

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

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)? **No**2. Are you proposing this rule as a result of recent legislation? **Yes**Bill Number: **HB53**General Assembly: **131**Sponsor: **Grossman**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 rule is being filed to implement statutory changes set forth in HB 53, 131st 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:

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. The comment addressing the incorporated references is proposed to update the paragraph from and rule reference from (SS) of rule 4501-7-01 to paragraph (A) of rule 4501-7-39. Paragraph (A) is proposed to increase the instructor training program from a forty-hour program to a fifty-two hour program. Paragraph (C)(2)(a) is proposed to correct the resident state to be that of the actual applicant. Paragraph (C)(6) is proposed as new to require all new prospective instructors to receive eight hours of department provided training. Paragraph (C)(7) is proposed to reflect the increased instructor training from forty hours to fifty hours. Paragraph (C)(12) is proposed for modification to reflect the instructor training records to be maintained until three years after the instructor is no longer employed. Paragraph (D) is proposed as new to incorporate a probationary license period for all instructor applicants. The probationary period would require a specific assessment for each type of instructor. The proposal also includes an option for extending a probationary term. Paragraph (F) is proposed to clarify that non-probationary licenses expire at the end of each calendar year. Paragraph (K) is being proposed to provide an exception for certified driver rehabilitation specialists from having to hold an instructor's license for three years before being eligible to become and training manager. The proposal requires the submission of proof of the certification. Paragraphs (L), (M), and (O)(5) are being amended to correct the citations within the rule. Paragraphs (Q) and (R) are being amended to include both probationary and non-probationary licenses under the disciplinary action. Paragraph (T) is being proposed to differentiate a disability endorsement for a class "d" instructor from an actual disability license for someone licensed with a rehabilitation clinic or medically based hospital. The rule also requires specialized training to maintain the disability endorsement or license.

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:

"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 4501-7-39, which addresses the version/date of the material, as well as its availability. Paragraph (A) of rule 4501-7-39 addresses all materials

incorporated in the chapter 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 4501-7-39. "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 4501-7-39 providing full citation, date/version as appropriate, and availability. The "Driver Training Instructor License Application" and "Driver Training Personnel Physical Examination" will be published on the Ohio Driver Training website at <http://www.drivertraining.ohio.gov/instructors.htm> and the "Digest of Motor Vehicle Laws" is published on the Bureau of Motor Vehicle's website at <http://www.ohioBMV.gov/>.

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: **9/16/2019**

(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.

5130.00

The agency receives approximately 205 instructor applications annually. The revenues are dependent upon the number of attendees for the basic instructor course provided by the department, therefore the total impact cannot be determined.

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:

The estimated costs of compliance for driver training instructors are outlined below.

Basic Instructor Course - Fee for course - \$25

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 which may be as much as \$144 per day.

Training -

The increase in the required time for the instructor training program is estimated to take six to eight weeks to complete the full training. The members of the committee agreed that the increase in training hours was within the normal training timeline since more training than the minimum required was already provided by the majority of driver training schools..

Schools will not incur training costs if an instructor applicant has 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 if an instructor has been trained within the previous ten years and is able to provide proof of such training.

Probationary assessment -

The time required to assess an instructor is based upon their type of license. Each assessment may take two to three hours to complete. Since the assessments will be completed during a normal working day there is no additional cost to performing the assessments.

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**

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**

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.

Basic Instructor Course - Fee for course - \$25

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 which may be as much as \$144 for the day.

Training -

The increase in the required time for the instructor training program is estimated to take six to eight weeks to complete the full training. The members of the committee agreed that the increase in training hours was within the normal training timeline since more training than the minimum required was already provided by the majority of driver training schools.

Schools will not incur training costs if an instructor applicant has 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 if an instructor has been trained within the previous ten years and is able to provide proof of such training.

Probationary assessment -

The time required to assess an instructor is based upon their type of license. Each assessment may take two to three hours to complete. Since the assessments will be completed during a normal working day there is no additional cost to performing the assessments.

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 includes only time and costs associated with additional training. The time and costs estimated will vary for each attendee depending on travel time and mileage. There is no fee or cost to the orientation class.

Basic Instructor Course #

Fee for course - \$25

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.

The estimated cost of compliance includes only time and costs associated with

additional training. The time and costs estimated will vary for each attendee depending on travel time and mileage. There is no fee or cost to the orientation class.

Basic Instructor Course #

Fee for course - \$25

(a) Personnel Costs

Not applicable.

(b) New Equipment or Other Capital Costs

Not applicable.

(c) Operating Costs

Not applicable.

(d) Any Indirect Central Service Costs

Not applicable.

(e) Other Costs

Not applicable.

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 amendment provides no foreseen impact upon the economic development.