

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

Agency Name

Division

**James Dinsmore**

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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 filing is based on a R.C.119.032 rule review of Ohio Administrative Code Chapter 4501-5. Proposed changes are to clarify the definitions for "Type A" and "Type B" school buses, to adjust the gross vehicle weight ratings of "Type A-I and Type A-II school buses, and to update equipment requirements to align the Ohio standards with national and industry standards. Other changes are to improve rule clarity, to add to and to clarify the applicable versions of incorporated standards, and to correctly identify the numbers of referenced rules as they are reorganized in this filing of OAC Chapter 4501-5.

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 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 standards compliance, requirements for any composite materials used in school bus construction, and contact site addresses, websites, and telephone numbers for obtaining materials incorporated by reference in Chapter 4501-5 of the Administrative Code. This rule also provides information for obtaining earlier versions of Ohio school bus construction standards in effect on the bid due date, or if the bid date is unknown, on the manufacture date of older buses.

Proposed changes include clarification of the definitions for "Type A" and "Type B" school bus, updates to increase the gross vehicle weight ratings in the definitions for Type A-I and A-II school buses, addition of a definition of the term "manufacturer's rated seating capacity," clarification of the version of the Federal Motor Vehicle Safety Standards incorporated in the rules of OAC Chapter 4501-5, changes to the numbers of referenced rules to reflect their reorganization and renumbering in this filing of OAC Chapter 4501-5, and an added provision in paragraph (O)(2) that provides clarifying information regarding applicable versions of school bus construction standards.

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 rule incorporates earlier versions of Ohio school bus construction standards in effect on the bid date, or if the bid date is unknown, on the manufacture date of older buses. (A complete and accurate copy of these versions of the standards is being filed with JCARR.) These earlier versions of the standards are currently available in printed form and most Ohio school bus manufacturers already have copies of these standards. The standards are lengthy and would require a large expenditure of time to reproduce electronically. Existing standards as provided in paragraph (O)(2) of the currently effective rule have already been deposited in five depository libraries designated by the State Library Board under R.C. 3375.01. These standards are also available via the State Highway Patrol Licensing and Commercial Standards Section, 1970 West Broad Street, Columbus, Ohio 43223.

We will also deposit the final filed version of the standards, if adopted via this filing, in the five depository libraries designated by the State Library Board.

In addition, Ohio Revised Code Section 121.76 provides that the provisions of R.C. 121.71 to 121.75 do not apply to the incorporation by reference of a statute of the Revised Code or of a rule of the Administrative Code.

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 construction standards in effect on the bid date, or if the bid date is unknown, on the manufacture date of older buses. (A complete and accurate copy of these versions of the standards is being filed with JCARR.) These earlier versions of the standards are currently available in printed form and most Ohio school bus manufacturers already have copies of these standards. The standards are lengthy and would require a large expenditure of time to reproduce electronically. Existing standards as provided in paragraph (O)(2) of the currently effective rule have already been deposited in five depository libraries designated by the State Library Board under R.C. 3375.01. These standards are also available via the State Highway Patrol Licensing and Commercial Standards Section, 1970 West Broad Street, Columbus, Ohio 43223. We will also deposit the final filed version of the standards, if adopted via this filing, in the five depository libraries designated by the State Library Board.

In addition, Ohio Revised Code Section 121.76 provides that the provisions of R.C. 121.71 to 121.75 do not apply to the incorporation by reference of a statute of the Revised Code or of a rule of the Administrative Code.

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: **9/3/2008**

(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.

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This rule filing is not expected to affect the agency budget.

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:

This rule filing is not expected to 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**