

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

Agency Name

**Bureau of Motor Vehicles**

Division

**Anne Vitale**

Contact

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**4501:1-3-32**

Rule Number

**AMENDMENT**

TYPE of rule filing

Rule Title/Tag Line

**Place of business required for motor vehicle leasing dealerships.****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: **4517.32**

5. Statute(s) the rule, as filed, amplifies or implements: **4517.02, 4517.03, 4517.06**

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

This filing is based on a R.C. 119.032 rule review of Ohio Administrative Code Chapter 4501-1. Proposed changes are to provide clarity and enhance consistency regarding required office space and telephone service as well as establish minimum required hours of operation to increase accessibility for motor vehicle leasing dealerships.

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 place of business requirements for motor vehicle leasing dealerships. Proposed change in paragraph (B) clarifies the requirement for a telephone and makes the requirements consistent for the different types of motor vehicle dealers in providing that the office shall have a landline telephone number (not a cellular phone) in service at all times, that is listed in the local telephone directory as, and is answered in the name of, the motor vehicle leasing dealership. This paragraph also clarifies that the required minimum square footage for office space refers to usable, interior office area excluding restroom, storage, or utility space. It also clarifies that the office area shall not be used as a storage or other utility area.

In paragraph (C) a change clarifies that required business hours are a minimum of thirty hours per week, at least six of which are to occur Monday through Friday from seven a.m. to five p.m.

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 response left blank because filer specified online that the rule does not incorporate a text or other material by reference.*

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:

*This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.*

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:

As a result of testimony given at the public hearing held on August 18, 2008, the Board reconsidered and made changes as follows. In the initial proposed changes, in paragraph (C), the minimum number of weekly business hours had been reduced from 30 to 20 hours per week, 10 of which were to occur from 9 AM to 5 PM Monday through Friday. In this revised rule, the minimum number of weekly business hours remains 30, 6 (rather than 10) of which are required to occur from 7 AM to 5 PM (rather than 9-5) Monday through Friday. Corresponding changes have been made to the responses to questions #7 and #15 in this rule summary and fiscal analysis.

12. 119.032 Rule Review Date: **11/14/2008**

(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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We do not anticipate that this rule filing will affect the agency budget.

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:

This rule filing clarifies requirements for office area, and makes more consistent requirements for an office telephone, and establishes minimum required weekly business hours. If landline service has been eliminated, costs may be incurred for reconnection. Additional costs would be incurred if a vehicle leasing dealership has current business hours that are less than 30 hours and/or that are less than 6 hours per week from 7:00 a.m. to five p.m. Monday through Friday. Costs could also be incurred if the office area requirements are not currently met.

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**