

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

Agency Name

Division

Anna Firestone

Contact

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

Agency Mailing Address (Plus Zip)

Phone

Fax

lafirestone@dps.state.oh.us

Email

4501-7-05

Rule Number

AMENDMENT

TYPE of rule filing

Rule Title/Tag Line

Applications and renewal of licenses for instructors and training managers of class "D" and online license schools.**RULE SUMMARY**1. Is the rule being filed for five year review (FYR)? **Yes**2. Are you proposing this rule as a result of recent legislation? **Yes**Bill Number: **HB98**General Assembly: **130**Sponsor: **Representatives
Gonzales and Retherford**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. 4508.02, R.C. 4508.03, R.C. 4508.04, R.C. 4508.05**

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

This rule is being filed according to a R.C. 119.032 review. It is also proposed to implement military provisions pursuant to H.B 98.

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 sets forth the requirements for the training of instructors and online instructors and the application process for the initial and renewal licenses. The rule further requires a specialized training and application process for training managers and instructor's teaching driver training to persons with a disability.

Language was added to paragraph (C)(2) to further clarify the requirement for the state and federal background checks. In paragraphs (C)(3) and (H)(3) language is added to clarify the requirements for passport photos. The language requires a plain solid background. Additional language is included to provide the format for electronically submitted photographs to clarify a process that is already in place. Paragraph (C)(6) has been removed since the availability of the training is no longer in existence. Paragraph (C)(8) is proposed for amendment to incorporate the "Driver Training Personnel Physical Examination."

Paragraph (C)(9) has been added to propose adding proof of taking the department provided sexual harassment course when applying for a license. Paragraphs (K), (L) and (M) are proposed to allow for a military member or spouse to renew without restrictions so long as the person or spouse was serving in a branch of the military. The additions of the three paragraphs were included to meet the requirements of section 5903.10 of the Revised Code. Paragraph (T) was amended to include instructors and online instructors in the requirements for continuing education. Additionally, paragraph (U) is added to propose a requirement for all instructors, online instructors and training managers to take a sexual harassment course annually.

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 the "Driver Training Instructor License Application," "Driver Training Personnel Physical Examination," "Renewal Requirements," and the "Digest of Motor Vehicles." To comply with sections 121.71 to 121.74 of the Revised Code, this rule refers readers to 4501-7-01, which addresses the version/date of the material, as well as its availability. Paragraph (SS) of rule 4501-7-01 addresses all materials incorporated in Chapter 4501-7 in full compliance with statute.

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:

Unless otherwise noted, these materials, as feasible, are filed with this package as part of rule 4501-7-01.

"Renewal requirements" are not being filed as part of this package. "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, or those who can reasonably be anticipated to be impacted by this rule, where information is electronically entered via an interface on the system. These materials are still addressed in rule 4501-7-01 providing full citation, date/version as appropriate, and availability.

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. Five Year Review (FYR) Date: **9/16/2014**

(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 increase revenues.

23, 805.00

The agency receives approximately \$5130 annually for initial instructor fees and approximately \$18,525 for renewal of instructor licenses. The total impact cannot be determined. The revenues are dependent upon the number of initial applications received and the number of instructors renewing. The total revenue generated for the renewal of instructor licenses includes all types of instructors and not just those licensed under for online and class "D".

The recent adoption of the rules allowing for online driver education programs has only increased the revenue by \$150. This has been tracked through the number of initial online instructor applications received since the effective date of the rules on October 10, 2013.

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:

The estimated costs of compliance for driver training instructors are outlined below and were provided by the online driver education committees which represented smaller and larger traditional brick-and-mortar schools, and current online providers.

Instructor Fees

Initial Instructor application - \$25

Background checks # \$105

- state level \$25

- federal level \$80

Driver Abstract - \$8.50

Applicant photos - \$10

Physical - \$80

Instructor's initial training - \$200 - \$500

Total cost for initial licensing of instructor - \$428.50 to \$728.50

Note: Schools will not incur training costs should an instructor applicant have a current and valid teaching degree issued through the Department of Education that includes training in driver education. Additionally, schools will not incur training costs should an instructor have been trained within the previous ten years and is able to provide proof of such training.

The estimated time to put together an instructor application is two to three hours.

Instructor Renewal Fees

Renewal application - \$10

Driver abstract - \$8.50

Instructor photos - \$10

Total cost to renew instructor's license - \$28.50

The estimated time to complete the renewal requirements is four to five hours depending upon the number of instructors employed through the school.

Training Manager Fees

Training manager certification initial training course - \$550

Continuing education course required every three years - \$90

Note: Although the rules do not require schools to pay for wages, travel and lodging, the schools may choose to pay for the amenities and training to initially certify a disability instructor which may be as much as \$800. Likewise, the costs for continuing education may increase to an estimated total of \$550.

