

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

Agency Name

Division

**Anna Firestone**

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**4501-7-13**

Rule Number

**AMENDMENT**

TYPE of rule filing

Rule Title/Tag Line

**Records for online and class "D" licensed schools.****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 and R.C. 4508.03**

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 required paperwork to be maintained and provided for each student taking the course. The rule requires a roster of all student attending each session, a classroom training record specific to each student, and a behind-the-wheel record showing dates, times and topic of instruction for each time. Instructors and students must sign the records. The enterprise is also responsible for maintaining all records related to their instructors, licenses and applications. The enterprises must maintain all records pertaining to the application and renewal for the school(s) licenses. The rule requires the records to be maintained for at least three years and shall be made available upon request. The rule sets forth the requirements for storage of records and the specific requirements for those records stored electronically.

Language was added to paragraph (A)(1)(a) to further clarify the actual types of records being addressed and to further require actual break times to be logged in these records.

Language was added to paragraph (A)(2)(e) to include break time in the information captured on the roster.

Paragraph (A)(2)(g) was proposed for additional language to assist in clarifying the type of schedule.

Paragraph (B)(2) was amended to incorporate the "Ohio Driver Training Curriculum" and language was added to include lesson plans. Lesson plans are already required so the rule provides clarity on the requirement.

Paragraph (D) was added to include electronic signatures and stamped signatures.

Paragraph (E) was proposed to identify the active records storage requirements from the completed records storage requirements.

Paragraph (F) was amended to include the incorporated reference of "Enterprise Closing Procedure Form." While this form has been business practice, the proposed amendment just clarifies the specific form.

Paragraph (I) was proposed for amendment to include specific requirements for electronic record storage.

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 the "Enterprise Closing Procedure Form," "Certificate of

Completion," "Certificate of Enrollment," "Certificate of Completion of an Online Driver Education Program," and the "Ohio Driver Training Curriculum." To comply with sections 121.71 to 121.74 of the Revised Code, this 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:

The "Enterprise Closing Procedure Form" and "Ohio Driver Training Curriculum" are being filed with rule 4501-7-01 as part of this package. The "Certificate of Completion," "Certificate of Enrollment," and "Certificate of Completion of an Online Driver Education Program," are not, as they are numbered, tracked, and issued to driver training schools at purchase. These materials have been, and continue to be, generally available to licensed schools, training managers, and instructors, those who can reasonably be anticipated to be impacted by this rule, via the agency's on-line application and are addressed in rule 4501-7-01 providing readers with 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.

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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:

It is not anticipated that this rule will result in any costs of compliance for stakeholders.

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? **No**

This rule, in and of itself, does not require prior authorization to engage in or operate a line of business; however, it is part of a filing package that does, as some provisions in Chapter 4501-7 require driver training schools and online driver education programs to obtain and maintain the appropriate license or certificate prior to engaging in driver education and training, pursuant to sections 4508.03 and 4508.04 of the Revised Code.

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 rule in and of itself does not require specific expenditures. However, the requirement for the records requires the report of information if requested by the parent or guardian and/or the director. Additionally, the rule requires that all records be maintained for three years from the date of completion. The estimated time to fill out and submit the "Enterprise Closing Procedure Form" is approximately five minutes.

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