

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

Agency Name

Division

David McCallister

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4501-7-21

Rule Number

NO CHANGE

TYPE of rule filing

Rule Title/Tag Line

The director may take action against a license.**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 & 4508.06**

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

This rule filing is 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. As a result of the review, it was determined that the rule did not require changes with regard to the change in jurisdiction.

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 the actions that the Director of Public Safety may take against a license for a driver training school, training manager, or driver training instructor.

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:

While this rule references the Revised Code and the Administrative Code, incorporation by reference of such information is excepted by section 121.76 of the Revised Code from the requirements set forth in R.C.121.71 to 121.75.

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:

While this rule references the Revised Code and the Administrative Code, incorporation by reference of such information is excepted by section 121.76 of the Revised Code from the requirements set forth in R.C.121.71 to 121.75.

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:

Not Applicable.

12. 119.032 Rule Review Date: **10/8/2003** and **10/07/2008**

(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:

For schools currently operating under the jurisdiction of the Department of Public Safety there should be no additional costs associated with this unchanged rule. There could be potential new costs for public schools that are transferring from Department of Education jurisdiction to Department of Public Safety jurisdiction. These schools have a long history of providing driver education. It is expected that they will meet or exceed our standards. However, if they do not, they could incur the potential loss of a license by the school or an instructor, the cost of re-directing students, refunds, training new staff, legal costs, and hearing costs.

16. Does this rule have a fiscal effect on school districts, counties, townships, or municipal corporations? **Yes**

You must complete Part B of the Rule Summary and Fiscal Analysis in order to comply

with Am. Sub. S.B. 33 of the 120th General Assembly.

17. Does this rule deal with environmental protection or contain a component dealing with environmental protection as defined in R. C. 121.39? **No**