

AN ACT

To amend sections 3704.035, 3704.14, 3704.99, 4503.10, and 4503.103, to enact new section 3704.142 and sections 3704.143, 3704.144, and 3704.145, and to repeal sections 3704.142 and 3704.17 of the Revised Code to replace the enhanced motor vehicle inspection and maintenance program with a biennial basic motor vehicle inspection and maintenance program in certain areas of the state; to require the implementation in those areas of other programs needed to maintain compliance with the carbon monoxide and ozone standards; to specify that new motor vehicles are exempt for two years under a motor vehicle inspection and maintenance program regardless of a change of ownership; to require prosecution of, and impose other sanctions against, persons who falsify motor vehicle emissions tests; to abolish the Motor Vehicle Inspection and Maintenance Program Legislative Oversight Committee; to require the Director of Environmental Protection to develop procedures to limit erroneous and fraudulent certification that a motor vehicle has passed a motor vehicle emissions test, request invalidation of certain air quality monitoring data, and evaluate the number and locations of ambient air quality monitors for carbon monoxide and ozone and the cost effectiveness of technology that remotely senses motor vehicle emissions; to authorize the Director to conduct a pilot project to test the cost effectiveness of technology that remotely senses motor vehicle emissions; and to make an appropriation.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 3704.035, 3704.14, 3704.99, 4503.10, and 4503.103 be amended and new section 3704.142 and sections 3704.143, 3704.144, and 3704.145 of the Revised Code be enacted to read as follows:

Sec. 3704.035. There is hereby created in the state treasury the clean air fund. Except as otherwise provided in division (K) of section 3745.11 of the Revised Code, all moneys collected under divisions (C), (D), (F), (G), (H), (I), and (J) of that section and under section 3745.111 of the Revised Code, and any gifts, grants, or contributions received by the director of environmental protection for the purposes of the fund, shall be credited to the fund. The director shall expend moneys from the fund exclusively to pay the cost of administering and enforcing the laws of this state pertaining to the prevention, control, and abatement of air pollution and rules adopted and terms and conditions of permits, variances, and orders issued under those laws, except that the director shall not expend moneys credited to the fund for the administration and enforcement of motor vehicle inspection and maintenance programs and requirements under sections 3704.14, 3704.141, 3704.16, 3704.161, and 3704.162, ~~and 3704.17~~ of the Revised Code.

Specifically, the director shall expend all moneys credited to the fund from fees assessed under section 3745.11 of the Revised Code pursuant to the Title V permit program established under section 3704.036 of the Revised Code, and from any gifts, grants, or contributions received for the purposes of that program, solely to administer and enforce that program pursuant to the federal Clean Air Act, this chapter, and rules adopted under it, except as costs relating to enforcement are limited by the federal Clean Air Act. The director shall establish separate and distinct accounting for all such moneys.

The director shall report biennially to the general assembly the amounts of fees and other moneys credited to the fund under this section and the amounts expended from it for each of the various air pollution control programs.

Sec. 3704.14. (A) As used in this section:

(1) "Basic motor vehicle inspection and maintenance program" or "basic program" means a biennial motor vehicle inspection and maintenance program that complies with the requirements governing motor vehicle inspection and maintenance programs under the "Clean Air Act Amendments" and that is not an enhanced motor vehicle inspection and maintenance program.

(2) "Clean Air Act Amendments" means the "Clean Air Act Amendments of 1990," 91 Stat. 685, 42 U.S.C.A. 7401, as amended, and regulations adopted under it.

(3) "Contractor" means any person who has ~~entered into~~ been awarded a contract under division (D)~~(5)~~ of this section.

(4) "District of registration" means the district of registration of a motor vehicle as determined under section 4503.10 of the Revised Code.

(5) "Enhanced motor vehicle inspection and maintenance program" or "enhanced program" means a motor vehicle inspection and maintenance program that complies with the requirements governing an enhanced motor vehicle inspection and maintenance program under the "Clean Air Act Amendments."

~~(6) "Licensee" means any person licensed under division (C) of this section.~~

~~(7) "Metropolitan planning organization" means a metropolitan planning organization designated under section 9(a) of the "Federal Aid Highway Act of 1962," 76 Stat. 1148, 23 U.S.C.A. 134, as amended.~~

~~(8) "Motor vehicle" and "vehicle" have the same meanings as in section 4501.01 of the Revised Code and "vehicle" mean any motor vehicle as defined in section 4501.01 Of the Revised Code that is self-propelled.~~

~~(9)(7)~~ "Waiver limit" means the cost of repairs needed for a motor vehicle to pass a motor vehicle emissions inspection under this section above which the owner of the motor vehicle need not have the repairs performed on the vehicle and may receive a waiver under division (F) of this section. For a motor vehicle the district of registration of which is or is located in a county classified as moderate nonattainment or attainment that is subject to a basic or ~~an~~ enhanced ~~motor vehicle inspection and maintenance~~ program, "waiver limit" means more than one hundred dollars for a vehicle of a 1980 or earlier model year and more than two hundred dollars for a vehicle of a 1981 or later model year. For a motor vehicle the district of registration of which is or is located in a county classified as serious, severe, or extreme nonattainment and that is subject to an enhanced ~~motor vehicle inspection and maintenance~~ program, "waiver limit" means more than four hundred fifty dollars. "Waiver limit" also includes the cumulative amount of the annual adjustments to each of the amounts specified in ~~this division (A)(7) of this section~~ made by the director pursuant to regulations adopted under section 502(b)(3)(B)(v) of the "Clean Air Act Amendments." "Waiver limit" does not include the cost of any repairs performed on a vehicle for the purpose of restoring the vehicle in accordance with the findings of the ~~visual~~ anti-tampering portion of a motor

vehicle emissions inspection conducted under this section.

(8) "Emissions related repairs" means either of the following, as applicable:

(a) With regard to a pre-computer controlled vehicle, adjustments to, repairs of, or replacement of parts or systems that will restore the vehicle to proper working order or specifications, including, without limitation, the positive crankcase ventilation system, vacuum hoses, fuel delivery system, and evaporative emissions system;

(b) With regard to a vehicle with a computerized engine management system with a high energy ignition system, adjustments to, repairs of, or replacement of parts or systems that will restore the vehicle to proper working order or specifications, including, without limitation, the air injection reaction system, exhaust gas recirculation system, on-board diagnostic system, and evaporative emissions system.

(B) The (1) Not later than two months after the effective date of this amendment, the director of environmental protection shall ~~implement and supervise a~~ terminate an enhanced motor vehicle inspection and maintenance program, and implement a basic program, in any county classified as moderate, serious, severe, or extreme nonattainment for carbon monoxide or ozone in accordance with the "Clean Air Act Amendments." The director shall ~~implement and supervise a basic or an enhanced motor vehicle inspection and maintenance program in a county that is within an area classified as nonattainment for carbon monoxide or ozone when such a program is included in the air quality maintenance plan or contingency plan for the nonattainment area that includes the county and that is submitted to the United States environmental protection agency by the director as required under section 175A of the "Clean Air Act Amendments" as part of a request for redesignation of the nonattainment area as attainment for carbon monoxide or ozone under section 107(d) of that act, and the director determines that the conditions requiring implementation of such a program and set forth in either such plan have been met. The director shall implement and supervise the enhanced program in any county as required under section 3704.142 of the Revised Code. The~~ that is located in an area of the state classified as attainment for carbon monoxide and ozone under the Clean Air Act Amendments on July 1, 1996, and in which an enhanced program was in operation on that date, provided that the implementation date shall be the first day of the month in which the program begins operation.

(2) The director shall continue to implement an enhanced program in any county that is located in an area of the state classified as nonattainment for carbon monoxide or ozone on July 1, 1996, under the Clean Air Act

Amendments and in which an enhanced program was in operation on that date, except that if the area is redesignated so that it is classified as attainment for carbon monoxide and ozone under the Clean Air Act Amendments and the enhanced program is not necessary for the area to maintain compliance with the Clean Air Act Amendments, the director shall terminate the enhanced program in any county that is located in that area and implement a basic program and any additional programs pursuant to section 3704.142 Of the Revised Code in order for the area to maintain compliance with the Clean Air Act Amendments.

(3) The director shall not implement a motor vehicle inspection and maintenance program in any county not described in division (B)(1) or (2) of this section. The director may terminate ~~the~~ a basic or enhanced program in any county that is subject to this section in accordance with division ~~(K)~~(J)(2) of this section. The

(C) The director shall adopt, and may amend or rescind, rules to facilitate the implementation, supervision, administration, operation, and enforcement of ~~the~~ a basic or enhanced motor vehicle inspection and maintenance program required by division (B) of this section, including, without limitation, rules providing for all of the following:

(1) The form of all inspection certificates; ~~distribution of inspection certificates to reinspection stations licensed under division (C) of this section~~, and ~~the~~ the form and distribution of any other papers or documents necessary or convenient to the program. The rules shall include, without limitation, the requirement that all inspection certificates bear a statement that reads: "This automobile inspection is the result of requirements under the Clean Air Act Amendments of 1990 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~~ ~~the~~ the United States House of Representatives, The Capitol, Washington, D.C. 20515."

(2) The replacement of lost or stolen certificates, papers, or documents;

(3) Inspection procedures and standards to be used in motor vehicle emissions inspections conducted under this section, including, without limitation, a requirement that the inspections test for carbon monoxide and hydrocarbons at idle or loaded mode conditions; a requirement that the inspections test opacity for particulates for diesel fueled vehicles; standards establishing maximum allowable emissions of those pollutants, for both gasoline fueled and diesel fueled vehicles, for each model year of motor vehicles inspected; a requirement that beginning with the ~~1994~~ 1996 model

year, the inspections utilize the on-board diagnostic computer links mandated by the "Clean Air Act Amendments"; requirements governing the computerized exhaust analyzer system to be used by any contractor conducting inspections ~~and any licensees conducting reinspections~~; tampering parameter inspection procedures and standards to be used in the visual anti-tampering portion of an inspection conducted under this section; requirements governing ~~the engine tune-up~~ emissions related repairs that shall be performed on any motor vehicle that fails an inspection conducted under this section, ~~including, without limitation, requirements that specific items be checked and repaired, replaced, or adjusted as necessary to restore the motor vehicle to proper working order or specifications~~; tailpipe emissions improvement requirements specified by percentage; a waiver repair verification system; and any other necessary waiver procedures for motor vehicles that fail an inspection under this section;

(4) A system for the maintenance and reporting of inspection ~~and reinspection~~ station data and records;

(5) The manner of identifying exempt vehicles;

(6) Inspection, and supervision thereof, of ~~fleets and~~ governmental vehicles under ~~divisions (G) and (H)~~ division (G) of this section;

(7) ~~Establishment of specifications for an identification sign that reinspection stations licensed under division (C) of this section shall display in a conspicuous manner;~~

(8) ~~The issuance of motor vehicle inspection certificates only to reinspection stations licensed under division (C) of this section that continue to comply with this section;~~

(9) ~~The surveillance of reinspection stations licensed under division (C) of this section and~~ of inspection stations operated by any contractor hired to conduct inspections under this section to ensure that quality testing and this section and rules adopted under it are being adhered to throughout the inspection and reinspection process;

(10) ~~The information to be included in applications for licenses filed under division (C) of this section and the procedure for filing those applications;~~

(11)(8) The establishment of a referee inspection system by the director to resolve disagreements between owners of motor vehicles and inspection ~~and reinspection~~ stations regarding inspection and reinspection results, including, without limitation, procedures for the collection of an inspection fee that a referee inspection station may charge for any motor vehicle inspection conducted by it. The fee shall not exceed the amount of the inspection or reinspection fee paid by the owner of the motor vehicle

established under division (D)(7) of this section for the original inspection or a reinspection of the motor vehicle under this section.

