

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, if the manufacturer fails to comply with all requirements set forth in sections 4510.43, ~~and 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, ~~and 4510.45,~~ 4510.46 of the Revised Code, the rules set forth in this chapter, and for any of the reasons set forth in this rule.
- (C) The director shall suspend or revoke the license and/or certification(s) granted to a manufacturer of an ignition interlock 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, ~~and 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.

- (D) Reasons for denial, suspension, ~~or 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 (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), and (I) of rule 4501-45-04 of the Administrative Code.

Effective:

Five Year Review (FYR) Dates: 3/21/2021

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