

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

Agency Name

Division

**Krista Weida**

Contact

**1970 West Broad St., Suite 531 P.O. Box 182081  
Columbus OH 43218-2081**

Agency Mailing Address (Plus Zip)

**614-466-7014**

Phone

**614-752-6063**

Fax

**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? **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: **4508.02**

5. Statute(s) the rule, as filed, amplifies or implements: **4508.02, 4508.03**

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

This filing is based on a R.C.119.032 rule review of Ohio Administrative Code Chapter 4501-7. For purposes of clarification and ease of use, this filing reflects a rule reorganization that separates provisions applicable to class "D" license schools (in this case rule 4501-7-10) from provisions applicable to commercial driver license schools (in this case proposed new rule 4501-7-28 which reflects the language of existing 4501-7-11. Rule 4501-7-11 is simultaneously being proposed for rescission to accommodate this reorganization). The purposes for proposed changes include language clarification, addition of missing language, and rule reorganization.

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. In addition to rule reorganization, proposed new language includes clarification regarding student opportunity to re-take a failed examination and requirements for the exam, that an instructor must wear his/her identification card during behind-the-wheel instruction, regarding positioning of an instructor during student operation of a motor vehicle on a range, regarding language addressing behavior that can cause unreasonable distraction during behind-the-wheel instruction, regarding maintenance of classroom environment, regarding requirements for a beginning driver's first hour of behind-the-wheel instruction, that instructor candidates a with a minimum of 32 hours of training can teach up to 2 hours of behind-the-wheel instruction for one student with the training manager supervising from the back seat, that for students with documented mitigating circumstances, schools are permitted to work with them beyond the six-month contract period, that breaks must be provided at required intervals, and that students are required to correctly answer at least 76% of the final examination questions.

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 response left blank because filer specified online that the rule does not incorporate a text or other material by reference.*

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:

*This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.*

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:

This refiled rule includes the following changes: Language was added to (12)(a)(iii) to clarify the number of opportunities a student will be given to pass the final examination and that an examination retake must be different from the examination previously taken. The rule's outline was re-ordered to provide greater cohesion and flow. (I)(4) and (12) were amended to correct an internal cross-reference.

12. 119.032 Rule Review Date: **4/3/2009**

(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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We do not anticipate that this rule filing will affect the agency budget.

14. Identify the appropriation (by line item etc.) that authorizes each expenditure necessitated by the proposed rule:

Not applicable

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:

Proposed changes are already common practice, so any compliance costs should be minimal.

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**