

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

Agency Name

Office of Criminal Justice Services

Division

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4501-7-24

Rule Number

RESCISSION

TYPE of rule filing

Rule Title/Tag Line

Application for and renewal of a CDL school license.**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. 4508.01, 4508.02, 4508.03, 4508.05, 4508.09**
6. State the reason(s) for proposing (i.e., why are you filing,) this rule:

This rule is being filed pursuant to a completed R.C. 106.03 rule review. This rule is being proposed for rescission due to Legislative Service Commission's fifty percent guideline. It is estimated that changes to the rule strike approximately half of the existing text while adding a comparable amount of new text. This rule is simultaneously being proposed as a new rule under the same rule number.

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 sets forth the application and renewal requirements for each CDL school license. The rule addresses the application process and required documentation for submission. The rule addresses the annual renewal requirements for the school's license. The rule also addresses the closing of a school.

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:

The material incorporated by reference in this rule proposed for rescission includes agency forms. While these form(s) are commonly known and have been made generally available to affected persons via the driver training program website, this rule did not properly address the materials in compliance with sections 121.71 to 121.74 of the Revised Code, and the forms incorporated have been fully revised and are no longer available. This rule is being simultaneously proposed for rescission and adoption under the same rule number, in part, to address these materials. The newly proposed rule will refer readers to rule 4501-7-01, the definitional rule for this chapter. 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 material incorporated by reference in this rule proposed for rescission includes agency forms. While these form(s) are commonly known and have been made generally available to affected persons via the driver training program website, this rule did not properly address the materials in compliance with sections 121.71 to 121.74 of the Revised Code, and the forms incorporated have been fully revised and are no longer available. This rule is being simultaneously proposed for rescission and adoption under the same rule number, in part, to address these materials. The newly proposed rule will refer readers to rule 4501-7-01, the definitional rule for this chapter. Paragraph (SS) of rule 4501-7-01 addresses all materials incorporated in the chapter in full compliance with statute.

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:

The material incorporated by reference in this rule proposed for rescission includes agency forms. While these form(s) are commonly known and have been made generally available to affected persons via the driver training program website, this rule did not properly address the materials in compliance with sections 121.71 to 121.74 of the Revised Code, and the forms incorporated have been fully revised and are no longer available. This rule is being simultaneously proposed for rescission and adoption under the same rule number, in part, to address these materials. The newly proposed rule will refer readers to rule 4501-7-01, the definitional rule for this chapter. Paragraph (SS) of rule 4501-7-01 addresses all materials incorporated in the chapter in full compliance with statute.

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: **10/28/2014**

(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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The rescission of 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 the proposed rescission of this rule will result in any cost of compliance for the stakeholders.

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**

This rule is proposed for simultaneous rescission and adoption under this same rule number. However, 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**

This rule is proposed for simultaneous rescission and adoption under this same rule number. However, 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**

It is not anticipated that the proposed rescission of this rule will result in any cost of compliance for the stakeholders.