

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 4501-45-02

Rule Type: Amendment

Rule Title/Tagline: Certification requirements for immobilizing or disabling devices other than ignition interlock devices.

Agency Name: Department of Public Safety

Division:

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I. Rule Summary

1. **Is this a five year rule review?** Yes
 - A. **What is the rule's five year review date?** 1/10/2024
2. **Is this rule the result of recent legislation?** No
3. **What statute is this rule being promulgated under?** 119.03
4. **What statute(s) grant rule writing authority?** 4510.43
5. **What statute(s) does the rule implement or amplify?** 4510.43
6. **Does the rule implement a federal law or rule in a manner that is more stringent or burdensome than the federal law or regulation requires?** No
 - A. **If so, what is the citation to the federal law or rule?** Not Applicable
7. **What are the reasons for proposing the rule?**

This rule is being filed according to Section 106.03 ORC periodic rule review.
8. **Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

The rule deals with certification requirements for immobilizing or disabling devices other than ignition interlock devices. Amendments were made as to who was subject to the lookback period for criminal convictions as well as changes to the over all application process to meet current practice.

9. **Does the rule incorporate material by reference? Yes**
10. **If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.75, please explain the basis for the exemption and how an individual can find the referenced material.**

The rule references 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.

11. **If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.**

Not Applicable

II. Fiscal Analysis

12. **Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.**

This will have no impact on revenues or expenditures.

0.00

Not applicable.

13. **What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?**

Most of the fees associated with these regulations are set in statute. Annual application fees are \$100 for licensure and \$100 for each device to be certified. The annual report fee is 5% of net profit the manufacturer earned during the 12 months their license was valid. The background check cost is approximately \$60 for state and federal, price varies depending on the agency that performs the check.

14. **Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No**

15. **Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No**
16. **If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.**

The application fees collected help to fund the Ohio Traffic Safety Office in their mandate of certifying immobilizing and disabling devices as described in Section 4510.03 of the Revised Code.

III. Common Sense Initiative (CSI) Questions

17. **Was this rule filed with the Common Sense Initiative Office? Yes**
18. **Does this rule have an adverse impact on business? Yes**

- 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.

- D. **Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business of which it will apply or applies?** No

IV. Regulatory Restriction Requirements under S.B. 9. Note: This section only applies to agencies described in R.C. 121.95(A).

19. **Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95?** Yes

- A. **How many new regulatory restrictions do you propose adding to this rule?** 3

Paragraph new (C), first sentence - "A manufacturer.... shall not be eligible for...."

Paragraph new (D)(1)(a), second sentence - "The testing.... shall be reviewed....."

Paragraph (F), first sentence - "If.... the manufacturer shall submit...."

- B. **How many existing regulatory restrictions do you propose removing from this rule?** 23

Paragraph (D), second sentence - " The application..... shall be on ..."

Paragraph old (C)(2) - "At the time.... shall pay a certification...."

Paragraph old (C)(3), first sentence - "The director shall..."

Paragraph old (C)(3), second sentence - "The manufacturer shall pay..."

Paragraph old (D)(1), stem - "(D) ...shall file...: (1)"

Paragraph old (D)(1), second sentence - "(D) ...shall file...: (1)"

Paragraph old (D)(2) (a), stem - "(D)(2) ...which shall ...: (a)"

Paragraph old (D)(2) (a), stem - "(D)(2) ...which shall ...: (b)"

Paragraph old (D)(2) (a), stem - "(D)(2) ...which shall ...: (c)"

Paragraph old (D)(2) (a), stem - "(D)(2) ...which shall ...: (d)"

Paragraph old (D)(2) (a), stem - "(D)(2) ...which shall ...: (e)"

Paragraph old (D)(2) (a), stem - "(D)(2) ...which shall ...: (f)"

Paragraph (E)(1), first sentence - "If... shall receive...."

Paragraph (E)(1), second sentence - "The certificate shall be...."

Paragraph (E)(1), third sentence - "...shall remain..."

Paragraph (E)(1), second paragraph, first sentence - "...shall add..."

Paragraph (E)(1), third paragraph, first sentence - "...shall immediately..."

Paragraph (E)(2), second sentence, - "If... shall receive...."

Paragraph (F), second paragraph, first sentence - "In ... shall provide..."

Paragraph (F), second paragraph, second sentence - "The ... shall be..."

Old Paragraph (I) first sentence - "If a.... shall provide..."

New paragraph (I), last sentence - "The director shall notify..."

New paragraph (J), first sentence - "If a shall remove..."

- C. If you are not removing existing regulatory restrictions from this rule, please list the rule number(s) from which you are removing restrictions.**
- D. Please justify the adoption of the new regulatory restriction(s).**
The additional restrictions are helping to restructure the rule and eliminate other restrictions.