

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

Agency Name

Office of Criminal Justice Services

Division

Anna Firestone

Contact

**Ohio Department of Public Safety 1970 West Broad 614-466-7014
Street, Suite 531 Columbus OH 43223-0000**

Agency Mailing Address (Plus Zip)

Phone

Fax

afirestone@dps.state.oh.us

Email

4501-54-08

Rule Number

NEW

TYPE of rule filing

Rule Title/Tag Line

Course records and insurance.**RULE SUMMARY**

1. Is the rule being filed consistent with the requirements of the RC 119.032 review? **No**

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 pursuant to a R.C. 119.032 review. This rule is proposed as new, while simultaneously proposed for rescission due to the fifty percent guideline. It is estimated that changes to the rule strike approximately half of the existing text, while adding a comparable amount of new text.

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 types of records, information to be recorded within those records and amounts of insurance to be maintained by the enterprise. Changes proposed in this new rule address material incorporated by reference and require minimum coverage amounts for insurance.

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 "Mature Driver Course Completion Certificate," "Mature Operator Course Place of Business Supplement," and "Mature Driver Course Provider Application." 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:

All materials are filed as part of rule 4501-54-02, with the exception of "Mature Driver Course Completion Certificates." As these certificates are batch produced, sequentially numbered, tracked, and issued to course providers only as requested, filing of the certificates is infeasible.

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:

(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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It is not expected that this rule will 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 may cost mature operator motor vehicle accident prevention course operators approximately \$165 a month to maintain the minimum insurance limits. The insurance costs provided above are estimated and difficult to determine. Insurance costs are determined by many variables, the actual vehicles used, how the vehicles are used, etc. Additionally, most of the current mature operator courses already provide class "D" training so the insurance is already in place and no additional costs are incurred.

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 requirements for mature operator motor vehicle accident prevention courses to maintain records liability insurance. 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 offering the 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? **No**

This rule sets forth requirements for mature operator motor vehicle accident prevention courses to maintain records. This rule, in and of itself, does not not impose a penalty or sanction. However, while filed as part of this package, it does, as some provisions in Chapter 4501-54 establish that the Department may impose an administrative action up to and including the withdrawal of approval to operate a mature operator motor vehicle accident prevention course, should the course not meet the requirements established in Chapter 4501-54.

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

This rule requires mature operator motor vehicle accident prevention course operators to maintain specific minimum amounts of liability insurance. It is estimated that this rule cost the schools approximately \$165 a month to maintain the minimum insurance limits. The insurance costs provided above are estimated and difficult to determine. Insurance costs are determined by many variables, the actual vehicles used, how the vehicles are used, etc. Additionally, most of the

current mature operator courses already provide class "D" training so the insurance is already in place and no additional costs are incurred. 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.