

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 4501-54-08

Rule Type: Amendment

Rule Title/Tagline: Course records and insurance.

Agency Name: Department of Public Safety

Division:

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I. Rule Summary

1. **Is this a five year rule review?** Yes
 - A. **What is the rule's five year review date?** 10/25/2018
2. **Is this rule the result of recent legislation?** No
3. **What statute is this rule being promulgated under?** 119.03
4. **What statute(s) grant rule writing authority?** 3937.43
5. **What statute(s) does the rule implement or amplify?** 3937.43
6. **What are the reasons for proposing the rule?**

This rule is being filed according to a Chapter 106.03 ORC periodic rule review.

7. **Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

This rule sets forth the requirements for maintaining specific records for locations used for the purpose of training. The rules require each enterprise to maintain vehicle insurance for vehicles used by the enterprise in specific minimum amounts. If participants use their own vehicles, the enterprise is required, by this rule, to check for proof of insurance coverage on the vehicle. The rule provides for the department to

review the records as necessary and the enterprise shall make these records available. The comment is being proposed to update the specific paragraph directing readers to the appropriate code section for the incorporated references

Paragraph (C) is being proposed to include language to further clarify the purpose of the record being kept.

Paragraph (F) is being proposed to modify terms used throughout the rule for consistency and clarify reasonable to be normal business hours.

Paragraph (F)(2) is being proposed to modify terms used throughout the rule for consistency.

8. **Does the rule incorporate material by reference? Yes**
9. **If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.71 to 121.76, please explain the basis for the exemption and how an individual can find the referenced material.**
Mature Driver Course Provider Application", "Certificate of Operation", and "Mature Operator Course Place of Business Supplement". To comply with sections 121.71 to 121.74 of the Revised Code, this rule refers readers to paragraph (L) of rule 4501-54-02, which addresses the version/date of the materials, as well as where each may be accessed. These materials are generally available to driver training enterprises, instructors, training manager, and authorizing officials, who are the persons most reasonably expected to be affected by Chapter 4501-54, upon written request submitted to the Driver Training Program Office or via the Driver Training Program website (<http://www.drivertraining.ohio.gov/forms.aspx>).
10. **If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.**

Not Applicable

II. Fiscal Analysis

11. **As a result of this proposed rule, please estimate the increase / decrease in revenues or expenditures affecting this agency, or the state generally, in the current biennium or future years. If the proposed rule is likely to have a different fiscal effect in future years, please describe the expected difference and operation.**

This will have no impact on revenues or expenditures.

0.00

Not applicable.

12. What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?

The estimated cost of compliance is no cost. Most providers offering this course require the students to use their own vehicles for the purpose of comfortability and educational value. For the courses providing vehicles, these vehicles are used for other driver education programs, therefore, the costs of insurance are already covered.

13. Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No

14. Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No

III. Common Sense Initiative (CSI) Questions

15. Was this rule filed with the Common Sense Initiative Office? Yes

16. Does this rule have an adverse impact on business? Yes

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, in and of itself does not require prior authorization to engage in or operate a line of business; however, it is part of a filing package that does, as some provisions in Chapter 4501-54 require Motor Vehicle Collision Prevention courses to obtain and maintain the appropriate approval prior to engaging in providing the course.

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

Yes, this rule states that failure to comply with the financial responsibility portion may result in suspension or revocation of the course approval.

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

There is no cost of compliance. Most providers offering this course require the students to use their own vehicles for the purpose of comfortability and educational value. For the courses providing vehicles, these vehicles are used for other driver education programs, therefore, the costs of insurance are already covered.

The rule does require the report of information upon request and review of the department

The cost of compliance were provided by the rule review committee.