

ACTION: NO
CHANGE

DATE: 09/12/2002
11:06 AM

4501-45-03 **Manufacturer's certification.**

(A) A manufacturer of an ignition interlock device shall apply for certification on a form or in a format described by the department of highway safety. The manufacturer shall certify that the ignition interlock device does not impede the safe operation of the vehicle and works accurately and reliably in an unsupervised environment. The manufacturer shall also certify that the device requires a deep lung breath sample of the concentration by weight of alcohol in the breath. An application for certification shall include, in addition to other information which the department may require:

- (1) The name and address of the manufacturer.
- (2) The name and model number of the device.
- (3) A detailed description of the device, including instructions for installation and operation, and technical specifications descriptive of the device's accuracy, security, data collection and recording, tamper detection, and environmental features.
- (4) A description of the manufacturer's present or planned provisions for distribution of the device in Ohio, including all locations in the state where the device may be purchased, installed, serviced, repaired, calibrated, and inspected.
- (5) A certification by the manufacturer that all devices sold or offered for sale, of the same make and model for which application for certification is sought, meet the requirements for certification set forth in these specifications.
- (6) A certificate or other document from an insurance carrier licensed in Ohio evidencing that the manufacturer holds product liability insurance with minimum liability limits of one million dollars per occurrence, with three million dollars aggregate total. The liability covered shall include defects in product design and materials as well as in the work of manufacturer, calibration, installation, and removal of devices. The proof of insurance shall include a statement from the insurance carrier that thirty days notice will be given to the department prior to cancellation of the insurance.

(B) In addition to the manufacturer's meeting all the other requirements of these specifications, a device, to qualify for certification, must meet or exceed the

minimum test standards enumerated in this chapter. Only a statement from a testing agency approved by the department will be accepted as proof that a device has met or exceeded the standards. In addition to reporting the results of the tests and other information required by these specifications, the statement shall include the name and signature of the person in charge of the tests under the following sentence:

"All test data submitted and certified by the independent laboratory for the manufacturer and used in submission of the device for certification in the state of _____ has been reviewed in accordance with specifications of the Ohio department of highway safety and the device described as _____ manufactured by _____ meets those criteria as set forth in Chapter 4501-45 of the Ohio Administrative Code."

- (C) Upon receipt of a statement from a testing agency that two samples of a device have successfully passed the test procedures in these specifications, and upon confirmation that all other requirements of these specifications have been met, the department shall issue a statement of certification for a device. This statement shall be effective as of the date of its issuance by the department.
- (D) The department's certification of a device shall continue until the manufacturer requests the department in writing to discontinue the certification or until the department informs the manufacturer in writing that certification is suspended or revoked.
- (E) Each application for certification shall be for only one model or type of device. A manufacturer shall make separate applications for models or types of devices that differ in any operational aspect. If a manufacturer makes operational modifications to a device that is certified, the manufacturer shall immediately inform the department of these modifications in detail and the department shall determine either that the certification shall continue to apply to the device as modified or that the manufacturer must apply for and receive from the department a separate certification for the device as modified.
- (F) The department may deny, suspend, or revoke the certification of a device when:
 - (1) The device is tested by a testing agency approved by the department and does not meet the requirements for certification set forth in this chapter.
 - (2) The department determines that there is substantial evidence that devices manufactured, sold, offered for sale, or installed in vehicles do not function in accordance with this chapter or are easily tampered with; that the manufacturer has not made adequate provision for the effective and timely maintenance, inspection, calibration, and repair of installed devices; or that

the manufacturer has failed to comply with any requirement or requirements of this chapter.

- (3) The manufacturer's product liability insurance is cancelled or unrenewed.
- (4) The manufacturer is no longer in the business of manufacturing devices.

R.C. 119.032 review dates: 9/12/2002 and 03/08/2007

CERTIFIED ELECTRONICALLY

Certification

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Date

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