

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

Agency Name

Division

Joseph Kirk

Contact

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

Agency Mailing Address (Plus Zip)

Phone

Fax

jakirk@dps.ohio.gov

Email

4501-8-05

Rule Number

NEW

TYPE of rule filing

Rule Title/Tag Line

Requirements for instructors, online instructors and adult training coordinators.**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 HB53, 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 an original instructor application. The rule requires specific documentation to be provided as part of the application process. The rule sets forth the expiration of the licenses and the requirements to renew the licenses. The rule further requires a specialized training and application process for adult training coordinators and instructor's teaching driver training to persons with a disability. The rule addresses traffic and criminal convictions that would disqualify a prospective instructor or already licensed instructor. Additionally, the rule sets forth requirements for continuing education.

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 the #Abbreviated Adult Driver Training Instructor License Application," #Driver Training Personnel Physical Examination,# "Renewal Requirements," #Sexual Harassment Training,# and the "Digest of Motor Vehicles." To comply with sections 121.71 to 121.74 of the Revised Code, this rule refers readers to 4501-8-21, which addresses the version/date of the material, as well as its availability. Paragraph (A) of rule 4501-8-21 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 4501-8-21. "Renewal Requirements" 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 coordinators, 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.

The "Sexual Harassment Training" is a training offered online through the agency's training campus. Access to the program is established through a username and password via the system.

These materials are still addressed in rule 4501-8-21 providing full citation, date/version as appropriate, and availability.

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:

The rule is being revise filed to correct a dating error on the public hearing notice.

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 decrease revenues.

25

The net impact is difficult to determine since the program is brand new, but revenues could go down by \$25.00 per instructor applicant.

14. Identify the appropriation (by line item etc.) that authorizes each expenditure necessitated by the proposed rule:

The expenditures are appropriated through the 7036 fund (Highway Transportation

Fund), ALI 761321 under Information and Education Operating.

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 include application fees for original applications and every other year for license renewals, background check fees and driver abstracts.

Original Instructor license application*

Driver Training Enterprise Application - \$25 per application fee

Background checks - \$65

Passport photos - \$15

Driver Abstract - \$8.50

Total cost for instructor application - \$113.50

Instructor renewal fee - \$10 per location application fee**

Driver Abstract - \$8.50

Passport Photos - \$15

Total cost for instructor renewal - \$33.50 per instructor

The cost for the original application fee does not apply for those already existing driver training instructors that operate under other licensed programs. Since the instructor would already be licensed, the application would be just used for adding a new type of training instead of a new license.

**The cost for the renewal application fee would be applied to one license. Should a driver training school operate more than one licensed driver training program, only one fee of \$10 would be applied.

The estimated time to gather all documents for the application, is approximately three hours. The estimated time to gather all documents need for the renewal portion is one hour.

Training -

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 \$144 for the day.

Additionally, the department does not intend to charge a fee for the online course that is currently being developed. The only costs incurred may be the instructor's wages for taking the online course, this is at the discretion of the school.

Schools will not incur training costs if an instructor applicant has a current and valid teaching degree issued through the Department of Education that includes training in driver education. Additionally, schools will not incur training costs if an instructor has been trained within the previous ten years and is able to provide proof of such training.

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.

The cost estimate was provided by a stakeholder committee.

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.

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 include application fees for original applications and every other year for license renewals, background check fees and driver abstracts.

Original Instructor license application*

Driver Training Enterprise Application - \$25 per application fee

Background checks - \$65

Passport photos - \$15

Driver Abstract - \$8.50

Total cost for instructor application - \$113.50

Instructor renewal fee - \$10 per location application fee**

Driver Abstract - \$8.50

Passport Photos - \$15

Total cost for instructor renewal - \$33.50 per instructor

The cost for the original application fee does not apply for those already existing driver training instructors that operate under other licensed programs. Since the instructor would already be licensed, the application would be just used for adding a new type of training instead of a new license.

**The cost for the renewal application fee would be applied to one license. Should a driver training school operate more than one licensed driver training program, only one fee of \$10 would be applied.

The estimated time to gather all documents for the application, is approximately three hours. The estimated time to gather all documents need for the renewal portion is one hour.

Training -

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 \$144 for the day.

Additionally, the department does not intend to charge a fee for the online course that is currently being developed. The only costs incurred may be the instructor's wages for taking the online course, this is at the discretion of the school.

Schools will not incur training costs if an instructor applicant has a current and valid teaching degree issued through the Department of Education that includes training in driver education. Additionally, schools will not incur training costs if an instructor has been trained within the previous ten years and is able to provide proof of such training.

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.

The cost estimate was provided by a stakeholder committee.