~~(12)~~(9) The locations of computerized, high-volume, ~~contractor-operated~~ motor vehicle inspection stations conducting inspections for the purposes of this section. The rules shall require both of the following:

(a) In urban metropolitan statistical areas and consolidated metropolitan statistical areas, as defined by the bureau of the census in the United States department of commerce, eighty per cent of the population that is subject to this section be no more than five miles from an inspection station and one hundred per cent of that population be no more than ten miles from an inspection station;

(b) In rural areas, as defined by the bureau of the census in the United States department of commerce, one hundred per cent of the population that is subject to this section be no more than fifteen miles from an inspection station.

~~(13)~~(10) A requirement that ~~contractor-operated~~ inspection stations ~~conducting inspections under this section~~ be in operation for at least forty-five hours per week, which shall include, without limitation, operating hours in the evening and on Saturdays;

~~(14)~~(11) A requirement that any contractor hired to conduct inspections under this section not allow vehicle waiting time to exceed an average of fifteen minutes and the establishment of minimum performance penalties for failure to comply with that requirement;

~~(15)~~(12) An adequate queuing area, as determined by the director, at each ~~contractor-operated~~ inspection station ~~conducting inspections under this section~~. The rules adopted under division ~~(B)(15)(C)~~(12) of this section shall not arbitrarily discriminate against any person who can reasonably be expected to submit a proposal under this section for any contract provided for in division (D) of this section.

~~(16)~~(13) Conditions for the suspension and revocation of ~~licenses and~~ inspector certifications issued under this section;

~~(17)~~(14) The commencement date of ~~the~~ a basic motor vehicle inspection and maintenance program established under this section shall be July 1, 1994, not later than two months after the effective date of this amendment in all affected counties ~~classified as moderate nonattainment for carbon monoxide or ozone under the "Clean Air Act Amendments" on the effective date of this amendment, other than Cuyahoga county. The commencement date of the enhanced program in a county so classified as moderate nonattainment for carbon monoxide or ozone on the effective date~~

~~of this amendment for which the implementation and supervision of the enhanced program was requested under section 3704.142 of the Revised Code shall be January 1, 1995. The commencement date of the program in any other affected counties, other than Cuyahoga county, shall be the date established by the director that are located in an area of the state classified as attainment for carbon monoxide and ozone on July 1, 1996, and in which an enhanced motor vehicle inspection and maintenance program was in operation on that date, provided that the implementation date shall be on the first day of the month in which the program begins operation. An enhanced program shall continue to operate in those counties that are located in an area of the state classified as nonattainment for carbon monoxide or ozone on July 1, 1996, and in which an enhanced program was in operation on that date.~~

~~(18)(15)~~ A requirement that reinspections ~~under the enhanced motor vehicle inspection and maintenance program~~ be conducted only by a contractor hired to conduct inspections under this section;

~~(19)(16)~~ A requirement that each inspection station ~~operated by a contractor, each licensed reinspection station,~~ and each referee inspection station; prominently display in a location that is readily visible to persons whose motor vehicles are being tested pursuant to this section a sign that contains the same language that is required to be printed on inspection certificates under division ~~(B)(C)~~(1) of this section;

~~(17)~~ A requirement that procedures be implemented to limit erroneous or fraudulent certification of a motor vehicle as having passed a motor vehicle inspection.

~~(C)(1)~~ The director of environmental protection shall issue licenses for reinspection stations for the purposes of the basic motor vehicle inspection and maintenance program established under this section for two year periods, except that for the initial license period for any station, the director may issue the license for a period not to exceed five years. The director may include terms and conditions as part of any license issued to ensure compliance with this section and rules adopted under it.

The director may issue a license for each reinspection station for which an application is filed that complies with this section and rules adopted under it. Each application shall include both of the following:

~~(a)~~ A nonrefundable fee of one hundred dollars for each initial license or a nonrefundable fee of fifty dollars for renewal of any license;

~~(b)~~ A demonstration that the reinspection station will comply with this section and the director's rules adopted under it.

~~(2)~~ Each licensee shall conduct reinspections as required by the

~~director's rules. The licensee shall provide an inspection certificate for vehicles that pass a reinspection under this section.~~

~~(3) A licensee shall charge the fee under the basic program that is established under division (D)(7) of this section for any reinspection performed by the licensee under this section.~~

~~(4) A licensee may charge each person for services. However, fees for reinspection shall be separately stated from any other charge to the person.~~

~~(5) No licensee shall require as a condition of performing a reinspection that any needed repairs or adjustments to a vehicle be done by the licensee.~~

~~(6) A licensee shall maintain and make available for inspection by the director or the director's authorized representative accurate records as required by rules adopted under this section.~~

~~(7) The director shall credit the moneys the director receives under division (C) of this section to the motor vehicle inspection and maintenance fund created in division (I) of this section.~~

(D)(1) The ~~initial~~ motor vehicle inspections and reinspections conducted under ~~the a~~ basic motor vehicle inspection and maintenance program, ~~and all inspections and reinspections conducted or under the an~~ enhanced program; required under this section shall be conducted by one or more private contractors. The director of administrative services shall issue and award contracts pursuant to a request for proposal process. In doing so, the director shall consider factors in the interest of consumers, including at least consumer price, service quality, service delivery time, and convenience. The director shall use ~~the director's~~ best efforts to secure as many proposals as possible for each contract to be ~~entered into~~ executed under division (D)(5) of this section, ~~which shall include the division of~~ except that in converting from an enhanced program to a basic program under division (B) of this section, the director may negotiate with the contractor for the enhanced program without seeking proposals from other contractors to operate the basic program. The director shall divide the state into independent zones for the purpose of submission of the proposals and awarding of the contracts. Each such zone shall consist of a consolidated metropolitan statistical area or, if such an area does not exist, of a metropolitan statistical area, as defined by the bureau of the census ~~of~~ in the United States department of commerce.

Contracts awarded under division (D)(5) of this section are subject to section 153.012 of the Revised Code. For the purpose of that section, the operation of the motor vehicle inspection and maintenance program is hereby deemed to be a public improvement.

The director shall not enter into a contract for the purposes of this

section with any person holding a current, valid contract to act as a deputy registrar under section 4503.03 of the Revised Code.

A contractor shall be paid solely from moneys generated by the applicable inspection fee established by the director of environmental protection under division (D)(7) of this section. No general revenue funds shall be used to pay any contractor. ~~A~~ If required under a contract executed under division (D)(5) of this section, a contractor shall assume, or in accordance with a lease ~~required~~ executed under division (E) of this section shall provide for the assumption of, ~~all~~ initial capital investment costs of the motor vehicle inspection and maintenance program established under this section with regard to the ~~initial~~ inspections and reinspections required to be conducted by a contractor under this section and shall amortize, those costs or ~~in accordance with such a lease shall provide for the~~ their amortization of, ~~those costs over the period of the initial contract in accordance with such a lease.~~

(2) The director of administrative services shall require each potential contractor to include as a part of the potential contractor's proposal detailed information concerning, without limitation, all of the following:

(a) The financial condition of the potential contractor;

(b) Any specialized experience and technical competence of the potential contractor in connection with the type of services required for the program;

(c) The potential contractor's past record of performance with other government agencies or public entities and with private industry, including, without limitation, such matters as the ability to meet schedules and the names of persons who will serve as references concerning the quality of the potential contractor's work;

(d) The capacity of the potential contractor to perform the work within the specified time limitations;

(e) The potential contractor's proposed method and equipment to accomplish the work required;

(f) ~~The~~ Any person from whom the potential contractor proposes to lease real property, including land, buildings, and other structures, necessary for the operation of the program as required in division (E) of this section, including information concerning at least all of the following:

(i) Any specialized experience and technical competence of the person;

(ii) The person's past record of performance with other government agencies or public entities and with private industry, including the ability to meet schedules;

(iii) Names of individuals who will serve as references concerning the

quality of the person's work;

(iv) The capacity of the person to perform the work within the specified time limitations.

(g) The potential contractor's proposed schedule for acquiring or leasing of inspection sites, equipping of facilities, training of personnel, and implementation of a public education program.

Each potential contractor shall include with the potential contractor's proposal a signed statement from ~~the~~ any person identified under division (D)(2)(f) of this section indicating that the person understands the applicable requirements established under this section and rules adopted under it and intends to comply with those requirements.

(3) The director of administrative services shall require a performance bond of not less than one million dollars. Each proposal shall be accompanied by a letter of commitment from a bonding company stating that if the proposal is accepted, the bonding company will issue such a bond.

(4)(a) The director of administrative services shall review all information submitted with proposals under division (D)(2) of this section for compliance with proposal specifications. The director may require any potential contractor to supplement the potential contractor's proposal with oral commentary for clarification of the proposal document and to determine the qualifications of the potential contractor. Any clarification of information included in the proposal also shall be in writing. The director shall reject the proposal of any potential contractor whom the director determines to be unqualified.

(b) Although the director may require clarification of information submitted with a proposal in accordance with division (D)(4)(a) of this section, the director shall not change the proposal specifications for a contract following the issuance of the request for proposals for that contract.

(5)(a) The director of administrative services shall award an initial contract for a period of operation of not more than ten years. Except that when an enhanced program is converted to a basic program under division (B)(1) of this section, the contract to conduct the basic program shall be for a term not to exceed the term remaining on the contract to conduct the enhanced program. Except as otherwise provided in division (D)(5)(b) of this section, a contract awarded under division (D)(5) of this section may be renewed by mutual agreement of the director and the contractor for periods of not more than five years each, by mutual agreement of the director and the contractor. Any contract awarded under division (D)(5)(a) of this section shall be reviewed in its entirety by the attorney general before being awarded or renewed, and is subject to the approval of the controlling

board when awarded or renewed.

