

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

Agency Name

Division

**Joseph Kirk**

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**4501-8-18**

Rule Number

**NEW**

TYPE of rule filing

Rule Title/Tag Line

**Inspections and investigations.****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, 4508.06**5. Statute(s) the rule, as filed, amplifies or implements: **4508.06**

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:

The proposed rule sets forth the department's authority to inspect and investigate the records, facilities, and vehicles of an abbreviated adult training course. The rule requires that the authorizing official or adult training coordinator provide access to the records, vehicles and facilities as established by the chapter. Furthermore, the rule sets forth the requirement for any electronic records kept by the enterprise to be made accessible for inspection or investigation.

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 response left blank because filer specified online that the rule does not incorporate a text or other material by reference.*

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:

*This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.*

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 increase expenditures.

39.68

It is estimated that the net impact will increase expenditures by \$39.68 per hour to review records and complete investigations. The department requires an information technology security consultant to review the reports generated by the online provider during an inspection or investigation. The fiscal year net impact of the department is difficult to determine. The inspection/investigation will be based on the amount of time field staff and /or security personnel will need to review specific information. Each inspection and investigation will vary depending on the specifics of the complaint and/or volume of records obtained and reviewed.

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:

This rule requires the schools to provide specific documentation and/or items related to the training for the purpose of an inspection and/or investigation. The specific documentation may include student records, instructor records, and other items such as vehicles, and facilities used for training. The time it takes a school to prepare for an inspection is between four and eight hours. This includes the time it requires to pull records from other sites, if they have more than one site, and to present all vehicles. The school would then be responsible for ensuring that all items requested are available for inspection at the main enterprise office. For an online driver education program, it may take between one and two hours to pull the

information together since it is available in electronic format. The online school would then be required to provide the department access to the data.

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? **No**

This rule, in and of itself, does not require prior authorization to engage in or operate a line of business; however, it is part of a filing package that does, as some provisions in Chapter 4501-8 require abbreviated adult driver training schools and online driver education programs to obtain and maintain the appropriate license or certificate prior to engaging in driver education and training, pursuant to sections 4508.03 and 4508.04 of the Revised Code.

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**

However, an administrative action including a fine up to revocation or denial of application may occur should the enterprise fail to comply with 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**

This rule requires the schools to provide specific documentation and/or items related to the training for the purpose of an inspection and/or investigation. The specific documentation may include student records, instructor records, and other items such as vehicles, and facilities used for training. The time it takes a school to prepare for an inspection is between four and eight hours. This includes the time it requires to pull records from other sites, if they have more than one site, and to

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