

4501-45-03

Licensing requirements for manufacturers of ignition interlock devices.

- (A) A manufacturer of an ignition interlock device that intends to lease, sell, or otherwise use its ignition interlock device(s) in this state shall annually obtain first a license from the department, and then certification from the director for each ignition interlock device model or type that differ in any aspect.
- (B) A manufacturer of an ignition interlock device may not be eligible for a license if any of the manufacturer's owner(s), officers, partners, agents, employees, contractors, or installers:
- (1) Is an employee, or immediate family member of an employee, of the department or the department of health;
 - (2) ~~Has a felony conviction, an operating a vehicle while intoxicated conviction or a drug related conviction, regardless of when or where the conviction occurred, a parole/probation violation, or a conviction for any crime involving dishonesty, deceit or fraud.~~ Has been convicted of, pled guilty to, had a judicial finding of guilt for, or had a judicial finding of eligibility for treatment in lieu of conviction for, any of the following:
 - (a) Any felony within ten years of the date of application;
 - (b) A misdemeanor, other than a minor misdemeanor, within five years of the date of application that is reasonably related to a person's ability to serve safely and honestly in connection with ignition interlock devices;
 - (c) A violation of any federal, state, county, or municipal narcotics law;
 - (d) Any act committed in another state or jurisdiction that if committed in Ohio would constitute a violation set forth in this paragraph.
- (C) A manufacturer of an ignition interlock device shall request, in writing, an original or renewal application for licensing from the department. The original and renewal applications for licensing shall be on a format prescribed by the director as listed in paragraph (C) of rule 4501-45-11.
- (1) A manufacturer of an ignition interlock device shall file with the department a complete, original or renewal application for licensing, together with all documents required by the application, and the rules of this chapter.
 - (2) At the time a manufacturer of an ignition interlock device files its original or renewal application for licensing with the department, and all required documents, the manufacturer shall pay a licensing fee of one hundred dollars,

in the form of a check or money order, payable to the treasurer of the state of Ohio. The licensing fee is non-refundable.

- (3) The department shall have the authority to request a computerized criminal history for any person identified in the manufacturer's application for licensing or any person identified in any documents filed with the application. The manufacturer shall pay all costs for the computerized criminal history.
- (D) The department shall notify a manufacturer of an ignition interlock device, in writing, by certified mail, return receipt, whether a license is granted or denied.
- (1) If a license is granted, a manufacturer of an ignition interlock device will receive a license from the department on a format prescribed by the director. The license shall expire one year from the date of issuance stated on the license, unless the license is suspended or revoked pursuant to rule 4501-45-05 of the Administrative Code prior to the expiration date stated on the license.
 - (2) A licensed manufacturer is immediately eligible to apply for certification, pursuant to rule 4501-45-04 of the Administrative Code, for each ignition interlock device model or type that differ in any aspect, and which is intended for lease, sale, or any other use in this state.
 - (3) When the department issues a license to a manufacturer of an ignition interlock device, the department shall add the manufacturer's name, business address, and contact information to the department's list of licensed manufacturers of ignition interlock devices and certified devices published on the department's website.
- If a licensed manufacturer of an ignition interlock device changes any of the information published on the department's website, the manufacturer shall immediately notify the department, in writing, and the department will update its website.
- (E) The department shall deny a license to a manufacturer of an ignition interlock device for any reason(s) set forth in rule 4501-45-05 of the Administrative Code, or the rules of this chapter. If a license is denied, a manufacturer shall receive a written notice, by certified mail, return receipt, from the department stating the reason(s) the license was denied.

A manufacturer whose license application is denied by the department may appeal the department's denial of a license pursuant to ~~paragraph (A)~~ of rule 4501-45-06 of the Administrative Code.

(F) A manufacturer of an ignition interlock device that is issued a license by the department shall file an annual report with the department, on a format prescribed by the director, and pay an annual report fee, not later than thirty days after the date the manufacturer's license expires.

(1) The annual report shall state the amount of net profit a licensed manufacturer earned for each certified ignition interlock device model or type from the sales of its certified devices to purchasers in this state during the one year period its license was in effect. A licensed manufacturer shall pay to the department an annual report fee equal to five per cent of the net profit stated in its annual report. The fee shall be in the form of a check or money order and made payable to the treasurer of the state of Ohio.

(2) A licensed manufacturer shall file its annual report with the department not later than thirty days after the date the manufacturer's license expires. A manufacturer may file ~~is~~ its annual report with the department by electronic mail, by facsimile, or by certified mail, return receipt, postmarked not later than thirty days after the date the manufacturer's license expires.

(3) If a licensed manufacturer of an ignition interlock device fails to timely file its annual report with the department, timely pay the total annual report fee due to the department, and/or files with the department an annual report containing incorrect or erroneous information, the director shall immediately remove the manufacturer's name, business address, contact information, and certified ignition interlock device(s) from the department's list of licensed manufacturers of ignition interlock devices and certified devices published on the department's website as listed in paragraph (F) of rule 4501-45-11.

A manufacturer of an ignition interlock device shall be ineligible for a renewal application for licensing until the manufacturer fully complies with all requirements set forth in this rule.

(G) A manufacturer shall notify the department in writing if a device certified for use in Ohio is or has been suspended, revoked, or denied in another state, whether such action occurred before or after approval in Ohio or if and when an appeal to the action(s) was made and the outcome of the appeal. This notification shall be made in a timely manner not to exceed 30 days after the manufacturer has received notice of suspension, revocation, or denial of certification of the device, whether or not the action is or has been appealed. Failure to notify the department may result in suspension, revocation, or denial of certification of the device in Ohio.

(H) Should a manufacturer change its legal business name, be acquired by another manufacturer, or merge with another manufacturer, the manufacturer shall reapply for licensure as the new business entity.

(I) A licensed manufacturer of an ignition interlock device shall maintain complete and accurate records for business conducted in the state of Ohio including:

(1) Testing certifications, protocols, results, and manuals for each device certified pursuant to rule 4501-45-04 of the Administrative Code,

(2) Certificate of product liability insurance, financial statements, and records for all certified devices sold, leased, or otherwise used in Ohio,

(3) Legal action pertaining to the licensed manufacturer.

(J) Records retained under this section shall be made available to the department within fifteen days of a written request by the department.

(K) Records shall be maintained for a period of not less than five years after the license expiration date and be made available to the department upon request.

Effective:

Five Year Review (FYR) Dates: 01/15/2016

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 4510.45
Rule Amplifies: 4510.45
Prior Effective Dates: 12/31/2010