

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

Agency Name

Office of Criminal Justice Services

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 for five year review (FYR)? **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: **4510.311, 4510.038, 5502.011**5. Statute(s) the rule, as filed, amplifies or implements: **4510.037, 4510.038**

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

This rule is being filed according to a RC 106.03 review.

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 rule sets forth the requirements for character and fitness for those associated with a remedial program. The rule addresses conduct compliant with all local, state and federal laws pertaining to discrimination. The rule provides the director with the ability to deny a course approval based upon previous revocations or denials of the course approval or other driver education programs. The rule prohibits anyone, who is associated with the course, to have any contact if they are mentally or physically unfit. The rule also addresses the responsibility to report any physical, mental or injury to cause the person to be unfit including alcohol, drug, or medicinal impairment that may affect the person's ability to instruct students. The rule prohibits the acceptance of cash payments or gifts from students for any other purpose than for payment of the course. Additionally, the rule requires written notification to the department should any lawsuit against the remedial driving course, related to the course's failure to perform or operate safely, be filed.

Paragraph (C) is proposed for amendment to include sexual orientation in with the discrimination prohibition.

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. Five Year Review (FYR) 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.

The no cost estimate was provided by the remedial rule review committee. Representatives for the remedial rule review committee included: Rod Hall (First Drive Driving School and Ohio's Best Adult Remedial curriculum); Sharon Fife (D&D Driving School); Colleen Butch (John Butch Driving School); Robert Momany (Safety Council of Northwest Ohio); Mark Bloom (Bloom School of

Driving Dynamics); Deborah Drake (Ohio Driving Center LLC); W. Lisa Thomas (Addictions Resource Center); Phyllis Cole (Weekend Intervention Program); Karen Blumhorst (Capabilities Inc.); Kathy Dove (Great Oaks I.T.C.D.); Daniel Cox (Heights Driving School and Ohio Excellence for Remedial curriculum); Jeff Caldwell (Professional Driving Systems Driving School); and Lisa Harris (Superior Driving Academy).

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 does not require prior authorization to engage in or operate a line of business; however, it is part of a filing package that does, as some provisions in Chapter 4501-21, specifically 4501-21-05, require remedial driving schools to obtain and maintain the appropriate certification prior to engaging in remedial training, pursuant to sections 4510.311, 4510.037 and 4510.038 of the Revised Code.

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, administrative actions may be taken which may result in the denial of an application or impose sanctions up to and including suspension and revocation of a license if licensees fail to meet the requirements set forth in this chapter of the Administrative Code.

C.) Does this rule require specific expenditures or the report of information as a condition of compliance? **No**

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

stakeholders. The rule does require the authorizing official to report any injury, mental or physical impairments, and includes any alcohol, drug or medicinal impairment that affects the person's ability to instruct or manage the program safely. Additionally, the school shall notify the department of any legal action that is filed by or against the remedial driving course because the remedial driving course failed to perform or operate its courses safely.

The no cost estimate was provided by the remedial rule review committee. Representatives for the remedial rule review committee included: Rod Hall (First Drive Driving School and Ohio's Best Adult Remedial curriculum); Sharon Fife (D&D Driving School); Colleen Butch (John Butch Driving School); Robert Momany (Safety Council of Northwest Ohio); Mark Bloom (Bloom School of Driving Dynamics); Deborah Drake (Ohio Driving Center LLC); W. Lisa Thomas (Addictions Resource Center); Phyllis Cole (Weekend Intervention Program); Karen Blumhorst (Capabilities Inc.); Kathy Dove (Great Oaks I.T.C.D.); Daniel Cox (Heights Driving School and Ohio Excellence for Remedial curriculum); Jeff Caldwell (Professional Driving Systems Driving School); and Lisa Harris (Superior Driving Academy).