

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

Agency Name

Bureau of Motor Vehicles

Division

Anne Vitale

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4501:1-3-33

Rule Number

AMENDMENT

TYPE of rule filing

Rule Title/Tag Line

Place of business required for motor vehicle auction owner.**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: **4517.12, 4517.03, 4517.06**

5. Statute(s) the rule, as filed, amplifies or implements: **4517.02, 4517.03, 4517.07**

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 enhance clarity, access, and consistency regarding required office space and telephone service as well as establish minimum required hours of operation to increase accessibility for motor vehicle auction owners.

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 auction owners. Proposed change in paragraph (A) clarifies the requirements 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 auction owner.

Proposed change in paragraph (D) clarifies that the office be open for business a minimum of twenty hours per week, at least ten of which shall occur Monday through Friday from nine 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:

None. The only purpose for refiling this rule is to keep it with a package of six rules of OAC Chapter 4501:1-3 that were proposed for amendment November 14, 2008.

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 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 motor vehicle auction owner has current business hours that are less than 20 hours and/or that are less than 10 hours per week from 9:00 a.m. to five p.m. Monday through Friday.

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**

