

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

Agency Name

**Bureau of Motor Vehicles**

Division

**John Guldin**

Contact

**1970 West Broad St., Suite 531 P.O Box 182081  
Columbus OH 43218-2018**

Agency Mailing Address (Plus Zip)

**614-466-7014**

Phone

**614-752-6063**

Fax

**4501:1-1-40**

Rule Number

**NEW**

TYPE of rule filing

Rule Title/Tag Line

**Next of kin database.****RULE SUMMARY**

1. Is the rule being filed consistent with the requirements of the RC 119.032 review? **No**

2. Are you proposing this rule as a result of recent legislation? **Yes**

Bill Number: **HB392**General Assembly: **127**Sponsor: **Rep. J. McGregor**

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: **R.C. 4501.81**

5. Statute(s) the rule, as filed, amplifies or implements: **R.C. 4501.81**

6. State the reason(s) for proposing (i.e., why are you filing,) this rule:

This rule is being proposed to implement recently passed legislation which requires the Bureau of Motor Vehicles (BMV) to establish a next of kin database.

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 implements section 4501.81 of the Revised Code, which requires the

Bureau of Motor Vehicles (BMV) to establish a next of kin database. It is to be known as the Ohio next of kin database. The rule provides that an individual holding a valid Ohio driver's license, commercial driver's license, temporary instruction permit, motorcycle operator's license, motorized bicycle operator's license, or state identification shall be afforded the opportunity to list the name, address, telephone number, and relationship to the individual of one or two contact person(s) whom the individual wishes to be contacted if the individual is involved in a motor vehicle accident or emergency situation and the individual dies or is seriously injured or rendered unconscious and is unable to communicate with the contact person.

The enabling statute specifies that the database shall apply to individuals holding an Ohio driver's license, commercial driver's license, temporary instruction permit, or state identification card. Because the BMV also issues motorcycle operator's licenses and motorized bicycle operator's licenses, the registrar of motor vehicles determined that it is necessary to include them in order to implement this section. This authority is granted in the enabling statute.

This rule also provides the methods of applying for, and of making changes to, a listing of next of kin on the Ohio next of kin database and provides that the BMV may prescribe security requirements to protect the integrity of, and access to, the next of kin and contact person information.

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:

Section 121.76 of the Revised Code provides that the provisions of sections 121.71 to 121.75 of the Revised Code do not apply to the incorporation by reference of a statute in the Revised Code or of a rule in the Administrative Code.

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:

Section 121.76 of the Revised Code provides that the provisions of sections 121.71 to 121.75 of the Revised Code do not apply to the incorporation by reference of a statute in the Revised Code or of a rule in the Administrative Code.

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:

*Not Applicable.*

12. 119.032 Rule Review 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

Estimated one-time cost of not more than \$60,000 to program and implement the database. Funds will be available from BMV Fund (4W4), BMV's operating fund. No impact on agency budget.

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

Not Applicable. No additional appropriation was requested.

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:

There are no costs associated with providing contact information for inclusion in the Ohio next of kin database.

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**