

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

Agency Name

Office of Criminal Justice Services

Division

Anna Firestone

Contact

**1970 West Broad Street Suite 531 Columbus OH
43223-0000**

Agency Mailing Address (Plus Zip)

614-466-7014

Phone

Fax

lafirestone@dps.state.oh

Email

4501-21-05

Rule Number

AMENDMENT

TYPE of rule filing

Rule Title/Tag Line

Application for and renewal of remedial driving course approval.**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 application requirements for a remedial driving course to obtain approval. The rule addresses the documentation required to make a complete application. The rule sets forth the requirement for remedial driving course approvals to expire and addresses the renewal requirements to renew said approval. The rule requires a true and accurate application and renewal to be submitted. The rule addresses the process for the closing of a remedial driving course. Additionally, the rule addresses the ability of the department to participate in a remedial course at no cost.

Paragraph (D)(2) is proposed for amendment to incorporate materials.

Paragraph (D)(3) is proposed to require a federal and state background check of the authorizing official and owner.

Paragraph (D)(4) is proposed to remove "course manager's" because such course is not offered.

Paragraph (D)(8) is proposed for amendment to incorporate specific materials as part of the application requirement. The proposal identifies, in rule, a process already in place.

Paragraph (G) is proposed for amendment to include "location of training," which allows for actual posting in a conspicuous place if the office is not at the same site as the location of training.

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 rule incorporates the "Enterprise Closing Procedure," "List of Personnel Used by the Enterprise," "Remedial Course Provider Application," "Remedial Student Report Form," and "Renewal Requirements." To comply with sections 121.71 to 121.74 of the Revised Code, this rule refers readers to paragraph (A) of rule 4501-21-17, which addresses the version/date of the materials, as well as where each may be accessed via <http://www.drivertraining.ohio.gov/schools.htm> or the driver training program office on-line application database at <https://www.dps.ohio.gov/DriverTraining>.

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:

Unless otherwise noted, these materials, as feasible, are filed with this package as part of rule 4501-21-17.

"Renewal Requirements" are not being filed as part of this package. "Renewal Requirements" is a database application that is part of the Driver Training Program website, a program accessible to licensed schools, training managers, and instructors, or those who can reasonably be anticipated to be impacted by this rule, where information is electronically entered via an interface on the system. This material is still addressed in rule 4501-21-17 providing full citation, date/version as appropriate, and availability via the driver training program office on-line application database at <https://www.dps.ohio.gov/DriverTraining>.

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:

The estimated costs of compliance include background check fees for applications and renewals, and postage.

Remedial Driving Course Application

Background check - \$30 - \$80 per authorizing official and owner

Postage for mailing application - \$3.03

Total cost for enterprise application - \$33.03 to \$83.03

*Note: The cost for a background check depends upon the business used to complete the fingerprinting. The business may impose an additional fee for services.

Renewal of Remedial Course Approval

Background check - \$30 - \$80 per authorizing official and owner

Postage for mailing application - \$3.03

Total cost for enterprise application - \$33.03 to \$83.03

*Note: The current process for remedial course renewals include a full renewal as addressed in rule every other year. Therefore, the costs listed apply for every other year. The alternate year only requires one item that may be faxed.

The 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? **Yes**

This rule does require prior authorization to engage in or operate a line of business, and some provisions in Chapter 4501-21 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? **Yes**

The estimated costs and required time to report information includes: Remedial Driving Course Application

Background check - \$30 - \$80 per authorizing official and owner

Postage for mailing application - \$3.03

Total cost for enterprise application - \$33.03 to \$83.03

*Note: The cost for a background check depends upon the business used to complete the fingerprinting. The business may impose an additional fee for services.

The time associated with compiling a remedial driving course application is estimated to be two to four hours depending upon how many locations are being opened.

A remedial driving course shall supply a copy of a current fire inspection. The time associated with the inspection includes scheduling of up to a month to schedule and the actual inspection is on average thirty (30) minutes.

A remedial driving course shall supply a copy of the building use agreement. The time associated with obtaining the building use agreement is estimated to be one week. The timeframe depends upon the lessor and lessee.

Renewal of Remedial Course Approval

Background check - \$30 - \$80 per authorizing official and owner

Postage for mailing application - \$3.03

Total cost for enterprise application - \$33.03 to \$83.03

*Note: The current process for remedial course renewals include a full renewal as addressed in rule every other year. Therefore, the costs listed apply for every other year. The alternate year only requires one item that may be faxed.

The time associated with compiling a remedial driving course renewal is estimated to be one to three hours. The time depends upon the number of locations used by the remedial driving course.

In addition to the costs provided above, the rule requires specific report of information pertaining to the closure of the remedial driving course. No direct costs are associated with sending in the closing form. The time associated with filing out the form is 5 minutes.

The 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).