

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

Agency Name

Division

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4501-45-02

Rule Number

AMENDMENT

TYPE of rule filing

Rule Title/Tag Line

Certification requirements for immobilizing or disabling devices other than ignition interlock devices.**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: **4510.43**
5. Statute(s) the rule, as filed, amplifies or implements: **4510.43**
6. State the reason(s) for proposing (i.e., why are you filing,) this rule:

This rule is being filed according to a R.C. 106.03 review.

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 amendment to this rule is for the material incorporated by reference that will be filed in rule 4501-45-11.

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:

The "Application for certification for immobilizing or disabling devices other than ignition interlock devices" is referenced in paragraph (C). The material is accessible on a publicly accessible 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 rule references proposed new rule 4501-45-11 which deals with incorporation by reference. The material incorporated by reference, including the form name, version, and web address is addressed in rule 4501-45-11.

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 If the rule is being **rescinded** and incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material, provide an explanation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: **1/15/2016**

(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.

0.00

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:

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:

The estimated costs of compliance for stakeholders include: certification fee of \$100, background checks, and cost of their device's research, development, and implementation. The certification fee is set forward by R.C. 4510.43 and specified in this rule as \$100 per device model type. The background check cost is approximately \$60 for state and federal, price varies depending on the agency that performs the check. The background check would be required for but not limited to the owner(s), officers, partners, members, agents, employees, contractors, or installers. There are not currently and certified immobilization or disabling device, other than ignition interlock devices, in Ohio. Additionally, manufactures must have product liability insurance, the cost of which is variable to the manufacturer depending on their level of coverage. Many manufacturers exceed the minimum of one million dollars per occurrence and to varying amounts.

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? **Yes**

Manufacturers of immobilizing or disabling devices other than ignition interlocks are required to be licensed and each device certified by the Department for each device model or type, that differ in any aspect, prior to leasing, selling, or otherwise using its device(s) in Ohio.

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**

Failure to comply with the requirements set forth in this rule may result in denial of application or certificate, or in administrative action up to and including suspension or revocation of certificate.

C.) Does this rule require specific expenditures or the report of information as a condition of compliance? **Yes**

The estimated costs of compliance for stakeholders include: certification fee of \$100, background checks, and cost of their device's research, development, and implementation. The certification fee is set forward by R.C. 4510.43 and specified in this rule as \$100 per device model type. The background check cost is approximately \$60 for state and federal, price varies depending on the agency that performs the check. The background check would be required for but not limited to the owner(s), officers, partners, members, agents, employees, contractors, or installers. There are not currently and certified immobilization or disabling device, other than ignition interlock devices, in Ohio. Additionally, manufactures must have product liability insurance, the cost of which is variable to the manufacturer depending on their level of coverage. Many manufacturers exceed the minimum of one million dollars per occurrence and to varying amounts.