



Ohio Administrative Code Rule 3304-6-03 General requirements.

Effective: January 15, 2021

(A) Required specifications. All retail dealers shall adhere to OOD's vehicle modification manual. OOD shall retain the right to refuse payment for any work that is poorly designed, fabricated, installed or fit, or that does not comply with the vehicle modification specifications. Failure of the retail dealer to comply with this chapter and OOD's vehicle modification manual may result in any or all of the following: revocation of quotation, delayed payment until correction is made, refusal to accept delivery of modifications, suspension from awards, removal as an OOD approved retail dealer, or other actions deemed necessary to protect the individual, the state of Ohio, OOD, and the taxpayer.

(B) Requirements for retail dealers. OOD shall purchase services and equipment only from retail dealers that meet all of the following conditions:

(1) Maintain valid up-to-date accreditation with the national mobility equipment dealers association's (NMEDA) quality assurance program (QAP) and shall provide written proof of same to OOD on an annual basis and as otherwise requested by OOD; written documentation shall include the designated type(s) of accreditation (i.e., mobility equipment installer, structural, and high tech) and the effective dates of accreditation.

(a) Being accredited as NMEDA QAP, the retail dealer is required to install modifications per the NMEDA guidelines and all applicable federal motor vehicle safety standards (FMVSS) referenced therein.

(b) Should the NMEDA QAP program or any of its parts be shown to be in violation of state of Ohio or federal laws and regulations or found to be likely to cause harm to individuals served by OOD if followed, OOD reserves the right to discontinue the use of the NMEDA QAP accreditation program and adopt or create an equivalent program.

(2) Register with national highway traffic safety administration (NHTSA) in accordance with federal



regulations as contained in 49 C.F.R. 595.6.

(3) Operate a permanent business location in the state of Ohio, except when the in state purchasing preference does not meet the individual's rehabilitation needs or informed choice requirements.

(4) Maintain, at that location, all of the facilities necessary to install, maintain, repair, and replace those components/assemblies included in any quotation the retail dealer submits to OOD and perform said work at that location, except as noted in paragraph (C) of this rule.

(5) Maintain, at that location, accessible facilities, including restrooms, pursuant to the Americans with Disabilities Act of 1990 (Public Law 101-336) requirements.

(6) Be recognized by the aftermarket manufacturer(s) as an approved installer of the devices and mechanisms identified in rule 3304-6-02 of the Administrative Code.

(7) Hire and retain employee(s) who are trained by the manufacturer of the equipment and who are certified to install, service, and repair the equipment.

(8) Maintain a current list of those certified employees and provide a copy of this list to OOD on request.

(C) Subcontracting. A retail dealer may subcontract only non-adaptive work, except for work subcontracted to a manufacturer, but shall retain fitting, warranty, and repair responsibility for all subcontracted work. Non-adaptive refers to those items other than specialized equipment provided for the sole purpose of enabling a person with a disability to drive or be transported in a vehicle. Subcontractors shall meet requirements of paragraph (B)(3) of this rule.

(D) Warranties. Retail dealers shall use only new products and new parts that are protected against defects by manufacturers' written warranties of a minimum of one year except for those items transferred in accordance with rule 3304-6-02 of the Administrative Code. Retail dealers shall warrant in writing their own installation work for at least two years from the date of delivery of the vehicle to the individual. The individual shall comply with all warranty requirements for the warranty to remain in effect.



(E) Liability insurance. Each retail dealer shall maintain "product/completed operations" liability insurance that holds OOD, its agents, employees, and consultants harmless from any claim for damages resulting from the retail dealer's work or the work/products of his/her suppliers, and provides minimum coverage of one million dollars. Each retail dealer shall also maintain "garage-keeper's" liability insurance and "premises" liability insurance. Prior to submitting a quotation, the retail dealer shall include a written certification of insurance from the insurance company specifying the dates and limits of coverage and including a provision for notification of cancellation within thirty days to OOD. The retail dealer shall provide an updated certificate at the time of the policy renewal.

(F) Information provided by retail dealer. At the completion of the authorized work, the retail dealer shall issue to the individual an original copy of the installation, operations, maintenance instructions, and warranty cards for all equipment installed in the vehicle. The retail dealer shall provide a full demonstration to the individual of all adapted equipment and on completion of each job provide:

(1) A signed statement to OOD certifying that all work complies with rules 3304-6-01 to 3304-6-03 of the Administrative Code and OOD's vehicle modification manual;

(2) Permanently affixed labels adjacent to the original certification label or the alterer certification label:

(a) NMEDA QAP label in accordance with NMEDA QAP accreditation requirements, unless use of the NMEDA QAP has been discontinued by OOD, and

(b) Label required by NHTSA in compliance with 49 C.F.R. 595.7.

