

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

Agency Name

Division

David McCallister

Contact

**1970 W. Broad St.,Ste 531, PO Box 182081
Columbus OH 43218-2081**

Agency Mailing Address (Plus Zip)

614 466-7014

Phone

614 752-6063

Fax

4501-7-12

Rule Number

AMENDMENT

TYPE of rule filing

Rule Title/Tag Line

Training agreements.**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. The purpose of the rule is to add language that clarifies a written agreement required to be established between the student and the driver training enterprise before the start of training is also to include the student's parent or legal guardian, to include publication date of the "Ohio Driver Training Curriculum", and to update language to accurately reflect the office within the Department of Public Safety that is

responsible for licensing driver training enterprises.

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:

Provides training agreement requirements for driver training schools. New language clarifies that a written agreement required to be established between the student and the driver training enterprise before the start of training is also to include the student's parent or legal guardian, provides publication date of the "Ohio Driver Training Curriculum", and provides the Governor's Highways Safety Office as the office within the Department of Public Safety that is responsible for licensing driver training enterprises.

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:

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 to the reference in this rule 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" and that this information is to be included in the training agreement. The Department provides the curriculum 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. It is also available to any requesting student or parent.

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:

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 to the reference in this rule 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" and that this information is to be included in the training agreement. The Department provides the curriculum 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. It is also available to any requesting student or parent.

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:

No changes. Filing is to move rule to December 22 JCARR date with other refiled rules of OAC Chapter 4501-7.

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:

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:

Currently similar public school documentation is required and we believe this rule will necessitate only minor adjustments for public school compliance. We have been reviewing this information with public schools and based on the input provided by representatives of several public schools that are being brought into the jurisdiction of the Department of Public Safety from the Department of Education, we believe that existing public school personnel should be able to handle preparation of new forms and new documentation processes for student records.

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**