

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

Agency Name

Division

**David McCallister**

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**4501-7-10**

Rule Number

**AMENDMENT**

TYPE of rule filing

Rule Title/Tag Line

**Training required for the operation of motor vehicles other than commercial motor vehicles.****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**

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. Proposed new language is to clarify that eating or drinking by students during times of instruction or while the vehicle is in motion is prohibited. Another change is to clarify that use of any items or behavior that causes unreasonable distraction is prohibited during times of behind-the-wheel instruction. Further rule changes are to

delete unnecessary language, to reorganize language, to provide clarifying language regarding materials to be covered in the driver training final examination, to provide that accommodations may be made for the final test to assist students with confirmed learning difficulties, to provide that the classroom environment is required to be conducive to learning, to require that students be provided with information on organ donation, to provide clarifying publication information regarding the "Ohio Driver Training Curriculum", to provide that instructors providing behind-the-wheel instruction have in their possession his or her ODPS driver training instructor license, and to provide that instructor candidates who have completed at least thirty-two hours of training can teach up to two hours of behind-the-wheel instruction for one student with the training manager supervising from the back seat.

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 training in the operation of motor vehicles other than commercial motor vehicles. Proposed new language clarifies that eating or drinking by students during times of instruction or while the vehicle is in motion is prohibited. Another change adds language to clarify that use of any items or behavior that causes unreasonable distraction is prohibited during times of behind-the-wheel instruction. The rule deletes unnecessary language, reorganizes language, provides clarifying language regarding materials to be covered in the driver training final examination, provides that accommodations may be made for the final test to assist students with confirmed learning difficulties, provides that the classroom environment is required to be conducive to learning, requires that students be provided with information on organ donation, provides clarifying publication date for the "Ohio Driver Training Curriculum", provides that instructors providing behind-the-wheel instruction have in their possession his or her ODPS driver training instructor license, and provides that instructor candidates who have completed at least thirty-two hours of training can teach up to two hours of behind-the-wheel instruction for one student with the training manager supervising from the back seat.

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 in this rule to the reference to the "Digest of Motor Vehicle Laws", a publication which summarizes Ohio traffic laws, and to the reference to the "Ohio Driver Training Curriculum". The rule provides that the training program for novice motor vehicle operators (between ages 15 1/2 and 18 years) is to be based on the "Ohio Driver Training Curriculum". The Department provides this publication to the persons who can reasonably be expected to be affected by this rule: the driver training school authorizing officials, training managers and training instructors. The rule also refers to the "Digest of Motor Vehicle Laws" which provides a summary of Ohio traffic laws. School authorizing officials, training managers and training instructors as well as novice driver training students are the persons who reasonably can be expected to be affected by this rule and this publication is provided to them by the Department. The "Digest of Motor Vehicle Laws" is also available via the Department 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 in this rule to the reference to the "Digest of Motor Vehicle Laws", a publication which summarizes Ohio traffic laws, and to the reference to the "Ohio Driver Training Curriculum". The rule provides that the training program for novice motor vehicle operators (between ages 15 1/2 and 18 years) is to be based on the "Ohio Driver Training Curriculum". The Department provides this publication to the persons who can reasonably be expected to be affected by this rule: the driver training school authorizing officials, training managers and training instructors. The rule also refers to the "Digest of Motor Vehicle Laws" which provides a summary of Ohio traffic laws. School authorizing officials, training managers and training

instructors as well as novice driver training students are the persons who reasonably can be expected to be affected by this rule and this publication is provided to them by the Department. The "Digest of Motor Vehicle Laws" is also available via the Department 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 revised filing deletes language in paragraph (B)(12)(c) which provided that the following statement was to be included on the final report of the student's score on the comprehensive examination of knowledge, acquired driving skill, and application of driver knowledge that is to be given to the student and the student's parent or legal guardian at the completion of training: "This is to certify that this student has satisfactorily completed a course of driver training, in accordance with Ohio requirements, and consisting of the required twenty-four hours of classroom instruction and the eight hours of practical, behind the wheel instruction (observation time does not count toward the eight hours.)"

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 have no impact on revenues or expenditures.

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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 related to the jurisdiction transfer that require 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:

In this rule, because most amendments are to acknowledge in the rule what is already common practice, cost of compliance would be minimal. Some schools may incur costs if they reduce the number of students per class maintain an environment that is conducive to learning as set forth in paragraph (B)(13) of this rule. Regarding the requirement that organ donation be covered during training, there are no additional costs to the schools as a video is provided to the schools for use at no charge. There could be associated costs with any accommodations that might be made for the final test to assist students with confirmed learning difficulties. These costs would depend upon the accommodations made. Specifically regarding public schools that are being transferred to the jurisdiction of the Department of Public Safety from the Department of Education, some requirements in this rule will involve procedural changes (such as documenting the hours of classroom training devoted to showing videos, requiring certification indicating that the student received the required instruction be added to the existing final report provided to the student and the student's parent or legal guardian at the completion of training, and switching to the Ohio Driver Training Curriculum, however, such adjustments should be within the capability of existing school personnel.

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**

