

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

Agency Name

Division

**David McCallister**

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**4501-21-06**

Rule Number

**NEW**

TYPE of rule filing

Rule Title/Tag Line

**Course Curriculum.****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, 4510.37, 4510.38, 5502.011**

5. Statute(s) the rule, as filed, amplifies or implements: **R.C. 4510.311, 4510.37, 4510.38, 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 rule sets forth curriculum requirements for remedial driving courses.

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 If the rule is being **rescinded** and incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material, provide an explanation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:

In the first sentence of paragraph (C), a comma has been added after the word "shall" and after the word "minimum." Paragraph (C)(4) has been changed from "Avoiding blind spots" to "Personal responsibility and mature attitude." Paragraph (C)(5) deletes the language "driving strategies and principals" and replaces "practices" with the language "strategies and principles." Paragraph (C)(9) replaces "safe passing: passing and being passed;" with "Consequences of poor driving behavior." Paragraph (C)(12) deletes the language "Crash reporting and" and replaces it with the language "Financial responsibility laws."

In paragraph (D)(2) "circumstance" has been made plural and in paragraph (G) the word "the" has been changed to "an."

## 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

We do not anticipate 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 rule sets forth proposed remedial driving course curriculum requirements. The requirements would apply at the time of initial approval application under the proposed new rules of OAC Chapter 4501-21 and will be required for all applicants including those who are currently approved under existing rules. Under the rule, all juvenile remedial driving course enterprises will be required to continue using Department-provided curriculum. On a monthly basis, more and more enterprises are taking the steps to meet this rule's curriculum criterion. Approximately sixty percent of the enterprises currently approved to provide adult remedial driving courses already utilize or are in the process of implementing use of a Department-approved curriculum. For the existing adult remedial driving courses that do not currently use a Department-approved curriculum as required by this proposed rule, adoption of this rule will result in new costs associated with either

developing and submitting a proposed curriculum to the Department for approval, or with beginning to use a curriculum already approved by the Department. (See Rule 4501-21-05 for related fiscal information). Currently there are five different Department-approved adult remedial driving course curriculums with five different pricing structures that can range in cost for a small enterprise with one instructor from about \$275.00 to about 2,290.00 in cost. These figures include the cost of required instructor training, materials such as instructor guides, videotapes and in some cases, other support materials such as special traffic charts for recreating traffic crash scenes. The costs also include travel cost estimates. Depending on an instructor training workshop location (for example, currently the Department-approved curriculum providers schedule workshops in Ashtabula, Toledo, Cleveland, Cincinnati, Youngstown and Columbus) and scheduling (currently, instructor training workshops run from three to five days), participation in an instructor training workshop could also involve travel and lodging costs for those who attend. The low range cost for one instructor includes three days of training, and \$40.00 per day for meals. The high range estimate of \$1,356.00 is per instructor for five days of training and five days of expenses, including food and travel to a training location from the furthest point in Ohio. These estimates do not include the cost of student workbooks that range from no cost to \$10.00 per workbook, and the workbooks are probably not reusable. There will also be minimal costs associated with including Ohio-specific information as required by the rule. Three of the five approved curriculum providers include an in-house training option via a "train the trainer" approach that could significantly cut costs. The above estimated costs were determined by contacting currently approved course providers and by contacting currently approved curriculum providers.

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
<b>Yes</b>	<b>Yes</b>	<b>No</b>	<b>No</b>

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.

This rule sets forth proposed remedial driving course curriculum requirements. The requirements would apply at the time of initial approval application under the proposed new rules of OAC Chapter 4501-21 and will be required for all applicants including those who are currently approved under existing rules. Under the rule, all juvenile remedial driving course enterprises will be required to continue using Department-provided curriculum. For existing adult remedial driving courses that do not currently use a Department-approved curriculum as required by this proposed rule, adoption of this rule will result in new costs associated with either developing and submitting a proposed curriculum to the Department for approval, or with beginning to use a curriculum already approved by the Department. (See Rule 4501-21-05 for related fiscal information.) 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.

