

RULE SYNOPSIS

Draft rule language for Ohio Administrative Code (OAC) Chapter 3745-26

The Ohio EPA Division of Air Pollution Control (DAPC) has completed draft rule language for implementation of the enhanced motor vehicle inspection and maintenance program.

Changes made in response to Comments on Draft Rule Language

Ohio EPA made these rules available to the public for a 30-day draft rule comment period ending October 24, 2014. Several comments were received by DAPC from one interested party. Most of the suggested changes were minor typos and grammatical errors. There were some suggestions to change specific language within certain rules and also some proposed corrections that were not accurate. Specific changes made included the following:

OAC rule 3745-26-01 “Definitions”

(E) Changed “whichever” to “which”.

OAC rule 3745-26-12 “Requirements for vehicle owners in the enhanced vehicle inspection and maintenance program”

(A)(2) Struck “opt-in enhance or”.

(A)(2)(c) Struck “annually”.

(A)(7) Changed “grey” to “gray”.

(C)(2) Struck “Passenger” and “and commercial”.

(D)(9) Struck “opt-in enhance or”.

(F)(1) Struck the following, The contractor shall refund the inspection costs for one pass per vehicle incurred by a motor vehicle dealer. so that the dealer may provide inspection certificates to an individual purchasing a motor vehicle from the dealer when that individual resides in a county that is subject to the motor vehicle inspection and maintenance program. and added, “These refunds shall apply to vehicles that become registered in a county that is subject to the motor vehicle inspection and maintenance program.”

OAC rule 3745-26-15 Waiver repair certification procedures, requirements and obligations.

(B) Changed “ license” to “certificate”. Added “to meet the criteria as a certified waiver repair facility.”

(C) Changed “ license” to “certificate”.

(D) Changed “ license” to “certificate”.

(E) Struck the following, “the facility may not conduct waiver repairs” and added, “will cease to meet the criteria to be on the list as a certified repair facility.”

(G) Reworded rule so that the facility will lose their certification and not their ability to operate.

(J) Added the word “certified” before waiver repair facility.

(K) Added the word “certified” before waiver repair facility.

OAC rule 3745-26-16 Requirements for certified waiver repair technicians and approved technician trainers.

(B) and (D) Changed " licensed" to "certified".

Original Draft Rule Changes

The original draft changes are discussed below. The draft changes are still valid unless superseded by a change in the above section:

OAC 3745-26-01 Definitions

DAPC is suggesting several changes to this rule as presented below.

- Paragraph (A) defines the term, "approved technician trainer". This term was previously defined in paragraph (B), but was promoted with the removal of the definition of "Applicant" in the original paragraph (A).
- Paragraph (B) defines the term "Certified inspector." This definition is unchanged, however, the paragraph was lettered from (C).
- Paragraph (C) defines the new term "Certified repair facility." This term will replace the existing term, "licensed waiver repair facility".
- Paragraph (D) will define the term, "certified waiver repair technician" and will also be revised to include improved wording regarding vehicle repairs.
- Paragraph (E) will define the terms, "compliance" or "comply" and will also be amended to update the type of vehicle inspection and maintenance program for which these rules refer to.
- Paragraph (F) will define the term, "contractor" and will also be amended to update the type of vehicle inspection and maintenance program for which these rules refer to. This paragraph also includes language added to further describe the responsibilities of the contractor.
- Paragraph (G) will define the term, "designated program area" and will also be amended to update the type of vehicle inspection and maintenance program for which these rules refer to. This paragraph is relettered to replace the existing paragraph (G), "Contractor run" which was removed.
- Paragraph (H) will be revised to define the term, "director". This term was previously defined in paragraph (I).
- Paragraph (I) will now define the term, "engine exchange". This term was previously defined in paragraph (J).
- Paragraph (J) will define the term, "enhanced". This term was previously defined in paragraph (K).
- Paragraph (K) will define the term "exemption certificate" and will be amended to update the section in which exemption certificates are referenced in.
- Paragraph (L) will now define the term, "extension certificate" and will be revised to include clarifying language regarding extension compliance.
- Paragraph (M) will define the term "foreign imported gray market vehicle". This term was previously defined in paragraph (O).
- Existing paragraph (N), "Facility" is being removed from the rule.

- Paragraph (N) will define the term “government vehicle”. This term was previously defined in paragraph (P).
- Paragraph (O) defines the term, “gross vehicle weight rating”. This term was previously defined in paragraph (Q).
- Paragraph (P) defines the term “inspection certificate”. This term was previously defined in paragraph (R).
- Paragraph (Q) clarifies that inspection procedure manuals that may be distributed out are approved by the director not issued by the director.
- Paragraph (R) defines the new term, “inspection station”.
- Paragraph (S) defines the term, “lessee”. This term was previously defined in paragraph (U).
- Paragraph (T) defines the term “Low income.” The term was moved to place it in alphabetical order among the other terms.
- Paragraph (U) defines the term, “motor vehicle” or “vehicle”. This term was previously defined in paragraph (Y).
- Paragraph (V) defines the term “multi-fueled vehicle”. This term was previously defined in paragraph (Z).
- Paragraph (W) defines the term, “nonattainment area”. This term was previously defined in paragraph (AA).
- Paragraph (X) defines the term, “Ohio e check”. This is the term used to describe Ohio’s enhanced motor vehicle inspection and maintenance program.
- Paragraph (Y) defines the term, “opt-in enhanced”. This term was previously defined in paragraph (BB).
- Paragraph (Z) defines the term, “owner”. This term was previously defined in paragraph (CC).
- Paragraph (AA) defines the term, “person”. This term was previously defined in paragraph (DD).
- Paragraph (BB) defines the term, “queuing area”. This term was previously defined in paragraph (EE).
- Paragraph (CC) defines the new term “Repair facility.”
- Paragraph (DD) defines the term “Repair waiver.” The term was moved to place it in alphabetical order among the other terms.
- Paragraph (EE) defines the new term, “repair waiver certificate”.
- Paragraph (FF) defines a new term, “rural”.
- Paragraph (GG) defines a new term, “subcontractor”.
- Paragraph (HH) defines the term, “test center”. This term was previously defined in paragraph (FF).
- Paragraph (II) defines a new term, “urban”.
- Paragraph (JJ) defines the term, “vehicle identification number” or “VIN”. This term was previously defined in paragraph (HH).
- Paragraph (KK) defines the term, “vehicle inspection report” or “VIR”. This term was previously defined in paragraph (II).
- Paragraph (LL) defines the term, “waiver limit.” This term was previously defined in paragraph (LL).
- Paragraph (MM) is being added to include information on the version and availability of items referenced throughout this chapter.

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

- The rule contains several changes regarding the testing and operating requirements of the emissions testing contractor.

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

- The rule contains the addition of language describing the issuance and use of testing requirement extensions and several minor changes to existing language for clarification.

OAC rule 3745-26-13 Requirements for certified inspectors in the enhanced automobile inspection and maintenance program

- The only change to this rule is removing the “opt-in enhanced” term from the title.

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

- The reference of section 3704.14 will be updated to reference paragraph (B) of rule 3745-21-13 of the Administrative Code and the term “opt-in enhanced” will be removed from the title.

OAC rule 3745-26-15 Waiver repair facility certification procedures, requirements, and obligations

- Paragraphs (L), (M) and (N) regarding licensed waiver repair facilities will be removed. The term “license” or “licensing” will be replaced with a new term, “certificate” or “certifying”.

OAC rule 3745-26-16 Requirements for certified waiver repair technicians and approved technician trainers

- The rule will be updated to no longer contain language regarding fundamental inspection repair system training.