

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

Agency Name

Office of Criminal Justice Services

Division

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4501-7-25

Rule Number

AMENDMENT

TYPE of rule filing

Rule Title/Tag Line

**Application for and renewal of CDL school instructor and
training manager licenses.****RULE SUMMARY**

1. Is the rule being filed consistent with the requirements of the RC 119.032 review? **No**

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, 4508.03, 4508.04, 4508.05**

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

This rule is proposed to update cited references and to strike the option of using photographs maintained by the Bureau of Motor Vehicles in lieu of providing photographs at application to comply with Revised Code section 4507.53, and the Ohio and Federal Driver Privacy Protection Acts.

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 standards, requirements, and application process for the initial licensure and renewal of such license for CDL instructors. The rule identifies the types of criminal and traffic convictions that could result in an application denial or possible revocation of an existing instructor license. The proposed changes to this rule strike the reference to section 2929.11 of the Revised Code in paragraph (B); add "a conviction of any felony and any misdemeanor, other than a minor misdemeanor;" and delete the waiver for submitting photographs if the department can obtain the photograph for the instructor from records maintained by the bureau of motor vehicles.

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:

No. Section 121.75 of the Revised Code provides an exception to the provisions of sections 121.71 to 121.74 of the Revised Code for a text or other material, including, without limitation, generally accepted industry standards, that are generally available to persons who reasonably can be expected to be affected by the rule.

This rule incorporates the "Driver Training Instructor License Application," as well as "renewal requirements," "49 CFR 391.43," and "Digest of Motor Vehicle Laws," which are commonly known and considered industry standards for all Ohio licensed driver training schools. These materials are generally available to driver training enterprises, instructors, training managers, and authorizing officials, those who reasonably can be expected to be affected by the rule, via the Driver Training Program website or its database application.

Additionally, this rule addresses how the publication may be accessed by referring readers to rule 4501-7-01, the chapter's definitional rule, which provides the publication dates and availability of all materials incorporated in Chapter 4501-7.

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:

N/A

No. Section 121.75 of the Revised Code provides an exception to the provisions of sections 121.71 to 121.74 of the Revised Code for a text or other material, including, without limitation, generally accepted industry standards, that are generally available to persons who reasonably can be expected to be affected by the rule.

This rule incorporates the "Driver Training Instructor License Application," as well as "renewal requirements," "49 CFR 391.43," and "Digest of Motor Vehicle Laws," which are commonly known and considered industry standards for all Ohio licensed driver training schools. These materials are generally available to driver training enterprises, instructors, training managers, and authorizing officials, those who reasonably can be expected to be affected by the rule, via the Driver Training Program website or its database application.

Additionally, this rule addresses how the publication may be accessed by referring readers to rule 4501-7-01, the chapter's definitional rule, which provides the publication dates and availability of all materials incorporated in Chapter 4501-7.

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:

This rule is proposed for refiling to address agency forms that have been incorporated by reference. Specifically, an introductory paragraph was added to direct readers to rule 4501-7-01 of the Administrative Code for date of publication and availability for all materials referenced in the rule, and agency forms are now addressed with their specific titles throughout the rule.

12. 119.032 Rule Review Date: **10/8/2014**

(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.

0

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:

The cost of compliance of the proposed amendments includes the time and cost of obtaining photographs. It is estimated that the proposed amendment to paragraph (D) of 4501-7-25 will cost stakeholders approximately thirty minutes of time and between \$9 and \$12 to obtain the required photographs.

The estimated costs were provided by the following schools during the CSI process:

Provide the source(s) for any estimate(s) you noted: Kreigh Spahr (Cuyahoga Community College District), Aimee Napier (Napier Truck Driver Training, Inc.) and Doris Young (Great Lakes Truck Driving School, Inc.)

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**

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**

Chapter 4501-7 requires any person intending to operate a commercial driver training enterprise or engage in commercial driver training instruction to make application for a license prior to engaging in business.

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**

Penalties up to and including denial of application or revocation of license may be imposed if applicants fail to meet licensing requirements or licensees are convicted of specific criminal violations or violate the terms of Chapter 4501-7 of the Administrative Code.

C.) Does this rule require specific expenditures or the report of information as a condition of compliance? **Yes**

It is estimated that the proposed amendment to paragraph (D) of 4501-7-25 will cost stakeholders approximately thirty minutes of time and between \$9 and \$12 to obtain the required photographs.

The estimated costs were provided by the following schools during the CSI process:

Provide the source(s) for any estimate(s) you noted: Kreigh Spahr (Cuyahoga Community College District), Aimee Napier (Napier Truck Driver Training, Inc.) and Doris Young (Great Lakes Truck Driving School, Inc.)

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Rule Summary and Fiscal Analysis (Part B)

1. Does the Proposed rule have a fiscal effect on any of the following?

(a) School
Districts

(b) Counties

(c) Townships

(d) Municipal
Corporations

Yes

No

No

No

2. Please provide an estimate in dollars of the cost of compliance with the proposed rule for school districts, counties, townships, or municipal corporations. If you are unable to provide an estimate in dollars, please provide a written explanation of why it is not possible to provide such an estimate.

It is estimated that the proposed amendment to paragraph (D) of 4501-7-25 will cost stakeholders approximately thirty minutes of time and between \$9 and \$12 to obtain the required photographs.

3. If the proposed rule is the result of a federal requirement, does the proposed rule exceed the scope and intent of the federal requirement? **No**

4. If the proposed rule exceeds the minimum necessary federal requirement, please provide an estimate of, and justification for, the excess costs that exceed the cost of the federal requirement. In particular, please provide an estimate of the excess costs that exceed the cost of the federal requirement for (a) school districts, (b) counties, (c) townships, and (d) municipal corporations.

Not Applicable.

5. Please provide a comprehensive cost estimate for the proposed rule that includes the procedure and method used for calculating the cost of compliance. This comprehensive cost estimate should identify all of the major cost categories including, but not limited to, (a) personnel costs, (b) new equipment or other capital costs, (c) operating costs, and (d) any indirect central service costs.

It is estimated that the proposed amendment to paragraph (D) of 4501-7-25 will cost stakeholders approximately thirty minutes of time and between \$9 and \$12 to obtain the required photographs.

(a) Personnel Costs

0

(b) New Equipment or Other Capital Costs

0

(c) Operating Costs

0

(d) Any Indirect Central Service Costs

0

(e) Other Costs

0

6. Please provide a written explanation of the agency's and the local government's ability to pay for the new requirements imposed by the proposed rule.

The agency does not pay for the fees.

7. Please provide a statement on the proposed rule's impact on economic development.

According to the committee, the regulations for instructors in Ohio have lower costs than surrounding states. The colleges do not restrict the training to those enrolled in the college. This allows these specific programs to keep the cost to the consumer low. The cost associated with the drafted rule does not have so much an impact as to limit the growth. The programs divide the costs and return the remaining funds back into the program.