Currently there are five different Department-approved adult remedial driving course curriculums with five different pricing structures that can range in cost for a small enterprise with one instructor from about \$275.00 to about 2,290.00 in cost. These figures include the cost of required instructor training, materials such as instructor guides, videotapes and in some cases, other support materials such as special traffic charts for recreating traffic crash scenes. The costs also include travel cost estimates. Depending on an instructor training workshop location (for example, currently the Department-approved curriculum providers schedule workshops in Ashtabula, Toledo, Cleveland, Cincinnati, Youngstown and Columbus) and scheduling (currently, instructor training workshops run from three

to five days), participation in an instructor training workshop could also involve travel and lodging costs for those who attend. The low range cost for one instructor includes three days of training, and \$40.00 per day for meals. The high range estimate of \$1,356.00 is per instructor for five days of training and five days of expenses, including food and travel to a training location from the furthest point in Ohio. These estimates do not include the cost of student workbooks that range from no cost to \$10.00 per workbook, and the workbooks are probably not reusable. There will also be minimal costs associated with including Ohio-specific information as required by the rule. Three of the five approved curriculum providers include an in-house training option via a "train the trainer" approach that could significantly cut costs. The above estimated costs were determined by contacting currently approved course providers and by contacting currently approved curriculum providers.

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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Rule 4501-21-05 for related fiscal information.)

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.)

Currently there are five different Department-approved adult remedial driving course curriculums with five different pricing structures that can range in cost for a small enterprise with one instructor from about \$275.00 to about 2,290.00 in cost. These figures include the cost of required instructor training, materials such as instructor guides, videotapes and in some cases, other support materials such as special traffic charts for recreating traffic crash scenes. The costs also include travel cost estimates. Depending on an instructor training workshop location (for example, currently the Department-approved curriculum providers schedule workshops in Ashtabula, Toledo, Cleveland, Cincinnati, Youngstown and Columbus) and scheduling (currently, instructor training workshops run from three to five days), participation in an instructor training workshop could also involve travel and lodging costs for those who attend. The low range cost for one instructor includes three days of training, and \$40.00 per day for meals. The high range estimate of \$1,356.00 is per instructor for five days of training and five days of expenses, including food and travel to a training location from the furthest point in Ohio. These estimates do not include the cost of student workbooks that range from no cost to \$10.00 per workbook, and the workbooks are probably not reusable. There will also be minimal costs associated with including Ohio-specific information as required by the rule. Three of the five approved curriculum providers include an in-house training option via a "train the trainer" approach that could significantly cut costs. The above estimated costs were determined by contacting currently approved course providers and by contacting currently approved curriculum providers.

**(a) Personnel Costs**

Additional personnel costs associated with compliance (time devoted to training) are included within the operating costs response.

**(b) New Equipment or Other Capital Costs**

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

### (c) Operating Costs

For the 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 4501-21-05 for related fiscal information). All juvenile courses are required to utilize a Department-prepared curriculum. 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.

Currently there are five different Department-approved adult remedial driving course curriculums with five different pricing structures that can range in cost for a small enterprise with one instructor from about \$275.00 to about 2,290.00 in cost. These figures include the cost of required instructor training, materials such as instructor guides, videotapes and in some cases, other support materials such as special traffic charts for recreating traffic crash scenes. The costs also include travel cost estimates. Depending on an instructor training workshop location (for example, currently the Department-approved curriculum providers schedule workshops in Ashtabula, Toledo, Cleveland, Cincinnati, Youngstown and Columbus) and scheduling (currently, instructor training workshops run from three to five days), participation in an instructor training workshop could also involve travel and lodging costs for those who attend. The low range cost for one instructor includes three days of training, and \$40.00 per day for meals. The high range estimate of \$1,356.00 is per instructor for five days of training and five days of expenses, including food and travel to a training location from the furthest point in Ohio. These estimates do not include the cost of student workbooks that range from no cost to \$10.00 per workbook, and the workbooks are probably not reusable. There will also be minimal costs associated with including Ohio-specific information as required by the rule. Three of the five approved curriculum providers include an in-house training option via a "train the trainer" approach that could significantly cut costs. 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 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 this information with enterprises currently approved to provide a remedial driving course program and based on input provided, additional costs imposed by the rules of OAC Chapter 4501-21 are not expected to be burdensome.

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.