

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

Agency Name

**State Highway Patrol**

Division

**Heather Reed Frient**

Contact

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**4501-5-03**

Rule Number

**AMENDMENT**

TYPE of rule filing

Rule Title/Tag Line

**School buses used to transport pupils with special needs.****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: **4511.76**

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

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:

Rule 4501-5-03 sets forth the different or additional construction standards for buses used to transport pupils with special needs. This rule is proposed for amendment to require major wheelchair lift repairs to be inspected by a factory authorized dealer or agent, OSHP notification of repairs, and to update 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 incorporates Federal Motor Vehicle Safety Standards by reference. To comply with sections 121.71 to 121.74 of the Revised Code, this rule refers readers to rule 4501-5-01(N), which addresses the versions/dates of all materials for 4501-5 of the Administrative Code, as well as their availability by providing physical and electronic mail addresses for each organization.

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 Federal Motor Vehicle Safety Standards by reference. To comply with sections 121.71 to 121.74 of the Revised Code, this rule refers readers to rule 4501-5-01(N), which addresses the versions/dates of all materials for 4501-5 of the Administrative Code, as well as their availability by providing physical and electronic mail addresses for each organization.

In accordance with section 121.75 of the Revised Code, sections 121.71 to 121.74 of the Revised Code do not apply to generally accepted industry standards, if the standards are cited sufficiently and an explanation of general accessibility is provided. Both requirements are met in rule 4501-5-01(N).

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. 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.

0

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:

Stakeholders who participated in the R.C. 119.032 rule review estimate that the average cost to purchase and maintain a conventional school bus that complies with the standards set forth in this rule is \$79,308 for purchase and \$4,161 for annual maintenance.

Source: Representatives from Ohio Department of Education, Dublin City Schools, Norton City Schools, Centerville City Schools, Greenon Local Schools, Lake County Board of DD, Cuyahoga County Board of DD, Myers Equipment, Hocking

Logan Schools, Kenston Local Schools, Fremont City Schools, VAT, NHTSA, Thomas Buses, International Buses and Blue Bird Buses were e-mailed on August 22, 2013 and asked to respond by September 5, 2013. In addition, the Ohio School Bus Construction Standards Committee has representatives from the following entities: Ohio Department of Education, National Highway Traffic Safety Administration, School Bus Dealers, Ohio School Bus Mechanic's Association, Rural Schools, Urban Schools, Private Pupil Transportation Providers, and Schools with Developmental Disabilities.

16. Does this rule have a fiscal effect on school districts, counties, townships, or municipal corporations? **Yes**

You must complete Part B of the Rule Summary and Fiscal Analysis in order to comply with Am. Sub. S.B. 33 of the 120th General Assembly.

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**

Chapter 4501-5 requires all school buses to 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**

School bus owners who fail to comply with Chapter 4501-5 of the Administrative Code may be convicted of a minor misdemeanor for a first offense and a misdemeanor of the fourth degree for subsequent violations. Further, 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.

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

Stakeholders who participated in the R.C. 119.032 rule review estimate that the average cost to purchase a conventional school bus that complies with the standards set forth in this rule is \$79,308, and the cost for annual maintenance for each bus is estimated to be \$4,161. Additionally, this rule requires school bus owners to notify the Ohio state highway patrol after repair and authorized inspection of wheel chair lifts prior to the school bus being operated with students on board.

Source: Representatives from Ohio Department of Education, Dublin City Schools, Norton City Schools, Centerville City Schools, Greenon Local Schools, Lake County Board of DD, Cuyahoga County Board of DD, Myers Equipment, Hocking Logan Schools, Kenston Local Schools, Fremont City Schools, VAT, NHTSA, Thomas Buses, International Buses and Blue Bird Buses were e-mailed on August 22, 2013 and asked to respond by September 5, 2013. In addition, the Ohio School Bus Construction Standards Committee has representatives from the following entities: Ohio Department of Education, National Highway Traffic Safety Administration, School Bus Dealers, Ohio School Bus Mechanic's Association, Rural Schools, Urban Schools, Private Pupil Transportation Providers, and Schools with Developmental Disabilities.

