

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

Agency Name

Division

David McCallister

Contact

**1970 W. Broad St.,Ste 531, PO Box 182081
Columbus OH 43218-2081**

Agency Mailing Address (Plus Zip)

614 466-7014

Phone

614 752-6063

Fax

4501-52-01

Rule Number

AMENDMENT

TYPE of rule filing

Rule Title/Tag Line

Requirements for annual inspection of buses.**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. 4513.52**

5. Statute(s) the rule, as filed, amplifies or implements: **R.C. 4513.52**

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

This filing is based on a R.C. 119.032 rule review of Ohio Administrative Code Chapter 4501-52.

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 annual inspection of buses and information on material approved for incorporation by reference. This proposed rule refiling

changes the title of the rule by adding the language "incorporated materials."

In the first sentence of paragraph (C) it replaces "Material" with the language "organizations addressed and material." It deletes the first sentence of the next paragraph (unmarked). In the same paragraph of (C), this filing also adds the language "organizations addressed and."

In new paragraph (D) this refiled rule provides that except as otherwise provided, the versions of the federal regulations and other texts incorporated by reference in Chapter 4501-52 of the Administrative Code are as listed in the rule, that if such incorporated material is subject to change, the date of the version referenced is provided, and that if incorporated material is amended, such changes are not incorporated within Chapter 4501-52 of the Administrative Code unless and until the rule has been amended to specify the dates. It also lists materials incorporated in OAC Chapter 4501-52.

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, industry standards include those of the commercial vehicle safety alliance (CVSA), and the North American Standard Out-of-Service Criteria. Therefore under R.C.121.75, when this information is incorporated by reference it is excepted from the requirements of R.C. 121.71 to 121.74. Although not required to do so, in Rule 4501-52-01 we have provided contact site information including (as applicable) the address, telephone number, and web site information for the above organizations.

Federal regulations incorporated by reference are also excepted by R.C. Section 121.75 from the referencing requirements of R.C. 121.71 to 121.74 and again, although it is not required, in Rule 4501-52-01 we have provided contact information for accessing federal standards and regulations. Additionally, the federal standards and regulations are available via federal depository libraries located throughout the State.

While this rule references the Revised Code and the Administrative Code, incorporation by reference of such information is excepted by section 121.76 of the Revised Code from the requirements set forth in R.C. 121.71 to 121.75.

Additionally, the Revised Code and the Administrative Code are readily available at depository and other libraries throughout Ohio.

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 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, industry standards include those of the commercial vehicle safety alliance (CVSA), and the North American Standard Out-of-Service Criteria. Therefore under R.C.121.75, when this information is incorporated by reference it is excepted from the requirements of R.C. 121.71 to 121.74. Although not required to do so, in Rule 4501-52-01 we have provided contact site information including (as applicable) the address, telephone number, and web site information for the above organizations.

Federal regulations incorporated by reference are also excepted by R.C. Section 121.75 from the referencing requirements of R.C. 121.71 to 121.74 and again, although it is not required, in Rule 4501-52-01 we have provided contact information for accessing federal standards and regulations. Additionally, the federal standards and regulations are available via federal depository libraries located throughout the State.

While this rule references the Revised Code and the Administrative Code, incorporation by reference of such information is excepted by section 121.76 of the Revised Code from the requirements set forth in R.C. 121.71 to 121.75. Additionally, the Revised Code and the Administrative Code are readily available at depository and other libraries throughout Ohio.

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:

A revised filing of February 7, 2006 made the following changes:

In paragraph (C), the revised filing removed the term "this rule" from the first sentence of the first full paragraph and replaced it with the language "the rule incorporating them."

This refiling makes the following changes:

In the rule title, this refiling adds the language "incorporated materials."

In the first sentence of paragraph (C) this refiling replaces "Material" with the language "organizations addressed and material." This refiling deletes the first sentence of the next paragraph (unmarked). It also adds the new language "organizations addressed and material" to the same unmarked paragraph.

This refiling adds Paragraph (D) which provides that except as otherwise provided, the versions of the federal regulations and other texts incorporated by reference in Chapter 4501-52 of the Administrative Code are as listed in the rule, that if such incorporated material is subject to change, the date of the version referenced is provided, and that if incorporated material later is amended, such changes are not incorporated within Chapter 4501-52 of the Administrative Code unless and until the rule has been amended to specify the dates. This paragraph also lists materials incorporated in OAC Chapter 4501-52.

12. 119.032 Rule Review Date: 1/3/2006

(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

We do not anticipate that this rule filing will 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:

This rule filing is not expected to create additional costs.

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**