

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 4501:1-3-04
Rule Type: Amendment
Rule Title/Tagline: Dealer required to maintain records.
Agency Name: Department of Public Safety
Division: Bureau of Motor Vehicles
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I. Rule Summary

1. **Is this a five year rule review?** Yes
 - A. **What is the rule's five year review date?** 11/6/2017
2. **Is this rule the result of recent legislation?** No
3. **What statute is this rule being promulgated under?** 119.03
4. **What statute(s) grant rule writing authority?** 4517.32, 4501.02
5. **What statute(s) does the rule implement or amplify?** 4517.04, 4517.08, 4517.12, 4517.06, 4517.05

6. **What are the reasons for proposing the rule?**

The rule is being filed according to Chapter 106.03, ORC five year review.

7. **Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

The rule requires dealers to maintain all records for vehicles that have been purchased, leased, or sold. Amended language proposes in paragraph (A) for records to be provided in electronic or paper format, paragraph (C) all records are to be held for three years unless otherwise mandated by federal regulations, paragraph (D) requires

active license holders and inactive license holders to maintain the records as set by the requirements in paragraph (C), and in paragraph (E), all records shall be available for inspection within ten days of request.

8. **Does the rule incorporate material by reference? No**
9. **If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.71 to 121.76, please explain the basis for the exemption and how an individual can find the referenced material.**

Not Applicable

10. **If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.**

The rule is being revise filed to correct a CSI question.

II. Fiscal Analysis

11. **As a result of this proposed rule, please estimate the increase / decrease in revenues or expenditures affecting this agency, or the state generally, in the current biennium or future years. If the proposed rule is likely to have a different fiscal effect in future years, please describe the expected difference and operation.**

This will have no impact on revenues or expenditures.

0.00

Not applicable.

12. **What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?**

Licensees may expect minimal cost in the form of time and space needed to meet recordkeeping requirements set forth in this rule.

13. **Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No**
14. **Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No**

III. Common Sense Initiative (CSI) Questions

15. Was this rule filed with the Common Sense Initiative Office? Yes

16. Does this rule have an adverse impact on business? Yes

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? Yes

Failure to comply with the requirements set forth in this rule may result in denial of a renewal application or in administrative action up to and including revocation of an existing license. Further, in accordance with section 4517.99 of the Revised Code, unless otherwise specifically provided in Chapter 4517. of the Revised Code, whoever violates rules promulgated under sections 4517.01 to 4517.45 of the Revised Code is guilty of a misdemeanor of the fourth degree

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

This rule requires licensees to maintain specific records of all vehicles purchased, sold, and leased and make them accessible for inspection for a period of three years.