~~(b) If the implementation and supervision of the enhanced motor vehicle inspection and maintenance program in Cuyahoga county is requested under section 3704.142 of the Revised Code and the initial contract for the operation of the motor vehicle inspection and maintenance program in that county is modified to provide for the operation of the enhanced program in that county, the initial contract for the operation of the motor vehicle inspection and maintenance program in that county that is in effect on the effective date of this amendment as so modified, may be renewed for a period of not more than ten years so that the first renewal of that contract will expire on the same date as the initial contract for the operation of the enhanced program in the other counties in the same nonattainment area as Cuyahoga county. That first renewal shall be made by mutual agreement of the director and the contractor and is subject to the approval of the controlling board. Any subsequent renewals of the contract for the operation of the program in Cuyahoga county are subject to division (D)(5)(a) of this section.~~

(6) ~~A~~ Except as provided in division (D)(6)(b) of this section, a contract entered into executed under division (D)(5) of this section shall include, without limitation, all of the following provisions:

(a) ~~A requirement that the contractor enter into a lease with the person identified in the contractor's proposal under division (D)(2)(f) of this section for real property, including land, buildings, and other structures, necessary for the operation of the program as required in division (E) of this section;~~

(b) A requirement that the contractor provide arrange for the provision of any real property, including land, buildings, and other structures, equipment, parts, tools, services, personnel, supplies, materials, and program software and software updates, and design and implement a comprehensive public information program, necessary to conduct motor vehicle inspections and reinspections required to be conducted by a contractor under this section and data communication links for reinspection stations licensed under division (C) of this section;

~~(c)~~ (b) With regard to a contract executed prior to the effective date of this amendment, a provision allowing reasonable compensation, as determined by the director of environmental protection, as liquidated damages to the contractor if the motor vehicle inspection and maintenance program established under this section is terminated by law or its operation is discontinued during the term of a contract or renewal, including, without limitation, reasonable compensation for the unamortized costs of the buildings, improvements, equipment, parts, tools, services, supplies, and

materials used by the contractor in the operation of the program and the value of the remaining term of the contract to the contractor. ~~If~~ WITH REGARD TO A CONTRACT EXECUTED ON OR AFTER THE EFFECTIVE DATE OF THIS AMENDMENT, the contract may include such a provision, provided that, concerning the remaining term of the contract, it may allow reasonable compensation for ALL OR A PORTION OF THE VALUE OF THE REMAINING TERM OF THE CONTRACT TO THE CONTRACTOR.

If a dispute arises as to the amount of the compensation to be paid, it shall be submitted to and determined by the court of claims under Chapter 2743. of the Revised Code. ~~The~~ If required by a contract executed under division (D)(5) of this section, a contractor shall remit any compensation so received for the unamortized costs of the buildings and improvements to ~~the person~~ any persons with whom the contractor has entered into a lease in accordance with division (E) of this section in proportion to the financial obligations the contractor has under the lease.

~~(d)(c)~~ A provision specifying that the forms for inspection certificates are to be furnished by the contractor to the director of environmental protection and that they shall conform to the standards established by the director of environmental protection in rules adopted under division ~~(B)(C)~~ (1) of this section. ~~The director of environmental protection shall distribute the inspection certificates to reinspection stations licensed under division (C) of this section as needed.~~

~~(e)(d)~~ A provision allowing the director of environmental protection to require the contractor to upgrade testing equipment in response to improvements in technology and to negotiate reasonable compensation for that upgrading.

~~(7)(a)~~ The director of environmental protection shall establish inspection and reinspection fees to be paid by owners of motor vehicles inspected under this section, ~~provided that an owner shall pay the inspection fee for the initial, annual, or biennial inspection, as appropriate, only if the owner's vehicle passes that inspection. The~~ An owner shall pay the inspection fee for each initial inspection conducted on the owner's motor vehicle, shall not pay the reinspection fee for a first reinspection conducted on the owner's motor vehicle, if any, and shall pay the reinspection fee for the second and each subsequent reinspection conducted on the owner's motor vehicle, if any, during each inspection period.

The fees shall be sufficient to provide the contractor's compensation identified in any contract entered into executed under division (D)(5) of this section ~~plus the costs of the environmental protection agency in~~

~~implementing and administering the motor vehicle inspection and maintenance program established in this section.~~ The inspection and reinspection fees shall not differ in amount and shall not exceed ~~ten~~ eighteen dollars and ~~fifty~~ seventy-five cents under the basic motor vehicle inspection and maintenance program or twenty-five dollars under the enhanced program. The director, during the term of a contract ~~or renewal~~, may increase the inspection and reinspection fees if the director determines that it is necessary to cover costs of the program, including increased costs resulting from any upgrading of testing equipment pursuant to division (D)(6)~~(e)~~(d) of this section, or to prevent a possible breach of contract, but, except as otherwise provided in division (D)(7)(b) of this section, shall not increase the fees above ~~ten dollars and fifty cents under the basic program or twenty-five dollars under the enhanced program~~ the applicable amount established under division (D)(7)(a) of this section.

(b) The director annually shall increase the fees for the basic and enhanced programs above eighteen dollars and seventy-five cents or twenty-five dollars, as applicable, by a percentage that does not exceed the percentage of increase in the consumer price index (all urban consumers, all items) prepared by the bureau of labor statistics of the United States department of labor for the twelve months beginning on the first day of the second preceding October and ending on the last day of the preceding September. The initial fee increase under division (D)(7)(b) of this section shall not take effect prior to July 1, 1999. The director shall not increase a fee under division (D)(7)(b) of this section by more than fifty cents annually and shall round the fee to the nearest one-fourth of a dollar.

(8) The contractor shall do both of the following:

(a) ~~Collect the fees established under division (D)(7) of this section and forward to the director of environmental protection the portion due the environmental protection agency;~~

(b) Maintain and make available for inspection by the director of environmental protection, the auditor of state, or their authorized representatives accurate records concerning the collection of the fees. For the purposes of division (D)(8)(b) of this section, record-keeping and accounting practices shall be approved by the director. Failure to maintain or falsification of fee collection records is grounds for breach of contract.

~~(9) The director of environmental protection shall credit the moneys the director receives under division (D)(8)(a) of this section to the motor vehicle inspection and maintenance fund created in division (I) of this section.~~

(10) A contractor shall maintain and make available for inspection by the director of environmental protection or the director's authorized

representative accurate records as required by rules adopted under this section.

~~(11)~~(10) If a contractor fails to perform an obligation imposed by the contract ~~entered into~~ executed under division (D)~~(5)~~ of this section, the director of environmental protection shall request the attorney general to bring a civil action to recover the amount of the bond executed under division (D)(3) of this section as well as other appropriate relief. The director shall deposit any moneys recovered in such a civil action in the motor vehicle inspection and maintenance fund created in division ~~(H)~~(H) of this section.

~~(12) The director of environmental protection shall compile and periodically revise lists of reinspection stations licensed under division (C) of this section and located within individual areas that are subject to the basic motor vehicle inspection and maintenance program under this section. Each such list also shall contain the locations of inspection stations operated by a contractor within the applicable area. A contractor shall provide the appropriate list to any owner whose motor vehicle fails the initial inspection required under this section.~~

~~(13) The director of environmental protection shall compile and periodically revise lists of inspection stations operated by a contractor located within individual areas subject to the enhanced motor vehicle inspection and maintenance program under this section. A contractor shall provide the appropriate list to any owner whose motor vehicle fails the initial inspection required under this section.~~

~~(14) No owners, officers, or employees of a contractor submitting a proposal or awarded a contract under division (D) of this section shall have a principal interest in the person identified by the contractor under division (D)(2)(f) of this section or in any reinspection station licensed under division (C) of this section.~~

~~(15)~~(11) The department of administrative services may issue to the environmental protection agency a release and permit under section 125.06 of the Revised Code pursuant to which that agency may ~~issue and award or~~ renew a contract or contracts under division (D)~~(5)~~ of this section. If a release and permit is issued, any reference to the director of administrative services under divisions (D) and (E) of this section is deemed to be a reference to the director of environmental protection.

(12) The director of environmental protection shall compile and periodically revise lists of inspection stations operated by a contractor located within individual areas subject to a basic or enhanced program under this section. A contractor shall provide the appropriate list to any owner

whose motor vehicle fails the initial inspection required under this section.

(E)(1) Notwithstanding section 3704.01 of the Revised Code, as used in division (E) of this section, "person" has the same meaning as in section 1.59 of the Revised Code.

(2) ~~In order to fulfill the requirements of this section and to comply with the "Clean Air Act Amendments," any contractor that is awarded one or more contracts~~ If required under a contract executed under division (D)(5) of this section, a contractor shall enter into one or more assignable and renewable leases with another person for the rental and use of real property, including land, buildings, and other structures-

~~(3) The~~ The director of administrative services shall require ~~a~~ the contractor to make assignments of all leases under which the contractor is lessee for real property to another contractor awarded a contract under division (D)(5) of this section. ~~The, and the~~ director shall require any contractor that is awarded a subsequent contract under that division to renew the lease into which the contractor entered under division (E)(2) of this section, or, if a different contractor is awarded such a subsequent contract, the director shall require that contractor to enter into a lease with the person who was the lessor of the previous contractor.

(F)(1)(a) Except as otherwise provided in this section and rules adopted under it, the owner of any ~~self-propelled~~ motor vehicle the district of registration of which is or is located in a county that is subject to this section shall have the vehicle inspected ~~annually~~ biennially, within three hundred sixty-five days prior to the registration deadline established pursuant to rules adopted under section 4503.101 of the Revised Code, by a contractor in accordance with rules adopted under division ~~(B)(C)~~ (3) of this section if that county is subject to ~~the basic motor vehicle inspection and maintenance program pursuant to rules adopted under that division or shall have the vehicle so inspected biennially within three hundred sixty-five days prior to the registration deadline so established if that county is subject to the~~ a basic or enhanced program pursuant to those rules. If the district of registration of the motor vehicle is or is located in a county that is subject to ~~the~~ a basic or enhanced program pursuant to rules adopted under division (B)(C)(3) of this section, the owner of the motor vehicle shall have it inspected and, if necessary, reinspected only in a county that is subject to the basic or enhanced program under those rules. Any motor vehicle that fails the inspection shall be reinspected in accordance with rules adopted under that division. ~~If the owner's vehicle passes the inspection or any reinspection, the~~ The owner, at the time of the inspection ~~or~~ and the second or subsequent reinspection, if any, shall pay the applicable fee established under division

~~(D)(7) of this section. An owner of a motor vehicle the district of registration of which is or is located in a county that is subject to the basic program under this section and for which a multi-year registration is in effect under section 4503.103 of the Revised Code or rules adopted under it, in each of the years intervening between the year of the issuance of that registration and its expiration, shall have the vehicle inspected annually within the three hundred sixty-five days prior to the anniversary of the registration deadline applicable in the year in which the multi-year registration was issued.~~ An owner of a motor vehicle the district of registration of which is or is located in a county that is subject to ~~the~~ a basic or enhanced program under this section for which a multi-year registration is in effect under section 4503.103 of the Revised Code or rules adopted under it, biennially during the years intervening between the year of issuance of that registration and its expiration, shall have the vehicle inspected within three hundred sixty-five days prior to each of the biennial anniversaries of the registration deadline applicable in the year in which the multi-year registration was issued. An owner who registers a motor vehicle after the registration deadline for the vehicle has passed in a year in which the vehicle is required to be inspected under division (F)(1)(a) of this section may have the vehicle inspected at any time between the registration deadline and the actual registration date.

