

3745-26-01

Definitions.

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

- (A) "Approved technician trainer" means an individual who is certified as an automotive service excellence (ASE) master technician, has at least ten years of experience in the automotive industry and is approved by the director or the director's designee to instruct technician training.
- (B) "Certified inspector" means an individual who has attended a required training course, successfully passed a written examination approved by Ohio EPA and certified by the director to inspect motor vehicles subject to this chapter.
- (C) "Certified repair facility" means a site, a building, structure, mobile operation, or combination thereof used by a person, business, firm, corporation, or governmental entity certified by the director in compliance with rule 3745-26-15 of the Administrative Code to conduct emission related repairs to gasoline and diesel fueled vehicles for a repair waiver. The purpose of certifying a facility is to acknowledge to the public that the facility is certified and qualified to conduct emissions related repairs and not that the facility is exclusive to make these repairs.
- (D) "Certified waiver repair technician" means an individual who has attended and completed required training, successfully passed a required examination and has been certified by the director in compliance with rule 3745-26-16 of the Administrative Code to complete emission related repairs subject to this chapter.
- (E) "Compliance" or "comply" means a vehicle has passed all aspects and parameters of the anti-tampering enhanced vehicle inspection and maintenance program, which is required under this chapter. A compliance certificate will be issued to the owner or lessee whose vehicle has successfully passed the inspection.
- (F) "Contractor" means the entity selected through competitive bidding procedures or through a request for proposal to provide services to the Ohio environmental protection agency for operation of the enhanced inspection and maintenance program. This contractor shall, in part, operate, manage or oversee a system of inspection stations operated by the contractor and subcontractor for the enhanced inspection and maintenance program.
- (G) "Designated program area" includes any county currently or formerly classified as moderate, serious, severe or extreme nonattainment for carbon monoxide or ozone in accordance with the Clean Air Act and that is subject to an enhanced vehicle

inspection and maintenance program.

- (H) "Director" means the director of the Ohio environmental protection agency or the director's authorized representative.
- (I) "Engine exchange" means any motor vehicle having an engine block installed that differs from the original manufacturer's specification certified as meeting United States environmental protection agency certification requirements.
- (J) "Enhanced" means the vehicle inspection program described in this chapter.
- (K) "Exemption certificate" means the official certificate, issued by the director, to a vehicle owner or lessee whose vehicle may not require inspection as prescribed in rule 3745-26-12 of the Administrative Code or as determined by the director. An exemption certificate shall serve the same purpose as the certificate to be presented to the registrar of motor vehicles as required by section 4503.10 of the Revised Code.
- (L) "Extension certificate" means an official certificate issued by the director to a motor vehicle owner or lessee for emergency or other purposes deemed by the director to warrant an extension of the time to complete the vehicle emissions test of that motor vehicle. An extension certificate shall serve the same purpose as the certificate to be presented to the registrar of motor vehicles as required by section 4503.10 of the Revised Code.
- (M) "Foreign imported gray market vehicle" means any vehicle of a type required to be registered that is brought into this state from another country other than in the ordinary course of business by or through a manufacturer or dealer as defined in division (W) of section 4501.01 of the Revised Code.
- (N) "Government vehicle" means any vehicle as defined in section 4503.16 of the Revised Code.
- (O) "Gross vehicle weight rating" means weight of vehicle plus the load the vehicle is capable of carrying as stated on the manufacturer's door plate.
- (P) "Inspection certificate" means the portion of the vehicle inspection report that is issued to each vehicle owner or lessee at the time of an inspection. An inspection certificate indicating compliance is to be presented to the registrar as required by division (B) of section 4503.10 of the Revised Code.
- (Q) "Inspection Procedures Manual" or "manual" means the book containing the most

recent official document approved by the director detailing the guidelines and repair requirements to be used in the anti-tampering or tailpipe emissions inspection. Each inspection station shall keep an updated manual on the premises at all times.

