

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 4501:1-3-36

Rule Type: Amendment

Rule Title/Tagline: Construction equipment auction license.

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?** 4517.17
5. **What statute(s) does the rule implement or amplify?** 4517.16, 4517.18, 4517.171, 4517.17
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.**

Specifies the required content of an application and established place of business to obtain a construction equipment auction license, including the specifications of their gross annual proceeds which shall be reported to the registrar on the thirtieth day of April. Reference to materials incorporated by reference have been updated.

8. **Does the rule incorporate material by reference? Yes**
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.**
The rule refers to new proposed rule 4501:1-3-38 which deals with incorporation by reference.
10. **If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.**

Not Applicable

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?**

Not applicable.

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? Yes**

The business must be a valid licensed construction equipment auction dealer.

- 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**

Whoever violates section 4517.18 of the Revised Code is guilty of a minor misdemeanor on a first offense and a misdemeanor of the fourth degree on subsequent offenses.

- C. Does this rule require specific expenditures or the report of information as a condition of compliance? No**