

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

Agency Name

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 for five year review (FYR)? **No**2. Are you proposing this rule as a result of recent legislation? **Yes**Bill Number: **HB53**General Assembly: **131**Sponsor: **Grossman**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: **4508.02**5. Statute(s) the rule, as filed, amplifies or implements: **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 being filed to implement statutory changes set forth in HB 53, 131st General Assembly.

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 requirements for the training of instructors for class "A" and class "B," and the application process for the initial and renewal licenses. The rule further requires a specialized training and application process for training managers. The comment addressing the incorporated references is proposed to update the paragraph from and rule reference from (SS) of rule 4501-7-01 to paragraph (A) of rule 4501-7-39. Paragraph (D)(2)(a) is proposed to correct the resident state to be that of the actual applicant. Paragraph (D)(6) is proposed as new to require all new prospective instructors to receive eight hours of department provided training.

Paragraph (E) is proposed as new to incorporate a probationary license period for all instructor applicants. The probationary period would require a specific assessment for each type of instructor. The proposal also includes an option for extending a probationary term.

Paragraph (H) is proposed to clarify that non-probationary licenses expire at the end of each calendar year. Paragraphs (M) and (O) are being amended to correct the citations within the rule.

Paragraphs (T) and (U) are being amended to include both probationary and non-probationary licenses under the disciplinary action.

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:

"Driver Training Instructor License Application," "Driver Training Personnel Physical Examination," "49 C.F.R. 391.43" and "Renewal Requirements." To comply with sections 121.71 to 121.74 of the Revised Code, this rule refers readers to 4501-7-39, which addresses the version/date of the material, as well as its availability. Paragraph (A) of rule 4501-7-39 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:

Unless otherwise noted, these materials, as feasible, are filed with this package as part of rule 4501-7-39. "Renewal Requirements" and "49 C.F.R. 391.43" are not being filed as part of this package. "Renewal Requirements" is a database application that is part of the Driver Training Program website, a program accessible to licensed schools, training managers, and instructors, or those who can reasonably be anticipated to be impacted by this rule, where information is electronically entered via an interface on the system. These materials are still addressed in rule 4501-7-39 providing full citation, date/version as appropriate, and availability. The "Driver Training Instructor License Application" and "Driver Training Personnel Physical Examination" will be published on the Ohio Driver Training website at <http://www.drivertraining.ohio.gov/instructors.htm>.

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:

No changes were made following the rules being put into To Be Refiled status, and holding an additional stakeholder meeting.

12. Five Year Review (FYR) Date: **9/16/2019**

(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 revenues.

5130.00

The agency receives approximately 205 instructor applications annually. The revenues are dependent upon the number of attendees for the basic instructor course provided by the department; therefore the total impact cannot be determined.

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:

The estimated costs of compliance for driver training instructors are outlined below.

Basic Instructor Course - Fee for course - \$25

Note: Although the rules do not require schools to pay for wages, travel and lodging, the schools may choose to pay for the amenities and training which may be as much as \$207 for the day.

Probationary assessment -

The time required to assess an instructor is based upon their type of license. Each assessment may take two to three hours to complete. Since the assessments will be completed during a normal working day there is no additional cost to performing the assessments.

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**

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. The rule also prohibits an instructor from providing training until they are trained and licensed in the class of motor vehicle in which they intend to train.

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? **Yes**

The estimated costs of compliance for driver training instructors are outlined below.

Basic Instructor Course - Fee for course - \$25

Note: Although the rules do not require schools to pay for wages, travel and lodging, the schools may choose to pay for the amenities and training which may be as much as \$207 per day.

Probationary assessment -

The time required to assess an instructor is based upon their type of license. Each assessment may take two to three hours to complete. Since the assessments will be completed during a normal working day, there is no additional cost to performing the assessments.