

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 4501-8-05

Rule Type: Amendment

Rule Title/Tagline: Requirements for instructors, online instructors and adult training coordinators.

Agency Name: Department of Public Safety

Division:

Address: 1970 West Broad Street PO Box 182081 Columbus OH 43218-2081

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I. Rule Summary

1. Is this a five year rule review? Yes
 - A. What is the rule's five year review date? 6/7/2022
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, 4508.03, 4508.04, 4508.05
6. What are the reasons for proposing the rule?

This rule is being filed according to Section 106.03 ORC periodic rule review.

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

The rule deals with requirements for instructors, online instructors and adult training coordinators. An electronic payment option has been added. Modified to

require electronic pictures. Also amended to to require only one assessment for a probationary instructor to pass probation.

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 4501-8-21 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?**

Initial Instructor application - \$25 – applications are submitted electronically

Background checks – \$105

- state level \$25

- federal level \$80

- Driver Abstract - \$8.50

- Physical - \$80

Costs for training cannot be determined due to lack of response from stakeholders.

*Note – if the instructor is already licensed as a Class D instructor, there are no application fees or requirements for the background checks, abstract or physical to add the abbreviated adult course to the existing license.

The estimated time to put together an instructor application is two to three hours.

Instructor Renewal Fees

Renewal application - \$10

Driver abstract - \$8.50

Total cost to renew instructor's license - \$18.50

The estimated time to complete the renewal requirements is four to five hours depending upon the number of instructors employed through the school.

*Note – if the instructor is already licensed as a Class D instructor, there is only one renewal fee for the license as a whole.

Adult Coordinator – the adult coordinators currently licensed by the department are also Class D training managers, therefore; they were only required to take the 2-hour course to add the adult coordinator endorsement to the license. No additional fees or training is required. The 2-hour course is offered online and at no cost to the stakeholder.

Note: Although the rules do not require schools to pay for costs for wages, travel, and lodging, the school may choose to pay the cost. The costs for continuing education may increase, as well, to an estimated total of \$700 to \$1000. If the continuing education course is one hosted by the department, there are no fees for the actual course.

*Note – the department grants credit for courses taken for other licenses and applies it towards this portion of the license. Therefore, the costs are shared with the other programs this instructor is licensed for.

Disability Instructor Fees

Disability certification initial training course - \$350

Continuing education course required every three years - \$50

Note: Disability instructors working for a medically based hospital or rehabilitation facility are required to have a professional license. Additionally, the training required for such professional licenses require continuing education annually. Those courses are approved by the agency for credit.

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 to initially certify a disability instructor which may be as much as \$800. Likewise, the costs for continuing education may increase to an estimated total of \$550.

Instructor Continuing Education Fees

Continuing Education course required every three years - \$25 - \$50

Note: The agency will provide credit for the continuing education course if the instructor can provide proof of attendance at a professional conference or if the enterprise requires an in-service for all employees. The agency intends to hold continuing education courses throughout Ohio to assist in reducing the costs incurred by the businesses and individuals.

Although the rules do not require schools to pay for amenities, such as meals or lodging, the schools may choose to pay or pass the costs onto the individual.

Sexual Harassment Prevention Training*

The adverse impact for this requirement is only approximately fifteen minutes for an instructor to complete the online training. There will be no costs to take the online training.

The majority of the abbreviated adult instructors hold a Class D instructor or disability license. The department does not require duplicity of requirements for the instructors, including providing double the documents (physicals, abstracts, photos,) or fees. Credit is applied for continuing education across all of the programs held on one license. Therefore, the costs are shared with other programs.

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.**

The Driver Training Program Office fees are directed to the highway fund. However, the fund allows for the office and field staff to provide services for compliance and resources at no cost to the schools. This includes offering classes and continuing education courses for the instructors. The funding allows for the support for program reviews of schools to ensure they are providing the training required. The field staff also provide vehicle inspections for the vehicles to ensure safe operation while training students behind the wheel of vehicles. In addition, the funds provide for additional resources to be printed and provided to the schools to support curriculums.

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? Yes**

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- 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. Regulatory Restrictions (This section only applies to agencies indicated in R.C. 121.95 (A))

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? 7

Paragraph (A) new second sentence - "No authorizing... shall allow..."

Paragraph (A) new sentence - "Instructors shall maintain...."

Paragraph (C)(8) last sentence - "...shall be dated..."

New paragraph (H)(1)(a) - ..."endorsement shall..."

New paragraph (H)(1)(b) - "...instructor shall..."

New paragraph (H)(2)(a) - "...shall file..."

New paragraph (H)(2)(b) - "...shall show..."

- B. How many existing regulatory restrictions do you propose removing? 30

Paragraph (C) first sentence - "license shall submit...."

Paragraph (C)(1) stem - "shall include: (1)..."

Paragraph (C)(2) stem - "(C)... shall include: (2)..."

Paragraph (C)(2)(a) stem - "(C)(2) shall include: (a)..."

Paragraph (C)(2)(b) stem - "(C)(2) shall include: (b)..."

Paragraph (C)(3) stem - "(C)... shall include: (3)..."

Paragraph (C)(3) second sentence stricken language - "Photograph shall not be..."

Paragraph (C)(3) last sentence stricken language - "Photograph submitted electronically shall be..."

Paragraph (C)(6)(a) stem - "(C)(6) ... shall consist of: (a)..."

Paragraph (C)(6)(b) stem - "(C)(6) ... shall consist of: (b)..."

Paragraph (C)(6)(c) stem - "(C)(6) ... shall consist of: (c)..."

Paragraph (C)(6)(d) stem - "(C)(6) ... shall consist of: (d)..."

Old Paragraph (D) - "... training shall..."

Paragraph New (D) [old (E)] - "...director shall issue..."

Paragraph New (D)(1) [old (E)(1)] - "...license shall expire..."

Paragraph (E)(2)(a) stem - "(E)(2) ... shall include: (a) ..."

Paragraph (E)(2)(b) stem - "(E)(2) ... shall include: (b) ..."

Paragraph (E)(3)(a) stem - "(E)(3) ... shall include: (a) ..."

Paragraph (E)(3)(b) stem - "(E)(3) ... shall include: (b) ..."

Paragraph (F) - "...licenses shall expire..."

Paragraph (J)(2) last sentence - "the abstract must..."

Paragraph (J)(3) second sentence - "Photographs shall not..."

Paragraph (J)(3) last sentence - "electronically

Stricken paragraph (T) - "director shall..."

Stricken paragraph (T)(1) second sentence - "endorsement shall...."

Stricken Paragraph (T)(1)(a) - "application shall..."

Stricken Paragraph (T)(1)(b) - "instructor shall..."

Stricken Paragraph (T)(2) second sentence - "... shall file..."

Stricken Paragraph (T)(2)(a) - "application shall..."

Stricken Paragraph (T)(2)(b) - "instructor shall..."