

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

Agency Name

Division

David McCallister

Contact

1970 W. Broad St.,Ste 531, PO Box 182081
Columbus OH 43218-2081

Agency Mailing Address (Plus Zip)

614 466-7014

Phone

614 752-6063

Fax

4501-23-05

Rule Number

AMENDMENT

TYPE of rule filing

Rule Title/Tag Line

Brakes.**RULE SUMMARY**

1. Is the rule being filed consistent with the requirements of the RC 119.032 review? **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: **R.C. 4511.521**

5. Statute(s) the rule, as filed, amplifies or implements: **R.C. 4511.521**

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

This rule filing is based on a scheduled R.C. 119.032 five-year rule review of Ohio Administrative Code Chapter 4501-23. To assist the public, manufacturers, importers and dealers of motorized bicycles in determining the version of the Federal Motor Vehicle Safety Standard (FMVSS) that is incorporated in the rule, and to comply with the requirements of R.C. 121.75, a rule change is proposed to indicate that the most recent applicable effective date and prior effective date(s) of the Federal Motor Vehicle Safety Standard cited are provided in proposed new Rule 4501-23-01. That new rule also provides an address and web site information for use in obtaining cited regulations.

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 requires every motorized bicycle to be equipped with a brake system that complies with a stated Federal Motor Vehicle Safety Standard.

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:

As provided in Section 121.75 of the Revised Code (R.C.), the applicable version (date) of a federal regulation incorporated by reference in this rule is addressed in proposed new rule 4501-23-01. The incorporated federal regulations are available at depository libraries throughout Ohio and the rule is therefore excepted from the provisions of R.C. 121.71 to 121.74. Additionally, to assure that the incorporated material is generally available to persons affected by the rule, proposed new rule 4501-23-01 provides address and web site information for use in obtaining the relevant cited regulation.

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:

As provided in Section 121.75 of the Revised Code (R.C.), the applicable version (date) of a federal regulation incorporated by reference in this rule is addressed in proposed new rule 4501-23-01. The incorporated federal regulations are available at depository libraries throughout Ohio and the rule is therefore excepted from the provisions of R.C. 121.71 to 121.74. Additionally, to assure that the incorporated material is generally available to persons affected by the rule, proposed new rule 4501-23-01 provides address and web site information for use in obtaining the relevant cited regulation.

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:

A date following the referenced federal regulation has been deleted and moved to proposed new Rule 4501-23-01 which already provides the regulation's prior effective dates.

12. 119.032 Rule Review Date: **9/12/2006**

(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.

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This rule is not expected to 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:

We do not anticipate that this rule will result in additional compliance costs.

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**