

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

lafireshone@dps.state.oh

Email

4501-21-12

Rule Number

RESCISSION

TYPE of rule filing

Rule Title/Tag Line

Records, certificates of completion, & course evaluations.**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: **4510.311, 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 being proposed for rescission due to LSC's fifty percent guideline. It is estimated that changes to the rule strike approximately half of the existing text, while adding a comparable amount of new text. This rule is simultaneously being proposed as a new rule under the same rule number.

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 requirement for establishing specific records pertaining to the training of each student. The rule addresses the issuance of certificates of completion and the processes for voiding and duplicating certificates if lost or stolen. Additionally, the rule addresses the requirement for adult remedial courses to provide students the opportunity to complete an anonymous evaluation of the 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:

This rule is proposed for rescission and simultaneous adoption under this same rule number. However, this rule does incorporate the "Certificate of Completion." To comply with sections 121.71 to 121.74 of the Revised Code, this rule referred readers to 4501-21-01, which addressed the version/date of the material, as well as its availability. In this filing package, the incorporated by reference section of rule 4501-21-01 has been moved to new rule 4501-21-17.

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 "Certificate of Completion" is not being filed as part of this package. The certificates are numbered, tracked, and issued to remedial enterprises as purchased via <https://www.dps.ohio.gov/DriverTraining> .

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:

The "Certificate of Completion" is not being filed as part of this package. The certificates are numbered, tracked, and issued to remedial enterprises as purchased via <https://www.dps.ohio.gov/DriverTraining> .

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

The rescission of 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 not anticipated that the proposed rescission of this rule will result in any cost of compliance for the stakeholders.

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 is proposed for rescission and simultaneous adoption under this same rule number. This rule does not require prior authorization to engage in 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? **Yes**

This rule is proposed for rescission and simultaneous adoption under this same rule number; however, administrative actions may be taken which may 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? **No**

It is not anticipated that the proposed rescission of this rule will result in any cost of compliance for the stakeholders.

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).