Division (F)(1) of this section does not require the inspection of a motor vehicle upon transfer of ownership or possession.

Except as otherwise provided in division (F)(3) or (4) of this section, proof that an inspection certificate was issued for a motor vehicle during the previous twelve months shall be provided before the registrar of motor vehicles may issue license plates for that vehicle under section 4503.40 or 4503.42 of the Revised Code.

The owner of any motor vehicle that is required to be inspected under this section, but that is leased to another person may require the lessee to have the vehicle inspected and obtain the inspection certificate on behalf of the owner.

(b) If a vehicle required to be inspected passes the inspection, the contractor shall give the owner an inspection certificate for the vehicle.

(c) The contractor shall include as part of the inspection required under this section a visual anti-tampering inspection that meets the requirements established by rules adopted under division ~~(B)(C)~~(3) of this section. If the visual anti-tampering inspection indicates that any emission control device has been removed, modified, or impaired, the owner shall have performed on the vehicle whatever repairs are necessary to pass the visual

anti-tampering inspection and to restore the vehicle to its proper condition, including, without limitation, the restoration of any emission control device that was removed, modified, or impaired. ~~If the district of registration of the vehicle is or is located in a county that is subject to the basic motor vehicle inspection and maintenance program under this section, the owner then shall take the vehicle to a contractor or a licensee. If the district of registration of the vehicle is or is located in a county that is subject to the enhanced program under this section, the~~ the owner then shall take the vehicle to a contractor. If the contractor ~~or licensee~~ determines that the vehicle has been restored to its proper condition and the vehicle then passes the ~~tailpipe~~ emissions inspection required under this section, the contractor ~~or licensee~~ shall give the owner an inspection certificate for the vehicle.

(d) Except as otherwise provided in division (F)(1)(f) of this section, if a vehicle required to be inspected under this section fails the inspection, and the contractor's visual anti-tampering inspection conducted under division (F)(1)(c) of this section does not reveal any removal, modification, or impairment of an emission control device or, if the original visual anti-tampering inspection revealed such a removal, modification, or impairment, the vehicle again fails the ~~tailpipe~~ emissions inspection after the owner has performed all necessary repairs to restore the vehicle to its proper condition, the owner shall have the cost of repairs necessary to pass the ~~tailpipe~~ emissions inspection estimated by a repair facility, ~~which cost shall include the cost of an engine tune-up.~~ If the cost of the repairs that are necessary for the vehicle to pass the ~~tailpipe~~ emissions inspection ~~do~~ does not exceed the waiver limit for that vehicle, the owner shall have the repairs performed on the vehicle. The owner then shall have the vehicle reinspected by a contractor ~~or licensee~~.

If the vehicle passes the reinspection, the contractor ~~or licensee~~ shall give the owner an inspection certificate for the vehicle. If the vehicle fails the reinspection, and the cost of the repairs already performed on the vehicle is less than the applicable waiver limit, the owner shall have additional repairs performed on the vehicle in order to enable it to pass another reinspection. If, after repairs costing at least the applicable waiver limit have been performed on the vehicle under division (F)(1)(d) of this section, the vehicle fails the reinspection, but the reinspection indicates an improvement in tailpipe emissions of the pollutant concerning which the vehicle initially failed the inspection as specified in rules adopted under division ~~(B)(C)~~ (C)(3) of this section and if, following the repairs, no emission levels increase above the standard established by rules adopted under that division for any pollutant concerning which the vehicle did not initially fail, the contractor

shall give the owner an inspection certificate for the vehicle that includes a waiver indicating that the vehicle did not pass the required inspection, but that the owner had repairs costing at least the applicable waiver limit performed on the vehicle.

~~For the purposes of divisions (F)(1)(d) to (f) of this section, only a contractor may do either of the following:~~

~~(i) Issue inspection certificates that include waivers;~~

~~(ii) Notwithstanding any provision of those divisions, conduct reinspections of vehicles the district of registration of which is or is located in a county that is subject to the enhanced program under this section.~~

(e) Except as otherwise provided in division (F)(1)(f) of this section, if the cost of the repairs that are necessary for the vehicle to pass the tailpipe emissions inspection is estimated to be more than the applicable waiver limit, the owner need not have all of those repairs performed on the vehicle, but shall have an engine tune-up emissions related repairs performed on the vehicle that ~~meets~~ meet the standards established by rules adopted under division ~~(B)(C)~~(3) of this section as well as any other necessary repairs the cost of which, together with the cost of the engine tune-up emissions related repairs, equals at least the applicable waiver limit. Upon the owner's presentation of original repair receipts attesting that repairs costing at least the applicable waiver limit, including, without limitation, the engine tune-up emissions related repairs required under division (F)(1)(e) of this section, have been performed on the vehicle, the contractor ~~or licensee~~ shall reinspect the vehicle to determine the effectiveness of the required engine tune-up emissions related repairs. If the reinspection indicates an improvement in tailpipe emissions of the pollutant concerning which the vehicle initially failed the inspection as specified in rules adopted under division ~~(B)(C)~~(3) of this section and if, following the engine tune-up emissions related repairs, no emission levels increase above the standard established by rules adopted under that division for any pollutant concerning which the vehicle did not initially fail, the contractor shall give the owner an inspection certificate for the vehicle that includes a waiver indicating that the vehicle did not pass the required inspection, but that the owner complied with all requirements governing waivers.

(f) If a vehicle required to be inspected under this section fails the inspection, and the contractor's visual anti-tampering inspection conducted under division (F)(1)(c) of this section does not reveal any removal, modification, or impairment of an emission control device or, if the original visual anti-tampering inspection revealed such a removal, modification, or impairment, the vehicle again fails the tailpipe emissions inspection after the

owner has performed all necessary repairs to restore the vehicle to its proper condition, the owner may perform the repairs necessary for the vehicle to pass the ~~tailpipe~~ emissions inspection. The owner shall keep a detailed record of the costs incurred in performing those repairs. After performing repairs on the vehicle costing not more than the applicable waiver limit, the owner shall have the vehicle reinspected by the contractor ~~or a licensee~~.

If the vehicle passes the reinspection, the contractor ~~or licensee~~ shall give the owner an inspection certificate for the vehicle. If the vehicle fails the reinspection and the documented cost of the repairs performed by the owner is less than the applicable waiver limit, the owner shall have the cost of repairs necessary to pass the ~~tailpipe~~ emissions inspection estimated by a repair facility. The estimate shall include, without limitation, the cost of ~~an engine tune-up~~ emissions related repairs that ~~meets~~ meet the standards established by rules adopted under division ~~(B)(C)(3)~~ of this section. If the cost of ~~the engine tune-up~~ emissions related repairs, together with the documented cost of the repairs performed by the owner, does not exceed the applicable waiver limit, the owner shall have ~~the engine tune-up~~ emissions related repairs performed on the vehicle as well as any other necessary repairs the cost of which, together with that documented cost and the cost of ~~the engine tune-up~~ emissions related repairs, equals at least the applicable waiver limit.

If the documented cost of repairs performed by the owner and the estimated cost of ~~an engine tune-up~~ emissions related repairs that ~~meets~~ meet the standards established in rules adopted under division ~~(B)(C)(3)~~ of this section exceed the applicable waiver limit, the owner shall have additional repairs performed on the vehicle by a repair facility in order to enable it to pass another reinspection or until a minimum expenditure equal to the applicable waiver limit is met, whichever occurs first.

If, after repairs costing at least the applicable waiver limit have been performed on the vehicle under division (F)(1)(f) of this section, the vehicle fails the ~~tailpipe~~ reinspection, but the reinspection indicates an improvement in the tailpipe emissions of the pollutant concerning which the vehicle initially failed the inspection as specified in rules adopted under division ~~(B)(C)(3)~~ of this section and if, following the repairs, no emission levels increase above the standard established by rules adopted under that division for any pollutant concerning which the vehicle did not initially fail, the contractor shall give the owner an inspection certificate for the vehicle that includes a waiver indicating that the vehicle did not pass the required inspection, but that the owner performed or had performed on the vehicle repairs costing at least the applicable waiver limit.

(g) If a motor vehicle that is required to be inspected under this section is covered by a valid and unexpired emission performance warranty as provided under section 207(b) of the "Clean Air Act Amendments," the owner shall have any repairs necessary for the vehicle to pass that inspection performed on the vehicle under that warranty. Such a vehicle is not eligible for a waiver under division (F)(1)(d), (e), or (f) of this section.

(2) An owner or lessee of a motor vehicle required to be inspected under this section and applicable rules adopted under it shall present an inspection certificate issued for that vehicle by a contractor ~~or a licensee~~ under this section when registering the vehicle under Chapter 4503. of the Revised Code.

(3) The following motor vehicles are exempt from the inspection requirements of this section and applicable rules adopted under it:

(a) Vehicles over twenty-five years old, as determined by model year, on the date on which proof of an annual inspection otherwise would be required to be submitted with an application for registration of the vehicles under this section and Chapter 4503. of the Revised Code;

(b) Vehicles registered to military personnel assigned to military reservations outside this state, the district of registration of which is or is located in any county that is subject to this section;

(c) Passenger cars and noncommercial motor vehicles, as defined in section 4501.01 of the Revised Code, that weigh over ten thousand pounds gross vehicle weight;

(d) Commercial cars, as defined in section 4501.01 of the Revised Code, having a taxable gross vehicle weight of more than ten thousand pounds as provided in section 4503.042 of the Revised Code;

(e) Historical vehicles registered under section 4503.181 of the Revised Code;

(f) Licensed collector's vehicles as defined in section 4501.01 of the Revised Code;

(g) Parade and exhibition vehicles registered under section 4503.18 of the Revised Code;

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

(i) Electrically powered and alternatively fueled vehicles, including at least those that are equipped to operate using ~~primarily one hundred~~ at least eighty-five per cent propane, butane, hydrogen, alcohol, or natural gas as fuel;

(j) Recreational vehicles as defined in section 4501.01 of the Revised Code.