**Rule Summary and Fiscal Analysis (Part B)**

1. Does the Proposed rule have a fiscal effect on any of the following?

(a) School Districts	(b) Counties	(c) Townships	(d) Municipal Corporations
<b>Yes</b>	<b>No</b>	<b>No</b>	<b>No</b>

2. Please provide an estimate in dollars of the cost of compliance with the proposed rule for school districts, counties, townships, or municipal corporations. If you are unable to provide an estimate in dollars, please provide a written explanation of why it is not possible to provide such an estimate.

Stakeholders who participated in the R.C. 119.032 rule review estimate that the average cost to purchase and maintain a conventional school bus that complies with the standards set forth in this rule is \$79,308 for purchase and \$4,161 for annual maintenance.

Source: Representatives from Ohio Department of Education, Dublin City Schools, Norton City Schools, Centerville City Schools, Greenon Local Schools, Lake County Board of DD, Cuyahoga County Board of DD, Myers Equipment, Hocking Logan Schools, Kenston Local Schools, Fremont City Schools, VAT, NHTSA, Thomas Buses, International Buses and Blue Bird Buses were e-mailed on August 22, 2013 and asked to respond by September 5, 2013. In addition, the Ohio School Bus Construction Standards Committee has representatives from the following entities: Ohio Department of Education, National Highway Traffic Safety Administration, School Bus Dealers, Ohio School Bus Mechanic's Association, Rural Schools, Urban Schools, Private Pupil Transportation Providers, and Schools with Developmental Disabilities.

3. If the proposed rule is the result of a federal requirement, does the proposed rule exceed the scope and intent of the federal requirement? **No**

4. If the proposed rule exceeds the minimum necessary federal requirement, please provide an estimate of, and justification for, the excess costs that exceed the cost of the federal requirement. In particular, please provide an estimate of the excess costs that exceed the cost of the federal requirement for (a) school districts, (b) counties, (c) townships, and (d) municipal corporations.

*Not Applicable.*

5. Please provide a comprehensive cost estimate for the proposed rule that includes the procedure and method used for calculating the cost of compliance. This comprehensive cost estimate should identify all of the major cost categories including, but not limited to, (a) personnel costs, (b) new equipment or other capital costs, (c) operating costs, and (d) any indirect central service costs.

Stakeholders who participated in the R.C. 119.032 rule review estimate that the average cost to purchase and maintain a conventional school bus that complies with the standards set forth in this rule is \$79,308 for purchase and \$4,161 for annual maintenance.

Source: Representatives from Ohio Department of Education, Dublin City Schools, Norton City Schools, Centerville City Schools, Greenon Local Schools, Lake County Board of DD, Cuyahoga County Board of DD, Myers Equipment, Hocking Logan Schools, Kenston Local Schools, Fremont City Schools, VAT, NHTSA, Thomas Buses, International Buses and Blue Bird Buses were e-mailed on August 22, 2013 and asked to respond by September 5, 2013. In addition, the Ohio School Bus Construction Standards Committee has representatives from the following entities: Ohio Department of Education, National Highway Traffic Safety Administration, School Bus Dealers, Ohio School Bus Mechanic's Association, Rural Schools, Urban Schools, Private Pupil Transportation Providers, and Schools with Developmental Disabilities.

(a) Personnel Costs

0

(b) New Equipment or Other Capital Costs

The average cost to purchase a conventional school bus that complies with the standards set forth in this rule is \$79,308.

(c) Operating Costs

The cost for annual maintenance for each bus is estimated to be \$4,161.

(d) Any Indirect Central Service Costs

0

(e) Other Costs

0

6. Please provide a written explanation of the agency's and the local government's ability to pay for the new requirements imposed by the proposed rule.

The new requirement for inspection following wheelchair lift repairs is not expected to increase annual maintenance costs. The agency's budget is not impacted by the requirement.

7. Please provide a statement on the proposed rule's impact on economic development.

This rule is not expected to impact economic development.