

**NOTICE OF PUBLIC HEARING
OHIO DEPARTMENT OF PUBLIC SAFETY**

Date: October 24, 2014
Time: 10:00 a.m.
Location: Ohio Department of Transportation
1980 West Broad Street, Room GB
Columbus, Ohio 43223

The Ohio Department of Public Safety, Office of Criminal Justice Services (OCJS), will conduct a public hearing for the purpose of soliciting comments on the following rules proposed for amendment in Chapter 4501-7, "Commercial Driver Training Schools," of the Ohio Administrative Code (O.A.C.). These rules are being filed pursuant to a completed Revised Code (R.C.) 119.032 five-year rule review.

O.A.C. Chapter 4501-7 sets forth the requirements for the education and training of beginning drivers and commercial drivers, as well as the licensing of driver training schools, training managers, and instructors.

Proposed for amendment:

4501-7-01 (Definitions) provides the definitions of terms used throughout the chapter related to driver training enterprises and schools. Proposed changes define new terms and address new material incorporated by reference in O.A.C. Chapter 4501-7.

4501-7-02 (Place of business for class D and online license school and office) sets forth the business requirements for class "D" licensed driver training enterprises and online licensed schools. Proposed amendments require a class "D" enterprise to have an office in the same county or adjacent county to where the students' paper records are stored.

4501-7-03 (Character and fitness for class D and online license schools) sets forth character and fitness requirements for persons connected to a class "D" or online driver training enterprise. Proposed changes required annual physicals of each instructor and training manager, with the exception of online instructors.

4501-7-04 (Application and renewal for class D and online school licenses) sets forth the initial and renewal application requirements for an original class "D" driver training enterprise and online provider application. Proposed changes clarify existing requirements and add requirements for adding a new authorizing official to include an application and a current background check.

4501-7-05 (Application and renewal of licenses for instructors and training managers of class D and online license schools) sets forth the requirements for the training of instructors and online instructors and the application process for the initial and renewal licenses. Proposed amendments clarify background check requirements and format of supporting documents, address military applicants, update available training, and address materials incorporated by reference.

4501-7-06 (Qualifications for instructing persons with a disability for class "D" license schools) sets forth the requirements for specific training and endorsements for instructors and/or driver training enterprises to offer training to persons with disabilities. Proposed amendments clarify and update information regarding the issuance of certificates to students who complete classroom training through an online provider.

4501-7-09 (Driver education) sets forth classroom and online training requirements for students who are between the ages of fifteen and five months and seventeen years of age. Proposed amendments clarify that students shall correctly answer 75% of classroom examinations for a passing grade, define mitigating circumstances for the extension of the time for a student to complete the driver training course, and require training providers to use final examinations provided by the department.

4501-7-10 (Driver training in the operation of class D motor vehicles) sets forth behind-the-wheel training requirements for students who are between the ages of fifteen and five months and seventeen years of age. Proposed amendments establish minimum time limits for breaks and define mitigating circumstances for the extension of the time for a student to complete the driver training course.

4501-7-11 (Certificates) sets forth the requirements for printing and issuing certificates of enrollment and completion. