

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

Agency Name

Division

David McCallister

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4501-21-05

Rule Number

NEW

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

5. Statute(s) the rule, as filed, amplifies or implements: **R.C. 4510.311, 4510.037, 4510.038, 4510.02**

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

Based on a R.C. 119.032 rule review of Ohio Administrative Code (OAC) Chapter 4501-21, the five existing rules of this Ohio Administrative Code chapter have been proposed for rescission and this rule is one of a group of proposed new OAC Chapter 4501-21 rules.

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 proposed new rule sets forth the process and requirements for making application for approval of, and application for approval review of a remedial driving course.

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 section of 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 section of 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:

This filing provides clarifying language in paragraph (D)(6) and (J)(6) in adding that alternately a copy of proof of completion of the training required from an organization on the list of approved curriculum providers can be provided and in specifying that for juvenile remedial driving courses, an enterprise is required to use the curriculum provided by the Department. Clarification has also been added in paragraphs (D)(4) and (J)(4) with addition of the language "remedial training" before "course approved by the director." The language "or investigations" in

paragraph (E) and the word "A" in (D)(5) and (J)(5) have been deleted. To match the requirement that an authorizing official ensure an adult remedial driving course enterprise complies with applicable sections of the Revised Code and Administrative Code, language has been included in paragraph (A) to require an authorizing official to ensure a juvenile remedial driving course is in compliance with applicable sections of the Revised Code and Administrative Code. The language "or evidence of an escrow account as" has been added to (D)(7) and (J)(7) to reflect accompanying refile changes in proposed Rule 4501-21-07 and requirement (8) has been added to paragraphs (D) and (J) to require submittal of forms that the enterprise is to use as a student report form, an enrollment contract, and a course evaluation form.

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.

0

It is not anticipated that this rule will impact 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 proposed new rule sets forth the process and requirements for making application for approval of, and application for approval review of, a remedial driving course. Under the proposed new rules of OAC Chapter 4501-21, these requirements apply at the time of initial application for a remedial driving course approval and all providers including those of currently approved courses, will be required to submit an original approval application. There will be some costs associated with preparing initial and renewal course applications for department approval (most likely involving existing personnel). There are no application fees in this rule, however, there is a new requirement for submittal of the authorized official's recent criminal background check report (maximum \$35.00 cost via the Bureau of Criminal Investigation (BCI)) with an application for initial approval. This represents a new cost for all courses, including currently approved courses. In addition, for some adult remedial courses that have been approved under the current rules but that do not currently use a Department-approved curriculum as required to be submitted by this proposed rule, there will be new costs associated with developing and using a new curriculum to be approved by the Department, or with beginning to use a Department-approved curriculum (See rule 4501-21-06 for related fiscal information regarding curriculums). All juvenile courses are required to utilize a Department-prepared curriculum. Via proposed new rule 4501-21-07 the requirement for maintaining a continuous performance bond or an escrow account to cover the cost of reimbursing students is a new requirement for all courses, including currently approved courses. In the initial proposed rule which required a continuous bond, the cost had been anticipated to be approximately \$100.00 per year per \$10,000 in bond coverage. (See fiscal response information regarding Rule 4501-21-07 for updated information.) The requirement for a designated course manager is a new cost. Related cost increases would involve the costs associated with completing a manager-training course. However, currently there is not a separate manager training course beyond the instructor training. This rule includes a new requirement for registration of enterprise names with the Secretary of State. The fee for such registration ranges in cost from \$50 to file for a trade name or a fictitious name to \$125 to file for a corporate name. The cost of preparing an initial or renewal course approval application as proposed will be new for all courses including those currently approved. However, because the application for renewal approval is similar to the application for an initial approval, for most remedial driving courses, the renewal application process will merely involve updating existing information. Therefore, unless a course is radically changed from that which has already been approved, we anticipate the increased costs of preparing a future renewal application to be negligible. With regard to the question of whether this rule will have a fiscal effect on school districts, counties, townships, or municipal corporations, of the more than two hundred enterprises which provide the remedial driving courses addressed by Chapter 4501-21 of the Administrative Code, only a few are governmental entities addressed in Part B. There are three county courts, one health department, two school districts, and one county community college. Of the seven enterprises covered by Part B, five are currently using approved curriculums and two are not. The increased costs associated with

the rule on curriculums will apply to one community college and one school not already using a department-approved curriculum. (See proposed Rule 4501-21-06 for related fiscal information. (See also fiscal response information for proposed new Rule 4501-21-13 which addresses a related new requirement regarding continuing education of instructors.)

16. Does this rule have a fiscal effect on school districts, counties, townships, or municipal corporations? **Yes**

You must complete Part B of the Rule Summary and Fiscal Analysis in order to comply with Am. Sub. S.B. 33 of the 120th General Assembly.

17. Does this rule deal with environmental protection or contain a component dealing with environmental protection as defined in R. C. 121.39? **No**

Rule Summary and Fiscal Analysis (Part B)

1. Does the Proposed rule have a fiscal effect on any of the following?

(a) School Districts	(b) Counties	(c) Townships	(d) Municipal Corporations
Yes	Yes	No	No

2. Please provide an estimate in dollars of the cost of compliance with the proposed rule for school districts, counties, townships, or municipal corporations. If you are unable to provide an estimate in dollars, please provide a written explanation of why it is not possible to provide such an estimate.

