



www.lsc.ohio.gov

# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
and Drafting

Legislative Budget  
Office

H.B. 640  
135<sup>th</sup> General Assembly

## Bill Analysis

**Version:** As Introduced

**Primary Sponsors:** Reps. Demetriou and Roemer

Larry Gunter, Jr., Research Analyst

### SUMMARY

#### Alternative emissions certificate program

- Creates an alternative, parallel system by which an owner of a motor vehicle may comply with the E-Check program without submitting to an E-Check emissions test by obtaining an alternative emissions certificate (AEC).
- Requires the Director of Environmental Protection to issue an AEC when the owner of a motor vehicle subject to the E-Check program submits an attestation form to the Director that affirms that the motor vehicle complies with all Ohio and U.S. laws governing motor vehicle emissions.
- Requires the Director of EPA to deliver an AEC within 30 business days after receipt of the attestation form by mail and within five business days after electronic receipt.
- Requires the Director of EPA to reject an attestation form for various reasons, including that an attestation form contains false information.
- Requires the Director of EPA to send a notice letter to an owner who submits an attestation form containing false information, and allows the owner to correct the form.
- Requires an owner to have an emissions test performed on the owner's motor vehicle and obtain an inspection certificate, instead of an AEC, if an attestation form is rejected and not corrected.
- Requires the Registrar of Motor Vehicles to accept an AEC in lieu of an inspection certificate for the purpose of registering a motor vehicle in an E-Check county.
- Requires the Registrar to ensure that owners registering motor vehicles in E-Check counties receive information about the AEC process.

## **E-Check motor vehicle exemptions**

- Expands the new motor vehicle exemption under the E-Check program so that it applies to motor vehicles six years old or newer, rather than four years old or newer as in current law.
- Creates a new exemption for hybrid motor vehicles that are seven years old or newer.

## **Air pollution emergency**

- Eliminates the Governor's authority to declare an air pollution emergency and the Director of EPA's authority to adopt an emergency action plan for air pollution events.

## **"E-Check Ease Act"**

- Names the bill the "E-Check Ease Act."

---

---

# **DETAILED ANALYSIS**

## **E-Check programmatic changes**

### **Background**

E-Check is a motor vehicle testing program that operates in seven counties in Northeast Ohio that is designed to identify motor vehicles that emit excessive levels of pollutants into the air. In an E-Check county, only specific types of vehicles must undergo an emissions test. Motor vehicles subject to E-Check include all gasoline and diesel-fueled vehicles (including flexible fuel and hybrid vehicles) to which all of the following apply:

- The vehicle has a gross vehicle weight rating (GVWR) of 10,000 lbs. or less;
  - The vehicle is between four and 25 years old (vehicles four years old or newer are exempt from E-Check); and
  - The vehicle is registered in an E-Check county.
- Vehicles that are permanently exempt from testing under the program include:
- Vehicles with a GVWR of more than 10,000 lbs.;
  - Motorcycles, recreational vehicles, and mobile homes; and
  - Historical and collector's vehicles.

Each motor vehicle that is registered in an E-Check county and that is subject to testing must be tested, with odd number model year vehicles tested in odd years and even-number model year vehicles tested in even years. When a motor vehicle subject to E-Check passes an emissions inspection, the owner or lessee (hereinafter, "owner") is issued an inspection certificate. To register a vehicle in a year when a motor vehicle is subject to E-Check, the owner must present a valid inspection certificate with an application for registration. If the vehicle does not pass the inspection, no inspection certificate is issued and repairs must be made to the vehicle so that the vehicle can pass the emissions test. However, the Environmental Protection

Agency (EPA) may grant various extensions and exemptions to an owner, including a hardship exemption for “low income” individuals.<sup>1</sup>

### **Alternative emissions certificate (AEC) program**

The bill establishes an alternative, parallel system by which an owner of a motor vehicle may comply with the E-Check program without submitting to an E-Check emissions test. Under this system, the Director of Environmental Protection must issue an alternative emissions certificate (AEC) in lieu of an inspection certificate. Thus, a motor vehicle owner may choose to obtain an inspection certificate under the existing E-Check system or obtain an AEC under the system established by the bill.<sup>2</sup>

### **Attestation form**

An owner who is required to register a motor vehicle in an E-Check county may obtain an AEC by completing and submitting an attestation form that reads as follows:

I, \_\_\_\_\_, attest that, to the best of my knowledge, the motor vehicle concerning which I am the owner . . . complies with all laws of Ohio and the United States governing motor vehicle emissions. I, \_\_\_\_\_, am aware that a false statement on this form is not permitted.

When submitting an attestation form to the Director, an owner must specify the relevant motor vehicle’s identification number, make, model, and year. Before submitting the form, the owner must sign the form, either physically or by electronic means.

