

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

Agency Name

Office of Criminal Justice Services

Division

Anna Firestone

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4501-21-17

Rule Number

NEW

TYPE of rule filing

Rule Title/Tag Line

Incorporated by Reference.**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, 4510.037, 4510.038**

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

As a result of a completed R.C. 106.03 rule review, this rule is proposed to replace rule 4501-21-01, in part, due to reorganization of content within Chapter 4501-21.

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 provides the dates/versions and addresses availability of all materials incorporated by reference in Chapter 4501-21 related to remedial driver training enterprises and schools.

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 specifically addresses the dates/versions and availability of materials incorporated by reference in Chapter 4501-21 of the Administrative Code via the driver training program website at <http://www.drivertraining.ohio.gov/schools.htm>, the Ohio Bureau of Motor Vehicles' website at <http://www.ohiobmhv.gov/>, and the driver training program office on-line application database at <https://www.dps.ohio.gov/DriverTraining>. Materials include the "Certificate of Completion," "Daily Classroom Roster Remedial Courses," "Digest of Ohio Motor Vehicle Laws," "Enterprise Closing Procedure," "Juvenile Driver Improvement Curriculum," "List of Personnel Used by the Enterprise," "Remedial Course Provider Application," "Remedial Student Report Form," "Renewal Requirements," "Request for Duplicate Certificate," and "Vehicle Inspection."

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 indicated, these materials are being filed as part of this rule for the entire package.

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 through a department managed website. The "Renewal Requirements" is a database application that is part of the Driver Training Program website at <https://www.dps.ohio.gov/DriverTraining>, a program accessible to certified remedial enterprises, course managers, chief instructors, and authorizing officials, where information is electronically entered via an interface on the system.

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 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? **No**

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**

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**

C.) Does this rule require specific expenditures or the report of information as a condition of compliance? **No**