

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

Agency Name

Division

Amanda Spies

Contact

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4501-45-03

Rule Number

NEW

TYPE of rule filing

Rule Title/Tag Line

Licensing requirements for manufacturers of 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: **4510.45**

5. Statute(s) the rule, as filed, amplifies or implements: **4510.45**

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 licensing and certification process for manufacturers of ignition interlock 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 that manufacturers of ignition interlock devices be licensed prior to applying for certification of an device in order to sell, lease, or otherwise use the device in this state.

A manufacturer shall pay a non-refundable, licensing fee of \$100.00 when it files its application with the department. If licensing is granted, a manufacturer will receive a license from the department with its one year issuance date stated on the license and the manufacturer shall then be immediately eligible to apply for certification of its device(s). If licensing is denied, a manufacturer has an appeals process available. Upon issuing a license, the manufacturer's name and business address shall be added to the Department's List of Licensed Manufacturers of Ignition Interlock Devices and Certified Devices published on the Department's website.

A manufacturer of an ignition interlock device is required to annually obtain a license from the department.

A licensed manufacturer of an ignition interlock device shall file an annual report with the department and pay an annual report fee pursuant to section 4510.45 of the Revised Code.

A manufacturer's license is subject to suspension or revocation for certain actions by the manufacturer.

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 licensing and certification program for manufacturers of ignition interlock 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. Additional expenses may be incurred if a license is denied or if administrative action is taken against a manufacturer's license for non-compliance which may include the costs for a hearing examiner and a court reporter, if a hearing is requested, (estimated in dollar amount above), but there may be additional court costs if a decision is appealed. The application and annual report fee mandated in this rule is required by statute to be deposited into the state treasury to the credit of the indigent drivers alcohol treatment fund; therefore the

additional agency expenses addressed here 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 ignition interlock device to obtain licensing are set forth below: (1) Annual licensing fee of \$100.00 to be paid by each manufacturer intending to do business in Ohio (this fee is set by statute in R.C. 4510.45); (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) The costs associated with the appeal of a licensing denial is more fully addressed in rule 4501-45-06 of the Administrative Code, and would depend upon the manufacturer's decisions regarding the matter; (4) The costs of having to re-apply for licensing, if a manufacturer license is suspended or denied pursuant to rule 4501-45-05 of the Administrative Code; (5) The costs associated with the manufacturer's annual report fees, as required in section 4510.45 of the Revised Code, cannot be readily projected as the Department has no access to a manufacturer's financial information.

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**