

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

Agency Name

Division

David McCallister

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4501-7-01

Rule Number

AMENDMENT

TYPE of rule filing

Rule Title/Tag Line

Definitions.**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? **Yes**

Bill Number: **HB407**General Assembly: **124**Sponsor: **Buehrer**

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. 4508.02**

5. Statute(s) the rule, as filed, amplifies or implements: **R.C. 4508.01 to R.C. 4508.09**

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

This rule is filed based upon a five-year R.C. 119.032 rule review prompted by legislation which transfers jurisdiction over driver education courses in high schools from the Department of Education to the Department of Public Safety. The purpose of this proposed rule is to update rule language to reflect this recent legislative change, effective January 1, 2004.

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:

The rule defines terms as used in OAC Chapter 4501-7. Amended language expands the definition of "driver training school" to include a board of education of a city, exempted village, local, or joint vocational school district or the governing board of an educational service center that offers a driver education course for high school students enrolled in the district or in a district served by the educational service center.

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:

While this rule references the Revised 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.

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:

While this rule references the Revised 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.

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:

No changes. Filing is to move rule to December 22 JCARR date with other refiled rules of OAC Chapter 4501-7.

12. 119.032 Rule Review Date: **10/8/2003**

(If 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: At 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 increase expenditures.

\$15,000

This is the rule which adds language to change the definition of driver training school to reflect driver training enterprises that are being transferred into the jurisdiction of the Department of Public Safety from the Department of Education. These rules will have a negligible impact upon the agency budget. The costs to the agency are those costs associated with designing and printing updated driver training rules (printing of 3000 booklets at \$4-\$5 per booklet). Staff time required to provide support and technical assistance to the public schools being brought into Department of Public Safety jurisdiction, to process the additional school and instructor applications, to conduct more school inspections, and to conduct a review of the existing driver training rules and make any needed changes, all involves existing personnel.

14. Identify the appropriation (by line item etc.) that authorizes each expenditure necessitated by the proposed rule:

ALI: 761-321

Highway Safety Fund 036.

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 is the rule which adds language to change the definition of driver training school to reflect driver training enterprises that are being transferred into the

jurisdiction of the Department of Public Safety from the Department of Education. This response for Rule 4501-7-01 addresses the minimum cost to these public schools. Throughout 2003 we have been communicating with these schools (This includes three meetings in March with most of the public schools that are currently offering driver education participating.). Based on the information the public schools have provided, only negligible fiscal effects will be associated with this transition and any related changes will be handled by existing school personnel. We do not anticipate that the transfer in jurisdiction will prove difficult for these schools. Information on the specific fiscal impact of a particular rule is included in the response to question #15 for each rule within the Ohio Administrative Code Chapter 4501-7 proposed amended and "No Change" rule filing packages. Public schools that provide driver training courses subject to the change in jurisdiction will likely experience the following minimum costs: cost of application fees for schools and instructors as set forth in Rules 4501-7-04 and 05 (annual school license renewal fee of \$50 per school location and annual instructor license renewal fee of \$10 per instructor), cost of providing motor vehicle signage that complies with Rule 4501-7-14 (estimated at \$200-\$250 per vehicle), and costs (variable by school, existing personnel) for preparing new documentation (format change) for record keeping purposes. For some schools there will be a range of other potential costs and these include cost of disability training as set forth in Rules 4501-7-05 and 06, if needed, training costs of a training manager as set forth in Rules 4501-7-04 and -05 (if such a person does not already qualify), and costs associated with an administrative action addressed in Rule 4501-7-21 if there is a proposed violation of rules, etc.

16. Does this rule have a fiscal effect on school districts, counties, townships, or municipal corporations? **Yes**

You must complete Part B of the Rule Summary and Fiscal Analysis in order to comply with Am. Sub. S.B. 33 of the 120th General Assembly.

17. Does this rule deal with environmental protection or contain a component dealing with environmental protection as defined in R. C. 121.39? **No**