

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

Agency Name

Division

Anna Firestone

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4501-7-06

Rule Number

AMENDMENT

TYPE of rule filing

Rule Title/Tag Line

Qualifications for instructing persons with a disability for class "D" license schools.**RULE SUMMARY**

1. Is the rule being filed consistent with the requirements of the RC 119.032 review? **No**

2. Are you proposing this rule as a result of recent legislation? **Yes**

Bill Number: **HB487**General Assembly: **129**Sponsor: **Amstutz**

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. 4508.01, R.C. 4508.02, R.C. 4508.03, R.C. 4508.04**

5. Statute(s) the rule, as filed, amplifies or implements: **R.C. 4508.02**

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

This rule is being filed to reflect a subsequent business change resulting from the statutory changes in HB 487, 129th 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 requires specific training and an endorsement for an instructor and/or an enterprise to offer driver training to persons with disabilities. The rule also specifies the procedure for the classroom training and certificate of completion for students who elect to take their training through a medically based hospital or rehabilitation clinic. Proposed language in paragraph (B)(1) sets forth the requirements for a medically based hospital or rehabilitation facility school to provide a certificate of completion to a student who completed the online course and behind-the-wheel training through a medically based hospital or rehabilitation facility.

Following this rule's original CSI filing with stakeholders on January 16, 2013, the agency revised this rule to provide that the final examination would be proctored through the online driver education program provider. This change created an additional cost of compliance for medically-based hospitals and rehabilitation facilities as students who complete the final examination are issued certificates of completion, and the certificates are supplied by the agency at a cost of \$4 per certificate. The agency provided CSIO with an updated memo on March 25, 2013, to explain this change and resulting cost. A copy of this memo is attached to this filing as an additional publication.

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:

Section 121.75 of the Revised Code provides an exception to the provisions of sections 121.71 to 121.74 of the Revised Code for a text or other material, including, without limitation, generally accepted industry standards, that is generally available to persons who reasonably can be expected to be affected by the rule. This rule incorporates "Certificates of Completion/Enrollment," which are batch produced, sequentially numbered certificates, which are commonly known and made available to all Ohio licensed driver training schools, the entities which reasonably can be expected to be affected by the rule, upon request and payment of appropriate fees.

Additionally, this rule addresses availability of these certificates by referring readers to rule 4501-7-01, the chapter's definitional rule, which provides the publication dates and availability of all materials incorporated in Chapter 4501-7.

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:

N/A

Section 121.75 of the Revised Code provides an exception to the provisions of sections 121.71 to 121.74 of the Revised Code for a text or other material, including, without limitation, generally accepted industry standards, that is generally available to persons who reasonably can be expected to be affected by the rule is incorporated by reference into a rule, so long as the incorporation by reference consists of a citation that will be intelligible to the persons who reasonably can be expected to be affected by the rule and that, if the incorporated text was, is, or reasonably can be expected to be subject to change, identifies and specifies the date of, the particular edition or other version that is incorporated.

This rule incorporates the "Certificates of Completion/Enrollment," which are batch produced, sequentially numbered certificates, which are commonly known and made available to all Ohio licensed driver training schools, the entities which reasonably can be expected to be affected by the rule, upon request and payment of appropriate fees. These certificates are tracked by the department.

Additionally, this rule addresses availability of these certificates by referring readers to rule 4501-7-01, the chapter's definitional rule, which provides the publication dates and availability of all materials incorporated in Chapter 4501-7.

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. 119.032 Rule Review Date: **10/8/2014**

(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 have no impact on revenues or expenditures.

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This rule is not expected to impact the agency's budget in the current biennium.

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:

Estimated costs of compliance include training and printing of certificates.

Instructors who teach persons with disabilities will need to provide proof of specialized training to receive the disability endorsement on their instructor licenses. The cost for an initial training program for the disability instructor is estimated to be \$450 through a private provider.

The cost for the instructor's continuing education requirement every three years is estimated to be \$90 for a one-day training provided through a private provider.

Providers of drivers training are required to provide students with certificates of completion, which are obtained from the agency, and medically-based hospitals and rehabilitation clinics must also comply. The cost of each certificate is \$4.

Source: Costs provided by the online driver education committees which represented smaller and larger traditional brick-and-mortar schools, and current online providers.

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**

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 training requirements established in this rule.

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

Yes, expenditures for training and printing of certificates will be incurred. Instructors who teach persons with disabilities will need to provide proof of specialized training to receive the disability endorsement on their instructor licenses. The cost for an initial training program for the disability instructor is estimated to be \$450 through a private provider. The cost for the continuing education requirement every three years is estimated to be \$90 for a one day training provided through a private provider. Additionally, proposed changes will require each medically-based hospital and rehabilitation clinic offering driver training to now provide students with certificates of completion at an estimated cost of \$4 per certificate. students with certificates of completion at an estimated cost of \$4 per certificate.