(4)(a) A motor vehicle, the legal title to which has never been

transferred by a manufacturer, distributor, or dealer to an ultimate purchaser as defined in section 4517.01 of the Revised Code, is exempt from the inspection requirements of this section and rules adopted under it for a period of ~~one year~~ two years commencing on the date when the first certificate of title to the vehicle was issued on behalf of the ultimate purchaser under Chapter 4503. of the Revised Code ~~if the district of registration of the vehicle is or is located in a county that is subject to the basic motor vehicle inspection and maintenance program under this section and rules adopted under it or is exempt from those inspection requirements for a period of two years commencing on the date when the first certificate of title to the vehicle was issued on behalf of the ultimate purchaser under that chapter if the district of registration of the vehicle is or is located in a county that is subject to the enhanced program under this section and rules adopted under it.~~

(b) A motor vehicle that is exempt from the motor vehicle inspection and maintenance program for a period of two years under division (E)(4)(a) of this section remains exempt from the inspection requirements of this section during that period regardless of whether the legal title to the motor vehicle is transferred to a different person. Upon the expiration of that two-year period, the motor vehicle is subject to the inspection requirements of this section regardless of who holds title to the motor vehicle.

(5) The director of environmental protection shall notify, by mail, the owners of all motor vehicles, the district of registration of which is or is located in any county that is subject to this section, of the applicable requirements established under this section.

~~(G) The owner of a fleet of twenty-five or more vehicles required to be inspected under this section, instead of having the owner's motor vehicles inspected by a contractor or reinspected by a contractor or a licensee, may conduct self-inspection of those vehicles in accordance with rules adopted by the director of environmental protection under this section. The rules shall establish, without limitation, requirements governing inspections and reinspections conducted by any such owner, any inspection stations owned and operated by any such owner for that purpose, and inspection equipment used for that purpose; an annual reporting requirement to assist the director in determining compliance with this division; and the method of and procedures for payment of a fee that shall not exceed three dollars for each vehicle that is included in the self-inspection program.~~

~~(H)~~ The federal government, the state, any political subdivision, and any agency or instrumentality of those entities, in accordance with rules adopted by the director of environmental protection under this section, shall have

inspected or reinspected by a contractor ~~or reinspected by a contractor or a licensee or shall self-inspect~~ any motor vehicles that they own and operate in any county that is subject to this section. The director shall adopt rules under this section for the purposes of this division. The rules shall establish, without limitation, an annual reporting requirement to assist the director in determining compliance with this division. The director may issue a notice of violation to a governmental entity that the director finds has violated any specific prohibition or has failed to comply with any affirmative requirement of this section or any rule adopted under it. The notice of violation shall set forth the specific violation or failure to comply allegedly committed by the governmental entity and shall be accompanied by an order requiring the governmental entity to pay to the director the appropriate civil penalty prescribed in this division. A governmental entity that receives a notice of violation and order under this division for a violation or failure to comply is liable for a civil penalty of two hundred fifty dollars. The director may request the attorney general to take appropriate action to effect compliance. Notwithstanding division (A) of this section, as used in this division, "motor vehicle" has the same meaning as in section 4511.01 of the Revised Code.

~~(H)~~(I) There is hereby created in the state treasury the motor vehicle inspection and maintenance fund, which shall consist of moneys received by the director under this section ~~and section 3704.17 of the Revised Code~~. The director shall use moneys in the fund solely for the administration, supervision, and enforcement of the program established under this section and rules adopted under it and public education concerning the program and shall use moneys appropriated from the general revenue fund for those purposes.

~~(J)~~(I) The director periodically shall review ~~the information submitted to the director by licensed reinspection stations pursuant to rules adopted under division (C)(6) of this section; information submitted to the director by any contractor under division (D)(10)(9) of this section; annual reports submitted by motor vehicle fleet owners under division (G) of this section and rules adopted under that division;~~ and the list of motor vehicles for which multi-year registrations are in effect provided to the director under division (I)(2)(b) of section 4503.10 of the Revised Code, as necessary to determine whether owners of motor vehicles who have obtained multi-year registrations under section 4503.103 of the Revised Code or rules adopted under it have complied with the requirement of division (F)(1)(a) of this section to have their vehicles inspected and obtain inspection certificates for them ~~annually or biennially, whichever is applicable~~. If the director finds

from that information that, in a year intervening between the years of issuance and expiration of a multi-year registration in which an owner is required to have a vehicle inspected and obtain an inspection certificate for it under that division, the owner has not done so within the applicable three hundred sixty-five day period, the director immediately shall send written notice of that fact to the registrar ~~of motor vehicles~~. Upon receipt of ~~information submitted pursuant to rules adopted under division (C)(6) of this section;~~ information submitted under division (D)(10)(9) of this section; ~~or the annual report of a fleet owner submitted pursuant to rules adopted under division (C) of this section~~ indicating that an owner who was the subject of an earlier notice to the registrar under this division has had the vehicle named in the notice inspected and has obtained an inspection certificate for it in compliance with division (F)(1)(a) of this section, the director immediately shall send written notice of that fact to the registrar.

~~(K)(J)~~(1)(a) If a redesignation request demonstrating compliance with the national ambient air quality ~~standard~~ standards for carbon monoxide ~~or~~ and ozone in a county designated as nonattainment for carbon monoxide ~~or~~ and ozone and demonstrating that operation of a motor vehicle inspection and maintenance program is not necessary ~~for attainment and maintenance of to attain and maintain~~ those standards in that county has been submitted to and is pending before the United States environmental protection agency under the "Clean Air Act Amendments," and if no release and permit has been issued to the environmental protection agency under division (D)(14)(11) of this section and section 125.06 of the Revised Code, the director of environmental protection may submit a written request to the director of administrative services to indefinitely delay the issuance of a request for proposals or the award of a contract under division (D)(5) of this section for the operation of a motor vehicle inspection and maintenance program in that county or, if such a request for proposals has been issued under that division, to withdraw it. Upon receipt of such a written request from the director of environmental protection, the director of administrative services shall take the requested actions.

(b) If a release and permit has been issued to the environmental protection agency under division (D)(14)(11) of this section and section 125.06 of the Revised Code, the director of environmental protection may indefinitely delay the issuance of a request for proposals and award of a contract under division (D)(5) of this section for the operation of a motor vehicle inspection and maintenance program or may withdraw any such request that has been issued under that division in connection with a county for which a redesignation request making the demonstrations described in

division ~~(K)~~(J)(1)(a) of this section has been submitted to and is pending before the United States environmental protection agency under the "Clean Air Act Amendments."

(c) If no release and permit has been issued to the environmental protection agency under division (D)~~(14)~~(11) of this section and section 125.06 of the Revised Code, the director of environmental protection may submit a written request to the director of administrative services to proceed with the issuance of a request for proposals and the award of a contract for the operation of a motor vehicle inspection and maintenance program under division (D)~~(5)~~ of this section in a county for which a redesignation request described in division ~~(K)~~(J)(1)(a) of this section was submitted to the United States environmental protection agency or, if such a release and permit has been issued to the environmental protection agency, the director of environmental protection may proceed with the issuance of such a request under either of the following circumstances:

(i) Upon disapproval of the redesignation request by the United States environmental protection agency;

(ii) Upon approval of the redesignation request by the United States environmental protection agency if the director of environmental protection determines that operation of a motor vehicle inspection and maintenance program in the county is necessary to ~~protect~~ attain and maintain compliance with the national ambient air quality ~~standard~~ standards for carbon monoxide ~~or and~~ and ozone ~~in the county~~ under the Clean Air Act Amendments.

If no such release and permit has been issued to the environmental protection agency, the director of administrative services, upon receipt of a written request from the director of environmental protection under division ~~(K)~~(J)(1)(c) of this section, shall take the requested actions.

(2) If at any time air quality monitoring data in any county where a motor vehicle inspection and maintenance program is required under this section and rules adopted under it demonstrate that that county has attained and maintained compliance for three consecutive years with the national ambient air quality ~~standard~~ standards for carbon monoxide ~~or and~~ and ozone under the "Clean Air Act Amendments," the director, at the earliest possible date, shall prepare and submit to the administrator of the United States environmental protection agency a demonstration that such attainment has been ~~so~~ achieved and maintained in that county. If the administrator approves the director's submittal as demonstrating that compliance with the national ambient air quality ~~standard~~ standards for carbon monoxide ~~or and~~ and ozone ~~that act~~ under the Clean Air Act Amendments has been achieved and maintained in the county and if the director determines that continued

operation of a motor vehicle inspection and maintenance program in the county is not necessary to ~~protect~~ attain and maintain compliance with the national ambient air quality ~~standard~~ standards for carbon monoxide ~~or~~ and ozone under the Clean Air Act Amendments, the director may rescind the rules adopted under division ~~(B)~~(C) of this section requiring implementation and operation of the program in that county. A rescission shall take effect in such a county on the date of the expiration of the contract ~~or renewal thereof~~ provided for ~~in~~ under division ~~(D)~~(5) of this section that next succeeds the administrator's approval of the demonstration in that county.

~~(L) There is hereby created the motor vehicle inspection and maintenance program legislative oversight committee, which shall be comprised of six members. The speaker of the house of representatives shall appoint three members of the house of representatives to the committee, not more than two of whom shall be from any one political party, and the president of the senate shall appoint three members of the senate to the committee, not more than two of whom shall be from any one political party. Each member shall serve at the pleasure of the member's appointing authority. During the first year of any legislative session, the chairman of the committee shall be a member from the house of representatives and the vice chairman shall be a member from the senate, as designated by their appointing authorities. During the second year of any legislative session, the chairman shall be a member from the senate and the vice chairman shall be a member from the house of representatives, as designated by their appointing authorities.~~

~~The committee shall monitor the motor vehicle inspection and maintenance program established under this section and, in doing so, shall work in complete cooperation with the Ohio environmental protection agency and the United States environmental protection agency. The former agency shall provide to the committee any data, reports, and other information and materials requested by the committee.~~

~~The director shall notify the committee whenever the program established under this section is required to be implemented in a county because of a change in that county's nonattainment classification under the "Clean Air Act Amendments" or if an enhanced program is required to be implemented in a county under section 3704.142 of the Revised Code.~~

~~If at any time the program established under this section is terminated, the committee shall cease to exist on the date of termination.~~

~~(M)~~(K) Implementation of the motor vehicle inspection and maintenance program established under this section is an essential state function mandated by the "Clean Air Act Amendments." The director or the

director's authorized representative may perform essential governmental duties that are necessary to implement the program properly within any county that is subject to this section, including ~~at least~~ the placement of directional traffic signs to assist citizens in finding inspection stations. The director or the director's authorized representative need not comply with any applicable ordinances or resolutions of any political subdivisions if that compliance would prevent the director or the director's authorized representative from performing any such essential governmental duties.

(L)(1) whoever knowingly falsifies information concerning the results of a motor vehicle inspection conducted under the authority of this section or knowingly falsifies information required to be contained in an inspection certificate under this section or rules adopted under it is guilty of the offense of falsification under section 2921.13 of the Revised Code.

(2) A contractor that enters into a contract to conduct motor vehicle emissions inspections under this section shall not employ an individual for work or other services related to those inspections if that individual has been convicted of or has pleaded guilty to the offense of falsification as described in division (L)(1) of this section.

