

**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

**lafiystone@dps.state.oh**

Email

**4501-21-12**

Rule Number

**NEW**

TYPE of rule filing

Rule Title/Tag Line

**Records and certificates of completion.****RULE SUMMARY**

1. Is the rule being filed for five year review (FYR)? **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: **4510.311, 4510.038, 5502.011**
5. Statute(s) the rule, as filed, amplifies or implements: **4510.11, 4510.311, 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. This rule is also proposed to replace existing rule 4501-21-12, in part, and rule 4501-21-13, in part, due to LSC's fifty percent guideline. It is estimated that changes to the new rule strike approximately fifty percent of the text in the existing rule, while adding a comparable amount of new text.

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 requirements of maintaining and utilizing specific records to capture accurate student information and attendance. The rule also sets forth the requirement for the remedial schools to maintain records pertaining to their instructors and copies of everything provided to the department for the purposes of application. Under the new rule, incorporated by reference documents are addressed. Furthermore, the new rule further clarifies the process of issuing a certificate of completion, as well as the form used for daily classroom attendance, which content was taken from rule 4501-21-13.

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 "Certification of Completion," "Daily Classroom Roster Remedial Courses," and "Remedial Student Report Form." To comply with sections 121.71 to 121.74 of the Revised Code, this rule refers readers to 4501-21-17, which addresses the version/date of the material, as well as its availability via the Ohio Driver Training website at <http://www.drivertraining.ohio.gov/schools.htm> or the driver training program office online 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.

The "Certification of Completion" is not being filed as part of this package. The certificates are numbered, tracked, and issued to driver training schools at purchase. These materials are made available to persons who are approved to operate remedial driving courses (those who can reasonably be expected to be affected by this rule) via the driver training program office online application database at <https://www.dps.ohio.gov/DriverTraining>. Additionally, "Certification of Completion," as well as all materials incorporated in Chapter 4501-21, are addressed in rule 4501-21-17, which provides readers with full citation,

date/version as appropriate, and availability.

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:

(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.

\$94,152

The agency receives \$4 for each certificate. It is estimated that in the 2014 biennium, approximately \$94,152 was received from remedial driving course certificates.

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 the cost of the certificates. A Certificate of completion is \$4.

\* The adverse impact on the schools is based on the number of students completed by the business enterprise. The stakeholder group indicated these certificate costs are included in the cost of the course and paid by the student.

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? **No**

This rule does not require prior authorization to engage in or operate a line of business; however, it is part of a filing package that does, as some provisions in Chapter 4501-21, specifically 4501-21-05, 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**

The estimated costs of compliance include the cost of the certificates. A Certificate of completion is \$4.

\* The adverse impact on the schools is based on the number of students completed by the business enterprise. The stakeholder group indicated these certificate costs are included in the cost of the course and paid by the student. The estimated time to type and issue a certificate is approximately three (3) minutes per student. The estimated time to complete all records and file them takes approximately five (5) to ten (10) minutes per student. The time estimate includes establishing the contract, recording all data captured in the required documents, and filing of the related documents.

These estimates were 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).