

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

Agency Name

Division

James Dinsmore

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4501-5-03

Rule Number

NEW

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? **No**

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:

To renumber it, existing rule 4501-5-08 is being proposed for rescission and this new rule (renumbered rule 4501-5-03) is being proposed to replace it. The renumbering is to enhance the organization and usability of OAC Chapter 4501-5. Terminology updates are to keep language consistent with federal usage. A major portion of the rule language regarding design and operation of wheel chair power lifts is proposed for removal because the subject matter is addressed in a federal motor vehicle inspection standard. This federal standard likewise includes a proposed increase in the lifting capacity of the wheel chair lift from 600 to 800 pounds. To accommodate enhanced integrity of current technology which allows for a larger vehicle opening, the proposed rule allows for an increase in the

maximum size of a wheel chair lift special entrance door.

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 sets forth requirements for school buses used to transport pupils with special needs. This rule filing includes a proposed rule numbering change from 4501-5-08 to 4501-5-03. Throughout this rule including the rule title, the term "disability" has been replaced with the term "special needs." The filing includes removal of a major portion of the rule's language addressing design and operation of wheel chair power lifts, which since July of 2005 has been included in a federal motor vehicle inspection standard. The federal standard provides, in part, for an increase in the design load of a wheel chair lift from 600 to 800 pounds. Proposed changes also include an increase in the maximum size of a wheel chair lift special entrance door.

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:

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.

Revised Code (R.C.) 121.75 provides that provisions of R.C. 121.71 to R.C. 121.24 do not apply with regard to the incorporation by reference of a federal regulation or other text, including generally accepted industry standards, that is generally available to persons who reasonably can be expected to be affected by the rule, so long as the reference consists of a citation that will be intelligible to the persons who reasonably can be expected to be affected by the rule and that if the incorporated material was, is, or reasonably can be expected to be subject to change, identifies and specifies the date of the particular version that is incorporated. This rule sets forth that specified vehicle equipment be in compliance with Federal Motor Vehicle Safety Standard requirements (FMVSS) of the Code of Federal Regulations (C.F.R.) and the applicable dates of the regulations incorporated in the rules are provided in rule 4501-5-01 (R). To remain current and in compliance with all federal and other applicable safety and equipment requirements and guidelines, school bus manufacturers, dealers, and owners (the persons who reasonably can be expected to be affected by the rules of OAC Chapter 4501-5) already stay abreast of industry standards incorporated by

reference in OAC Chapter 4501-5 (Industry standards include those of the Society of Automotive Engineers, The American Society for Testing and Materials and the National School Transportation Specifications and Procedures) and of all applicable C.F.R. standards incorporated by reference in this rule. Additionally, in Rule 4501-5-01 we have provided the address, telephone number, applicable date(s), and website information for these organizations and the address and website information for obtaining the federal regulations. Also, the books containing the C.F.R. are generally available at depository libraries where people can access them.

Additionally, as provided in Rule 4501-5-01, the rules of OAC Chapter 4501-5 incorporate 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 standards are currently available in printed form and most Ohio schools and school bus manufacturers already have copies of these standards. The earlier versions of 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.

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:

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.

Revised Code (R.C.) 121.75 provides that provisions of R.C. 121.71 to R.C. 121.24 do not apply with regard to the incorporation by reference of a federal regulation or other text, including generally accepted industry standards, that is generally available to persons who reasonably can be expected to be affected by the rule, so long as the reference consists of a citation that will be intelligible to the persons who reasonably can be expected to be affected by the rule and that if the incorporated material was, is, or reasonably can be expected to be subject to change, identifies and specifies the date of the particular version that is incorporated. This rule sets forth that specified vehicle equipment be in compliance with Federal Motor Vehicle Safety Standard requirements (FMVSS) of the Code of Federal Regulations (C.F.R.) and the applicable dates of the regulations incorporated in the rules are provided in rule 4501-5-01 (R). To remain current and

in compliance with all federal and other applicable safety and equipment requirements and guidelines, school bus manufacturers, dealers, and owners (the persons who reasonably can be expected to be affected by the rules of OAC Chapter 4501-5) already stay abreast of industry standards incorporated by reference in OAC Chapter 4501-5 (Industry standards include those of the Society of Automotive Engineers, The American Society for Testing and Materials and the National School Transportation Specifications and Procedures) and of all applicable C.F.R. standards incorporated by reference in this rule. Additionally, in Rule 4501-5-01 we have provided the address, telephone number, applicable date(s), and website information for these organizations and the address and website information for obtaining the federal regulations. Also, the books containing the C.F.R. are generally available at depository libraries where people can access them.

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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:

(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:

No new costs are associated with this rule filing because added requirements merely reflect requirements that are already mandated via federal rule.

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**