

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 4501-7-05

Rule Type: Amendment

Rule Title/Tagline: Applications and renewal of licenses for instructors and training managers of class "D" and online license schools.

Agency Name: Department of Public Safety

Division:

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I. Rule Summary

1. **Is this a five year rule review?** Yes
 - A. **What is the rule's five year review date?** 2/4/2022
2. **Is this rule the result of recent legislation?** No
3. **What statute is this rule being promulgated under?** 119.03
4. **What statute(s) grant rule writing authority?** 4508.02
5. **What statute(s) does the rule implement or amplify?** 4508.02, 4508.03, 4508.04, 4508.05
6. **What are the reasons for proposing the rule?**

This rule is being filed according to 106.03 ORC periodic rule review

7. **Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

The rule sets forth requirements for the training of instructors and online instructors, and the application process for initial and renewal licenses. All types of licenses are

now included in the rule as the requirements are the same for the different license types.

- 8. Does the rule incorporate material by reference? Yes**
- 9. If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.75, please explain the basis for the exemption and how an individual can find the referenced material.**

The rule directs readers to rule 4501-7-39 that deals with all materials incorporated by reference for the chapter.

- 10. If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.**

The rule is being revised filed to include the correct CSI recommendation.

II. Fiscal Analysis

- 11. Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.**

This will have no impact on revenues or expenditures.

0.00

Not applicable.

- 12. What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?**

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.

13. **Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). Yes**
14. **Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No**
15. **If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.**

The Driver Training Program Office fees are directed to the highway fund. However, the fund allows for the office and field staff to provide services for compliance and resources at no cost to the schools. This includes offering classes and continuing education courses for the instructors. The funding allows for the support for program reviews of schools to ensure they are providing the training required. The field staff also provide vehicle inspections for the vehicles to ensure safe operation while training students behind the wheel of vehicles. In addition, the funds provide for additional resources to be printed and provided to the schools to support curriculums.

III. Common Sense Initiative (CSI) Questions

16. **Was this rule filed with the Common Sense Initiative Office? Yes**
17. **Does this rule have an adverse impact on business? Yes**
 - 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

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for the vehicles to ensure safe operation while training students behind the wheel of vehicles. In addition, the funds provide for additional resources to be printed and provided to the schools to support curriculums.

- D. Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business of which it will apply or applies? No**

IV. Regulatory Restrictions (This section only applies to agencies indicated in R.C. 121.95 (A))

- 18. Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? Yes**

- A. How many new regulatory restrictions do you propose adding? 11**

Paragraph (A) second sentence "...shall..."

Paragraph (A) third sentence "...shall..."

Paragraph (B)(3) last sentence "...shall..."

Paragraph (C) second sentence "...shall..."

Paragraph (D)(9) second sentence "... shall be completed..."

Paragraph (D)(9) last sentence "...which shall have been..."

Paragraph (F)(1)(a) first sentence - "... endorsement shall file..."

Paragraph (F)(1)(b) first sentence - "... instructor shall take..."

Paragraph (F)(2)(a) first sentence - "... hospital, shall file..."

Paragraph (F)(2)(b) first sentence - "... instructor shall show..."

Paragraph (F)(2)(b) second sentence - "... education shall include..."

- B. How many existing regulatory restrictions do you propose removing? 50**

Paragraph new (C) first sentence "... and shall..."

Paragraph (D)(1) - stem "... shall include (1)..."

Paragraph (D)(2) - stem "... shall include (2)..."

Paragraph (D)(2)(a) - stem "... shall ...: (1)..."

Paragraph (D)(2)(b) - stem "... shall ...: (2)..."

Paragraph (D)(3) - stem "... shall include (3)..."

Paragraph (D)(3) second sentence "... shall not be ..."

Paragraph (D)(3) - stem "... electronically shall be ..."

Paragraph (D)(4) - stem "... shall include (4)..."

Paragraph (D)(5)(a) - stem "... shall include (a)..."

Paragraph (D)(5)(b) - stem "... shall include (b)..."

Paragraph (D)(5)(c) - stem "... shall include (c)..."

Paragraph (D)(6) - stem "... shall include (6)..."

Paragraph (D)(7) - second sentence "... Such certificate shall be valid..."

Paragraph (D)(7) - last sentence sentence "... driver training shall have been..."

Old (D)(7)(a) stem : "...shall include: (a)..."

Old (D)(7)(b) stem : "...shall include: (b)..."

Old (D)(7)(c) stem : "...shall include: (c)..."

Old (D)(8) stem : "...shall include: (8)..."

Paragraph (D)(9) first sentence- "...physician shall be..."

Paragraph (D)(9) first sentence- "...and shall have been..."

Old (D)(10) stem : "...shall include: (10)..."

Old (D)(11) stem : "...shall include: (11)..."

Paragraph (D)(12) - first sentence "...training shall..."

Paragraph (D)(12) - last sentence "...training shall..."

Paragraph new (E) first sentence - "director shall issue..."

Paragraph (E)(1) - "... license shall expire..."

Paragraph (E)(2)(a)- "...the assessment shall..."

Paragraph (E)(2)(B)- "...the assessment shall..."

Paragraph (E)(2)(C)- "...the assessment shall..."

Paragraph (E)(6) - "The director shall..."

Paragraph new (K)(1) stem "...shall include: (1) ..."

Paragraph new (K)(2) stem "...shall include: (2) ..."

Paragraph new (K)(3) stem "...shall include: (3) ..."

Paragraph new (K)(4) stem "...shall include: (4) ..."

Paragraph Old (K) first sentence - "... license shall also..."

Paragraph Old (T)(1) stem- "... shall (1) ..."

Paragraph Old (T)(1)(a) stem- "... shall (a) ..."

Paragraph Old (T)(1)(a) second sentence- "... shall be accompanied..."

Paragraph Old (T)(1)(b) stem- "... shall (b) ..."

Paragraph Old (T)(2) stem- "... shall (2) ..."

Paragraph Old (T)(2) second sentence- "... based hospital, shall file ..."

Paragraph Old (T)(2)(a) - "The application shall be..."

Paragraph Old (T)(2)(b) first sentence - "... an instructor shall show proof..."

Paragraph Old (T)(2)(b) second sentence - "The continuing education shall..."

Paragraph Old (U) - "... training manager shall..."

New paragraph (U)(1) [old (V)] - "... or the course shall be..."

New paragraph (U)(3) [old (V)] - "...director shall...."

New paragraph (V) [old (W)] second sentence - "...completion shall be maintained..."

New paragraph (V) [old (W)] second sentence - "...and shall be made..."

Rule Summary and Fiscal Analysis Part B - Local Governments Questions

1. Does the rule increase costs for:

A. Public School Districts	Yes
B. County Government	No
C. Township Government	No
D. City and Village Governments	No

2. Please estimate the total cost, in dollars, of compliance with the rule for the affected local government(s). If you cannot give a dollar cost, explain how the local government is financially impacted.

The estimated cost of compliance includes time and costs associated with additional training. The time and costs estimated will vary for each attendee depending on travel time and mileage.

Basic Instructor Course #

Fee for course - \$25

3. Is this rule the result of a federal government requirement? No

A. If yes, does this rule do more than the federal government requires? *Not Applicable*

B. If yes, what are the costs, in dollars, to the local government for the regulation that exceeds the federal government requirement?

Not Applicable

4. Please provide an estimated cost of compliance for the proposed rule if it has an impact on the following:

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.

5. Please explain how the local government(s) will be able to pay for the increased costs associated with the rule.

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

6. What will be the impact on economic development, if any, as the result of this rule?

The rule has no foreseen impact on economic development.