Disability Instructor Fees

Disability certification initial training course - \$350

Continuing education course required every three years - \$50

Note: Disability instructors working for a medically based hospital or rehabilitation facility are required to have a professional license. Additionally, the training required for such professional licenses require continuing education annually. Those courses are approved by the agency for credit.

Note: Although the rules do not require schools to pay for wages, travel and lodging, the schools may choose to pay for the amenities and training to initially

certify a disability instructor which may be as much as \$800. Likewise, the costs for continuing education may increase to an estimated total of \$550.

Instructor Continuing Education Fees

Continuing Education course required every three years - \$25 - \$50

Note: The agency will provide credit for the continuing education course if the instructor can provide proof of attendance at a professional conference or if the enterprise requires an in-service for all employees. The agency intends to hold continuing education courses throughout Ohio to assist in reducing the costs incurred by the businesses and individuals. Additionally, schools may or may not pay for the amenities, such as meals or lodging.

Sexual Harassment Training does not require a specific expenditure, however, will require approximately thirty minutes for instructors and training managers to complete annually.

The cost estimate was provided by the Class "D" and online rule review committee. Representatives for the class "D" schools included Jeff Baehr (Myers Driving School), Julie Dominik (Mercy's Driver Rehabilitation Program), Al Salyers and John Sawyer (Auto Club Driving Schools, Inc.), Colleen Butch (John Butch Driving School, Inc.), Ruth Diehl (Ruth's Driving Academy), Sue Kaufman (Fort Loramie High School Driving Program), and Daniel Kramer (Top Driver Ohio). Representatives for the online driver education schools included Gary Tsifrin and Chris Flink (DriversEd.com), Paul Zalatoris (Top Driver), and Michael LaPlume and Karl Logan (Costech Technologies Inc.).

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**

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? **Yes**

Yes. Pursuant to sections 4508.03 and 4508.04 of the Revised Code, no person shall operate a driver training school or act as a driver training instructor unless licensed by the director of public safety.

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? **Yes**

Yes, sanctions up to and including denial of application or revocation of license may be imposed if applicants or licensees fail to meet the requirements set forth in this rule.

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

The estimated costs of compliance for driver training instructors are outlined below and were provided by the online driver education committees which represented smaller and larger traditional brick-and-mortar schools, and current online providers.

Instructor Fees

Initial Instructor application - \$25

Background checks # \$105

- state level \$25

- federal level \$80

Driver Abstract - \$8.50

Applicant photos - \$10

Physical - \$80

Instructor's initial training - \$200 - \$500

Total cost for initial licensing of instructor - \$428.50 to \$728.50

Note: Schools will not incur training costs should an instructor applicant have a current and valid teaching degree issued through the Department of Education that includes training in driver education. Additionally, schools will not incur training costs should an instructor have been trained within the previous ten years and is able to provide proof of such training.

The estimated time to put together an instructor application is two to three hours.

Instructor Renewal Fees

Renewal application - \$10

Driver abstract - \$8.50

Instructor photos - \$10

Total cost to renew instructor's license - \$28.50

The estimated time to complete the renewal requirements is four to five hours depending upon the number of instructors employed through the school.

Training Manager Fees

Training manager certification initial training course - \$550

Continuing education course required every three years - \$90

Note: Although the rules do not require schools to pay for wages, travel and lodging, the schools may choose to pay for the amenities and training to initially certify a disability instructor which may be as much as \$800. Likewise, the costs for continuing education may increase to an estimated total of \$550.

Disability Instructor Fees

Disability certification initial training course - \$350

Continuing education course required every three years - \$50

Note: Disability instructors working for a medically based hospital or rehabilitation facility are required to have a professional license. Additionally, the training required for such professional licenses require continuing education annually. Those courses are approved by the agency for credit.

Note: Although the rules do not require schools to pay for wages, travel and lodging, the schools may choose to pay for the amenities and training to initially certify a disability instructor which may be as much as \$800. Likewise, the costs for continuing education may increase to an estimated total of \$550.

Instructor Continuing Education Fees

Continuing Education course required every three years - \$25 - \$50

Note: The agency will provide credit for the continuing education course if the instructor can provide proof of attendance at a professional conference or if the enterprise requires an in-service for all employees. The agency intends to hold

continuing education courses throughout Ohio to assist in reducing the costs incurred by the businesses and individuals. Additionally, schools may or may not pay for the amenities, such as meals or lodging.

Sexual Harassment Training does not require a specific expenditure, however, will require approximately thirty minutes for instructors and training managers to complete annually.

The rule requires the driver training manager or authorizing official to report any traffic conviction received by an instructor or training manager. Additionally, the rule requires that the training manager and/or authorizing official report any criminal conviction of a training manager or instructor.

