

## Rule Summary and Fiscal Analysis

### Part A - General Questions

**Rule Number:** 901:8-2-05

**Rule Type:** Amendment

**Rule Title/Tagline:** License renewals and changes that require notification.

**Agency Name:** Department of Agriculture

**Division:** Enforcement and Compliance

**Address:** 8995 E. Main Street Reynoldsburg OH 43068

**Contact:** Jacquelyn Rachelle Keller-Potvin **Phone:** 614-728-6430

**Email:** Jacquelyn.Keller-Potvin@agri.ohio.gov

#### I. Rule Summary

1. **Is this a five year rule review?** Yes
  - A. **What is the rule's five year review date?** 8/25/2020
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?** 4707.19
5. **What statute(s) does the rule implement or amplify?** 4707.07, 4707.071, 4707.072, 4707.073, 4707.074, 4707.08, 4707.09, 4707.10
6. **What are the reasons for proposing the rule?**

This rule is 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 and the Ohio Auctioneer Commission.
7. **Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

Rule 901:8-2-05 sets forth the procedure for renewing an already existing auctioneer license. The rule is being amended to remove duplicate requirements found in Revised Code and stylistic changes.

8. **Does the rule incorporate material by reference? No**
9. **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*

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. **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.

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

LLC's which undergo a change in controlling interest must pay either a \$100 or \$200 application fee with their new application to the Department. The application cost is dependent on the time in which they apply for their licensure. As the licensure is based on the state's biennium, those who apply early in the biennium will pay \$200 and those who pay towards the end of the biennium will pay \$100.

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**

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

Not Applicable.

### III. Common Sense Initiative (CSI) Questions

16. Was this rule filed with the Common Sense Initiative Office? Yes

17. 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

All licensed and apprentice auctioneers in the state of Ohio must have a license with 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

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

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- 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 Restrictions (This section only applies to agencies indicated in R.C. 121.95 (A))

18. 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? 0

**B. How many existing regulatory restrictions do you propose removing? 6**

901:8-2-05(A) The first restriction requires the licensee be notified prior to the expiration date of the license.

901:8-2-05(A) The second restriction requires the the licensee be provided an application.

901:8-2-05(A)(1) The restriction requires the licensee to complete the application.

901:8-2-05(A)(2) The restriction requires the department to mail a license to each person whose application has been approved.

901:8-2-05(C) The first restriction requires any sponsor that intends to terminate the sponsorship of an apprentice auctioneer to provide notice.

901:8-2-05(C) The second restriction requires the sponsor to return the apprentice license to the department.