

3745-80-01 **Definitions.**

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

- (A) "Anti-tampering inspector" means any authorized representative of the director with the authority to investigate, inspect and otherwise determine compliance with sections 3704.16 to 3704.162 of the Revised Code.
- (B) "Anti-Tampering Procedures Manual" means the most recent, official document issued by the Ohio environmental protection agency to anti-tampering inspectors detailing the procedures to be followed when conducting inspections to determine compliance with sections 3704.16 to 3704.162 of the Revised Code.
- (C) "Clean Air Act Amendments" means the Clean Air Act, and regulations adopted under it.
- (D) "Director" means the director of the Ohio environmental protection agency or the director's authorized representative.
- (E) "Emission control system" means any system designated by the United States environmental protection agency as an emission control system under title II of the Clean Air Act Amendments and includes any device or element of design of the system.
- (F) "Emission system reference manual" means the most current reference manual with emission system application tables available from a source approved by the director or the director's designee.
- (G) "Lessee" means any person who uses a motor vehicle pursuant to a bailment, lease or other contractual arrangement under which a charge is made for its use at a periodic rate for a term of thirty continuous days or more.
- (H) "Motor vehicle facility" means premises owned, operated, rented, leased or otherwise used by any person engaged in the sale, lease, service or rental of motor vehicles or motor vehicle parts.
- (I) "Person" means the state, any political subdivision, public or private corporation, partnership, firm, association, individual, organization or other entity.
- (J) "Renter" means any person who uses a motor vehicle pursuant to a bailment, lease or other contractual arrangement under which a charge is made for its use at a periodic rate for a term of thirty continuous days or less.

- (K) "Tamper with" means to remove permanently or temporarily, except for repair, replacement or converting for use of a clean alternative fuel, to bypass, defeat, or render inoperative, in whole or in part, any emission control system that is installed on or in a motor vehicle, for purposes of defeating, bypassing or otherwise circumventing the requirements of the Clean Air Act Amendments and/or Chapter 3704. of the Revised Code and the rules promulgated thereunder.
- (L) "Ultimate purchaser" with respect to any new motor vehicle, means the first person, other than a dealer in its capacity as a dealer, who is a good faith purchaser of such new motor vehicle for purposes other than resale.
- (M) 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/or 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 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 applicable unless and until this rule has been amended to specify the new dates.

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

- (a) Code of Federal Regulations. Information and copies may be obtained by writing to: "Superintendent of Documents, Attn: Electronic products, PO Box 37082, Washington DC, 15250-7954." The full text of the CFR is also available in electronic format at www.access.gpo.gov/nara/cfr/. The CFR compilations are also available for inspection and copying at most public libraries and "The State Library of Ohio."
- (b) Mobile Source Enforcement Memorandum No. 1A: Information and copies are available by writing to: "U.S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW, Washington, D.C. 20460-0001." The full text of the document is also available in electronic format at <http://www.epa.gov/compliance/resources/policies/civil/caa/mobile/tamper-memo1a.pdf>. The document is also available for inspection and copying at most public libraries and "The State Library of Ohio."

(2) Referenced materials.

- (a) 40 CFR, Part 85; "Subpart "V" -- Emissions control system performance warranty regulations and voluntary aftermarket part certification program;" 45 FR 34839, May 22, 1980, as amended at 45 FR 78458-78464, November 25, 1980, 46 FR 38692, July 29, 1981, 50 FR 34798, August 27, 1985, 54 FR 32587-32593, August 8, 1989, 58 FR 65554, December 15, 1993, and 64 FR 23919, May 4, 1999, 70 FR 40432, July 13, 2005.

- (b) Clean Air Act; contained in 42 USC 7401 to 7671q; "The Public Health and Welfare-Air Pollution Prevention and Control;" published January 3, 2007 in the 2006 Edition of the United States Code.
- (c) Mobile Source Enforcement Memorandum No. 1A; "Interim Tampering Enforcement Policy;" dated June 25, 1974, updated April 1997.
- (d) Title II of the Clean Air Act; contained in 42 USC 7521 to 7590; "Emission Standards for Moving Sources;" published January 3, 2007 in the 2006 Edition of the United States Code.

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