

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 901:9-1-01

Rule Type: Amendment

Rule Title/Tagline: Amusement ride or device permit.

Agency Name: Department of Agriculture

Division: Fairs and Amusement Rides

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I. Rule Summary

1. **Is this a five year rule review?** No
 - A. **What is the rule's five year review date?** 1/7/2023
2. **Is this rule the result of recent legislation?** Yes
 - A. **If so, what is the bill number, General Assembly and Sponsor?** HB 189 - 133
- John Patterson
3. **What statute is this rule being promulgated under?** 119.03
4. **What statute(s) grant rule writing authority?** 1711.53
5. **What statute(s) does the rule implement or amplify?** 1711.53
6. **What are the reasons for proposing the rule?**

This rule supplements legislation enacted by the 133rd General Assembly. The rule was created to promote public safety and enhance amusement ride inspections.

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

This rule requires an amusement ride be operated only upon issuance of a permit pursuant to R.C. 1711.53. Further, the rule defines the process and requirements for the granting of the permit.

The amendment to the rule requires the owner of an amusement ride to submit a list of locations and dates where a portable ride was either stored for a period longer than thirty (30) days or operated outside of the state of Ohio.

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

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.

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

An explanation for the added regulatory restrictions has been added to question 18(a).

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.

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Agency's revenues will likely have no impact from the changes. While ODA could require additional inspections, inspection fees are established in statute, and would not all be charged. The impact to ODA's expenditures would be staff time for processing paperwork, any necessary enhancements to IT infrastructure/ARILS database for receiving and maintaining ride history documentation.

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

Cost for compliance for all persons affected by the rule would only amount to employee time to prepare ride history document. Ride owners already maintain

maintenance logs, so a slight modification to existing paperwork methods could be an acceptable means of compliance without additional costs.

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

Yes, all amusement rides and devices must undergo an inspection and obtain a permit prior to operating in the State of Ohio.

- 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

No, however; OAC 901:9-1-09 provides for civil penalties for violations of Administrative Code rules relative to amusement rides and devices.

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

The rule does not require specific expenditures but does require the report of information as a condition of compliance.

- 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

The rule is unlikely to reduce the revenue or increase the expenses of businesses because similar records are already required to be maintained, and could be easily modified to comply with the requirements of the rule.

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? 1

901:9-1-01(D)(1)(d) This regulatory restriction requires owners of portable rides to submit a list of all locations and dates where the portable ride was either stored for a period longer than 30 days or operated outside of the state of Ohio.

For the addition of this regulatory restriction, R.C. 121.95 is met with the removed restrictions in ERF package 188555. In this rule package, OAC 901:8-2-03 removes 7 restrictions, OAC 901:8-2-05 removes 6 restrictions, OAC 901:8-2-06 removes 2 restrictions, OAC 901:8-2-08 removes 1 restriction, OAC 901:8-2-09 removes 3 restrictions, and OAC 901:8-2-10 removes 5 restrictions.

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