

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

Agency Name

**Enforcement and Compliance**

Division

**David E Miran**

Contact

**8995 East Main Street Reynoldsburg OH  
43068-0000**

Agency Mailing Address (Plus Zip)

**614-728-6390**

Phone

Fax

**david.miran@agri.ohio.gov**

Email

**901:8-2-05**

Rule Number

**AMENDMENT**

TYPE of rule filing

Rule Title/Tag Line

**License renewals and changes that require notification.****RULE SUMMARY**

1. Is the rule being filed for five year review (FYR)? **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: **4707.19**
5. Statute(s) the rule, as filed, amplifies or implements: **4707.07, 4707.071, 4707.072, 4707.073, 4707.074, 4707.08, 4707.09, 4707.10**
6. State the reason(s) for proposing (i.e., why are you filing,) this rule:

The rules in this package are being reviewed in accordance with the Five Year Rule review process. The rules in this package outline the regulations of the auctioneer profession in the state and have been reviewed by auctioneers across the state and the Ohio Auctioneer Commission which oversees the auction profession in the state.

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:

Rule 901:8-2-05 sets forth the procedure for renewing an already existing auctioneer license. The rule is being amended to make stylistic changes and to add limited liability companies to the list of business organizations required to submit a reapplication.

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. If applicable, indicate each specific paragraph of the rule that has been modified:

*Not Applicable.*

12. Five Year Review (FYR) Date: **4/10/2015**

(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.

\$0.00

not applicable

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:

According to section 4704.10 of the Revised Code, applicants for apprentice auctioneers and auction firms must annually pay a license fee of one hundred dollars. Additionally, auctioneers must pay a two hundred dollar license fee biennially. According to section 4704.08 of the Revised Code, each applicant for the auctioneer examination must pay a \$25 examination fee whereas all applicants for the apprentice examination must pay a \$15 examination fee in order to sit for the exam. The photographs required under this rule may be obtained at discount drug stores such as CVS or Walgreens for under \$12. Applicants may take these photos at home using their own camera for a lower cost. Examinees must travel to the Department's campus located at 8995 East Main Street, Reynoldsburg, Ohio for the test. This requires time and money for travel which will vary depending on where the examinee is coming from in the state. Auctioneer examinees must complete both a written and an oral examination to be granted a license. Apprentice auctioneer examinees and auction firm manager examinees must complete a written examination to be granted a license.

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? **No**

This rule outlines the process of obtaining an auctioneer license, whereas Ohio Revised Code section 4707.02 prohibits, with exceptions, any individual from acting as an auction firm, auctioneer, apprentice auctioneer, or special auctioneer within this state without a license issued by the department of agriculture.

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 levy any criminal or civil violations, however, violations of this rule may be subject to penalties outlined in 4707.99 of the Revised Code or 901:8-2-08 of the Administrative Code.

C.) Does this rule require specific expenditures or the report of information as a condition of compliance? **Yes**

According to section 4704.08 of the Revised Code, auctioneers must pay a two hundred dollar license fee biennially.