

**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 for five year review (FYR)? **Yes**
2. Are you proposing this rule as a result of recent legislation? **No**
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. 4508.01, 4508.02, 4508.03, 4508.04**

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.

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.

To further clarify and distinguish specific requirements for students, language was removed from paragraph (B)(1) and placed as its own paragraph (B)(2). Paragraph (B)(1) was modified to remove the certificate information for students who take an online driver education program. Paragraph (B)(2) was added to include the certificate process for students who has completed their classroom requirements through an online driver education provider and then required training through a medically based hospital or rehabilitation clinic.

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 "Certificate of Completion." 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 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:

The "Certificate of Completion" is not being filed as part of this package. The "Certificate of Completion" is created from 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.

96.00

The rule requiring medically based hospitals and rehabilitation clinics to issue certificates of completion went into effect in October 2013. Since the effective date only 24 certificates of completion were issued by a medically based hospital or rehabilitation clinic.

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.

#### Disability Instructor Training 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.

The rule itself does not require the expenditures for amenities such as wages, travel and lodging. If those amenities are paid by the school, the cost to initially certify a disability instructor may be as much as \$800. Likewise, the costs for continuing education may increase to an estimated total of \$550.

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. Based upon recent inspections of the medically-based hospitals and rehabilitation clinics, these specific providers may train one to ten students in a calendar year.

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? **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**

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**

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.

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