

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

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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?** 11/30/2022
2. **Is this rule the result of recent legislation?** Yes
 - A. **If so, what is the bill number, General Assembly and Sponsor?** HB 321 - 134
- Darrell Kick
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, 4707.072, 4707.073, 4707.074, 4707.08, 4707.10
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?**

The Ohio Department of Agriculture along with the Ohio Auctioneer Commission has identified the following changes to the Ohio Administrative Code in response to House Bill 321 which went into effect on September 13, 2022.

- 8. 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 add the license renewal application via the eLicense website.

- 9. Does the rule incorporate material by reference? Yes**
- 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.**

Pursuant to section 121.75 of the Revised Code, the code sections incorporated into this rule are exempt from compliance with sections 121.71 to 121.74 of the Revised Code.

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

The statutory cites have been corrected.

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?**

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.

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.**

Not Applicable.

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? 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 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**

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.

- 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? 1

Paragraph (B)(2) New Restriction - "shall be responsible for contacting the department"

B. How many existing regulatory restrictions do you propose removing from this rule? 0

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

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

With the addition of the eLicensing portal, the Department is adding a new restriction requiring individuals who do not use the eLicensing portal to contact the Department for a renewal application.