(3) A list of modifications including all modifications made to the vehicle and all additional equipment installed. This list shall be provided to the individual. This list shall contain the NMEDA QAP label identification number unless use of the NMEDA QAP has been discontinued by OOD.

(4) A list of FMVSS, or portions thereof, subject to the make inoperative prohibition exemption



provided in federal regulations at 49 C.F.R. 595 with which the vehicle may no longer be in compliance.

(5) A statement based on the vehicle's gross vehicle weight rating, in compliance with 49 C.F.R. 595, indicating any reduction in the load carrying capacity of the vehicle of more than two hundred twenty pounds after the modifications are complete. The retail dealer shall state whether the weight of the user's wheelchair is included in the available load capacity.

(6) A complete wiring diagram that identifies all added or modified components and subassemblies by name and by wire color and gauge. The wiring diagram shall be given to the individual. If the wiring is custom a wiring diagram must be supplied with the modification.

(7) For all major equipment additions and modifications, any operating and maintenance information available from manufacturers shall be provided to the individual.

(8) A list of unused parts shall include all items removed from the vehicle. The list and the unused parts will be returned to the individual. The individual shall sign the list, entering a note that the signature either acknowledges receipt of the items or releases them for the retail dealer's disposal.

(G) Confidentiality. Any information the retail dealer obtains about an individual served by OOD as a result of submitting quotations and/or providing modifications to the individual's vehicle, including the identity of the individual, shall be confidential. The retail dealer shall not reveal any such information without the individual's written consent. Failure to maintain confidentiality shall result in retail dealer noncompliance subject to the provisions in paragraph (A) of this rule.

(H) Related costs. OOD may require that the retail dealer include the following items in its quotation/price submission:

(1) Pickup and delivery of the vehicle from and to the individual.

(2) Transportation of the vehicle for the purpose of service, maintenance, and follow-up adjustments during the warranty period.



(3) Projected completion time. OOD reserves the right to provide a mandatory completion time and to impose a daily monetary penalty for exceeding this completion time.

(I) Manufacturer requirements. Retail dealers shall install only products which conform to the following, except for those items transferred in accordance with rule 3304-6-02 of the Administrative Code:

(1) Only products for which the manufacturer carries liability insurance coverage that provides a minimum of one million dollars for each claim, with a minimum aggregate for a one-year policy period of two million dollars. Obtaining proof of such coverage shall be the responsibility of the retail dealer and shall be provided to OOD on request. Any quotation containing products which do not meet this provision shall be rejected.

(2) Any product that is a powered mechanism or contains a powered mechanism shall permanently bear, via engraving or fixed plate, a model number, a serial number, and the name and address of the manufacturer. The engraving or fixed plate shall remain visible after installation. All OEM powered mechanisms (such as a power steering pump or a brake vacuum booster) that have been modified as part of the vehicle modification shall contain such an engraving or fixed plate.

(J) Request for quotations and awards. Request for quotations shall be required for all vehicle modifications except those involving only items defined to be relatively minor as stated in paragraph (D)(3) of rule 3304-6-02 of the Administrative Code.

(1) Requests for quotation. Requests for quotations shall only be sent to the three qualified retail dealers chosen by the individual from among the current NMEDA QAP retail dealers approved by OOD which are qualified to perform the specific modifications required by the individual's prescription. If fewer than three retail dealers are approved by OOD to perform the CDRS or DRS modification, then all retail dealers shall be sent the request for quotation. No other quotations shall be solicited or accepted. To comply with individual informed choice requirements, retail dealer quotations shall be evaluated based on the primary factor of lowest price, but also secondary factors of shortest distance from the individual's residence, and fastest projected completion time. OOD shall authorize a modification only to a qualified retail dealer that meets these factors. In the event of a tie based on OOD's scoring criteria, the individual may choose from the lowest price quotations.



(2) Relatively minor modifications. For modifications involving only those items defined as "relatively minor" in paragraph (D)(3) of rule 3304-6-02 of the Administrative Code, the retail dealer (i.e., vehicle modification shop) that will perform the modification shall be chosen by the individual from the current list of OOD approved retail dealers. No other retail dealers shall be asked to submit prices or be used to provide vehicle modifications.