

**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: August 15, 1996

Original signed by Donald R. Schregardus, Director, Ohio EPA  
Certification

July 30, 1996  
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