

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

Agency Name

Division

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4501-45-03

Rule Number

NEW

TYPE of rule filing

Rule Title/Tag Line

Ignition interlock device standards.**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? **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. 4511.83**

5. Statute(s) the rule, as filed, amplifies or implements: **R.C. 4511.83**

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

This rule is being adopted for the purpose of simplifying the interlock certification process.

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 that manufacturers wishing to obtain certification of an interlock device must submit documentation from an independent laboratory that the device

meets or exceeds the standards of the National Highway Traffic Safety Administration. This device must also meet the requirements set forth in R.C. 4511.83. Paragraph (C) of this rule was taken, in part, from former Rule 4501-45-07.

In addition, language from former Rules 4501-45-03 and 4501-45-08 was incorporated into this 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:

The incorporated reference is to regulations in the Federal Register (F.R.) and R.C. Section 121.75 provides that provisions of R.C. 121.71 to 121.74 do not apply with regard to the incorporation by reference of a regulation of the Federal Register so long as the reference consists of a citation that will be intelligible to the person who reasonably can be expected to be affected by the rule and that, if the incorporated material reasonably can be expected to be subject to change, identifies and specifies the date of the particular version that is incorporated. We are providing the correct citation information and date as required. In addition, the books containing the Federal Register are generally available at depository libraries and therefore people can access them.

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 incorporated reference is to regulations in the Federal Register (F.R.) and R.C. Section 121.75 provides that provisions of R.C. 121.71 to 121.74 do not apply with regard to the incorporation by reference of a regulation of the Federal Register so long as the reference consists of a citation that will be intelligible to the person who reasonably can be expected to be affected by the rule and that, if the incorporated material reasonably can be expected to be subject to change, identifies and specifies the date of the particular version that is incorporated.

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 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: At 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 will have no impact on revenues or expenditures.

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:

A manufacturer wishing to obtain certification may incur additional costs for obtaining a report from an independent laboratory. The exact amount of these costs is unknown. One vendor estimated the cost to be a one-time fee of \$30,000-40,000. ODPS will accept an independent lab report prepared for another state so long as it certifies that the device meets or exceeds NHTSA standards and those in the Ohio Revised Code. This should reduce the cost to the manufacturer.

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**