

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

Agency Name

Division

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4501-52-01

Rule Number

AMENDMENT

TYPE of rule filing

Rule Title/Tag Line

Requirements for annual inspection of buses; incorporated materials.**RULE SUMMARY**1. Is the rule being filed for five year review (FYR)? **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: **4513.52**5. Statute(s) the rule, as filed, amplifies or implements: **4513.52**

6. State the reason(s) for proposing (i.e., why are you filing,) this rule:

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

This rule lists the requirements for annual inspection of buses and incorporated materials. Materials incorporated by reference in section 4501-52-01(C)(1) and (C)(2) to accessing the Federal Motor Carrier Safety Standards (FMVSS) and the Federal Motor Carrier Safety Regulations (FMCSR) in the Code of Federal Regulations (CFR) via the Internet is being changed from the site <http://www.gpoaccess.gov/cfr/index.html> to <http://www.ecfr.gov>. In addition, several reference dates are being updated to current dates in paragraph (D).

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:

To remain current and in compliance with all federal and state safety and equipment requirements and guidelines, bus owners (the persons who reasonably can be expected to be affected by the rules of OAC Chapter 4501-52) are already aware of, and stay abreast of, the industry standards incorporated by reference in OAC 4501-52. In addition to applicable federal and state regulations, bus owners must also remain aware of industry standards including those of the commercial vehicle safety alliance (CVSA), and the North America Standard Out-of-Service Criteria. Under R.C.121.75, when this information is incorporated by reference, and properly cited, it is exempt from the requirements of R.C. 121.71 to 121.74.

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:

To address general availability, we have provided readers with easy reference as to how to access these materials and the contact information for both federal and state regulations, as well as professional organizations. Incorporations of the Code of Federal Regulations are readily available to those affected by the rule. The most recent effective date is listed for each reference. The commercial vehicle safety alliance (CVSA), and the North America Standard Out-of-Service Criteria are copyrighted and exempted from the requirements of 121.71 to 121.74, but are industry standards that persons who can be reasonable be expected to be affected by the rule must be aware of and stay abreast of. Names of the materials, effective dates, and websites (when applicable) where the materials may be located are included in the 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:

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. Five Year Review (FYR) Date: **10/14/2016**

(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.

0.00

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:

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:

The estimated costs of compliance for stakeholders include:

The annual cost of \$100.00 allows the vehicle owner to have up to two (2) inspections conducted to successfully pass the vehicle and obtain the annual vehicle registration. Failure of two (2) inspections require the vehicle owner to pay another \$100.00 to obtain another two (2) inspections to attempt successful completion of the inspection/registration process.

This program adds no additional cost, other than the \$100.00 fee, as each passenger-carrying vehicle owner is required, by federal and state regulations, to maintain their passenger-carrying vehicles in safe operating condition. This inspection does relieve the passenger-carrying vehicle owner from the requirement to obtain and document a periodic (annual) inspection as required by federal and state regulations due to the Federal Motor Carrier Safety Administration recognizing the inspection as meeting the periodic (annual) inspection requirements. Successful completion of this inspection process allows the passenger-carrying vehicle owner to obtain the annual registration and provide documentation of passing the periodic (annual) inspection.

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**

Passenger-carrying vehicle owner must successfully complete this inspection to obtain their annual vehicle registration.

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**

There are no fines associated with failure to complete this inspection. Commercial passenger-carrying vehicle operators do benefit from maintaining their vehicles and passing this inspection with minimal violations/re-inspections as these inspections are included in the Vehicle Maintenance portion of the Federal Motor Carrier

Safety Administration's Compliance, Safety, Accountability (CSA) Motor Carrier Safety Measurement System (SMS) program; a program to assess a commercial motor carrier's safety. However, Section 4513.51 of the ORC makes it a 1st degree misdemeanor for failing to get the inspections and operating the vehicle.

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

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