certification in Automobile Advanced Engine Performance (L1) will be required of each applicant. The director reserves the right to require or waive performance standards as the director deems necessary.
- (B) Certification as a waiver repair technician shall be valid for two years. Each certified technician may conduct or otherwise perform waiver repairs only at a certified waiver repair facility.
- (C) The director shall provide each applicant a waiver repair technician's certificate upon successful completion of certification requirements. The candidate may perform waiver related repairs as required in rule 3745-26-12 of Administrative Code prior to the reception of a certificate only if all other requirements for certification have been met and satisfactorily completed or passed.

- (D) Certified waiver repair technicians who change their place of employment from one certified waiver repair facility to another may continue to conduct waiver repairs so long as their certification is valid.

Certified technicians shall notify the director prior to a change in place of employment.

- (E) The director may require a certified waiver repair technician to attend a program update training course at any time in order to maintain certification. The director shall notify the technician in writing of any additional training requirements.

- (F) Recertification as a waiver repair technician shall consist of submitting an application to the director before the current certification expires. Additional training may also be required.

- (G) Approval of technician trainers.

- (1) The director may approve waiver repair technician trainers.
- (2) The director may include terms and conditions necessary to become an Ohio EPA approved trainer for the purpose of training and certifying waiver repair technician.
- (3) Upon approval by the director, Ohio EPA approved trainers shall also be certified as a certified waiver repair technician.

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