

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

Agency Name

**State Highway Patrol**

Division

**James Canepa**

Contact

**Ohio Department of Public Safety 1970 W. Broad St., Suite 531 Columbus OH 43223-0000**

Agency Mailing Address (Plus Zip)

**614-466-7014**

Phone

Fax

**jvcanepa@dps.state.oh.us**

Email

**4501-1-08**

Rule Number

**AMENDMENT**

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? **Yes**

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 rule is proposed pursuant to a scheduled R.C. 119.032 review of Chapter 4501-1 of the Administrative Code.

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 establishes that the director will not issue a license to any person, and if already issued, may revoke, suspend, or take other appropriate action against a license if the pupil transportation provider employs a driver who is not physically, mentally, or otherwise qualified and licensed as required by the Ohio Revised Code. This includes, but is 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. This rule is proposed for amendment to reflect a change in the Administrative Code reference from rule 3301-20-01 to rule 3301-83-23.

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. If applicable, indicate each specific paragraph of the rule that has been modified:

This rule is refiled without change as concern for a possible conflict with the Department of Education's rule 3301-83-23 of the Administrative Code (O.A.C.)

was resolved. This rule regulates persons (also known as providers) who engage in the business of providing pupil transportation, wherein "person" is defined as an individual, corporation, business trust, estate, trust, partnership, and association (O.A.C. 4501-1-01). Rule 3301-83-23, on the other hand, regulates persons who are employed as school transportation drivers.

12. 119.032 Rule Review Date: **11/26/2012**

(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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This rule is not expected to impact the agency's budget in the current biennium.

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

N/A

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 establishes that the director will not issue a license to any person, and if already issued, may revoke, suspend, or take other appropriate action against a license if the pupil transportation provider employs a driver who is not physically, mentally, or otherwise qualified and licensed as required by the Ohio Revised Code. The costs of compliance with this rule includes an annual physical

examination at an estimated \$75 for each driver, as well as evidence of pre-service training at an estimated \$35 (training required every six years). This estimate was provided by Walsh Jesuit and Licking County Christian pupil transportation providers during the CSI process.

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**

**S.B. 2 (129th General Assembly) Questions**

18. Has this rule been filed with the Common Sense Initiative Office pursuant to R.C. 121.82? **Yes**

19. Specific to this rule, answer the following:

A.) Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? **Yes**

Chapter 4501-1 requires any person intending to engage in the transportation of pupils to or from school or school functions on a school bus to make application for a license prior to engaging in business.

B.) Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? **Yes**

Penalties up to and including revocation of license may be imposed if licensees violate the terms of Chapter 4501-1 of the Administrative Code.

C.) Does this rule require specific expenditures or the report of information as a condition of compliance? **Yes**

This rule establishes that the director will not issue a license to any person, and if already issued, may revoke, suspend, or take other appropriate action against a license if the pupil transportation provider employs a driver who is not physically, mentally, or otherwise qualified and licensed as required by the Ohio Revised Code. The costs of compliance with this rule includes an annual physical examination at an estimated \$75 for each driver, as well as evidence of pre-service training at an estimated \$35 (training required every six years). This estimate was provided by Walsh Jesuit and Licking County Christian pupil transportation

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