- (R) "Inspection station" means any station or facility, leased or owned, and operated by the contractor or subcontractor approved by the director to conduct anti-tampering inspections and emission inspections of motor vehicles and authorized to issue an inspection certificate or any other program related certificates.
- (S) "Lessee" means any person not having title to a motor vehicle, but granted legal authority by the title holder to possess the vehicle.
- (T) "Low income" means household income, during the past twelve month period, of not more than one hundred fifty per cent of the latest available poverty threshold level established by the U.S. department of health and human services, for the forty-eight contiguous states.
- (U) "Low-speed vehicle" means a three or four-wheeled motor vehicle with an attainable speed in one mile on a paved level surface of more than twenty miles per hour but not more than twenty-five miles per hour and with a gross vehicle weight rating less than three thousand pounds.
- (V) "Mini-truck" means a vehicle that has four wheels, is propelled by an electric motor or an internal combustion engine with a piston displacement capacity of six hundred sixty cubic centimeters or less, has a total dry weight of nine hundred to two thousand two hundred pounds, contains an enclosed cabin and a seat for the vehicle operator, resembles a pickup truck or van with a cargo area or bed located at the rear of the vehicle, and was not originally manufactured to meet federal motor vehicle safety standards.
- ~~(U)~~(W) "Motor vehicle" or "vehicle" has the meaning as defined in division (B) of section 4501.01 of the Revised Code.
- ~~(V)~~(X) "Multi-fueled vehicle" means any vehicle originally manufactured, designed, or converted from its original manufacturer's specification to utilize more than one fuel type, one of which is gasoline.
- ~~(W)~~(Y) "Nonattainment area" means an area that has not achieved the national ambient air quality standards and that is required to undergo certain air pollution control strategies pursuant to the Clean Air Act.
- ~~(X)~~(Z) "Ohio E Check" is the enhanced motor vehicle inspection and maintenance

program designated and implemented in accordance with section 3704.14 of the Revised Code in the counties that are necessary and federally mandated for the state to comply with the Clean Air Act.

~~(Y)~~(AA) "Opt-in enhanced" means an enhanced vehicle inspection and maintenance program selected by a moderate ozone or carbon monoxide nonattainment area as described in rules 3745-26-10, 3745-26-12, 3745-26-13 and 3745-26-14 of the Administrative Code.

~~(Z)~~(BB) "Owner" means any person other than a manufacturer or dealer having title to a motor vehicle.

~~(AA)~~(CC) "Person" means the state, any political subdivision, public or private corporation, partnership, firm, association, individual, organization or other entity.

~~(BB)~~(DD) "Queuing area" means the space allocated in each lane at each inspection station where vehicles wait for testing.

~~(CC)~~(EE) "Repair facility" means a site, a building, structure, mobile operation or combination thereof used by a person, business, corporation, or government entity to conduct, as a business with a vendors license, or corporation, or government maintenance operation, emission related repairs to gasoline and diesel fueled vehicles for a repair waiver. The director reserves the right to take into consideration other additional factors in the application of this paragraph.

~~(DD)~~(FF) "Repair waiver" means obtaining a repair waiver certificate in accordance with rule 3745-26-12 of the Administrative Code in lieu of passing an emissions test in order to meet compliance with the appropriate model year emission standards. A repair waiver is valid for the period of time specified in paragraph (E)(3) of rule 3745-26-12 of the Administrative Code.

~~(EE)~~(GG) "Repair waiver certificate" means the official certificate issued to a vehicle owner or lessee whose vehicle has not met compliance with the emissions standards but has met all requirements for a waiver as prescribed in rule 3745-26-12 of the Administrative Code. A waiver certificate shall serve the same purpose as the compliance certificate to be presented to the registrar of motor vehicles as required by section 4503.10 of the Revised Code.

~~(FF)~~(HH) "Rural" means an area that does not have defined boundaries, is more sparsely populated or consists of low population density, usually used for mostly farming and agriculture.

~~(GG)~~(II) "Subcontractor" means a person or business that contracts with the contractor to provide vehicle emissions testing or other services necessary for the performance of the vehicle inspection and maintenance program or vehicle emissions testing program.