(M)(1) The director shall submit an annual written report on the administration and operation of the motor vehicle inspection and maintenance program established under this section to the chairpersons and ranking minority members of the committees of the house of representatives and the senate that generally deal with issues related to the environment.

(2) The committees in the house of representatives and the senate that generally deal with issues related to the environment shall review annually the motor vehicle inspection and maintenance program established under this section and, in doing so, shall work with the Ohio environmental protection agency and the United States environmental protection agency. The former agency shall provide to the committees any data, reports, and other information and materials requested by the committees.

Sec. 3704.142. If, in addition to the basic motor vehicle inspection and maintenance program that is established in accordance with section 3704.14 of the Revised Code, other programs are needed in the counties of the state in which an enhanced motor vehicle inspection and maintenance program was in operation on July 1, 1996, and that are in any area classified as attainment for carbon monoxide and ozone on or after that date, in order for the counties to maintain compliance with the national ambient air quality standards for carbon monoxide and ozone, the director of environmental protection shall implement and supervise those programs. The programs may include, without limitation, a program requiring the use of fuel other

than conventional gasoline and a gas cap pressurization testing program.

prior to selecting a program or programs to implement in an area classified as attainment for carbon monoxide and OZONE, the director shall consider the recommendations submitted by the appropriate local air council established under section 3704.143 of the Revised Code. Failure by the director to do so is not grounds for termination of any program implemented under this section.

The director shall adopt, and may amend and rescind, rules necessary for the implementation, administration, operation, and enforcement of this section.

Sec. 3704.143. (A) As used in this section:

(1) "Additional compliance program" means a program that, together with the basic motor vehicle inspection and maintenance program established in accordance with section 3704.14 Of the Revised Code, will assist counties that are located in an attainment area in maintaining compliance with the national ambient air quality standards for carbon monoxide and ozone established pursuant to the Clean Air Act Amendments.

(2) "Appointment date" means, with regard to a local air council that is established in an attainment area that was so classified before the effective date of this section, not later than thirty days after that date and, with regard to a local air council that is established in an attainment area that was so classified on or after the effective date of this section, not later than thirty days after the area is designated as attainment under the Clean Air Act Amendments and the director of environmental protection determines that the enhanced motor vehicle inspection and maintenance program is not necessary for the area to maintain compliance with the Clean Air Act Amendments.

(3) "Attainment area" means an area classified as attainment for carbon monoxide and ozone in accordance with the Clean Air Act Amendments before, on, or after the effective date of this section and in which an enhanced motor vehicle inspection and maintenance program was in operation on July 1, 1996.

(4) "Clean Air Act Amendments," "enhanced motor vehicle inspection and maintenance program," "enhanced program," and "basic motor vehicle inspection and maintenance program" have the same meanings as in section 3704.14 Of the Revised Code.

(5) "Local air pollution control authority" has the same meaning as in section 3704.01 Of the Revised Code.

(6) "Metropolitan planning organization" means a metropolitan planning

organization designated under section 9(a) of the "Federal-Aid Highway Act of 1962," 76 Stat. 1148, 23 U.S.C.A. 134, as amended.

(B) There is hereby established in each attainment area in the state a local air council, which shall consist of the following representatives from each county in the attainment area as identified by the director and which shall be appointed not later than the applicable appointment date:

(1) One county commissioner appointed by the board of county commissioners. If the board fails to appoint a member by the applicable appointment date, the president of the board shall serve as a representative on the council.

(2) One township trustee appointed by a majority of the township trustees of all of the townships in the county. If the township trustees fail to appoint a member by the applicable appointment date, the president of the board of township trustees of the township having the largest population in the county shall serve as a representative on the council.

(3) One member of the legislative authority of the municipal corporation having the largest population in the county, appointed by a majority of the legislative authority. If the legislative authority fails to appoint a member by the applicable appointment date, the chief executive officer of that municipal corporation shall serve as a representative on the council.

(4) One chief executive officer of a municipal corporation other than the chief executive officer of the municipal corporation having the largest population in the county, appointed by a majority of the chief executive officers of all municipal corporations in the county other than the municipal corporation having the largest population in the county. If the chief executive officers of those municipal corporations fail to appoint a member by the applicable appointment date, the chief executive officer of the municipal corporation having the second largest population in the county shall serve as a representative on the council.

Vacancies shall be filled in the manner provided for original appointments.

Serving as a member of a council does not constitute holding a public office or position of employment under the laws of this state and does not constitute grounds for removal of public officers or employees from their offices or positions of employment.

(C) An appointing authority required to make an appointment to a local air council under division (B) of this section immediately shall submit the name of the appointee to the president of the board of county commissioners of the county having the largest population in that attainment area. The president of that board shall convene the first meeting of the council not

later than forty-five days after the effective date of this section in an attainment area that was so classified before the effective date of this section or, in an attainment area that was so classified on or after the effective date of this section, not later than forty-five days after the area is designated as attainment under the Clean Air Act Amendments and the director determines that the enhanced program is not necessary for the area to maintain compliance with the Clean Air Act Amendments. At the first meeting, the members shall select a chairperson, may select other officers and committees, and may take other action as needed to organize the council and conduct its business in a thorough and efficient manner.

A council shall meet as needed to fulfill its duties under this section. A majority of the members of a council constitute a quorum. An affirmative vote of a majority of all members of a council is required for the council to act. A council is subject to section 121.22 Of the Revised Code.

The environmental protection agency, the department of development, and the department of transportation shall provide technical assistance to a council, including information on the cost, feasibility, and impacts of additional compliance programs. The local air pollution control authority in an attainment area and each metropolitan planning organization having jurisdiction in all or part of an attainment area shall provide technical assistance to the council in that attainment area.

(D) Not later than March 1, 1998, in an attainment area that was so classified before the effective date of this section or, in an attainment area that was so classified on or after the effective date of this section, not later than five months after the area is designated as attainment under the Clean Air Act Amendments and the director determines that the enhanced program is not necessary for the area to maintain compliance with the Clean Air Act Amendments, a council shall submit to the director recommendations concerning additional compliance programs to be implemented in the counties located in the applicable attainment area under section 3704.142 Of the Revised Code. Prior to submitting its recommendations, a council shall hold one public meeting in each county in the appropriate attainment area for the purpose of receiving public comments on the council's proposed recommendations.

Not less than two weeks before a public meeting is held in a county, the appropriate council shall publish at least one public notice of the meeting in at least one newspaper of general circulation in the county and shall deliver written notice of the meeting to the president of the board of county commissioners of the county, the legislative authority and chief executive officer of each municipal corporation in the county, and the clerk of each

township in the county. The county, township, or municipal corporation represented by the chairperson of the council shall pay the costs of publishing the public notice and delivering the written notice required under this division and may request reimbursement of those costs from the director. Upon receipt of such a request and documentation of the costs, the director shall provide reimbursement of the costs.

Following the close of all of the public meetings required under this division, a council may revise its recommendations concerning additional compliance programs. A council shall submit its final recommendations to the director not later than the date established under this division.

Sec. 3704.144. (A) Ambient air quality monitors shall be located in such a manner as to give a fair and accurate sampling of air quality within any attainment or nonattainment area of the state in which air quality monitoring is required to be conducted under the Clean Air Act Amendments.

(B) The director of environmental protection, in conjunction with the appropriate local air pollution control authorities and metropolitan planning organizations, shall evaluate the location of ambient air quality monitors for carbon monoxide and ozone in each area of the state in which they are present to determine if the location of each monitor provides the state with the most scientifically accurate sampling of the air quality within the attainment or nonattainment area in which it is located. if the director determines that the location of an individual monitor results in unscientific sampling of air quality within a given area of the state, the director shall take appropriate steps to move that monitor to a location that would be more conducive to the most scientifically accurate evaluation of air quality in that area.

(C) The director shall evaluate the feasibility, utility, and cost effectiveness of implementing a motor vehicle emissions remote sensing program within this state. in order to facilitate the evaluation, the director may implement and supervise a motor vehicle emissions remote sensing pilot program in an area of the state in which a basic or an enhanced motor vehicle inspection and maintenance program is operating under section 3704.14 of the Revised Code. not later than eighteen months after the effective date of this section, the director shall submit to the governor, the president of the senate, and the speaker of the house of representatives a report discussing the director's findings and conclusions of the evaluation of the feasibility, utility, AND COST EFFECTIVENESS of a remote sensing program and the evaluation of any remote sensing pilot program implemented pursuant to this section.

(D) The director may request the United States environmental protection

agency to invalidate air quality monitoring data for a county that has exceeded national ambient air quality standards for a pollutant if the episode in which the standards were exceeded occurred during a period of an abnormally high level of traffic congestion caused by highway construction or during abnormal weather conditions such as a prolonged drought or excessively high temperatures. The director shall make such a request if so requested by that county's board of county commissioners.

(E) AS USED IN THIS SECTION:

(1) "CLEAN AIR ACT AMENDMENTS," "BASIC MOTOR VEHICLE INSPECTION AND MAINTENANCE PROGRAM," AND "ENHANCED MOTOR VEHICLE INSPECTION AND MAINTENANCE PROGRAM" HAVE THE SAME MEANINGS AS IN SECTION 3704.14 OF THE REVISED CODE.

(2) "LOCAL AIR POLLUTION CONTROL AUTHORITY" HAS THE SAME MEANING AS IN SECTION 3704.01 OF THE REVISED CODE.

(3) "Metropolitan planning organization" means a metropolitan planning organization designated under section 9(a) of the "Federal-Aid Highway Act of 1962," 76 Stat. 1148, 23 U.S.C.A. 134, as amended.

Sec. 3704.145. The director of environmental protection shall petition the United States environmental protection agency for air emissions reductions credits for any pollution prevention program or any state or local emissions reductions program targeted at mobile or stationary sources that is implemented in this state.

Sec. 3704.99. (A) Whoever recklessly violates division (A), (B), (C), (D), (E), (F), (G), or (I) of section 3704.05 or division (B)(5) of section 3704.16 of the Revised Code shall be fined not more than twenty-five thousand dollars or imprisoned not more than one year, or both, for each violation. Each day the violation continues after a conviction for a violation is a separate offense.

(B) Whoever knowingly violates division (H), (J), or (K) of section 3704.05 of the Revised Code shall be fined not more than ten thousand dollars for each day of each such violation.

(C) Whoever violates section 3704.15 ~~or division (B)(1) or (2) or (C)(1) or (2) of section 3704.17~~ of the Revised Code is guilty of a misdemeanor of the first degree.

(D) Whoever violates division (B)(2) or knowingly violates division (C)(1) of section 3704.16 of the Revised Code is guilty of a minor misdemeanor.