Of the more than two hundred enterprises which provide the remedial driving courses addressed by Chapter 4501-21 of the Administrative Code, only a few are governmental entities addressed in Part B. There are three county courts, one health department, two school districts and one county community college.

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There will be some costs associated with preparing initial and renewal course applications for department approval (most likely involving existing personnel). There are no application fees in this rule, however, there is a new requirement for submittal of the authorized official's recent criminal background check report (maximum \$35.00 cost via the Bureau of Criminal Investigation ((BCI)) with an application for initial approval). This represents a new cost for all courses, including currently approved courses.

In addition, for some adult remedial courses that have been approved under the current rules but that do not currently use a Department-approved curriculum as required to be submitted by this proposed rule, there will be new costs associated with developing and using a new curriculum to be approved by the Department, or with beginning to use a Department-approved curriculum. All juvenile courses are required to utilize a Department-prepared curriculum. Of the seven enterprises covered by Part B, five are currently using approved curriculums and two are not. The increased costs associated with the rule on curriculums will apply to one community college and one school not already using a department-approved curriculum. (See proposed Rule 4501-21-06 for related fiscal information.)

The requirement for a designated course manager is a new. Related cost increases could eventually involve costs associated with completing a manager-training course, if a separate course is required. However, currently there is not a separate manager-training course beyond instructor training. (See also fiscal response for rule 4501-21-13).

This rule includes a new requirement for registration of enterprise names with the Secretary of State. The fee for such registration ranges in cost from \$50 to file for a trade name or a fictitious name to \$125 to file for a corporate name.

The cost of preparing an initial or renewal course approval application as proposed will be new for all courses including those currently approved. However, because the application for renewal approval is similar to the application for an initial approval, for most remedial driving courses, the renewal application process will merely involve updating existing information. Therefore, unless a course is radically changed from that which has already been approved, we anticipate the increased costs of preparing a future renewal application to be negligible.

3. If the proposed rule is the result of a federal requirement, does the proposed rule exceed the scope and intent of the federal requirement? **No**
4. If the proposed rule exceeds the minimum necessary federal requirement, please provide an estimate of, and justification for, the excess costs that exceed the cost of the federal requirement. In particular, please provide an estimate of the excess costs that exceed the cost of the federal requirement for (a) school districts, (b) counties, (c) townships, and (d) municipal corporations.

Not Applicable.

5. Please provide a comprehensive cost estimate for the proposed rule that includes the procedure and method used for calculating the cost of compliance. This comprehensive cost estimate should identify all of the major cost categories including, but not limited to, (a) personnel costs, (b) new equipment or other capital costs, (c) operating costs, and (d) any indirect central service costs.

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The requirement for a designated course manager is new. Related cost increases could eventually involve costs associated with completing a manager-training course, if a separate course is required. However, currently there is not a separate manager-training course beyond instructor training. (See also fiscal response for rule 4501-21-13).

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The cost of preparing an initial or renewal course approval application as proposed will be new for all courses including those currently approved. However, because the application for renewal approval is similar to the application for an initial approval, for most remedial driving courses, the renewal application process will merely involve updating existing information. Therefore, unless a course is radically changed from that which has already been approved, we anticipate the increased costs of preparing a future renewal application to be negligible.

(a) Personnel Costs

There will be minimal costs associated with preparing initial and renewal course applications for department approval (most likely involving existing personnel). There are no application fees in this rule, however, there is a new requirement for submittal of the authorized official's recent criminal background check report (maximum \$35.00 cost via the Bureau of Criminal Investigation ((BCI)) with an application for initial approval. This represents a new cost for all courses, including currently approved courses.

The requirement for a designated course manager is new. Related cost increases could eventually involve costs associated with completing a manager-training course, if a separate course is required. However, currently there is not a separate manager-training course beyond instructor training.

(b) New Equipment or Other Capital Costs

It is not anticipated that the proposed rule will result in any additional equipment/capital costs for compliance.

(c) Operating Costs

This rule includes a new requirement for registration of enterprise names with the Secretary of State. The fee for such registration ranges in cost from \$50 to file for a trade name or a fictitious name to \$125 to file for a corporate name.

The cost of preparing an initial or renewal course approval application as proposed will be new for all courses including those currently approved. However, because the application for renewal approval is similar to the application for an initial approval, for most remedial driving courses, the renewal application process will merely involve updating existing information. Therefore, unless a course is radically changed from that which has already been approved, we anticipate the increased costs of preparing a future renewal application to be negligible.

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districts, and one county community college. Of the seven enterprises covered by Part B, five are currently using approved curriculums and two are not. The increased costs associated with the rule on curriculums will apply to one community college and one school not already using a department-approved curriculum. (See proposed Rule 4501-21-06 for related fiscal information.) The above estimated costs were determined by contacting currently approved course providers and by contacting currently approved curriculum providers.

(d) Any Indirect Central Service Costs

It is not anticipated that the proposed rule will result in any additional indirect costs for compliance.

(e) Other Costs

It is not anticipated that the proposed rule will result in other additional costs for compliance.

6. Please provide a written explanation of the agency's and the local government's ability to pay for the new requirements imposed by the proposed rule.

We have been reviewing the materials covered in the proposed rules of OAC Chapter 4501-21 with the providers of currently approved courses including several enterprises covered by this form, and we have not heard that the application requirements would be burdensome for them.

7. Please provide a statement on the proposed rule's impact on economic development.

There should be no significant impact on economic development as a result of this rule.