

## Rule Summary and Fiscal Analysis

### Part A - General Questions

**Rule Number:** 4501-7-13

**Rule Type:** New

**Rule Title/Tagline:** Records maintained by a licensed driver training enterprise.

**Agency Name:** Department of Public Safety

**Division:**

**Address:** 1970 West Broad Street PO Box 182081 Columbus OH 43218-2081

**Contact:** Joseph Kirk **Phone:** 614-466-5605

**Email:** jakirk@dps.ohio.gov

#### I. Rule Summary

1. Is this a five year rule review? No
  - A. What is the rule's five year review date?
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 records to kept by driver training programs. The rule is being rescinded and adopted new due to major restructuring and reduction of restrictions in accordance with 121.95 ORC.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? 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.

- 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? 19**

Paragraph (A) - "... school shall maintain..."

Paragraph (B) - "... shall be kept for..."

Paragraph (B)- "...record shall be kept for behind..."

Paragraph (B)(1)(a) - "...records shall include..."

Paragraph (D) - "... shall maintain ..."

Paragraph (D)(1) - "... shall also be maintained..."

Paragraph (E) - "... schools shall also maintain..."

Paragraph (E)(1) - "A copy shall be made..."

Paragraph (G) first sentence - "...rule shall be kept..."

Paragraph (G) third sentence - "...records shall be stored..."

Paragraph (G) fourth sentence - "...manager shall make..."

Paragraph (G) fourth sentence - "...manager shall make..." 2x

Paragraph (G) last sentence - "...shall be furnished..."

Paragraph (H) - "... training manager shall complete..."

Paragraph (I) - "No person shall falsify..."

Paragraph (J) first sentence - "... shall be stored..."

Paragraph (J) second sentence - "... shall make all records..."

Paragraph (J) third sentence - "... shall make all applicable..."

Paragraph (J) last sentence - "... shall be accessible..."

**B. How many existing regulatory restrictions do you propose removing? 0**