Also, the rule sets forth the requirement for a licensed instructor, training manager, online instructor, and disability instructor to provide proof of the continuing education course for which they are applying for credit.

For the purposes of the newly proposed requirement of the sexual harassment course, no monetary costs will occur. It is estimated that an instructor, training manager or online instructor will need to attribute thirty (30) minutes to taking the online course developed and provided by the department.

The cost estimate was provided by the Class "D" and online rule review committee. Representatives for the class "D" schools included Jeff Baehr (Myers Driving School), Julie Dominik (Mercy's Driver Rehabilitation Program), Al Salyers and John Sawyer (Auto Club Driving Schools, Inc.), Colleen Butch (John Butch Driving School, Inc.), Ruth Diehl (Ruth's Driving Academy), Sue Kaufman (Fort Loramie High School Driving Program), and Daniel Kramer (Top Driver Ohio). Representatives for the online driver education schools included Gary Tsifrin and Chris Flink (DriversEd.com), Paul Zalatoris (Top Driver), and Michael LaPlume and Karl Logan (Costech Technologies Inc.).

Rule Summary and Fiscal Analysis (Part B)

1. Does the Proposed rule have a fiscal effect on any of the following?

(a) School Districts	(b) Counties	(c) Townships	(d) Municipal Corporations
Yes	No	No	No

2. Please provide an estimate in dollars of the cost of compliance with the proposed rule for school districts, counties, townships, or municipal corporations. If you are unable to provide an estimate in dollars, please provide a written explanation of why it is not possible to provide such an estimate.

The estimated cost of compliance would be \$228.50 for the initial licensing of an instructor. The school districts require their teachers to have an Ohio Department of Education teaching certificate. Therefore the training costs are reduced.

The estimated cost of compliance would be \$28.50 for the renewal of an instructor license.

The estimated cost for an initial training manager would be as much as \$1500 and for the continuing education courses for all instructors are estimated to be \$700.

The cost for the continuing education can be reduced since the instructors are required to have professional development annually for their teaching certificates.

3. If the proposed rule is the result of a federal requirement, does the proposed rule exceed the scope and intent of the federal requirement? **No**

4. If the proposed rule exceeds the minimum necessary federal requirement, please provide an estimate of, and justification for, the excess costs that exceed the cost of the federal requirement. In particular, please provide an estimate of the excess costs that exceed the cost of the federal requirement for (a) school districts, (b) counties, (c) townships, and (d) municipal corporations.

Not Applicable.

5. Please provide a comprehensive cost estimate for the proposed rule that includes the procedure and method used for calculating the cost of compliance. This comprehensive cost estimate should identify all of the major cost categories including, but not limited to, (a) personnel costs, (b)

new equipment or other capital costs, (c) operating costs, and (d) any indirect central service costs.

Instructor Fees

Initial Instructor application - \$25

Background checks # \$105

- state level \$25

- federal level \$80

Driver Abstract - \$8.50

Applicant photos - \$10

Physical - \$80

Instructor's initial training - \$200 - \$500

Total cost for initial licensing of instructor - \$428.50 to \$728.50

Instructor Renewal Fees

Renewal application - \$10

Driver abstract - \$8.50

Instructor photos - \$10

Total cost to renew instructor's license - \$28.50

Training Manager Fees

Training manager certification initial training course - \$550

Continuing education course required every three years - \$90

Note: If costs for wages, travel, and lodging are paid by the school, the cost to initially certify a training manager may be as much as \$1500. Likewise, the costs for continuing education may increase, as well, to an estimated total of \$700 to \$1000.

(a) Personnel Costs

(b) New Equipment or Other Capital Costs

0

(c) Operating Costs

0

(d) Any Indirect Central Service Costs

0

(e) Other Costs

Instructor Fees

Initial Instructor application - \$25

Background checks # \$105

- state level \$25

- federal level \$80

Driver Abstract - \$8.50

Applicant photos - \$10

Physical - \$80

Instructor's initial training - \$200 - \$500

Total cost for initial licensing of instructor - \$428.50 to \$728.50

Instructor Renewal Fees

Renewal application - \$10

Driver abstract - \$8.50

Instructor photos - \$10

Total cost to renew instructor's license - \$28.50

Training Manager Fees

Training manager certification initial training course - \$550

Continuing education course required every three years - \$90

Note: If costs for wages, travel, and lodging are paid by the school, the cost to initially certify a training manager may be as much as \$1500. Likewise, the costs for continuing education may increase, as well, to an estimated total of \$700 to \$1000.

6. Please provide a written explanation of the agency's and the local government's ability to pay for the new requirements imposed by the proposed rule.

There are no provisions or grants available to offset or pay for the costs imposed by the rule.

7. Please provide a statement on the proposed rule's impact on economic development.

The proposed rule provides no foreseen impact upon the economic development.