

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

Agency Name

Division

**Amanda Spies**

Contact

**1970 W. Broad Street Ohio Traffic Safety Office 4th Floor Columbus OH 43223-0000**

Agency Mailing Address (Plus Zip)

Phone

Fax

**4501-45-02**

Rule Number

**NEW**

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 consistent with the requirements of the RC 119.032 review? **No**

2. Are you proposing this rule as a result of recent legislation? **Yes**

Bill Number: **SB17**General Assembly: **127**Sponsor: **Senator Grendell**

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. 4510.43**

5. Statute(s) the rule, as filed, amplifies or implements: **R.C. 4510.43**

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

This rule is being proposed to implement changes to the certification and licensing process for immobilization and disabling devices pursuant to Senate Bill 17, 127th General Assembly and House Bill 1, 128th General Assembly.

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 implements the new statutory provisions mandating certification of an immobilizing or disabling device, other than an ignition interlock device, prior to the device being sold, leased, or otherwise used in this state.

A manufacturer shall apply for certification for each immobilizing or disabling device model or type which is intended for lease, sale or any other use in this state paying a non-refundable, certification fee of \$100.00 with each application filed with the department.

A manufacturer shall file a certificate, as well as a copy of the testing protocol and results thereof, from an independent testing laboratory establishing that the manufacturer's device meets or exceeds standards for precision and accuracy for a device of this type.

A manufacturer shall provide a copy of the manufacturer's certificate of product liability insurance coverage for the device which is the subject of a manufacturer's application which provides all of the information required by the rule.

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 response left blank because filer specified online that the rule does not incorporate a text or other material by reference.*

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:

*This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.*

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:

*Not Applicable.*

12. 119.032 Rule Review 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 increase expenditures.

\$500.00

It is estimated that this rule will nominally increase expenditures as the agency administers the new application and certification program for these devices. Administration costs will include such items as paper and copying for preparation of applications and forms; certified mailing fees (\$5.20 per parcel), and long distance telephone calls to manufacturers, labs, or insurance companies as needed. The \$100 application fee is required by statute to be deposited into the state treasury to the credit of the indigent drivers alcohol treatment fund; therefore, these administrative expenses will not be recovered.

14. Identify the appropriation (by line item etc.) that authorizes each expenditure necessitated by the proposed rule:

ALI 761321

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 for a manufacturer of an immobilizing or disabling device, other than an ignition interlock device to obtain certification are set forth below: (1) \$100.00 certification fee to be paid with each application filed with the Department. (This fee mirrors the certification fee set forth in R.C. 4510.45 for ignition interlock devices); (2) \$32.00, the average cost of a criminal history check (<http://www.ohioattorneygeneral.gov/Services/Business/WebCheck>) for any person identified in the manufacturer's application, or required documents, as having a criminal record; (3) \$25,000 (estimated), the costs incurred to engage an independent testing laboratory to test the device which is the subject of a manufacturer's application for certification as required by R.C. 4510.43; (4) The cost of obtaining, and maintaining, product liability insurance coverage; (5) The costs of having to re-apply for certification of a modified device, if the manufacturer modifies any aspect of a certified device and its current certification does not include the modification.

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**