

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

Agency Name

Division

**Joseph Kirk**

Contact

**1970 West Broad Street PO Box 182081 Columbus OH 43218-2081**

Agency Mailing Address (Plus Zip)

**614-466-5605**

Phone

Fax

**jakirk@dps.ohio.gov**

Email

**4501-45-11**

Rule Number

**NEW**

TYPE of rule filing

Rule Title/Tag Line

**Incorporated by reference.****RULE SUMMARY**

1. Is the rule being filed for five year review (FYR)? **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: **4510.43, 4510.45**
5. Statute(s) the rule, as filed, amplifies or implements: **4510.43, 4510.45**
6. State the reason(s) for proposing (i.e., why are you filing,) this rule:
 

This rule is new and being filed to support the rules in this chapter that are being filed according to a R.C. 106.03 review.
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 deals with materials incorporated by reference.

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:

Materials incorporated by reference include "ISO 17025", "Application For Certification for Immobilizing or Disabling Devices Other Than Ignition Interlock Devices", "Ignition Interlock Manufacturer Application for Licensing", "Ignition Interlock Manufacturer Application for Certification", "Ignition Interlock Licensing, Certification, and Annual Report Payment Processing", and "IGNITION INTERLOCK DEVICES CERTIFIED FOR USE IN OHIO". All materials are available on a website accessible by the public.

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:

All materials include are available on a website accessible by the public, and include the name of the form, as well as the version. "IGNITION INTERLOCK DEVICES CERTIFIED FOR USE IN OHIO" does not contain a date as it is a list that is updated whenever a database is added to through the application process.

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. If applicable, indicate each specific paragraph of the rule that has been modified:

*Not Applicable.*

12. Five Year Review (FYR) 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 have no impact on revenues or expenditures.

0.00

This rule is not expected to impact the agency's budget in the current biennium.

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

Not applicable.

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:

It is estimated that this rule will not result in any costs of compliance for stakeholders.

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**

**S.B. 2 (129th General Assembly) Questions**

18. Has this rule been filed with the Common Sense Initiative Office pursuant to R.C. 121.82? **Yes**

19. Specific to this rule, answer the following:

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? **No**

This rule, in and of itself does not, but the filing package 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**

This rule does not in and of itself require specific expenditures, but parts of the filing package have specific expenditures to comply with the terms set forth in Chapter 4501.45.