Rule Summary and Fiscal Analysis
<u>Part A</u> - General Questions

Rule Number: 4501-7-28

Rule Type: New

Rule Title/Tagline: Training required for the operation of commercial motor vehicles.

Agency Name: Department of Public Safety

Division:

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I.   <u>Rule Summary</u>

1.   Is this a five year rule review? No

    A.   What is the rule's five year review date?

2.   Is this rule the result of recent legislation? No

3.   What statute is this rule being promulgated under? 119.03

4.   What statute(s) grant rule writing authority? 4508.02

5.   What statute(s) does the rule implement or amplify? 4508.02

6.   What are the reasons for proposing the rule?

This rule is being filed according to 106.03 ORC periodic rule review. The rule is being rescinded and re-adopted.

7.   Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.

The rule deals with training required for operation of commercial motor vehicle used in training.

8.   Does the rule incorporate material by reference? Yes

9. **If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.75, please explain the basis for the exemption and how an individual can find the referenced material.**

    The rule directs readers to rule 4501-7-39 that deals with all materials incorporated by reference for the chapter.

10. **If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.**

    Not Applicable

II.   Fiscal Analysis

11. **Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.**

    This will have no impact on revenues or expenditures.

    0.00

    Not applicable.

12. **What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?**

    Not applicable.

13. **Does the rule increase local government costs? (If yes, you must complete an RSFA Part B).** No

14. **Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C).** No

15. **If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.**

    Not applicable.

III. Common Sense Initiative (CSI) Questions

16. **Was this rule filed with the Common Sense Initiative Office?** Yes

17. **Does this rule have an adverse impact on business?** Yes

    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.

    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?** No

    D. **Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business of which it will apply or applies?** No

IV. <u>Regulatory Restrictions (This section only applies to agencies indicated in R.C. 121.95 (A))</u>

18. **Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95?** Yes

    A. **How many new regulatory restrictions do you propose adding?** 46

    Paragraph (A) - "...vehicles shall..."

    Paragraph (B) first sentence - "Students shall be..."

    Paragraph (B) second sentence - "...shall act only..."

    Paragraph (D) - "...shall be maintained..."

    Paragraph (E) first sentence "...shall ensure..."

Paragraph (H) last sentence - "...shall be used."

Paragraph (I) - "...highway shall be..."

Paragraph (J) last sentence - "...shall do at least..."

Paragraph (K) - "... is required to..."

Paragraph (L)(1) second sentence - "...curriculum shall..."

Paragraph (L)(2) second sentence - "...curriculum shall..."

Paragraph (L)(3) second sentence - "...curriculum shall..."

Paragraph (L)(4) second sentence - "...and shall..."

Paragraph (L)(5) second sentence - "...it shall..."

Paragraph (L)(5)(a) first sentence - "It shall be..."

Paragraph (L)(5)(b) - first sentence - "...shall be ..."

Paragraph (L)(5)(b)(i) stem - "(L)(5)(b)...: (i)..."

Paragraph (L)(5)(b)(ii) stem - "(L)(5)(b)...: (ii)..."

Paragraph (L)(5)(b)(iii) stem - "(L)(5)(b)...: (iii)..."

Paragraph (L)(5)(c) - first sentence - "Each student shall..."

Paragraph (L)(5)(c) - third sentence - "...student may not..."

Paragraph (L)(5)(c) - last sentence - "Students may not..."

Paragraph (L)(5)(d) first sentence - "..examination shall be..."

Paragraph (L)(5)(d)second sentence - "...shall be made..."

Paragraph (L)(5)(e) - "...given shall include..."

Paragraph (M) - "...training shall be..."

Paragraph (M)(1) first sentence - "...training shall be..."

Paragraph (M)(1) second sentence - "...shall be given..."

Paragraph (M)(1) third sentence - "..shall be given..."2x

Paragraph (M)(1) fifth sentence - "...shall determine..."

Paragraph (M)(1) sixth sentence - "...shall be taken..."

Paragraph (M)(1) last sentence - "...curriculum shall..."

Paragraph (M)(2) first sentence - "...training shall be..."

Paragraph (M)(2) second sentence - "...shall be given..."

Paragraph (M)(2) third sentence - "..shall be given..."2x

Paragraph (M)(2) fifth sentence - "...shall determine..."

Paragraph (M)(2) sixth sentence - "...shall be taken..."

Paragraph (M)(1) seventh sentence - "...credited shall..."

Paragraph (M)(2) last sentence - "...curriculum shall..."

Paragraph (M)(3) last sentence "...curriculum shall..."

Paragraph (M)(4) last sentence "...curriculum shall..."

Paragraph (M)(5) second sentnece - "It shall be..."

Paragraph (M)(5) last sentence - "...completion shall be..."

Paragraph (M)(5)(a) - "...instructor shall..."

Paragraph (M)(5)(b) first sentence - "...shall occur..."

Paragraph (M)(5)(b) second sentence - "...shall be,..."

B.   How many existing regulatory restrictions do you propose removing? 0