

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

Agency Name

Division

Winston Ford

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4501:1-3-02

Rule Number

NEW

TYPE of rule filing

Rule Title/Tag Line

Used motor vehicle dealer training; curriculum and course provider requirements.**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: **SB245**General Assembly: **129**Sponsor: **Sens. Hughes, Beagle, Hite, Sawyer**

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. 4501.02, 4517.05, 4517.32**

5. Statute(s) the rule, as filed, amplifies or implements: **R.C. 4517.05**

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

This rule is proposed to implement recent changes to R.C. section 4517.05 as set forth in H.B. 245, 129th 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 sets forth the requirements for training providers to become authorized to offer used motor vehicle dealer training courses online or in traditional classroom settings, course curriculum content and instructional methods, as well as course administration.

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 "Training Course Provider Application," form "BMV 4326," (September, 2013) by reference. To comply with sections 121.71 to 121.74 of the Revised Code, this rule provides citation, date/version of the material, and addresses accessibility by referring readers to the dealer licensing website at <http://www.ohioautodealers.com> where the material is published.

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:

N/A. The material is being filed as part of this rule.

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:

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.

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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:

N/A

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 require any cost of compliance beyond the time required to develop the curriculum and administration of the used motor vehicle dealer training course as set forth in R.C. 4517.05.

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**

Yes, this rule sets forth the requirements that an entity must be approved by the Motor Vehicle Dealers Board as an authorized course provider for used motor vehicle dealer training prior to administering a training course.

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**

Yes, failure to comply with the requirements set forth in this rule may result in a denial of the training course provider application or a course provider renewal. Further, an issued authorization may be subject to disciplinary action, up to and including revocation.

C.) Does this rule require specific expenditures or the report of information as a condition of compliance? **Yes**

Yes, adverse impact may result in the form of the time needed for each authorized course provider to prepare and submit their curriculum, course schedules, and course offerings to the Motor Vehicle Dealers Board for pre-approval at the time of application.