

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

Agency Name

Division

Anna Firestone

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4501-7-09

Rule Number

AMENDMENT

TYPE of rule filing

Rule Title/Tag Line

Driver education.**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. 4508.02, R.C. 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:

This rule sets forth mandatory classroom and online training requirements for students, ages fifteen and five months through seventeen years of age. The rule requires each student to receive twenty-four hours of classroom or online training. The rule sets forth the requirements for breaks, training environments, final examinations, security measures, and topics of instruction to include organ donation and the dangers of texting while driving.

Paragraph (A) was amended to remove language for proper grammar. Paragraph (A)(6)(a) was amended for grammar. Paragraph (A)(6)(c) was amended for grammar and to clarify that the student shall correctly answer 75% of the test. Paragraph (A)(8) is proposed for amendment to address the specific circumstances considered for mitigating circumstances and those not considered mitigating. Paragraph (A)(6)(a) is proposed for amendment to require the final examinations provided by the state to be used.

Paragraph(C)(10) is proposed for amendment to clarify the language of requiring all online providers to implement and maintain the security requirements.

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 "Examination Questions Test Bank," "Digest of Motor Vehicle Laws," "Ohio Driver Training Curriculum," "Certificate of Enrollment," and the "Online Driver Education Security Assessment" by reference. The 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:

Unless otherwise noted, these materials, as feasible, are filed with this package as part of rule 4501-7-01.

The "Examination Questions Test Bank" and "Certificate of Enrollment" are not being filed as part of this package. The "Examination Questions Test Bank" is a database of questions from which exam questions are randomly selected as each test is administered. It is infeasible to print out the bank's entire collection of questions. All certificates are numbered, tracked, and issued to driver training

schools as they are purchased. The database and certificates are generally available via the Driver Training Program website to licensed schools, training managers, and instructors, those who are most likely to be affected by this rule. 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 have no impact on revenues or expenditures.

0

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:

The estimated costs of compliance include implementation of the specific security controls required by the state and set forth in the "Online Driver Education Security Assessment."

Implementation of Security Measures (new for the company) - \$8,000

Note: These security controls are basic measures that should be utilized by any online company. A few of the online providers already had these measures in place, therefore, for some companies, the cost and time of implementing the measures was negligible.

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**

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**

The estimated costs of compliance include implementation of the specific security controls required by the state and set forth in the "Online Driver Education Security Assessment."

Implementation of Security Measures (new for the company) - \$8,000

Additionally, it is estimated that implementation may take as much as two to three weeks.

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