

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

Agency Name

Bureau of Motor Vehicles

Division

Winston Ford

Contact

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4501:1-3-03

Rule Number

AMENDMENT

TYPE of rule filing

Rule Title/Tag Line

Sign required to identify place of business.**RULE SUMMARY**

1. Is the rule being filed consistent with the requirements of the RC 119.032 review? **Yes**

2. Are you proposing this rule as a result of recent legislation? **No**

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, 4517.32**

5. Statute(s) the rule, as filed, amplifies or implements: **R.C. 4501.02, 4517.03, 4517.04, 4517.05, 4517.06, 4517.07, 4517.08**

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

This rule is being filed according to a R.C. 119.032 review of Chapter 4501:1-3 of the Administrative Code.

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 requires each dealership to be equipped with a permanent sign that is properly maintained and prominently displayed and that identifies the name of the dealership, which is to be the same name in which the application was filed. It is proposed that paragraph (A) be amended to require the sign to be displayed at or near the entrance to the building, if the sign is not visible from the roadway. To enhance clarity, the structure of paragraph (A) was reorganized.

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 121.75 of the Revised Code provides an exception to the provisions of sections 121.71 to 121.74 of the Revised Code for a text or other material, including, without limitation, generally accepted industry standards, that are generally available to persons who reasonably can be expected to be affected by the rule.

This rule incorporates two agency forms, the "Used Motor Vehicle Dealer Application," as well as the "New Motor Vehicle Dealer Application, which are commonly known and considered industry standards for all Ohio motor vehicle dealers, who are the persons who reasonably can be expected to be affected by the rule. The applications are made available to them via the Ohio Auto Dealers website.

This rule provides readers with an understandable citation, including the date of the material, and addresses how the applications may be accessed by providing the Ohio Auto Dealers' website address.

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.

Section 121.75 of the Revised Code provides an exception to the provisions of sections 121.71 to 121.74 of the Revised Code for a text or other material, including, without limitation, generally accepted industry standards, that are

generally available to persons who reasonably can be expected to be affected by the rule.

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This rule provides readers with an understandable citation, including the date of the material, and addresses how the applications may be accessed by providing the Ohio Auto Dealers' website address.

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:

This rule is proposed for refiling to address agency forms that are incorporated by reference.

12. 119.032 Rule Review Date: **1/23/2013**

(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:

The cost of compliance for stakeholders will occur in the purchase of appropriate signage for the business, and if the dealership determines that the sign should not be erected at or near the dealership's entrance, costs for a second sign may be incurred. It is difficult to estimate these costs due to the wide variety of materials that may be used and the choice of manufacturers with whom a dealer may contract.

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**

All persons are required to be licensed prior to engaging in the business of motor vehicle sales.

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**

The motor vehicle dealer board may suspend or revoke any dealer license that is in violation of being in compliance as set forth in section 4517.03 of the Revised Code.

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

Yes, costs will be incurred for the purchase of signage materials that includes lettering of a minimum six inches high identifying the registered business name.