

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

Agency Name

Division

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4501-1-08

Rule Number

NEW

TYPE of rule filing

Rule Title/Tag Line

Driver qualifications.**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: **R.C. 4511.76**

5. Statute(s) the rule, as filed, amplifies or implements: **R.C. 4511.76, R.C. 4511.763**

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

This filing is based on a R.C. 119.032 rule review of Ohio Administrative Code Chapter 4501-1. Due to LSC rule drafting requirements applicable when 50% of a rule is being changed, the existing rule is being filed for proposed rescission and this proposed new rule (same title and number) is being filed to replace it. This proposed new version of the rule is to provide updates and clarity including reference to related statutory (R.C. 3327.10 which was recently updated) and Administrative Code provisions.

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:

This rule sets forth driver qualifications. Proposed changes clarify director discretion by replacing "shall" with "may" regarding revocation of a license held by any person who employs a driver who is not physically, mentally, or otherwise qualified and licensed as required by the Revised Code and all rules and regulations "related to school bus drivers" (proposed new language) adopted by the Ohio department of education and the department of public safety. It also newly clarifies that the director may suspend or take other appropriate action on any license for employing a driver who is not physically, mentally, or otherwise qualified and licensed as required by the Revised Code and all rules and regulations related to school bus drivers adopted by the Ohio department of education and the department of public safety. Proposed new language provides that the Revised Code and referenced rules and regulations include, but are not limited to, the requirements of section 3327.10 of the Revised Code and the minimum qualifications for school bus drivers listed in rule 3301-83-06 of the Administrative Code. It also provides that a licensee may not employ a driver convicted of any offense listed in rule 3301-20-01 of the Administrative Code.

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:

Ohio Revised Code Section 121.76 provides that the provisions of R.C. 121.71 to 121.75 do not apply to the incorporation by reference of a statute in the Ohio Revised Code or of a rule in the Ohio Administrative Code.

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:

Ohio Revised Code Section 121.76 provides that the provisions of R.C. 121.71 to 121.75 do not apply to the incorporation by reference of a statute in the Ohio Revised Code or of a rule in the Ohio Administrative Code.

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.

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We do not anticipate that this rule will affect the agency budget.

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:

This rule is not expected to create additional costs.

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**