

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

Agency Name

State Highway Patrol

Division

Bridget Coontz

Contact

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4501-52-01

Rule Number

RESCISSION

TYPE of rule filing

Rule Title/Tag Line

Requirements for annual inspection of buses; incorporated materials.**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. This rule is being simultaneously proposed for rescission, and adoption as new under the same rule number, as approximately 50% of its text has been revised.

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 provides readers with information on availability and applicable dates of material approved for incorporation by reference. Language in new rule 4501-52-01 has been amended to reflect revision dates of some material, revises the introductory paragraph which explains how texts, incorporated by reference in to Chapter 4501-52, can be accessed, and the structure of paragraphs (C)(1) to (C)(4) has been revised to enhance readability.

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 American Standard Out-of-Service Criteria. Under R.C.121.75, when this information is incorporated by reference, and properly cited, it is excepted from the requirements of R.C. 121.71 to 121.74. However, to provide readers with easy reference as to how to access these materials, this rule provides contact information for both federal and state regulations, as well as professional organizations.

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:

N/A

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:

N/A

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: **1/3/2011**

(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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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:

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:

This rule filing is not expected to result in any costs of compliance.

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**

