

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

Agency Name

Division

**Joseph Kirk**

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**4501-8-21**

Rule Number

**NEW**

TYPE of rule filing

Rule Title/Tag Line

**Incorporated materials.****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 4501-8 including the following: "24-Hour Affidavit," "Abbreviated Adult Course Curriculum," "Abbreviated Adult Driver Training Enterprise Application," "Abbreviated Adult Examination Questions Test Bank," "Certificates of Completion," "Certificate of Completion of an Online Adult Program," "Certificate of Classroom Completion," the "Digest of Motor Vehicle Laws," "Abbreviated Adult Driver Training Instructor License Application," "Driver Training Personnel Physical Examination," "Enterprise Closing Procedure Form," "Minimum Standards for an Online Abbreviated Adult Course," "Online Driver Education Security Assessment," "Renewal Requirements," "Motor Vehicle Inspection List," "Request for Duplicate Certificate," 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 4501-8, 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 Completion," "Certificate of Completion of an Online Adult Program," "Certificate of Classroom Completion," the "Abbreviated Adult Examination Questions Test Bank," "Sexual Harassment Training," and "Renewal Requirements," are not being filed as part of this package. The Certificates are numbered, tracked, and issued to driver training schools as purchased. The "Abbreviated Adult 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, adult training coordinators, and instructors, where information is electronically entered via an interface on the system. The "Abbreviated Adult Course Curriculum" is available by request through the driver training program office.

The "Digest of Motor Vehicle Laws" and "24-Hour Affidavit" are being filed with the rule.

The "Abbreviated Adult 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 "Abbreviated Adult 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 "Minimum Standards for Online Adult Program" 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:

The rule is being revised to update the materials incorporated by reference in paragraph (A)(1), "BMV 5789 24 Hour Affidavit". The form has been updated since the original filing. A dating error on the public hearing notice is also being corrected.

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? **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**

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**