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## The Public Guide to Rule Making

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### What is Rule Making?

Each state agency is required by law to devise guidelines, called rules, by which they operate and carry out their respective mission. Generally speaking, these rules set forth the methods by which an agency oversees and regulates a particular area. They also serve to establish requirements that are to be met by those regulated as well as provide a method through which an aggrieved party may seek resolution. In short, rules are created in order to guide both the agency and those it regulates.

Rule making is the process each agency undergoes in devising--called promulgation--and creating a rule. This process can take months to accomplish and requires not only agency involvement but public and legislative committee input as well. Only after hearings, public scrutiny and government review does a rule become effective.

### How are Rules Created?

Laws passed by the legislature govern state agencies, which define the limits of their regulatory authority. These statutes provide an agency a guide as to what they can and cannot do, ask for and require of those they regulate. Statutes exist to both define the agency's mission and more importantly, set limits upon it so that abuses of authority do not occur.

When an agency recognizes a need, say for example, a time limit in which a person or business must submit an application, it must develop a rule stating that time limit. In our case, the Executive Director typically will draft the proposed rule and then distribute copies to the Board members and our Assistant Attorney General ("AG") for their review. Following that, the Board, AG and agency staff, at their scheduled meetings, will discuss the rule, make modifications and/or vote to adopt it. Once approved, the rule is then formally prepared for filing.

Once the rule has been prepared and statutory authorities have been checked, copies are filed with the Joint Committee on Agency Rule Review ("JCARR"), the Legislative Service Commission ("LSC"), and the Secretary of State's office. Filing sets off a series of date-related events related to the rule and include a hearing for public comment, a hearing before the JCARR committee for public and legislative comment and, a mandatory 10-day waiting period prior to the rule becoming effective.

### Can the Public Voice Their Opinion?

Yes. The rule making process actively encourages participation from the public for several reasons. First, sunshine laws require government to conduct its business in the public realm rather than hidden from view. Second, the public is affected by government and input is necessary to insure the rule meets the needs of the public, does not

exceed its statutory authority and serves as a means of notifying the public of its coming effect. Last, rules become better and more representative as a result of public input and discussion.

### How Can the Public Participate?

Once a rule is filed agencies are required to conduct a public hearing no less than 30-days and no more than 40-days from the date of filing. This provides the public adequate notice and opportunity to attend and provide input on a given rule. JCARR publishes each week a list of rule filings submitted by agencies on the Internet at: HYPERLINK "www.jcarr.state.oh.us" www.jcarr.state.oh.us . Also, the agency filing the rule must publish a public notice of the hearing. The notice must state the time, date and location of the hearing and the rules to be discussed. It can normally be found in the legal notices segment of the newspaper.

After the public hearing, JCARR convenes a hearing at the statehouse, which provides yet another forum for public input, this time before a committee of state senators and representatives and requires testimony from the filing agency as well. JCARR hearings are scheduled approximately every 30-days, or more frequently as deemed necessary by the committee chair. The JCARR hearing schedule can be obtained at the JCARR website, contacting them directly at (614)466-4086, or by contacting the agency filing the rule.

### When Does a Rule Go Into Effect?

After all the hearings have been conducted, changes made, if any, and the rule has passed all required reviews, it must then be "final filed", again with JCARR, LSC and the Secretary of State. That day normally occurs on the 66th day after the original filing date. There is then a 10-day waiting period before the rule goes into effect. Time frames for amended or emergency-filed rules are different and generally longer by about 30-days.

For additional information or a schedule of Board meetings and hearings, please contact us at: (614)995-0714, or consult our website: HYPERLINK "www.state.oh.us/crb" www.state.oh.us/crb .

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