

4501-45-05

Denial, suspension or revocation of licensing or certification.

(A) The department shall deny the application for licensing filed by a manufacturer of an ignition interlock device, or certification filed by a manufacturer of an immobilizing or disabling device, other than an ignition interlock device, and the application for certification filed by a manufacturer of an ignition interlock device if the manufacturer fails to comply with all requirements set forth in sections 4510.43, 4510.45, and 4510.46 of the Revised Code, the rules set forth in this chapter, and for any reason(s) set forth in this rule.

~~(B) The director shall deny the application for certification filed by a manufacturer of an immobilizing or disabling device, other than an ignition interlock device, and the application for certification filed by a manufacturer of an ignition interlock device, if the manufacturer fails to comply with all requirements set forth in sections 4510.43, 4510.45, and 4510.46 of the Revised Code, the rules set forth in this chapter, and for any of the reasons set forth in this rule.~~

~~(B)~~ (B) The director shall suspend or revoke the license and/or certification(s) granted to a manufacturer of an ignition interlock device or immobilizing or disabling device, or impose a fine not to exceed one thousand dollars if the manufacturer fails to comply with all requirements set forth in sections 4510.43, 4510.45, and 4510.46 of the Revised Code, the rules set forth in this chapter, and for any of the reasons set forth in this rule. A suspension may be limited to prohibiting a manufacturer from installing any new devices at specified installation sites during the suspension period.

~~If the director suspends or revokes a manufacturer's license and/or certification(s), the director shall remove the manufacturer's name, business address, contact information, and certified 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 of the Administrative Code.~~

~~(C)~~ (C) Reasons for denial, suspension, revocation, or fine of a license or certification include, but are not limited to the following:

- (1) The manufacturer filed an incomplete application for licensing, an incomplete application for certification, and/or failed to file all documents required by the application and the rules of this chapter;
- (2) The application for licensing, and/or application for certification, was not accompanied by the required application fee at the time of filing;
- (3) The manufacturer provided incorrect or erroneous information in an application filed with the department in order to obtain a license, in an application filed with the director in order to obtain certification of an immobilizing or disabling

device, or in an application filed with the director in order to obtain certification of an ignition interlock device;

- (4) A manufacturer's owner(s), officers, partners, agents, employees, contractors, or installers assisted or provided information that would enable a person utilizing an ignition interlock device or immobilizing or disabling device to circumvent or tamper with the certified device installed in the person's motor vehicle;
- (5) The manufacturer voluntarily requests, in writing, that the director suspend or revoke its license or certification(s);
- (6) The manufacturer modified any aspect of its certified ignition interlock device or immobilizing or disabling device, and the director determines that the manufacturer must file a new application for certification;
- (7) The license application filed by the manufacturer is a renewal application, and the manufacturer failed to file its annual report and/or pay the total annual report fee as required by paragraph (F) of rule 4501-45-03 of the Administrative Code;
- (8) The manufacturer failed to timely pay all assessment(s) and/or penalties imposed by the director pursuant to rules 4501-45-07 and 4501-45-08 of the Administrative Code;
- (9) A manufacturer failed to comply with the requirements set forth in ~~paragraph (D)(2) and paragraphs (C)(1) and (F) (G) to (I)~~ of rule 4501-45-02 of the Administrative Code, paragraph (J) of rule 4501-45-03 of the Administrative Code, or paragraphs ~~(D)(3), (H), (C)(4)~~ and (I) of rule 4501-45-04 of the Administrative Code.
- (10) Except as provided in paragraph (D), the manufacturer's agents, employees, contractors, or installers, who work in Ohio, are convicted of, receive a judicial finding of guilt to, or plead guilty to any of the following disqualifying offenses:
 - (a) Violent offenses: section 2903.01 (aggravated murder), 2903.02 (murder), 2903.03 (voluntary manslaughter), 2903.04 (involuntary manslaughter), 2903.041 (reckless homicide), 2903.05 (negligent homicide), 2903.11 (felonious assault), 2903.12 (aggravated assault), 2903.13 (assault), 2903.21 (aggravated menacing), 2903.211 (menacing by stalking), or 2909.24 (terrorism) of the Revised Code;
 - (b) Sexually-oriented offenses: section 2907.02 (rape), 2907.03 (sexual battery), 2907.04 (unlawful sexual conduct with a minor), 2907.05 (gross sexual imposition), 2907.06 (gross sexual imposition), 2907.07 (importuning), 2907.08 (voyeurism), 2907.09 (public indecency),

2907.19 (commercial sexual exploitation of a minor), 2907.21 (compelling prostitution), 2907.22 (promoting prostitution), 2907.23 (enticement or solicitation to patronize a prostitute; procurement of a prostitute for another), 2907.231 (pandering obscenity involving minor or impaired person), 2907.31 (disseminating matter harmful to juveniles), 2907.311 (Displaying matter harmful to juveniles), 2907.32 (pandering obscenity), 2907.321 (pandering obscenity involving minor or impaired person), 2907.322 (pandering sexually oriented matter involving a minor or impaired person), or 2907.323 (illegal use of a minor or impaired person in nudity-oriented material or performance) of the Revised Code or a violation of former section 2907.12 (felonious sexual penetration) of the Revised Code;

