

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 4501-7-11
Rule Type: Amendment
Rule Title/Tagline: Certificates.
Agency Name: Department of Public Safety
Division:
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I. Rule Summary

1. **Is this a five year rule review?** Yes
 - A. **What is the rule's five year review date?** 2/4/2022
2. **Is this rule the result of recent legislation?** No
3. **What statute is this rule being promulgated under?** 119.03
4. **What statute(s) grant rule writing authority?** 4508.02
5. **What statute(s) does the rule implement or amplify?** 4508.02, 4508.03
6. **What are the reasons for proposing the rule?**

This rule is being filed according to 106.03 ORC periodic rule review.

7. **Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

The rule deals with certificate requirements for driver training enterprises. CDL and online enterprises have been included in the rule. Restrictions have been removed in accordance with 121.95 ORC.

8. **Does the rule incorporate material by reference?** Yes

9. **If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.75, please explain the basis for the exemption and how an individual can find the referenced material.**

The rule directs readers to rule 4501-7-39 that deals with all materials incorporated by reference for the chapter.

10. **If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.**

The rule is being revised filed to include the correct CSI recommendation.

II. Fiscal Analysis

11. **Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.**

This will have no impact on revenues or expenditures.

0.00

Not applicable.

12. **What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?**

Not applicable.

13. **Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No**

14. **Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No**

15. **If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.**

Not applicable.

III. Common Sense Initiative (CSI) Questions

16. **Was this rule filed with the Common Sense Initiative Office? Yes**

17. Does this rule have an adverse impact on business? Yes

- 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 requirements set forth in this rule.

- C. Does this rule require specific expenditures or the report of information as a condition of compliance? No**

- D. Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business of which it will apply or applies? No**

IV. Regulatory Restrictions (This section only applies to agencies indicated in R.C. 121.95 (A))

18. Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? Yes

- A. How many new regulatory restrictions do you propose adding? 1**

Paragraph (A) last sentence - "...training manager shall..."

- B. How many existing regulatory restrictions do you propose removing? 19**

Paragraph (A) first sentence - "... and shall maintain"

Paragraph (A) old third sentence - "...and shall not be transferred"

Paragraph Old (A)(1) first sentence - " Online providers shall issue..."

Paragraph Old (A)(1) second sentence - "...authorizing official shall issue..."

Paragraph New (A)(1) [old (A)(2)] second sentence - "...authorizing official shall..."

Paragraph New (A)(2) [old (A)(3)] first sentence - "...authorizing official shall..."

Paragraph Old (A)(4) - "Certificates shall..."

Paragraph Old (B) first sentence - "The director shall..."

Paragraph Old (B) first sentence - "...and shall maintain..."

Paragraph Old (B) last sentence - "... and shall not..."

Paragraph Old (B)(1) first sentence - "...enterprises shall issue..."

Paragraph Old (B)(2) first sentence - "...official shall issue..."

Paragraph Old (B)(2) second sentence - "...manager shall issue"

Paragraph Old (B)(3) first sentence - "Certificates shall be logged..."

Paragraph New (C) third sentence - "This for shall be signed..."

Paragraph New (C) penultimate sentence - "...designee, shall mark the box..."

Paragraph New (D) second sentence - "...or manager shall be..."

Paragraph New (D) second sentence - "...or manager shall be..." repeats same language as previous

Paragraph new (E) - "... the director shall make all ..."