

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

Agency Name

Division

Anna Firestone

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4501-21-04

Rule Number

AMENDMENT

TYPE of rule filing

Rule Title/Tag Line

Character and fitness.**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? **Yes**

Bill Number: **SB19**General Assembly: **129**Sponsor: **Senator Hughes**

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. 4501.02, 4510.311, 4510.037, 4510.038 and 5502.011**

5. Statute(s) the rule, as filed, amplifies or implements: **R.C. 4510.11, 4510.037, 4510.038 and 4510.02**

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

This rule is being filed to implement statutory changes set forth in SB19, 129th General Assembly, which incorporate advanced juvenile driver improvement courses into the remedial driving course program.

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 the character and fitness requirements for all persons associated with a remedial course enterprise including a course manager, a chief instructor an instructor, and an authorizing official. The proposed amendments add "chief instructor" as a person who must meet fitness and character requirements, require the authorizing official of a remedial course to provide information on legal proceedings filed against a remedial course, and include the convictions of "any person" associated with the remedial course to be grounds for denying, suspending, or revoking approvals or applications.

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:

Not Applicable.

12. 119.032 Rule Review Date: **4/9/2015**

(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:

It is estimated that this rule will not result in any costs of compliance for stakeholders.

Source: The advanced juvenile driver improvement program committee comprised of Mark Bloom (Bloom's School of Driving Dynamix), Steve Bidlack (Mid-Ohio), John Phillips (Honda Transportation Research Center), Ken Stout (DriveTeam) and Jeff Caldwell (Professional Driving Systems Driving School). The current traditional juvenile driver improvement providers included Sharon Fife (D&D Driving School) and Peggy Mooney (Wyandot's Remedial Program).

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? **No**

This rule, in and of itself, does not require prior authorization to engage in business. However, it is part of a filing package that does, as rule 4501-21-05 and provisions in Chapter 4501-21 require authorizing officials to obtain and renew the appropriate approval issued by the director of the department of public safety 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**

Yes, should an authorizing official, course manager, chief instructor, and/or instructor associated with a remedial driving course fail to meet the requirements set forth in this rule, he or she may be subject to administrative action up to and including denial of an application or revocation of an approval.

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

This rule specifically requires the authorizing official of a remedial course to notify the director in writing of any legal action is taken against the remedial course.