

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

Agency Name

Division

Anna Firestone

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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? **No**

2. Are you proposing this rule as a result of recent legislation? **Yes**

Bill Number: **HB487**General Assembly: **129**Sponsor: **Representative
Amstutz**

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: **ORC 4508.02**

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

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

This rule is being filed to implement statutory changes set forth in HB 487, 129th General Assembly.

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 provides the definitions of terms used throughout the chapter related to driver training enterprises and schools.

The proposed amendments include definitions for online provider, online driver training program, online instructors, driver education, driver training, certificate of enrollment and certificate of completion of an online program. Existing definitions were modified to include online providers for application and licensing.

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 provides a section (Paragraph (PP)) to specifically address dates/versions and availability of all materials incorporated by reference in Chapter 4501-7 including the following: "Driver Training Enterprise Application;" "Driver Training Instructor License Application;" "Required Minimum Standards for Online Driver Education;" "Renewal Requirements;" "Examination Questions Test Bank;" "Certificates of Enrollment/Certificates of Completion;" "Digest of Motor Vehicle Laws;" "Online Driver Education Security Assessment;" and the "Ohio Driver Training Curriculum."

These materials are generally available to driver training enterprises, instructors, training managers, and authorizing officials, who are the persons most reasonably expected to be affected by Chapter 4501-7, upon written request submitted to the Driver Training Program Office or via the Driver Training Program website.

Unless otherwise indicated, these materials are being filed as part of this rule for the entire package.

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:

"Certificates of Enrollment," "Certificates of Completion," the "Examination Questions Test Bank," "Renewal Requirements," and 49 CFR 391.43 are not being filed as part of this package. The Certificates are numbered, tracked, and issued to driver training schools as purchased. The "Examination Test Bank" is a database of

questions from which exam questions are randomly selected as each test is administered. The "Renewal Requirements" is a database application that is part of the Driver Training Program website, a program accessible to licensed schools, training managers, and instructors, where information is electronically entered via a interface on the system. Under R.C. Section 121.75, the Code of Federal Regulations is exempted from the provisions of R.C. 121.71 to 121.74, as long as the material incorporated by reference is generally available, consists of a citation that will be intelligible to readers, and provides readers with how the material may be accessed.

This rule addresses all of these materials by providing full citations, the date/version of the materials as appropriate, as well as referring readers to where and how they may be accessed.

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:

This revised filing is for the purpose of updating citations included in the Incorporated by Reference section of this rule. Paragraphs (PP)(6), (7), and (9) have been amended to reflect material publication date of August, 2013. The revised materials are being submitted as part of this refiled package.

12. 119.032 Rule Review Date: **10/8/2014**

(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.

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**

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**

C.) Does this rule require specific expenditures or the report of information as a

condition of compliance? **No**