

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

Agency Name

Division

**Anna Firestone**

Contact

**Ohio Department of Public Safety 1970 West Broad 614-466-7014  
Street, Suite 531 Columbus OH 43223-0000**

Agency Mailing Address (Plus Zip)

Phone

Fax

**lfirestone@dps.state.oh.us**

Email

**4501-21-12**

Rule Number

**AMENDMENT**

TYPE of rule filing

Rule Title/Tag Line

**Records, certificates of completion, & course evaluations.****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? **Yes**

Bill Number: **SB19**General Assembly: **129**Sponsor: **Senator Hughes**

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 and 5502.011**

5. Statute(s) the rule, as filed, amplifies or implements: **R.C. 4510.11, 4510.037, 4510.038 and 4510.02**

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

This rule is being filed to address materials incorporated by reference in compliance with sections 121.71 to 121.74 of the Revised Code.

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 the records to be maintained by a remedial course program and the information that is to be captured in those records. The rule also addresses the issuance and availability of the certificates of completion. Proposed amendments address materials incorporated by reference.

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 "Certificates of Completion" by reference. To comply with sections 121.71 to 121.74 of the Revised Code, this rule refers readers to paragraph (V) of rule 4501-21-01, the chapter's definitional rule, which addresses the specific version/date of the material, as well as where it may be accessed via the driver training website.

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:

The "Certificates of Completion" incorporated in this rule are not being filed as part of this package as they are numbered, tracked, and issued to remedial schools as purchased.

To comply with sections 121.71 to 121.74 of the Revised Code, this rule refers readers to paragraph (V) of rule 4501-21-01, the chapter's definitional rule, which addresses the specific version/date of the material, as well as where it may be accessed via the driver training website.

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. 119.032 Rule Review 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 increase revenues.

\$4

This rule is expected to increase the agency's revenues by \$4 per each certificate that an advanced juvenile driver improvement course issues. The net impact to the agency's budget during the current biennium is difficult to determine. The program is new and the number of students taking the course has not been determined.

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 incurred costs associated for the providers of the advanced juvenile remedial program would be the \$4 per certificate of completion. The total costs for

certificates are determined by the number of students completing the advanced juvenile driver improvement program. Since the advanced juvenile program is new, the actual cost to a provider is difficult to determine.

Estimates were provided by the advanced juvenile driver improvement program committee comprised of Mark Bloom (Bloom's School of Driving Dynamix), Steve Bidlack (Mid-Ohio), John Phillips (Honda Transportation Research Center), Ken Stout (DriveTeam) and Jeff Caldwell (Professional Driving Systems Driving School). The current traditional juvenile driver improvement providers included Sharon Fife (D&D Driving School) and Peggy Mooney (Wyandot's Remedial Program).

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, in and of itself, does not require the authorization to engage in business. However, it is part of a filing package that does, as rule 4501-21-05 and provisions in Chapter 4501-21 require authorizing officials to obtain and renew the appropriate approval issued by the director of the department of public safety prior to engaging in business.

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, in and of itself, does not impose a penalty or sanction. However, failure to meet the requirements set forth in this rule, the approval of a remedial driving course may be subject to administrative action up to and including revocation of the approval.

C.) Does this rule require specific expenditures or the report of information as a

condition of compliance? **Yes**

Yes. This rule requires that the remedial course maintain specific records. This rule also requires any remedial course to report any issues with the certificates of completion that would give concern of a violation. The rule addresses evaluations completed by the students so that the department may ascertain the effectiveness of the remedial program.

The rule requires a certificate of completion for each student successfully completing the program. The cost for such certificate is \$4 for each.