

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 901:6-4-01

Rule Type: Amendment

Rule Title/Tagline: Device registration and permitting.

Agency Name: Department of Agriculture

Division: Weights and Measures

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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?** 8/9/2023
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?** 1327.501, 1327.50
5. **What statute(s) does the rule implement or amplify?** 1327.49, 1327.501
6. **Does the rule implement a federal law or rule in a manner that is more stringent or burdensome than the federal law or regulation requires?** No
 - A. **If so, what is the citation to the federal law or rule?** Not Applicable
7. **What are the reasons for proposing the rule?**

This rule is being updated as part of 5-year review, to reduce regulatory restrictive wording, and to provide clarification for easier interpretation.
8. **Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

Rule 901:6-4-01 sets for the requirements regarding device registration and permitting. This rule is being amended for clarification.

9. **Does the rule incorporate material by reference? No**
10. **If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.75, please explain the basis for the exemption and how an individual can find the referenced material.**

Not Applicable

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

Revised hearing notice to change the hearing date from September 12, 2023 to September 18, 2023.

08/18/2023 Updated hearing notice. Revised the date of the hearing from September 12, 2023 to September 18, 2023.

II. Fiscal Analysis

12. **Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.**

This will have no impact on revenues or expenditures.

0.00

Not Applicable

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

This rule is being updated as part of 5-year review, to reduce regulatory restrictive wording, and to provide clarification for easier interpretation. These updates do not add any new costs to applicable businesses.

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

- 16. If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.**

This rule references R.C. 1327.501 which imposes a \$75 annual permit fee for owners of certain commercial weighing and measuring devices in Ohio. The revenues from these fees fund our field testing program. Our field inspectors use very specialized equipment to perform testing of the permitted weighing and measuring devices such as vehicle scales, livestock scales, propane delivery truck meters, and fuel oil delivery truck meters. Testing the accuracy of these devices ensures equity in the marketplace which promotes fair competition between businesses and also ensures that consumers receive the proper amount of product.

III. Common Sense Initiative (CSI) Questions

- 17. Was this rule filed with the Common Sense Initiative Office? Yes**

- 18. Does this rule have an adverse impact on business? No**

- 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? No**

This rule does not define or impose a penalty for failure to comply. R.C. 1327.62 provides the agency with the authority to impose civil penalties for violation of this rule. Violations rarely reach the enforcement stage so long as the operator is willing to correct the violation and has no history of prior violations. First-time offenders are given 14 days to correct a problem, and should the issue not be resolved they are routinely offered settlements that are appropriate to the circumstances of the violation, and in almost all cases have their fines waived or settled for small fines.

- C. Does this rule require specific expenditures or the report of information as a condition of compliance? No**
- D. Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business of which it will apply or applies? No**

IV. Regulatory Restriction Requirements under S.B. 9. Note: This section only applies to agencies described in R.C. 121.95(A).

19. Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? Yes

A. How many new regulatory restrictions do you propose adding to this rule? 0

B. How many existing regulatory restrictions do you propose removing from this rule? 1

901:6-4-D removes the requirement that the director must afford an opportunity for a hearing in accordance with Chapter 119. of the Revised Code to any owner that is denied a permit under this rule and who requests such hearing.

C. If you are not removing existing regulatory restrictions from this rule, please list the rule number(s) from which you are removing restrictions.

D. Please justify the adoption of the new regulatory restriction(s).

Not Applicable