(E) Whoever violates division (B)(1) or (3) or knowingly violates division (C)(2) or (3) of section 3704.16 of the Revised Code shall be fined

not less than five hundred nor more than twenty-five hundred dollars for each day of each violation.

(F) Whoever recklessly violates division (B)(4) of section 3704.16 of the Revised Code shall be fined not more than twenty-five thousand dollars or imprisoned not more than one year, or both, for each violation. Each day the violation continues after a conviction for a violation is a separate offense.

(G) The sentencing court, in addition to the penalty provided in divisions (D), (E), and (F) of this section, shall order the offender to restore within thirty days any emission control system that was tampered with in connection with the violation or to provide proof that the motor vehicle whose emission control system was tampered with has been dismantled or destroyed. The court may extend that deadline for good cause shown. If the offender does not take the corrective action ordered under this division, each day that the violation continues is a separate offense. Violation of a court order entered under this division is punishable as contempt under Chapter 2705. of the Revised Code.

Sec. 4503.10. (A) Except as provided in section 4503.103 of the Revised Code, every owner of a motor vehicle and every person mentioned as owner in the last certificate of title, bill of sale, or sworn statement of ownership of a motor vehicle which is operated or driven upon the public roads or highways shall cause to be filed each year, by mail or otherwise, in the office of the registrar of motor vehicles or a deputy registrar, a written application or a preprinted registration renewal notice issued under section 4503.102 of the Revised Code, the form of which shall be prescribed by the registrar, for registration for the following registration year, which shall begin on the first day of January of every calendar year and end on the thirty-first day of December in the same year. Applications for registration and registration renewal notices shall be filed at the times established by the registrar pursuant to section 4503.101 of the Revised Code. Except as provided in division (J) of this section, applications for registration shall be made on blanks furnished by the registrar for that purpose, containing the following information:

(1) A brief description of the motor vehicle to be registered, including the name of the manufacturer, the factory number of the vehicle, the year's model, and, in the case of commercial cars, the gross weight of the vehicle fully equipped computed in the manner prescribed in section 4503.08 of the Revised Code;

(2) The name and residence address of the owner, and the township and municipal corporation in which the owner resides;

(3) The district of registration, which shall be determined as follows:

(a) In case the motor vehicle to be registered is used for hire or principally in connection with any established business or branch business, conducted at a particular place, the district of registration is the municipal corporation in which that place is located or, if not located in any municipal corporation, the county and township in which that place is located.

(b) In case the vehicle is not so used, the district of registration is the municipal corporation or county in which the owner resides at the time of making the application.

(4) Whether the motor vehicle is a new or used motor vehicle;

(5) The date of purchase of the motor vehicle;

(6) Whether the fees required to be paid for the registration or transfer of the motor vehicle, during the preceding registration year and during the preceding period of the current registration year, have been paid. Each application for registration shall be signed by the owner, directly or pursuant to obtaining a limited power of attorney authorized by the registrar for registration, or other document authorizing such signature.

(7) The owner's social security number, if assigned, or, where a motor vehicle to be registered is used for hire or principally in connection with any established business, the owner's federal taxpayer identification number.

(B) Each time the applicant first registers a motor vehicle in the applicant's name, the applicant shall present for inspection proper bills of sale or sworn statement of ownership, the originals of which have been filed with the clerk of the court of common pleas, or a certificate of the clerk certifying that such bills of sale or sworn statement of ownership have been filed with the clerk, or a certificate of title or a memorandum certificate showing title to the motor vehicle to be registered in the applicant. When a motor vehicle inspection and maintenance program is in effect under section 3704.14 of the Revised Code and rules adopted under it, each application for registration for a vehicle required to be inspected under that section and those rules shall be accompanied by an inspection certificate for the motor vehicle issued in accordance with that section. The application shall be refused if any of the following applies:

(1) The application is not in proper form.

(2) The application is prohibited from being accepted by division (D) of section 2935.27, division (A) of section 2937.221, division (B) of section 4507.168, or division (B)(1) of section 4521.10 of the Revised Code.

(3) When applicable, proper bills of sale or sworn statement of ownership or proper certificate thereof or certificate of title or memorandum certificate does not accompany the application.

(4) All registration and transfer fees for the motor vehicle, for the preceding year or the preceding period of the current registration year, have not been paid.

(5) The owner or lessee does not have an inspection certificate for the motor vehicle as provided in section 3704.14 of the Revised Code, and rules adopted under it, if that section is applicable.

This section does not require the payment of license or registration taxes on a motor vehicle for any preceding year, or for any preceding period of a year, if the motor vehicle was not taxable for that preceding year or period under ~~sections~~ section 4503.02, 4503.04, 4503.11, 4503.12, ~~and or~~ 4503.16 or Chapter 4504. of the Revised Code. When a certificate of registration is issued upon the first registration of a motor vehicle by or on behalf of the owner, the official issuing the certificate shall indicate the issuance with a stamp on the certificate of title or memorandum certificate and on the inspection certificate for the motor vehicle, if any. The official also shall indicate, by a stamp or by such other means as the registrar prescribes, on the registration certificate issued upon the first registration of a motor vehicle by or on behalf of the owner the odometer reading of the motor vehicle as shown in the odometer statement included in or attached to the certificate of title. Upon each subsequent registration of the motor vehicle by or on behalf of the same owner, the official also shall so indicate the odometer reading of the motor vehicle as shown on the immediately preceding certificate of registration.

The registrar shall include in the permanent registration record of any vehicle required to be inspected under section 3704.14 of the Revised Code the inspection certificate number from the inspection certificate that is presented at the time of registration of the vehicle as required under this division.

(C) In addition, a charge of twenty-five cents shall be made for each reflectorized safety license plate issued, and a single charge of twenty-five cents shall be made for each county identification sticker or each set of county identification stickers issued, as the case may be, to cover the cost of producing the license plates and stickers, including material, manufacturing, and administrative costs. Those fees shall be in addition to the license tax. If the total cost of producing the plates is less than twenty-five cents per plate, or if the total cost of producing the stickers is less than twenty-five cents per sticker or per set issued, any excess moneys accruing from the fees shall be distributed in the same manner as provided by section 4501.04 of the Revised Code for the distribution of license tax moneys. If the total cost of producing the plates exceeds twenty-five cents per plate, or if the total cost

of producing the stickers exceeds twenty-five cents per sticker or per set issued, the difference shall be paid from the license tax moneys collected pursuant to section 4503.02 of the Revised Code.

(D) Each deputy registrar shall be allowed a fee of two dollars and twenty-five cents for each application for registration and registration renewal notice the deputy registrar receives, which shall be for the purpose of compensating the deputy registrar for the deputy registrar's ~~deputy's~~ services, and such office and rental expenses, as may be necessary for the proper discharge of the deputy registrar's ~~deputy's~~ duties in the receiving of applications and renewal notices and the issuing of licenses.

(E) Upon the certification of the registrar, the county sheriff or local police officials shall recover license plates erroneously or fraudulently issued.

(F) Each deputy registrar, upon receipt of any application for registration or registration renewal notice, together with the license fee and any, ~~township motor vehicle license tax~~, local motor vehicle license tax levied pursuant to Chapter 4504. of the Revised Code, shall transmit that fee and the tax, if any, in the manner provided in this section, together with the original and duplicate copy of the application, to the registrar. The registrar, subject to the approval of the director of public safety, may deposit the ~~funds~~ moneys collected by those deputies in a local bank or depository to the credit of the "state of Ohio, bureau of motor vehicles." Where a local bank or depository has been designated by the registrar, each deputy registrar shall deposit all moneys collected by the deputy registrar into that bank or depository not more than one business day after their collection and shall make reports to the registrar of the amounts so deposited, together with any other information, some of which may be prescribed by the treasurer of state, as the registrar may require and as prescribed by the registrar by rule. The registrar, within three days after receipt of notification of the deposit of ~~funds~~ moneys by a deputy registrar in a local bank or depository, shall draw on that account in favor of the treasurer of state. The registrar, subject to the approval of the director and the treasurer of state, may make reasonable rules necessary for the prompt transmittal of fees and for safeguarding the interests of the state and of counties, townships, and municipal corporations levying county or township motor vehicle license taxes, ~~township motor vehicle license taxes~~, or municipal motor vehicle license taxes. The registrar may pay service charges usually collected by banks and depositories for such service. If deputy registrars are located in communities where banking facilities are not available, they shall transmit the fees forthwith, by money order or otherwise, as the registrar, by rule approved by the director and the

treasurer of state, may prescribe. The registrar may pay the usual and customary fees for such service.

(G) This section does not prevent any person from making an application for a motor vehicle license directly to the registrar upon payment of a two dollars and twenty-five cents service fee for each application. Each deputy registrar shall retain in the deputy registrar's ~~deputy's~~ office a copy of each application the deputy registrar receives for a period of three registration years. This copy shall be for public examination, but no person may make copies thereof for sale or distribution.

(H) No person shall make a false statement as to the district of registration in an application required by division (A) of this section. Violation of this division is falsification under section 2921.13 of the Revised Code and punishable as specified in that section.

(I)(1) Where applicable, the requirements of division (B) of this section relating to the presentation of an inspection certificate issued under section 3704.14 of the Revised Code and rules adopted under it for a motor vehicle, the refusal of a license for failure to present an inspection certificate, and the stamping of the inspection certificate by the official issuing the certificate of registration apply to the registration of and issuance of license plates for a motor vehicle under sections 4503.102, 4503.12, 4503.14, 4503.15, 4503.16, 4503.171, 4503.172, 4503.19, 4503.40, 4503.41, 4503.42, 4503.43, 4503.44, 4503.46, 4503.47, and 4503.51 of the Revised Code.

(2)(a) The registrar shall adopt rules ensuring that each owner registering a motor vehicle in a county where a motor vehicle inspection and maintenance program is in effect under section 3704.14 of the Revised Code and rules adopted under it receives information about the requirements established in that section and those rules and about the need in those counties to present an inspection certificate with an application for registration or preregistration.

(b) Upon request, the registrar shall provide the director of environmental protection, or any person that has been awarded a contract under division (D)(~~5~~) of section 3704.14 of the Revised Code, an on-line computer data link to registration information for all passenger cars, noncommercial motor vehicles, and commercial cars that are subject to that section. The registrar also shall provide to the director of environmental protection a magnetic data tape containing registration information regarding passenger cars, noncommercial motor vehicles, and commercial cars for which a multi-year registration is in effect under section 4503.103 of the Revised Code or rules adopted under it, including, without limitation, the date of issuance of the multi-year registration, the registration deadline

established under rules adopted under section 4503.101 of the Revised Code that was applicable in the year in which the multi-year registration was issued, and the registration deadline for renewal of the multi-year registration.

