



Bill Rowland

*Bill Analysis*  
*Legislative Service Commission*

## **H.B. 450**

123rd General Assembly  
(As Introduced)

**Reps. Young, Williams, Allen, Amstutz, Britton, Buchy, Callender, Calvert, Clancy, Coughlin, DePiero, Flannery, Grendell, Haines, Hood, Jacobson, Jerse, Jolivette, Jordan, Metelsky, Olman, Pringle, Schuler, Schuring, Taylor, Trakas, Van Vyven, Vesper, Willamowski**

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### **BILL SUMMARY**

- Specifies that new motor vehicles are exempt from inspection for five years under the motor vehicle inspection and maintenance program instead of two years under an enhanced program and one year under a basic program as provided in current law.
- Specifies that the five-year exemption is applicable regardless of whether legal title to the motor vehicle is transferred during that period.

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### **CONTENT AND OPERATION**

#### **Introduction**

In order to comply with requirements governing ambient air quality for ozone and carbon monoxide under the federal Clean Air Act Amendments of 1990, the General Assembly enacted Am. Sub. S.B. 18 in 1993. The act requires the Director of Environmental Protection to implement and supervise a motor vehicle inspection and maintenance program in any area of the state classified as moderate, serious, severe, or extreme nonattainment for carbon monoxide or ozone. The Director also must implement and supervise such a program in a county located in an area so classified when the program is included in the air quality maintenance plan or contingency plan that is submitted to the United States Environmental Protection Agency as part of a request for redesignation as attainment. In addition, the act established a one-time "opt-in" provision through which local governments located in areas for which only a basic program was required could choose to have the Director implement and supervise an enhanced program in those areas.

As a result of the federal requirements, the enactment of Am. Sub. S.B. 18, and the "opt-in" provision, motorists in three areas of the state currently are required to have their motor vehicles tested under a biennial enhanced motor vehicle inspection and maintenance program. That program is operated by contractors and is commonly referred to as "E-Check" in the 14 counties in which it operates. Those counties are located in the Cleveland-Akron area, the Dayton-Springfield area, and the Cincinnati area.

**Modification of the new vehicle exemption**

Under current law, a motor vehicle, the legal title to which has never been transferred by a manufacturer, distributor, or dealer to an ultimate purchaser, is exempt from the motor vehicle inspection and maintenance program for a period of two years under an enhanced program and one year under a basic program (see **COMMENT**).<sup>1</sup> The bill exempts such vehicles from both the enhanced and basic programs for a period of five years. Further, the bill specifies that a motor vehicle that is exempt from the motor vehicle inspection and maintenance program for the five-year period remains exempt during that period regardless of whether legal title to the motor vehicle is transferred during that period. (Sec. 3704.14(F)(4).)

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**COMMENT**

Pursuant to the contracts entered into by the Environmental Protection Agency with the contractors that operate the inspection and maintenance program, if a new motor vehicle is sold by an ultimate purchaser during the exemption period, it may become subject to inspection requirements regardless of the age of the vehicle.

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**HISTORY**

ACTION	DATE	JOURNAL ENTRY
Introduced	09-21-99	pp. 1222-1223

H0450-I.123/jc

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<sup>1</sup> "Ultimate purchaser" means, with respect to any new motor vehicle, the first person, other than a dealer purchasing in the capacity of a dealer, who in good faith purchases the new motor vehicle for purposes other than resale. (Sec. 4517.01.)