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# Ohio's Anti-Tampering Law

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October 2001

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A law that protects consumers from being sold tampered vehicles became effective September 27, 1993. It was amended on June 28, 1993, by Senate Bill 18. The law also enhanced Ohio EPA's authority to enforce existing tampering-related prohibitions such as selling or installing a device on a vehicle that would damage or bypass any emission control system. The prohibitions in the law apply to vehicles sold "as is" as well as those sold with warranties.

## What is tampering?

According to Revised Code section 3704.16, tampering means "to remove permanently, bypass, defeat or render inoperative, in whole or in part, any emission control system that is installed on or in a motor vehicle." Tampering includes acts such as removing the catalytic converter from a vehicle and installing a straight pipe; removing the substrate from inside the catalytic converter ("cleaning" it out); removing an air pump or disabling the air pump by removing the air pump belt; or installing a non-standard thermostatic air cleaner.

## What is illegal in Ohio?

Under state law it is illegal to knowingly sell, lease, rent or operate a vehicle in a tampered condition. Removing a pollution control device from a vehicle is

illegal. Likewise, selling or installing a device that would hamper the effectiveness of any vehicle pollution control system is prohibited. Individuals — as well as car dealerships, muffler shops and repair facilities — are prohibited from tampering with a motor vehicle. If you know of someone who has tampered with a vehicle, you may file a complaint with Ohio EPA.

## What remedies are available to me if I purchase a tampered vehicle?

If you purchased a tampered vehicle in Ohio, you may take independent legal action to rescind the sale and/or recover damages from the seller. In addition, you may file a complaint with the Mobile Sources Section. If the vehicle was purchased from a dealer and an Ohio EPA investigation determines that further violations of the anti-tampering law have occurred, Ohio EPA can take an enforcement action against the dealer.

## What should I look for when buying a used vehicle?

Before buying the vehicle, ask the seller if the vehicle meets all federal and state emission system tampering laws. You should then look under the hood of the car for the Vehicle Emissions Control

Information (VECI) label. This label identifies most of the emission control systems that were installed on the vehicle when it was manufactured. Next to the VECI label should be a routing diagram that shows where on the engine some of the emission control devices are located. If the seller is familiar with the workings of a vehicle engine, have him or her show you all of the devices, including the catalytic converter. If the seller is not familiar with the vehicle's engine, ask if the vehicle can be driven to a repair facility so it can be looked over. It is a good practice to take a used vehicle you are considering buying to a repair technician you trust.

## I purchased a vehicle and soon after that the catalytic converter quit working. Was it illegal for the seller to allow me to purchase the car?

Probably not. If the converter was present and properly connected when the vehicle was sold to you, it wasn't tampered but rather most likely defective or malmaintained. Malmaintenance can result in corroded exhaust systems and converters, deteriorated hot air tubes as well as clogged air filters. Although malmaintenance does affect your vehicle's emission systems, it isn't considered tampering. Tampering involves such acts

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as willfully removing the converter, air pump, computer controls, etc.; plugging the vacuum line to the exhaust gas recirculation valve or installing a dual exhaust system on a vehicle originally designed for single exhaust that had no option for dual exhaust.

If the converter is defective, you may be entitled to free warranty repairs. You may find information in the vehicle's manual, in the Vehicle Warranty Booklet, or you may contact Ohio EPA's Mobile Sources Section for additional information about the defective emission parts warranty.

### Can I trade in my tampered vehicle for a new car?

When you trade in a vehicle, you actually are selling the vehicle to a dealer. Trading in a tampered vehicle therefore violates the anti-tampering law. Under this scenario, a judgment could be made requiring the sale to be rescinded and possibly requiring you to pay damages to the dealer. If the vehicle dealer sells that vehicle to someone else in the same tampered condition, the dealer, not you, would be held liable for that sale to the consumer. This does not keep the dealer from seeking legal action against you.

### I purchased a used vehicle that was tampered. Before I knew it was tampered, I spent a good deal of money having repairs performed. Can I recover any of the money spent on this vehicle?

The person that you purchased the car from should be allowed the opportunity to repair the vehicle to "as manufactured" condition or allow you to return the vehicle for a full refund. Damage amounts are awarded by a judge if the buyer decides to file a motion in court. If a judge decides that the seller knowingly sold the vehicle in a tampered condition, the seller would probably be required to repair the vehicle so that it conforms to the U.S. EPA certified vehicle configuration of that model year or newer.

### What problems might I encounter by driving a tampered vehicle?

Some motorists will remove or disconnect a damaged or non-working device believing that removing or disconnecting a pollution control device will increase gas mileage or even have no effect on a vehicle. But tampering will affect vehicle performance in a *negative* way. Today's vehicles are sophisticated machines with well-integrated systems. Disabling or removing any emission control system can result in decreased

performance, poor fuel economy, greater damage to other associated systems, and — in extreme cases — an inoperable vehicle. In addition, knowingly operating a tampered vehicle is a minor misdemeanor under state law.

Furthermore, if you live in a county that has or will have an automobile emissions testing program, you may have difficulty registering a tampered vehicle. Depending on the degree of tampering, a vehicle can fail the inspection and the owner can incur potentially high repair costs in order to pass inspection. Vehicles are required to comply with the program before they are registered. Also, tampering repairs do not count towards a waiver or repair cap which are two forms of compliance.

Perhaps the best reason *not* to tamper with your vehicle's emission control systems is that doing so adds pollution to the air. Well maintained vehicles that are kept in their original configuration emit a small amount of pollutants. Tampered vehicles can emit well over 100 times that amount. When our vehicles are polluting as little as possible, we all can breathe a little easier.

Questions about  
the anti-tampering law ?  
Call 614-644-3059