

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

Agency Name

Division

Anna Firestone

Contact

**Ohio Department of Public Safety 1970 West Broad 614-466-7014
Street, Suite 531 Columbus OH 43223-0000**

Agency Mailing Address (Plus Zip)

Phone

Fax

lfirestone@dps.state.oh.us

Email

4501-7-21

Rule Number

AMENDMENT

TYPE of rule filing

Rule Title/Tag Line

**The director may take action against a license of a class "D" or
online school, training manager, online instructor or
instructor.****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, 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 the ability of the Director of Public Safety to take action against an applicant or license of a class "D" or online license school, training manager, or instructor when the director has determined that provisions of Chapter 4501-7 of the OAC have been violated. The rule also addresses the licensee's rights under Chapter 119. of the Revised Code.

This rule is being proposed as an amendment to include the new paragraph (D). The paragraph is being added to include actions being taken due to a licensee not paying for services they received by the department and/or fines imposed by the department.

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 response left blank because filer specified online that the rule does not incorporate a text or other material by reference.

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:

This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.

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 increase expenditures.

6000.00

It is estimated disciplinary action (administrative hearings) increases the agency's expenditures by about \$6000 per year for the costs of hearing examiners and court reporters for the purposes of the administrative hearings. The actual costs are determined by the number of cases and the length of the hearings. The previous financial fiscal year 2014 the net impact was \$6,015.93 for this purpose.

14. Identify the appropriation (by line item etc.) that authorizes each expenditure necessitated by the proposed rule:

The expenditures are appropriated through the 7036 fund (Highway Transportation Fund), ALI 761321 under Information and Education Operating.

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 estimated that this rule will not 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? **Yes**

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**

Yes, administrative actions may be taken which may impose sanctions up to and including suspension and revocation of a license may be imposed if licensees fail to meet the requirements set forth in this rule. This rule specifically imposes sanctions including reprimanding, denials, suspensions, revocations, of placement on probationary status of licenses.

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