

**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

**lafirestone@dps.state.oh.us**

Email

**4501-7-28**

Rule Number

**NEW**

TYPE of rule filing

Rule Title/Tag Line

**Training required for the operation of commercial motor vehicles.****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? **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**

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. 119.032 review. This rule is proposed to replace existing rule 4501-7-28 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 number is simultaneously being proposed for rescission.

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 training and curriculum requirements for each CDL school. The rule addresses the number of hours to be provided and specific topics for the classroom, range and road training. The rule addresses the ratio of instructors to students when training on the range and the location of the instructor during road training. Changes to this new rule address materials incorporated by reference and separation of training for class "A" and class "B" commercial licenses. Paragraphs (J) and (K) are designated for curriculum requirements for class "A." Paragraphs (L) and (M) are designated for curriculum requirements for class "B" training. Additional changes include that a school may offer training in either classification or both. Language is clarified that instructors shall directly supervise the students, students shall only be taught by licensed instructors, and instructors shall only act under the authority and guidance of a licensed 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:

This rule incorporates "Code of Federal Regulations, Title 49, part 380," "Code of Federal Regulations, Title 49, part 383," "Code of Federal Regulations, Title 49, part 391," and "Code of Federal Regulations, Title 49, part 395." To comply with sections 121.71 to 121.74 of the Revised Code, these materials are fully addressed in paragraph (SS) of rule 4501-7-01, which provides full citation, date/version of the materials, and availability.

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:

Under R.C. Section 121.75, federal regulations are exempted from the provisions of R.C. section 121.71 to 121.74, as long as the material incorporated by reference is generally available and consists of a citation that will be intelligible to readers. To comply with R.C. section 121.75, this rule refers readers to 4501-7-01 for dates and availability of all material incorporated by reference including federal regulations.

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:

(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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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 estimated that this rule will not result in any costs of compliance for stakeholders.

The cost estimate was provided by the CDL rule review committee. Representatives for the CDL schools included Brian MacDonald (International Trucking School of Ohio), Jim Rosen (Apollo Truck Driving Academy), Larry Braham (TDDS Technical Institute), Kreigh Spahr (Capital Transportation and Action in Motion), Eddie Mullins (Southern State Community College), Michael Moscinski (Trainco, Inc.), Michael Lattavo (Big Rig Truck Driving School, Inc.), Tom Hicswa (Clark State Community College), and Charles Thompson (Clark State Community College).

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, 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**