(c) Child-related violent offenses: section 2903.15 (permitting child abuse), 2905.05 (criminal child enticement); 2919.22 (endangering children), 2919.24 (contributing to the unruliness or delinquency of a child), of the Revised Code;

(d) Terrorism-related offenses: section 2909.22 (soliciting or providing support for act of terrorism), 2909.23 (making a terroristic threat), 2909.24 (terrorism), 2909.26 (criminal possession of chemical, biological, radiological, or nuclear weapon or explosive device), 2909.27 (criminal use of chemical, biological, radiological, or nuclear weapon or explosive device), 2909.27 (illegal assembly or possession of chemicals or substances for manufacture of prohibited weapons), and 2909.29 (money laundering) of the Revised Code;

(e) Arson offenses: section 2909.02 (aggravated arson), and 2909.03 (arson) of the Revised Code;

(f) Vandalism and related offenses: section 2909.05 (vandalism), 2909.06 (criminal damaging or endangering), 2909.09 (vehicular vandalism) of the Revised Code;

(g) Major motor vehicle offenses: section 4511.19 (operating a motor vehicle under the influence), section 4511.194 (having physical control of vehicle while under the influence), 2903.06 (aggravated vehicular homicide, vehicular homicide, vehicular manslaughter), 2903.08 (aggravated vehicular assault, vehicular assault) of the Revised Code;

(h) Theft-related offenses: section 2911.01 (aggravated robbery); 2911.02 (robbery); 2911.11 (aggravated burglary); 2911.12 (burglary); 2911.13

(breaking and entering); 2921.13 (falsification- in theft offense - to purchase firearm); 2921.41 (theft in office); of the Revised Code;

- (i) Kidnapping as set forth in section 2905.01 of the Revised Code;
- (j) Abduction as set forth in section 2905.02 of the Revised Code;
- (k) Trafficking in persons as set forth in section 2905.32 of the Revised Code;
- (l) Domestic violence as set forth in section 2919.25 of the Revised Code;
- (m) Perjury as set forth in section 2921.11 of the Revised Code;
- (n) Tampering with evidence as set forth in section 2921.12 of the Revised Code;
- (o) Obstructing justice as set forth in section 2921.32 of the Revised Code;
- (p) Aiding escape or resistance to lawful authority as set forth in section 2921.35 of the Revised Code;
- (q) Illegal conveyance of weapons, drugs, or other prohibited items onto grounds of detention facility or institution as set forth in section 2921.36 of the Revised Code;
- (r) Impersonation of peace officer or private police officer as set forth in section 2921.51 of the Revised Code.
- (s) Theft and fraud-related offenses: section 2911.01 (aggravated robbery); 2911.02 (robbery); 2911.11 (aggravated burglary); 2911.12 (burglary); 2911.13 (breaking and entering); 2913.02 (theft); 2913.11 (passing bad checks); 2913.30 (counterfeiting); 2913.31 (forgery - forging identification cards or selling or distributing forged identification cards); 2913.49 (identity fraud); 2913.51 (receiving stolen property); 2921.13 (falsification- in theft offense - to purchase firearm); 2921.41 (theft in office); of the Revised Code.
- (t) Drug-related offenses: section 2925.03 (trafficking, aggravated trafficking in drugs); 2925.04 (illegal manufacture of drugs - illegal cultivation of marijuana - methamphetamine offenses); 2925.041 (illegal assembly or possession of chemicals for manufacture of drugs); 2925.11 (possession of controlled substances); 2925.12 (possessing drug abuse instruments); 2925.13 (permitting drug abuse); 2925.14 (illegal use or possession of drug paraphernalia); 2925.141 (illegal use or possession of marijuana

drug paraphernalia); 2925.22 (deception to obtain a dangerous drug); 2925.23 (illegal processing of drug documents); 2925.24 (tampering with drugs) of the Revised Code

(D) For a conviction that does not involve a violent offense, sexually-oriented offense, child-related violent offense, or terrorism-related offense as listed in paragraph (C)(10)(a) to (C)(10)(d) of this rule, the director may take offenses listed under paragraph (C)(10)(e) to (C)(10)(t) of this rule into account for five years for misdemeanors and ten years for felonies. The period of time begins on the date of conviction, guilty plea, or finding of guilt, whichever is later.

Effective:

Five Year Review (FYR) Dates: 1/10/2024

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 4510.45
Rule Amplifies: 4510.43, 4510.45, 4510.46
Prior Effective Dates: 09/06/1988 (Emer.), 07/22/1990, 08/24/2003,
12/31/2010, 04/01/2016, 01/01/2018