

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

Agency Name

Division

David McCallister

Contact

**1970 W. Broad St.,Ste 531, PO Box 182081
Columbus OH 43218-2081**

Agency Mailing Address (Plus Zip)

614 466-7014

Phone

614 752-6063

Fax

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? **Yes**

Bill Number: **HB407**General Assembly: **124**Sponsor: **Buehrer**

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, 4508.03, 4508.04, 4508.05**

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

This rule is filed based upon a five-year R.C. 119.032 rule review prompted by legislation which transfers jurisdiction over driver education courses in high schools from the Department of Education to the Department of Public Safety. Rule amendments are to provide clarification regarding the required time frames for record keeping and the information required to be maintained by an enterprise or organization that completed training of instructors and training managers, to

address use of photographs, to provide that instructor candidates completing the forty-hour training requirements may student teach with the training manager supervising from the back seat, and to require that an applicant for a driver training manager license demonstrate that the applicant has held a valid class "D" driver training instructor license for at least three years.

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 provides requirements for application and renewal of licenses for driver training instructors and driver training managers. New language clarifies the time frames for record keeping and the information required to be maintained by an enterprise or organization that completed training of instructors and training managers (Similar new language is also being proposed in Rule 4501-7-13), addresses use of photographs, provides that instructor candidates completing the forty-hour training requirements may student teach with the training manager supervising from the back seat, and requires that an applicant for a driver training manager license demonstrate that the applicant has held a valid class "D" driver training instructor license for at least three years.

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:

While this rule references the Revised Code and the Administrative Code, incorporation by reference of such information is excepted by section 121.76 of the Revised Code from the requirements set forth in R.C.121.71 to 121.75 regarding incorporation by reference. Also, the exception of R.C. 121.75 which provides that sections 121.71 to 121.74 of the Revised Code do not apply with regard to the incorporation by reference of material including generally accepted industry standards that is generally available to persons who reasonably can be expected to be affected by the rule applies to the reference in this rule to the "Digest of Motor Vehicle Laws", a publication which summarizes Ohio traffic laws. Applicants for driver training instructor and training manager licenses are the persons who reasonably can be expected to be affected by this rule and this publication is provided to them by the Department of Public Safety. The "Digest of Motor Vehicle Laws" is also available via the Department of Public Safety web page.

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:

While this rule references the Revised Code and the Administrative Code, incorporation by reference of such information is excepted by section 121.76 of the Revised Code from the requirements set forth in R.C.121.71 to 121.75 regarding incorporation by reference. Also, the exception of R.C. 121.75 which provides that sections 121.71 to 121.74 of the Revised Code do not apply with regard to the incorporation by reference of material including generally accepted industry standards that is generally available to persons who reasonably can be expected to be affected by the rule applies to the reference in this rule to the "Digest of Motor Vehicle Laws", a publication which summarizes Ohio traffic laws. Applicants for driver training instructor and training manager licenses are the persons who reasonably can be expected to be affected by this rule and this publication is provided to them by the Department of Public Safety. The "Digest of Motor Vehicle Laws" is also available via the Department of Public Safety web page.

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:

The refiled language additionally requires that an applicant for a driver training manager license demonstrate that the applicant has held a valid class "D" driver training instructor license for at least three years.

12. 119.032 Rule Review Date: **10/8/2003**

(If 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: At 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.

maximum amount of \$1500

With this rule we expect an increase in revenues in an amount of up to \$1500. The amount reflects an anticipated 150 maximum new instructor applications with application fees of \$10 per instructor. These are the instructors who are currently under the jurisdiction of the Ohio Department of Education and are being transferred to the jurisdiction of the Department of Public Safety. This increase is not expected to have a significant impact on the Department budget.

While the change in jurisdiction from the Department of Education to the Ohio Department of Public Safety involves costs, implementing this rule is not expected to impact the agency budget beyond the cost stated in Rule 4501-7-01 (This is the cost associated with printing updated driver training rules). Any changes requiring staff time will be accomplished by existing personnel and we therefore do not expect this rule to have a significant impact on the agency budget.

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:

While new rule language clarifies that records regarding training of instructors and training managers must be maintained for three years, if a school is not currently meeting the requirement, there could be minimal costs with associated record keeping. For driver training enterprises that are being brought into the jurisdiction of the Department of Public Safety from the Department of Education, the \$10.00 per instructor renewal fee each year will be a new expense, as well as the \$25.00 initial application fee for new instructors and training managers hired after the initial agency changeover. The following application items also involve new expenses: requirement for two photos (approximately \$5.00 in cost), requirement for a driving abstract (\$2.00 in cost), requirement for disability certification, if determined necessary at an estimated cost of approximately \$715.00 reflecting \$250 for disability course fee, approximately \$225.00 for travel (variable), approximately \$240.00 for salary, and the requirement for continuing education every three years (approximately \$100 which is the cost of the course most commonly taken, plus, depending on course location, possible travel costs of \$225.00 (variable), and an estimated \$240.00 for salary.

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**