(J) Application for registration under the international registration plan, as set forth in sections 4503.60 to 4503.66 of the Revised Code, shall be made to the registrar on forms furnished by the registrar. In accordance with international registration plan guidelines and pursuant to rules adopted by the registrar, the forms shall include the following:

- (1) A uniform mileage schedule;
- (2) The gross vehicle weight of the vehicle or combined gross vehicle weight of the combination vehicle as declared by the registrant;
- (3) Any other information the registrar requires by rule.

Sec. 4503.103. (A) Any person or lessee, other than a person receiving an apportioned license plate under the international registration plan, who owns or leases twenty or more motor vehicles used principally in connection with any established business, in accordance with rules adopted by the registrar of motor vehicles, may file a written application for registration for no more than four succeeding registration years. At the time of application, all annual taxes and fees shall be paid for each year for which the person is registering. No person applying for a multi-year registration is entitled to a refund of any taxes or fees paid.

The registrar may adopt rules to permit any person, other than a person receiving an apportioned license plate under the international registration plan, who owns a motor vehicle to file an application for registration for the next two succeeding registration years.

The registrar shall not issue to any applicant who has been issued a final, nonappealable order under division (B) of this section a multi-year registration or renewal thereof under this division or rules adopted under it for any motor vehicle that is required to be inspected under section 3704.14 of the Revised Code the district of registration of which, as determined under section 4503.10 of the Revised Code, is or is located in the county named in the order.

(B) Upon receipt from the director of environmental protection of a notice issued under division ~~(H)~~(I) of section 3704.14 of the Revised Code indicating that an owner of a motor vehicle that is required to be inspected under that section who obtained a multi-year registration for the vehicle under division (A) of this section or rules adopted under that division has not obtained an inspection certificate for the vehicle in accordance with ~~that~~ section 3704.14 Of the Revised Code in a year intervening between the

years of issuance and expiration of the multi-year registration in which the owner is required to have the vehicle inspected and obtain an inspection certificate for it under division (F)(1)(a) of that section, the registrar in accordance with Chapter 119. of the Revised Code shall issue an order to the owner impounding the certificate of registration and identification license plates for the vehicle. The order also shall prohibit the owner from obtaining or renewing a multi-year registration for any vehicle that is required to be inspected under that section, the district of registration of which is or is located in the same county as the county named in the order during the number of years after expiration of the current multi-year registration that equals the number of years for which the current multi-year registration was issued.

An order issued under this division shall require the owner to surrender to the registrar the certificate of registration and license plates for the vehicle named in the order within five days after its issuance. If the owner fails to do so within that time, the registrar shall certify that fact to the county sheriff or local police officials who shall recover the certificate of registration and license plates for the vehicle.

(C) Upon the occurrence of either of the following circumstances, the registrar in accordance with Chapter 119. of the Revised Code shall issue to the owner a modified order rescinding the provisions of the order issued under division (B) of this section impounding the certificate of registration and license plates for the vehicle named in that original order:

(1) Receipt from the director of environmental protection of a subsequent notice under division ~~(F)(I)~~ of section 3704.14 of the Revised Code that the owner has obtained the inspection certificate for the vehicle as required under division ~~(F)(G)~~(1)(a) of that section;

(2) Presentation to the registrar by the owner of the required inspection certificate for the vehicle.

(D) The owner of a motor vehicle for which the certificate of registration and license plates have been impounded pursuant to an order issued under division (B) of this section, upon issuance of a modified order under division (C) of this section, may apply to the registrar for their return. A fee of two dollars and fifty cents shall be charged for the return of the certificate of registration and license plates for each vehicle named in the application.

SECTION 2. That existing sections 3704.035, 3704.14, 3704.99, 4503.10, and 4503.103 and sections 3704.142 and 3704.17 of the Revised Code are hereby repealed.

SECTION 3. The Director of Environmental Protection shall adjust the inspection and reinspection fee established pursuant to division (D)(7) of section 3704.14 of the Revised Code, as it existed prior to the effective date of this act, for an enhanced motor vehicle inspection and maintenance program that will continue in operation under that section after the effective date of this act to reflect the fact that the costs of the Environmental Protection Agency incurred in administering the program will be paid from moneys appropriated to the Motor Vehicle Inspection and Maintenance Fund created under section 3704.14 of the Revised Code, as amended by this act. The Director shall round the fee to the nearest one-fourth of a dollar.

SECTION 4. Notwithstanding any provision of law to the contrary, the Director of Environmental Protection, not later than thirty days after the effective date of this section and pursuant to a release and permit issued by the Department of Administrative Services under division (D)(15) of section 3704.14 of the Revised Code, as that section existed prior to the effective date of this act, shall modify the existing contract with a contractor that was conducting motor vehicle inspections prior to the effective date of this act in an area of the state that was subject to an enhanced motor vehicle inspection and maintenance program prior to that date and that will be subject to a basic program after that date for the purpose of operating the basic program pursuant to division (D)(1) of section 3704.14 of the Revised Code, as amended by this act. If the Director is unable to modify the contract within the specified time, the Director immediately shall so notify the Chief Justice of the Supreme Court.

Not later than fifteen days after receiving notification from the Director under this section, the Chief Justice shall select an arbitrator to conduct binding arbitration for the purpose of this section. The Director shall submit to the arbitrator the Director's final proposal for modifying the contract, as presented to the contractor prior to the end of the thirty-day period established under this section, and the contractor shall submit to the arbitrator the contractor's final proposal for modifying the contract, as presented to the Director prior to the end of that period. Not later than thirty days after being selected by the Chief Justice, the arbitrator shall approve one of the proposals and shall so notify the Director and the contractor. The Director shall proceed to modify the contract in accordance with the approved proposal.

The Director shall provide reasonable compensation to the arbitrator for the arbitrator's services performed under this section and shall pay any costs incurred by the arbitrator in performing those services. For those purposes, the Director shall use moneys appropriated to the Environmental Protection Agency under Section 6 of this act.

As used in this section, "basic program" and "enhanced motor vehicle inspection and maintenance program" have the same meanings as in section 3704.14 of the Revised Code, as amended by this act.

SECTION 5. Notwithstanding any provision of law to the contrary, if, pursuant to divisions (D)(1) and (11) of section 3704.14 of the Revised Code, as amended by this act, and Section 4 of this act, the Director of Environmental Protection is unable to modify an existing contract with a contractor that was conducting motor vehicle inspections prior to the effective date of this act in an area of the state that was subject to an enhanced motor vehicle inspection and maintenance program prior to that date and that will be subject to a basic program after that date, the Director shall execute a new contract to conduct a basic program in the area as soon as practicable after the effective date of this act. The Director shall execute the new contract in accordance with division (D) of section 3704.14 of the Revised Code, as amended by this act. If the Director executes a new contract, the Director may extend the implementation date for the basic program established in divisions (B)(1) and (C)(14) of that section, as amended by this act, provided that in no case shall the implementation date be later than one year after the effective date of this act.

Nothing in this section is intended to affect or impair in any way any rights of or remedies available to parties to a contract that is in effect on the effective date of this act for the operation of a motor vehicle inspection and maintenance program.

As used in this section, "basic program" and "enhanced motor vehicle inspection and maintenance program" have the same meanings as in section 3704.14 of the Revised Code, as amended by this act.

SECTION 6. All items in this section are hereby appropriated as designated out of any moneys in the state treasury to the credit of the General Revenue Fund. For all appropriations made in this act, those in the first column are for fiscal year 1998, and those in the second column are for fiscal year 1999. The appropriations made in this act are in addition to any other appropriations made for the 1997-1999 biennium.

EPA ENVIRONMENTAL PROTECTION AGENCY

General Revenue Fund			
GRF 715-402	Motor Vehicle Emissions Testing	\$ 1,907,658	\$ 2,960,279
TOTAL GRF General Revenue Fund			
		\$ 1,907,658	\$ 2,960,279
TOTAL ALL BUDGET FUND GROUPS			
		\$ 1,907,658	\$ 2,960,279

Motor Vehicle Emissions Testing

The foregoing appropriation item 715-402, Motor Vehicle Emissions Testing, shall be used pursuant to section 3704.14 of the Revised Code solely for the administration, supervision, and enforcement of the motor vehicle inspection and maintenance program established under that section, as amended by this act, for public education concerning that program, and for the purposes of Section 4 of this act.

Motor Vehicle Inspection and Maintenance

It is the intent of the General Assembly that GRF appropriation item 715-402, Motor Vehicle Emissions Testing, replace appropriation item 715-626, Motor Vehicle Inspection and Maintenance (Fund 602), as of the effective date of this act.

Within the limits set forth in this act, the Director of Budget and Management shall establish accounts indicating the source and amount of funds for each appropriation made in this act and shall determine the form and manner in which appropriation accounts shall be maintained. Expenditures from appropriations contained in this act shall be accounted for as though made in H. B. 215 of the 122nd General Assembly.

The appropriations made in this act are subject to all provisions of H. B. 215 of the 122nd General Assembly that are generally applicable to such appropriations.

SECTION 7. Sections 3704.035, 3704.14, 3704.99, 4503.10, and 4503.103 of the Revised Code, as amended by this act, new section 3704.142 and sections 3704.143, 3704.144, and 3704.145 of the Revised Code, as enacted by this act, and Section 8 of this act are subject to the referendum. Therefore, under Ohio Constitution, Article II, Section 1c and section 1.471 of the Revised Code, the sections as amended or enacted take effect on the ninety-first day after this act is filed with the Secretary of State. If, however, a referendum petition is filed against the sections as amended or enacted, the sections as amended or enacted, unless rejected at the referendum, take effect at the earliest time permitted by law.

Sections 3, 4, 5, 6, and 7 of this act are not subject to the referendum. Therefore, under Ohio Constitution, Article II, Section 1d and section 1.471 of the Revised Code, those sections go into immediate effect when this act

becomes law.

SECTION 8. Section 3704.035 of the Revised Code is presented in this act as a composite of the section as amended by both Am. Sub. S.B. 18 and Am. Sub. S.B. 153 of the 120th General Assembly, with the new language of neither of the acts shown in capital letters. Section 4503.10 of the Revised Code is presented in this act as a composite of the section as amended by both Am. Sub. H.B. 353 and Am. Sub. S.B. 121 of the 121st General Assembly, with the new language of neither of the acts shown in capital letters. This is in recognition of the principle stated in division (B) of section 1.52 of the Revised Code that such amendments are to be harmonized where not substantively irreconcilable and constitutes a legislative finding that such is the resulting version in effect prior to the effective date of this act.

Am. Sub. H. B. No. 172

122nd G.A.

Speaker _____ *of the House of Representatives.*

President _____ *of the Senate.*

Passed _____, 20____

Approved _____, 20____

Governor.

Am. Sub. H. B. No. 172

122nd G.A.

This act is not of a general and permanent nature and does not require a code section number.

Director, Legislative Service Commission.

Filed in the office of the Secretary of State at Columbus, Ohio, on the
____ day of _____, A. D. 20____.

Secretary of State.

File No. _____ Effective Date _____