

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 4501-45-05

Rule Type: Amendment

Rule Title/Tagline: Denial, suspension or revocation of licensing or certification.

Agency Name: Department of Public Safety

Division:

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I. Rule Summary

1. **Is this a five year rule review?** No
 - A. **What is the rule's five year review date?** 3/21/2021
2. **Is this rule the result of recent legislation?** Yes
 - A. **If so, what is the bill number, General Assembly and Sponsor?** HB 388 - 131 - Scherer
3. **What statute is this rule being promulgated under?** 119.03
4. **What statute(s) grant rule writing authority?** 4510.45
5. **What statute(s) does the rule implement or amplify?** 4510.43, 4510.46, 4510.45
6. **What are the reasons for proposing the rule?**

This rule is being amended to implement additional provisions dealing with ignition interlock devices contained in HB 388 of the 131st General Assembly commonly known as Annie's Law.

7. **Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

The rule deals with denial, suspension or revocation of licensing or certification. The ability to fine has been added in order to work with manufacturers that commit violations that may not rise to a suspension or revocation, but still require administrative action.

8. **Does the rule incorporate material by reference? Yes**
9. **If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.71 to 121.76, 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 will be filed with rule 4501-45-11.
10. **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

11. **As a result of this proposed rule, please estimate the increase / decrease in revenues or expenditures affecting this agency, or the state generally, in the current biennium or future years. If the proposed rule is likely to have a different fiscal effect in future years, please describe the expected difference and operation.**

This will have no impact on revenues or expenditures.

0.00

The Department has not recently suspended or revoked any manufacturers, as it works with manufacturers to correct problems and avoid administrative action. It is not expected that any fines would be issued base on current trends. However, if violations continued, a fine may be instituted not exceeding \$1,000.

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

Cost would only come into play if there was a violation of the Revised Code or Administrative code, wand would be abased on whether administrative action was taken, and what type of action.

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

14. **Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C).** No

III. Common Sense Initiative (CSI) Questions

15. **Was this rule filed with the Common Sense Initiative Office?** Yes

16. **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?** No

This rule, in and of itself does not require prior authorization to engage in or operate a line of business; however, it is part of a filing package that does, as some provisions in Chapter 4501-45 require ignition interlock manufacturers to obtain and maintain the appropriate license and certifications prior to engaging in selling, leasing, or otherwise using their devices in the State of 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?** No

In and of itself, no, but as part of this filing package it does, as provisions within the chapter authorize the department to deny application or impose disciplinary action up to and including revocation of license and/or certificate for failure to comply with the terms set forth in Chapter 4501-45.

- C. **Does this rule require specific expenditures or the report of information as a condition of compliance?** No