

Rule Summary and Fiscal Analysis (Part A)**Department of Commerce**

Agency Name

Division of Financial Institutions: Consumer **Mary Amos Augsburger****Finance**

Division

Contact

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1301:8-5-08

Rule Number

NEW

TYPE of rule filing

Rule Title/Tag Line

Continuing education.**RULE SUMMARY**

1. Is the rule being filed consistent with the requirements of the RC 119.032 review? **No**

2. Are you proposing this rule as a result of recent legislation? **No**

3. Statute prescribing the procedure in accordance with the agency is required to adopt the rule: **119.03**

4. Statute(s) authorizing agency to adopt the rule: **4727.13, 4727.19**

5. Statute(s) the rule, as filed, amplifies or implements: **4727.19**

6. State the reason(s) for proposing (i.e., why are you filing,) this rule:

This proposed new rule regarding continuing education is a renumbering of proposed rescinded rule 1301:8-5-09. The proposed rule now provides for online education as well as live classroom education. The proposed rule sets forth the requirements to apply for course approval and expands to eight hours (from six hours) the permitted number of hours a continuing education course may provide in one day. Paragraph (B)(1)(c)(vii) would permit state or federal agencies or commissions to offer continuing education courses. Additional changes from proposed rescinded rule 1301:8-5-09 include the following: applicants for course approval no longer have to provide the superintendent with the maximum number

of participants per session, certification number, or the addresses of licensees (names of attendees and license numbers will be recorded); further, the proposed rule eliminates the requirement that each continuing education course be open to all state-licensed pawnbrokers and their designated salespersons (in order to allow for in-house training provided the requirements of proposed rule 1301:8-5-08 are satisfied).

7. If the rule is an AMENDMENT, then summarize the changes and the content of the proposed rule; if the rule type is RESCISSION, NEW or NO CHANGE, then summarize the content of the rule:

The proposed rule, in paragraph (A) and related subparagraphs, sets forth the requirements to apply for course approval. In paragraph (B) and related subparagraphs, the rule establishes criteria for course approval. Under the proposed rule, courses may may not exceed eight credit hours in any one day, which is increasing from six credit hours in one day. In addition, state or federal agencies or commissions are added to the list of those that may offer continuing education courses. Paragraph (B)(1)(g) and related subparagraphs provide criteria for online education. Paragraph (C) and related subparagraphs provide parameters for permissible equivalent/alternative activities that will permit participants to receive continuing education credit. Paragraph (C) was renumbered from the previous version in proposed rescinded rule 1301:8-5-09. In paragraph (D) and related subparagraphs, the rule sets forth who must take continuing education for the pawnbroker, while paragraph (E) and related subparagraphs set forth how the designated salesperson is determined for purposes of satisfying the continuing education requirement of 4727.19.

8. If the rule incorporates a text or other material by reference and the agency claims the incorporation by reference is exempt from compliance with sections 121.71 to 121.74 of the Revised Code because the text or other material is **generally available** to persons who reasonably can be expected to be affected by the rule, provide an explanation of how the text or other material is generally available to those persons:

This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.

9. If the rule incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material electronically, provide an explanation of why filing the text or other material electronically was infeasible:

This response left blank because filer specified online that the rule does not

incorporate a text or other material by reference.

10. If the rule is being **rescinded** and incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material, provide an explanation of why filing the text or other material was infeasible:

Not Applicable.

11. If **revising** or **refiling** this rule, identify changes made from the previously filed version of this rule; if none, please state so:

Not Applicable.

12. 119.032 Rule Review Date:

(If the rule is not exempt and you answered NO to question No. 1, provide the scheduled review date. If you answered YES to No. 1, the review date for this rule is the filing date.)

NOTE: If the rule is not exempt at the time of final filing, two dates are required: the current review date plus a date not to exceed 5 years from the effective date for Amended rules or a date not to exceed 5 years from the review date for No Change rules.

FISCAL ANALYSIS

13. Estimate the total amount by which *this proposed rule* would **increase / decrease** either **revenues / expenditures** for the agency during the current biennium (in dollars): Explain the net impact of the proposed changes to the budget of your agency/department.

This will have no impact on revenues or expenditures.

\$0

This rule is nearly identical to proposed rescinded rule 1301:8-5-09. For course approvals, the rule and R.C. 4727.19 permit the Division to charge a nonrefundable processing fee. Historically, any funds generated by this provision have been zero to minimal and are expected to remain the same going forward.

14. Identify the appropriation (by line item etc.) that authorizes each expenditure necessitated by the proposed rule:

Not Applicable

15. Provide a summary of the estimated cost of compliance with the rule to all directly affected persons. When appropriate, please include the source for your information/estimated costs, e.g. industry, CFR, internal/agency:

As noted previously, this rule is nearly identical to proposed rescinded rule 1301:8-7-09. The only costs of compliance to the industry, where the Division controls such costs, arise under paragraph (A) with respect to charging a nonrefundable processing fee of the course approval application. Historically, these charges have been zero to minimal which is expected to continue. Pawnbrokers and designated salespersons will incur costs when taking their required continuing education courses; however, the private providers of the continuing education courses set the fees for these classes.

16. Does this rule have a fiscal effect on school districts, counties, townships, or municipal corporations? **No**

17. Does this rule deal with environmental protection or contain a component dealing with environmental protection as defined in R. C. 121.39? **No**