

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

Agency Name

Division

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4501-7-05

Rule Number

AMENDMENT

TYPE of rule filing

Rule Title/Tag Line

Application and renewal of licenses for instructors and training managers.**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, 4508.05**

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, 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 (4501-7-05). Provisions applicable to commercial driver license (CDL) schools are included in proposed new rule 4501-7-25. Provisions applicable to class "D" license schools remain in, and are proposed for amendment in, rule 4501-7-05. Proposed expansion of the rule title is

to enhance description of the rule content and to reflect the rule reorganization. The purposes of other proposed changes include clarification of language, updating of references, and enhancement of flexibility of the application procedures.

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:

In addition to removal of provisions regarding application and renewal of licenses for instructors and training managers of CDL schools (to be included in proposed new rule 4501-25 which addresses similar requirements for CDL schools) and expansion of the rule title, proposed amendments include removal of an exception from the required 3-year minimum driver licensure period for driver training managers, provision that photos submitted will be used to create a pictured license rather than an identification card, clarification regarding what constitutes proof of completion of an approved 40-hour instructor's course in driver training, clarification and provision that required submittal of a licensed physician statement be on a form provided by the director and that such form be completed by a physician within one year of submittal to the director, clarification regarding required notice to the director of an instructor's or manager's criminal or traffic conviction, crash or driver license suspension, revocation or cancellation, and extension by 30 days of the period allowable (prior to its submittal to the director) for obtaining BC&I reports and driving record abstracts. The rule also includes grammatical changes and reference updates.

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:

Not Applicable.

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 filing 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 filing is not expected to create additional costs. Proposed extension by 30 days of the period allowable (prior to its submittal to the director) for submittal of a BC&I report to the director will likely result in fewer instances of schools needing to obtain a second BC&I report. Report costs range from approximately \$22 to \$50.

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**