

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

Agency Name

Office of Criminal Justice Services

Division

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4501-54-03

Rule Number

AMENDMENT

TYPE of rule filing

Rule Title/Tag Line

Authority of the director of the department of public safety.**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: **3937.43**

5. Statute(s) the rule, as filed, amplifies or implements: **3937.43**

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. 119.032 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 sets forth the authority for the department to approve and withdraw approval for schools offering the mature operator course. The rule provides the department, and/or designees the ability to attend the course to ensure compliance with the rules therein. Proposed amendments pertain to the materials incorporated by reference and to change the language "practical examination" to "skills demonstration," and "course director" to "course instructor."

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 the "Mature Driver Course Provider Application," by reference. To comply with sections 121.71 to 121.74 of the Revised Code, this rule refers readers to rule 4501-54-02, the chapter's definitional rule, which provides the publication dates and availability of all materials incorporated in Chapter 4501-54.

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:

The material is filed with rule 4501-54-02 as part of this package.

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: **11/15/2013**

(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 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:

It is estimated that this rule will not result in any costs of compliance for stakeholders. The sources for the costs of compliance were provided by the mature operator committees which represented mature driver course providers, AAA, AARP and other providers of driver education for seniors.

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? **No**

This rule sets forth the authority of the department concerning Chapter 4501-54 of the Administrative Code. This rule, in and of itself, does not require prior authorization to engage in business. However, while filed as part of this package, it does, as some provisions in Chapter 4501-54 require the Department to approve all mature operator motor vehicle accident prevention courses, as well as all prevention course operators, prior to their operation of these courses.

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**

In accordance with this rule, the director may withdraw a program's approval for failure to meet the requirements set forth in OAC Chapter 4501-54.

C.) Does this rule require specific expenditures or the report of information as a condition of compliance? **No**

This rule sets forth the authority of the department concerning Chapter 4501-54 of the Administrative Code, and therefore, in and of itself, it does not require specific expenditures or the report of information. However, while filed as part of this package, it does, as some provisions in Chapter 4501-54 require applicants for mature operator motor vehicle accident prevention course approvals to make application in writing and provide detailed information regarding course curriculum, examinations, and course records.