~~(HH)~~(JJ) "Test center" means any inspection station operated by a contractor where emission inspections and reinspections are performed.

~~(KK)~~ "Under-speed vehicle" means a three or four-wheeled vehicle, including a vehicle commonly known as a golf cart, with an attainable speed on a paved level surface of not more than twenty miles per hour and with a gross vehicle weight rating less than three thousand pounds.

~~(H)~~(LL) "Urban" means a metro statistical area that has a defined boundary and is characterized as having a high population density similar to that of a city, town or municipality, or a region consisting of several metropolitan areas having contiguous boundaries.

~~(MM)~~ "Utility vehicle" means a self-propelled vehicle designed with a bed, principally for the purpose of transporting material or cargo in connection with construction, agricultural, forestry, grounds maintenance, lawn and garden, materials handling, or similar activities. The vehicle has an attainable speed in one mile on a paved level surface of more than twenty miles per hour but not more than twenty-five miles per hour.

~~(JJ)~~(NN) "Vehicle identification number" or "VIN" means the manufacturer's original serial number affixed to or imprinted upon the chassis or other part of the motor vehicle.

~~(KK)~~(OO) "Vehicle inspection report" or "VIR" means the official inspection form narrative presented to each vehicle owner or lessee at the time of an inspection. It indicates levels of hydrocarbons, carbon monoxide and nitrous oxides detected from the tailpipe emissions test, or the diagnostic trouble codes from the on board diagnostic test, an anti-tampering inspection and indicates whether the vehicle has passed or failed the different sections of the inspection. The vehicle inspection report contains a detachable inspection certificate that is to be presented to the registrar of motor vehicles as required by division (B) of section 4503.10 of the Revised Code.

~~(LL)~~(PP) "Waiver limit" means the minimum dollar amount required to be spent for motor vehicle emission related repair and diagnostic fees, by each owner or lessee whose vehicle fails the enhanced test in order for said owner or lessee to be eligible for a repair waiver as prescribed in paragraphs (E)(1) and (E)(2) of rule 3745-26-12

of the Administrative Code. For any vehicle registered in a county that is subject to an enhanced inspection program, "waiver limit" means at least two hundred dollars for a 1995 vehicle or earlier model year or three hundred dollars for a 1996 vehicle or more recent model year, except that for any county classified as serious, severe, or extreme nonattainment that is subject to an enhanced vehicle inspection and maintenance program, "waiver limit" means more than four hundred fifty dollars for any vehicle.

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

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

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

(2) Referenced materials:

- (a) 40 CFR Part 51; "Requirements for preparation, adoption, and submittal

of implementation plans;" as published in the July 1, 2014 Code of Federal Regulations.

- (b) 40 CFR 51.356; "Vehicle coverage;" as published in the July 1, 2014 Code of Federal Regulations.
- (c) 40 CFR 51.359; "Quality control;" as published in the July 1, 2014 Code of Federal Regulations.
- (d) 40 CFR 51.363; "Quality assurance;" as published in the July 1, 2014 Code of Federal Regulations.
- (e) 40 CFR 51.367; "Inspector training and licensing or certification;" as published in the July 1, 2014 Code of Federal Regulations.
- (f) 40 CFR 85, Subpart V; "Emissions Control System Performance Warranty Regulations and Voluntary Aftermarket Part Certification Program;" as published in the July 1, 2014 Code of Federal Regulations.
- (g) Clean Air Act; 42 USC 7401 to 7671q; "The Public Health and Welfare-Air Pollution Prevention and Control;" published January 2, 2006 in Supplement V of the 2000 edition of the United States Code; as amended December 19, 2007, Pub. L. 110-140, sec 201, 202, 203(f), 204, 208, 209, 210(a), 210(b), 210(c), 247, and 251, 121 Stat. 1519, 1521, 1529, 1531, 1532, 1547, and 1548.
- (h) Section 207 (B) of the Clean Air Act as contained in 42 USC section 7451; "Compliance by vehicles and engines in actual use;" published January 2, 2006 in Supplement V of the 2000 edition of the United States Code.

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