An owner may choose to submit the attestation form by regular mail, certified mail, or electronically. The owner also must specify how an AEC will be delivered to the owner after the Director approves the form – by certified mail, noncertified mail, or electronic delivery. The Director must deliver the owner’s AEC within 30 business days after the Director receives the attestation form by mail or within five business days after electronic receipt. Moreover, if an attestation form is received electronically, the bill requires the Director to confirm receipt of the form.<sup>3</sup>

### **Rejection of attestation form**

Under the bill, the Director may reject an attestation form for any of the following reasons:

1. The motor vehicle that is the subject of the attestation form has substantial damage to the internal structure of the vehicle due to an accident or collision within the two years prior to submitting the attestation form.

---

<sup>1</sup> R.C. 3704.14; Ohio Administrative Code 3745-26-12.

<sup>2</sup> R.C. 3714.14(B) and (C).

<sup>3</sup> R.C. 3704.14(C)(2).

2. The motor vehicle owner or lessee received a ticket or citation for excessive noises or gases emitted from a muffler within the two years prior to submitting the attestation form.
3. The attestation form contains information that the Director determines to be false.

If the Director rejects the attestation form as result of 1 or 2 above, the Director must require the owner of the motor vehicle to complete an emissions inspection and obtain an inspection certificate as is required under current law.

If the Director determines that the attestation form contains false information (3, above), the Director must notify the owner of the Director's determination. The notice must inform the owner that the owner may submit a corrected form within 30 days of the receipt of the notice. The notice must include a statement that reads substantially as follows:

You have falsified an attestation form for your vehicle under the E-Check/motor vehicle emissions testing program. Your vehicle is registered in one of [insert the number of counties] counties in this state that has federal emission mandates imposed on it that the State of Ohio is required, under threat of penalty, to enforce. This letter serves as Ohio's only penalty for falsification of an attestation form. You have thirty days from the date of this notice to amend your attestation form and submit the amended form to the Environmental Protection Agency. However, if you choose not to submit an amended attestation form, you must have a motor vehicle emissions inspection conducted for your vehicle . . .

If the owner submits a corrected form, the Director must issue an AEC to the owner or lessee. If the owner or lessee fails to correct the form, the Director must require the owner or lessee to complete an emissions inspection and obtain an inspection certificate as is required under current law.<sup>4</sup>

### **Registration of a motor vehicle with an AEC**

After obtaining an AEC, a person may use that certificate to register a motor vehicle. The Registrar is required to accept a properly issued AEC and to include the certificate's number in the permanent registration record of any vehicle required to be inspected under the E-Check program. When a person is required to renew a motor vehicle registration, an AEC must be resubmitted and the Registrar must prohibit renewal if an owner does not have the requisite certificate.

In the event that a person's registration and tags are impounded because of the person's failure to furnish an AEC under a multi-year registration, the Registrar can rescind that order for impoundment if a person presents to the Registrar a valid AEC. The Registrar also may rescind the order for impoundment if the Registrar receives a receipt from the Director stating that the

---

<sup>4</sup> R.C. 3704.14(C)(2)(d) and (e).

owner has obtained an AEC. The bill further requires the Registrar to ensure that owners registering motor vehicles in E-Check counties receive information about the AEC process.<sup>5</sup>

### **E-Check new car exemption**

The bill expands the new motor vehicle exemption under the E-Check program. As indicated above, current law exempts motor vehicles that are four years old or newer. The bill expands this exemption to motor vehicles that are six years old or newer. Additionally, the bill creates a new E-Check exemption for hybrid motor vehicles that are seven years old or newer.<sup>6</sup> As distinguished from traditional motor vehicles, hybrid motor vehicles are propelled by a combustion engine while also utilizing a battery that is recharged by mechanisms within the vehicle that capture and store electricity.<sup>7</sup>

### **Air pollution emergency**

The bill eliminates the Governor's authority to declare an air pollution emergency and the Director's authority to adopt an emergency action plan for air pollution. Under current law, the Director may adopt an emergency action plan to address public health caused by air pollution. In an emergency action plan, the Director may define various levels of emergency conditions, criteria on which those levels are based, and measures to be taken at each level.

The Director must notify the Governor if air pollution surpasses the levels determined by the emergency action plan. As a response, the Governor may declare an air pollution emergency and issue orders to address that emergency. Orders may include temporary restrictions or prohibitions on the operation of any of the following:

- Motor vehicles;
- Aircrafts;
- Incinerators;
- Air conditioners;
- Government and private offices;
- Commercial, manufacturing, industrial, and other activities; and
- Any other activity or use of fuel that contributes to the emergency.<sup>8</sup>

### **“E-Check Ease Act”**

The bill is officially named the “E-Check Ease Act.”<sup>9</sup>

---

<sup>5</sup> R.C. 4503.10, 4503.102, and 4503.103.

<sup>6</sup> R.C. 3704.14(B)(3) and (5).

<sup>7</sup> R.C. 4501.01(EEE), not in the bill.

<sup>8</sup> R.C. 3704.032, repealed.

<sup>9</sup> Section 4.

---

---

## HISTORY

| Action     | Date     |
|------------|----------|
| Introduced | 07-15-24 |

---