

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 4501-8-12

Rule Type: New

Rule Title/Tagline: Required Records.

Agency Name: Department of Public Safety

Division:

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I. Rule Summary

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, 4508.03
6. **What are the reasons for proposing the rule?**

The rule is being adopted to replace the previous rule that was rescinded.
7. **Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

The rule deals with required records.
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?**

The costs associated with creating and maintaining student and business records are estimated to be more time based. The cost for the paperwork itself is estimated to be \$3 per student for the entire file. The time associated with completing, reviewing and filing the student records is estimated to be one hour per student. The time to create the business files, including curriculum, instructor files, applications, and financial responsibility, is estimated to be one hour. For an enterprise that is closing, the time involved with completing and sending the closing form is estimated to be five minutes. An enterprise may scan and e-mail the form or fax the form to the agency. The cost analysis was provided by a committee consisting of current stakeholders of class D, disability, and online providers.

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? No

- 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? 19

Paragraph (A) - "... school shall maintain..."

Paragraph (A)(1) - penultimate sentence - "... record shall be kept..."

Paragraph (A)(1) - penultimate sentence - "... record shall be kept..." (2x)

Paragraph (B) - "... school shall maintain..."

Paragraph (B)1 second sentence - "...shall also be maintained..."

Paragraph (C) - "... shall also maintain..."

Paragraph (C)(1) second sentence - "... copy shall be made..."

Paragraph (E) first sentence - "shall be kept..."

Paragraph (E) third sentence - "shall be stored..."

Paragraph (E) fourth sentence - "shall make all..."

Paragraph (E) fifth sentence - "shall make all..."

Paragraph (E) last sentence sentence - "shall be furnished..."

Paragraph (F) - "... shall complete..."

Paragraph (G) - "No person shall falsify..."

Paragraph (H) first sentence - "... shall be stored..."

Paragraph (H) second sentence - "shall make all..."

Paragraph (H) third sentence - "shall make all..."

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

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

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