

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

Agency Name

Office of Criminal Justice Services

Division

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4501-21-06

Rule Number

AMENDMENT

TYPE of rule filing

Rule Title/Tag Line

Course curriculum.**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 periodic 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 curriculum topics for the adult remedial and advanced juvenile driver improvement programs. The rule addresses the requirements for approval for curriculum providers for adult remedial programs and advanced juvenile driver improvement programs. The rule requires the adult remedial program to consist of eight instructional hours with at least twenty-five percent of instruction focusing on driver attitude and twenty-five percent focusing on the use of alcohol and drugs and the operation of motor vehicles. The rule requires that a curriculum provided in an online format shall be conducive to learning and easy to navigate logically. The requirements for these delivery methods include technical support. Additionally, the rule requires all remedial driving courses to use curriculum providers that are approved by the state. Those providing the juvenile driver improvement program shall only use the department's curriculum.

Paragraph (A) is proposed to clarify the requirement for curriculum providers to obtain approval.

Paragraph (C)(4) is proposed for amendment to further clarify the intent of the topic.

Paragraph (C)(10) is proposed to include the topic of distracted driving.

Paragraph (C)(10) is proposed for amendment to clarify the intent of the topic of the laws.

Paragraph (D) is proposed for amendment to update the language to "online."

Paragraph (D)(2) is proposed for amendment to clarify language used in the rule.

Paragraph (E) is proposed for amendment to clarify existing practice and place the responsibility of maintaining records upon the authorizing official of the business.

Paragraph (G) is proposed to remove language and clarify the intent.

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 "Juvenile Driver Improvement Curriculum." 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 material, as well as where it may be accessed via the driver training program's 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:

N/A. The material is being filed with 4501-21-17 as part of this package.

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.

0

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? **Yes**

This rule does require prior authorization to become a course curriculum provider, while other provisions in Chapter 4501-21, specifically 4501-21-05, also 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? **No**

This rule does not specifically set forth a penalty or cause of action for failure to comply with its terms. However, it is part of a filing package that does; 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**

While there are no direct monetary costs, there is time associated with creating and submitting a proposed curriculum to obtain approval by the department to become a remedial curriculum provider. The time associated with developing the curriculum may take four to six months. The time associated with obtaining approval may take two months.

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