

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

Agency Name

State Highway Patrol

Division

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4501-5-01

Rule Number

RESCISSION

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 being filed according to a scheduled five-year R.C. 119.032 rule review. This rule is also proposed for simultaneous rescission and adoption under this same rule number due to the Legislative Service Commission's rule-formatting guidelines, as it is estimated that more than fifty percent of the rule's content has been revised.

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:

4501-5-01 sets forth the general provisions regarding the purpose of Chapter 4501-5; chapter definitions; requirements for compliance to Chapter 4501-5; requirements for notices of compliance, changes to equipment, and recalls to be submitted to the director of public safety; documentation to be provided to purchasers of school buses; and 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:

This rule addresses availability of materials incorporated by reference in Chapter 4501-5 of the Administrative Code in compliance with 121.71 to 121.74 of the Revised Code.

Paragraphs (O)(2)(a) to (O)(2)(f) incorporate six dated versions of Ohio school bus construction standards, all of which are being filed with this rule, and all of which have been deposited with the state library for distribution to Ohio's five depository libraries during previous rule filings. The standards may also be obtained by writing to the State Highway Patrol's Licensing and Commercial Standards section in Columbus, Ohio.

This rule also includes Federal Motor Vehicle Safety Standards and Federal Motor Carrier Safety Regulations, which are published in the Code of Federal Regulations. In accordance with section 121.75 of the Revised Code, sections 121.71 to 121.74 of the Revised Code does not apply to the Code of Federal Regulations, if the standards are cited sufficiently and an explanation of general accessibility is provided. This rule provides a physical address and a website address where these materials may be obtained or accessed.

Finally, this rule includes generally accepted industry standards published by the American Society for Testing and Materials, the Society of Automotive Engineers, and the National School Transportation Specifications and Procedures recognized by the National Highway Safety Transportation Administration and the National Association for Pupil Transportation. In accordance with section 121.75 of the Revised Code, sections 121.71 to 121.74 of the Revised Code does not apply to the Code of Federal Regulations, if the standards are cited sufficiently and an explanation of general accessibility is provided. This rule provides physical addresses and website addresses where these materials may be obtained or

accessed.

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:

The Ohio school bus construction standards are being filed as part of this rule.

This rule also includes Federal Motor Vehicle Safety Standards and Federal Motor Carrier Safety Regulations, which are published in the Code of Federal Regulations. In accordance with section 121.75 of the Revised Code, sections 121.71 to 121.74 of the Revised Code does not apply to the Code of Federal Regulations, if the standards are cited sufficiently and an explanation of general accessibility is provided. Therefore, these standards are not being filed with this rule.

Finally, this rule includes generally accepted industry standards published by the American Society for Testing and Materials, the Society of Automotive Engineers, and the National School Transportation Specifications and Procedures recognized by the National Highway Safety Transportation Administration and the National Association for Pupil Transportation. In accordance with section 121.75 of the Revised Code, sections 121.71 to 121.74 of the Revised Code does not apply to the Code of Federal Regulations, if the standards are cited sufficiently and an explanation of general accessibility is provided. Therefore, these materials are not being filed with this rule.

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:

The Ohio school bus construction standards are being filed as part of this rule.

This rule also includes Federal Motor Vehicle Safety Standards and Federal Motor Carrier Safety Regulations, which are published in the Code of Federal Regulations. In accordance with section 121.75 of the Revised Code, sections 121.71 to 121.74 of the Revised Code does not apply to the Code of Federal Regulations, if the standards are cited sufficiently and an explanation of general accessibility is provided. Therefore, these standards are not being filed with this rule.

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Association for Pupil Transportation. In accordance with section 121.75 of the Revised Code, sections 121.71 to 121.74 of the Revised Code does not apply to the Code of Federal Regulations, if the standards are cited sufficiently and an explanation of general accessibility is provided. Therefore, these materials are not being filed with this rule.

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. 119.032 Rule Review Date: **2/28/2014**

(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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The rescission of 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:

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:

It is estimated that the rescission of 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? **Yes**

This rule is simultaneously proposed for rescission and adoption under this same rule number.

This rule requires manufacturers, dealers, and owners, who wish to install equipment on school buses other than that which is specified in Chapter 4501-5 of the Administrative Code, to obtain approval from the director of public safety in writing prior to its use and operation.

Section 4511.761 of the Revised Code provides that all school buses shall pass inspection and display current inspection decals prior to being authorized for use to transport students.

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**

This rule is simultaneously proposed for rescission and adoption under this same rule number.

This rule provides that a manufacturer's and/or dealer's failure to comply with Chapter 4501-5 of the Administrative Code may result in the suspension of authorization for the sale and/or use of the school bus chassis and/or body in the state of Ohio until the violation is corrected.

Paragraph (C) of section 4511.76 of the Revised Code provides that whoever violates Chapter 4501-5 of the Administrative Code is guilty of a minor misdemeanor, while subsequent violations are misdemeanors of the fourth degree.

C.) Does this rule require specific expenditures or the report of information as a condition of compliance? **Yes**

This rule is simultaneously proposed for rescission and adoption under this same rule number.

This rule sets forth the requirement for school bus manufacturers to file a statement of compliance with the director of public safety that all products and components manufactured for use in Ohio school buses comply with division (F) of section 4511.01 of the Revised Code and Chapter 4501-5 of the Administrative Code, provide purchasers with written documentation specifying warranty provisions and a documented delivery list, and request permission to use/install any equipment or product, other than those specified in Chapter 4501-5 of the Administrative Code, in writing.

Further, this rule requires school buses to meet, and be maintained in compliance with, the standards set forth in Chapter 4501-5. As these standards are provided in rules 4501-5-02 and 4501-5-03, the estimated costs of compliance are provided in their RSFAs.