

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

Agency Name

Division

**David McCallister**

Contact

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**4501-5-01**

Rule Number

**AMENDMENT**

TYPE of rule filing

Rule Title/Tag Line

**General provisions.****RULE SUMMARY**

1. Is the rule being filed consistent with the requirements of the RC 119.032 review? **Yes**

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. 4511.76**

5. Statute(s) the rule, as filed, amplifies or implements: **R.C. 4511.76**

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

This rule is filed in compliance with R.C. 119.032 rule review requirements. Proposed changes are to provide language corrections, to update, clarify and reorganize rule language, to correct grammatical errors, to remove unnecessary language, to specify the date of the versions of the federal regulations and other texts incorporated by reference throughout OAC Chapter 4501-5, to provide a list of contact sites for the material incorporated by reference in OAC Chapter 4501-5, and to clarify that earlier versions of Ohio school bus minimum construction standards incorporated in this rule will be deposited in five depository libraries when those libraries have been designated by the State Library Board under R.C. 3375.01 and that in the meantime these standards are available via the address

provided in the rule for the Ohio Highway Patrol.

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:

The rule includes general provisions regarding school bus construction standards including: effective date of rules, school bus definitions, notification requirements regarding recall of any safety-related products, compliance documentation required of manufacturers, procedures regarding any changes in design or equipment of school buses, requirements for chassis and body replacement parts, responsibility for school bus construction standard compliance, and requirements for any composite materials used in school bus construction.

Proposed changes correct rule verbiage, clarify and reorganize rule language, correct grammatical errors, delete unnecessary language, specify the date of the versions of the federal regulations and other texts incorporated by reference throughout OAC Chapter 4501-5, update rule language to national school transportation specifications and procedures, provide a list of contact sites for the material incorporated by reference in OAC Chapter 4501-5, add definitions, address applicability of OAC Chapter 4501-5, and provide that copies of earlier school bus construction standards will be deposited in five depository libraries once those libraries have been designated by the State Library Board and that in the meantime, these earlier school bus construction standards are available via the address provided for the State Highway Patrol.

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:

To remain current and in compliance with all federal and the applicable safety and equipment requirements and guidelines, school bus manufacturers and owners (the persons who reasonably can be expected to be affected by the rules of OAC Chapter 4501-5) already stay abreast of the industry standards incorporated by reference in OAC 4501-5 (industry standards include those of the Society of Automotive Engineers, the American Society for Testing and Materials and the National School Transportation Specification and Procedures). Additionally, we have provided the address, telephone number, and when applicable, web site information for these organizations.

While Rule 4501-5-01 also incorporates federal regulations and R.C. Section

121.75 provides that the provisions of R.C. 121.71 to 121.74 do not apply with regard to the incorporation by reference of federal rules and laws, we have additionally provided address and web site information for the cited federal rules.

This rule also incorporates by reference Revised Code and Ohio Administrative Code information however, such information is excepted by R.C. 121.76 from the referencing requirements of R.C.121.71 to 121.75.

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 rule incorporates earlier versions of Ohio school bus minimum construction standards in effect on the bid date, or if bid date is unknown, on the manufacture date of older buses. (A complete and accurate copy of the standards is being filed with JCARR.) These standards are currently available in printed form and most Ohio schools and bus manufacturers already have copies of these standards. The standards are lengthy and would require a large expenditure of time to reproduce electronically. The standards will be deposited in five depository libraries when those libraries have been designated by the State Library Board under R.C. 3375.01. In the meantime, these standards are available via the State Highway Patrol Licensing and Commercial Standards Section, 1970 West Broad Street, Columbus, Ohio 43223.

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: **3/7/2003**

(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.

\$ 0.00

The amendments of this proposed rule will not change the agency's projected budget during the current biennium.

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:

Rule amendments are not expected to create additional costs. Three major school bus manufacturers (Thomas, IC-Corp, and Blue Bird) were contacted and indicated that initial draft rule amendments would not be expected to create additional costs. (Manufacturers have reviewed the original draft rule changes which included most changes now proposed. Any recent changes of the Advisory Committee and the department have not been reviewed by manufacturers.) The Ohio School Bus Construction Standards Advisory Committee also reviewed most draft changes and indicated the rule amendments would not create additional costs.

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**