

## Rule Summary and Fiscal Analysis

### Part A - General Questions

**Rule Number:** 4501-5-02

**Rule Type:** Amendment

**Rule Title/Tagline:** School bus construction standards.

**Agency Name:** Department of Public Safety

**Division:**

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

**Contact:** Joseph Kirk

**Email:** jakirk@dps.ohio.gov **Phone:** 614-466-5605

#### **I. Rule Summary**

1. Is this a five year rule review? Yes
  - A. What is the rule's five year review date? 10/15/2018
2. Is this rule the result of recent legislation? No
3. What statute is this rule being promulgated under? 119.03
4. What statute(s) grant rule writing authority? 4511.76
5. What statute(s) does the rule implement or amplify? 4511.76
6. What are the reasons for proposing the rule?

This rule is being filed according to a R.C. 106.03 periodic rule review.

7. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.

The rule deals with the minimum standards for school bus construction. The rule is amended throughout to make updates commensurate with current safety standards and construction/dealer industry advancements.

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 directs readers to rule 4501-5-01 which deals with incorporation by reference for this Chapter.

10. **If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.**

The rule is being revised filed to add new paragraph (CC) phasing in mandatory electronic stability control for school buses over the next couple years. This was requested by the representative from the Ohio School Board Association, and was discussed with all stakeholders on November 7, 2018 to make sure there was no opposition. Additionally, the CSI office was updated on November 13, 2018 and had not additional comment.

Two of the three manufacturers in Ohio already have electronic stability control as standard, while the third was supportive of the phased in requirement. The requirement would not change the estimated cost of compliance with the rule originally stated in the BIA and RSFA.

## **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?**

Stakeholders estimate that the cost of a new convention school bus in Ohio averages \$78,000. The average cost for a conventional school bus used to transport special needs student in Ohio is \$81,000. The average cost for maintenance over a year's time averages \$4,200 per bus.

13. **Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). Yes**
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? Yes**

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? No**

While this rule itself does not impose a penalty, division (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**

Stakeholders estimate that the cost of a new convention school bus in Ohio averages \$78,000. The average cost for a conventional school bus used to transport special needs student in Ohio is \$81,000. The average cost for maintenance over a year's time averages \$4,200 per bus.

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### Part B - Local Governments Questions

**1. Does the rule increase costs for:**

<b>A. Public School Districts</b>	Yes
<b>B. County Government</b>	No
<b>C. Township Government</b>	No
<b>D. City and Village Governments</b>	No

**2. Please estimate the total cost, in dollars, of compliance with the rule for the affected local government(s). If you cannot give a dollar cost, explain how the local government is financially impacted.**

Stakeholder estimate that the cost of a new convention school bus in Ohio averages \$78,000. The average cost for a conventional school bus used to transport special needs student in Ohio is \$81,000. The average cost for maintenance over a year's time averages \$4,200 per bus.

**3. Is this rule the result of a federal government requirement? No**

**A. If yes, does this rule do more than the federal government requires?** *Not Applicable*

**B. If yes, what are the costs, in dollars, to the local government for the regulation that exceeds the federal government requirement?**

*Not Applicable*

**4. Please provide an estimated cost of compliance for the proposed rule if it has an impact on the following:**

**A. Personnel Costs**

*Not applicable.*

**B. New Equipment or Other Capital Costs**

Stakeholder estimate that the cost of a new convention school bus in Ohio averages \$78,000. The average cost for a conventional school bus used to transport special needs student in Ohio is \$81,000.

**C. Operating Costs**

The average cost for maintenance over a year's time averages \$4,200 per bus.

**D. Any Indirect Central Service Costs**

Not applicable.

**E. Other Costs**

Not applicable.

**5. Please explain how the local government(s) will be able to pay for the increased costs associated with the rule.**

Any new required equipment contained in the rule has previously been an approved option, and has over time become industry standard; while working with stakeholders, anything that has become required was done so in collaboration with stakeholders.

**6. What will be the impact on economic development, if any, as the result of this rule?**

The rule is not expected to impact economic development.