

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

Agency Name

Division

**Krista Weida**

Contact

**1970 West Broad St., Suite 531 P.O. Box 182081  
Columbus OH 43218-2081**

Agency Mailing Address (Plus Zip)

**614-466-7014**

Phone

**614-752-6063**

Fax

**4501-7-03**

Rule Number

**AMENDMENT**

TYPE of rule filing

Rule Title/Tag Line

**Character and fitness.****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: **4508.02**

5. Statute(s) the rule, as filed, amplifies or implements: **4508.02, 4508.03, 4508.04**

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

This filing is based on a R.C.119.032 rule review of Ohio Administrative Code Chapter 4501-7. For purposes of clarification and ease of use, proposed rule changes reflect a rule reorganization that separates provisions applicable to class "D" license schools from provisions applicable to commercial driver license schools. (Currently these provisions are combined in one rule, rule 4501-7-03.) Provisions applicable to commercial driver license schools are included in proposed new rule 4501-7-23. Provisions applicable to class "D" license schools remain and are proposed for amendment in rule 4501-7-03. Proposed expansion of the rule title is to enhance description of the rule content and to reflect the rule reorganization.

Rule changes are to provide clarity regarding reapplication requirements for a person whose training manager license was revoked and regarding responsibilities of an authorizing official to maintain records of training manager and instructor behavioral problems that give good cause to believe that the training manager and/or instructor could be physically or mentally unfit and also to maintain records of disciplinary actions taken to correct such behavior.

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 proposed amended rule sets forth character and fitness requirements for any person connected in any manner with a class "D" driver license school. In existing rule 4501-7-03 these provisions are currently combined with provisions addressing character and fitness of persons connected with commercial driver license schools (now included in proposed new rule 4501-7-23). Proposed new language includes provision that if a training manager's license is revoked, after a five-year time lapse if the person wishes to reapply, the person will be required to take a 40-hour driver training school manager's course approved by the director. It sets forth the further responsibility of an authorizing official to maintain records of training manager and instructor behavioral problems that give good cause to believe that the training manager and/or instructor could be physically or mentally unfit and to maintain records of disciplinary actions taken to correct such behavior.

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 response left blank because filer specified online that the rule does not incorporate a text or other material by reference.*

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:

*This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.*

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:

An unchanged version of existing rule 4501-7-03 was initially uploaded in error. In conformity with the rule summary and fiscal analysis question responses, this revised filing provides the intended proposed amended rule 4501-7-03. In this revised filing, proposed new language includes a provision that if a training manager's license is revoked, after a five-year time lapse if the person wishes to reapply, the person will be required to take a 40-hour driver training school manager's course approved by the director. It sets forth the further responsibility of an authorizing official to maintain records of training manager and/or instructor behavioral problems that give good cause to believe that the training manager and/or instructor could be physically or mentally unfit and to maintain records of disciplinary actions taken to correct such behavior. Proposed expansion of the rule title with the added language "and class "D" license schools" enhances description of the rule content and reflects the rule reorganization.

This refiled rule includes the following changes: To clarify that this paragraph applies to applications, not renewal of applications, the words "or renewal" was deleted from paragraph (D). Additionally, the structure of the last sentence in paragraph (E)(3) was changed to clarify that the authorizing official is also responsible for maintaining records of disciplinary actions and corrective behavior.

12. 119.032 Rule Review Date: **4/3/2009**

(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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We do not anticipate that this rule will affect the agency budget.

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

Not applicable

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 rule is not expected to create additional costs unless a training manager with a revoked license wants to pursue relicensure. After a five-year time lapse, such a person would be required to retake a 40-hour course and such a course varies in cost from \$300-\$400. There might also be negligible costs associated with the requirement for an authorizing official to maintain records of training manager and instructor behavioral problems that give good cause to believe that the training manager and/or instructor could be physically or mentally unfit and maintain records of disciplinary actions taken to correct such behavior.

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**