

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

Agency Name

Division

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4501-7-39

Rule Number

NEW

TYPE of rule filing

Rule Title/Tag Line

Incorporated by reference.**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**

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:

This rule provides the incorporated by reference materials found throughout the chapter.

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 provides a section [Paragraph (A)] to specifically address dates/versions and availability of all materials incorporated by reference in Chapter 4501-7 including the following: : "49 CFR 380," "49 CFR 383," "49 CFR 391," "49 CFR 395," "Certificates of Enrollment," "Certificate of Completion," "Certificate of Completion of an Online Driver Education Program," the "Examination Questions Test Bank," "Digest of Motor Vehicle Laws," "Driver Training Enterprise Application," "Driver Training Instructor License Application," "Driver Training Personnel Physical Examination," "Enterprise Closing Procedure Form," "Ohio Driver Training Curriculum," "Online Driver Education Security Assessment," "Renewal Requirements," "Motor Vehicle Inspection List," "Request for Duplicate Certificate," "Required Minimum Standards for Online Driver Education," and "Sexual Harassment Training."

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:

These materials are generally available to driver training enterprises, instructors, training manager, and authorizing officials, who are the persons most reasonably expected to be affected by Chapter 4501-7, upon written request submitted to the Driver Training Program Office or via the Driver Training Program website (<http://www.drivertraining.ohio.gov/>). Chapter 4501-7, upon written request submitted to the Driver Training Program Office or via the Driver Training Program website (<http://www.drivertraining.ohio.gov/>).

Unless otherwise indicated, these materials are being filed as part of this rule for the entire package.

"Certificates of Enrollment," "Certificates of Completion," the "Examination Questions Test Bank," "Sexual Harassment Training," "Renewal Requirements," and "49 CFR 380," "49 CFR 383," "49 CFR 391," "49 CFR 395," and "49 CFR 391.43" are not being filed as part of this package. The Certificates are numbered, tracked, and issued to driver training schools as purchased. The "Examination Test

Bank" is a database of questions from which exam questions are randomly selected as each test is administered. The "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, where information is electronically entered via an interface on the system.

The "Ohio Driver Training Curriculum" is available by request through the driver training program office.

Under R.C. Section 121.75, the Code of Federal Regulations is exempted from the provisions of R.C. 121.71 to 121.74, as long as the material incorporated by reference is generally available, consists of a citation that will be intelligible to readers, and provides readers with how the material may be accessed. This rule addresses all of these materials by providing full citations, the date/version of the materials as appropriate, as well as referring readers to where and how they may be accessed.

The "Digest of Motor Vehicle Laws" may be accessed through the Ohio Bureau of Motor Vehicle's website at <http://www.ohiobmv.gov/>.

The #Driver Training Enterprise Application,# #Enterprise Closing Procedure Form,# #Motor Vehicle Inspection List,# #Online Driver Education Security Assessment,# and #Request for Duplicate Certificate# may be accessed through the driver training program website at <http://www.drivertraining.ohio.gov/schools.htm>.

The Driver Training Instructor License Application# and #Driver Training Personnel Physical Examination# may be accessed through the driver training program website at <http://www.drivertraining.ohio.gov/instructors.htm>.

The #Required Minimum Standards for Online Driver Education# may be accessed through the driver training program website at <http://www.drivertraining.ohio.gov/>.

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.

0.00

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:

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:

It is estimated that this rule will not result in any costs of compliance for 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? **No**

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? **No**

While this rule does not specifically require a license or prior authorization to engage or operate a driver training school, it is a part of a package that does. Therefore, it is being filed as part of the whole package.

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? **No**

C.) Does this rule require specific expenditures or the report of information as a condition of compliance? **No**