

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 4501-45-06
Rule Type: Amendment
Rule Title/Tagline: Appeals.
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?** 4510.45
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 appeals of administrative action. It has been updated to include the fine that was added to rule 4501-45-5. Additional language has been update to current practices, as well as removing an manufacturer from the approved list if they are suspended or revoked.

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

Not applicable.

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

The estimated costs of compliance for stakeholders include: any legal or court fees should the manufacturer appeal the director's decision. The Franklin County Court website listed court filing cost for appeal from \$75 to \$375.

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 certificate 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? Yes

Failure to comply with rules in the chapter 4501-45 may result in sanctions lo license and/or certificate. Results of appeal, as determined by Franklin county common pleas court, may uphold director's decided sanction(s).

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: any legal or court fees should the manufacturer appeal the director's decision. The Franklin County Court website listed court filing cost for appeal from \$75 to \$375.