

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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4501:1-3-36

Rule Number

NEW

TYPE of rule filing

Rule Title/Tag Line

Construction equipment auction license.**RULE SUMMARY**

1. Is the rule being filed consistent with the requirements of the RC 119.032 review? **No**

2. Are you proposing this rule as a result of recent legislation? **Yes**

Bill Number: **HB114**General Assembly: **129**Sponsor: **McGregor**

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. 4517.17**

5. Statute(s) the rule, as filed, amplifies or implements: **R.C. 4517.16, R.C. 4517.17, R.C. 4517.171, R.C. 4517.18**

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

This rule is being filed to implement provisions of sections 4517.16, 4517.17, and 4517.18 of the Revised Code set forth by HB114 of the 129th General Assembly.

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 establishes information prescribed by the registrar for application for a construction equipment auction license and the annual report that is to be submitted by each approved construction equipment auction licensee.

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 three agency forms, the "Application for Construction Equipment Auction License," the "Construction Equipment Auction License AnnualReport," and a "Fingerprint Card," 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 publication date, and addresses how the forms 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.

This rule incorporates three agency forms, the "Application for Construction

Equipment Auction License," the "Construction Equipment Auction License Annual Report," and a "Fingerprint Card," 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 publication date, and addresses how the forms 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:

(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 increase revenues.

7500.00

This rule will increase revenues by \$7,500 per each construction equipment auction license issued.

14. Identify the appropriation (by line item etc.) that authorizes each expenditure necessitated by the proposed rule:

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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:

In addition to the statutorily prescribed fees for initial and renewal application and filing of an annual report set forth in sections 4517.17 and 4517.18 of the Revised Code, this rule requires the individual principals of the auction business to submit a criminal background report with the application. It is estimated that this report will cost less than fifty dollars per principal.

Estimate is an average of those costs provided by the Ohio Attorney General's community webcheck listings at

<http://www.ohioattorneygeneral.gov/Business/Services-for-Business/WebCheck/Webcheck-Comm>

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**

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? **Yes**

In addition to the statutorily prescribed fees for initial and renewal application and filing of an annual report set forth in sections 4517.17 and 4517.18 of the Revised Code, this rule requires the individual principals of the auction business to submit a criminal background report with application. It is estimated that this report will cost less than fifty dollars per principal.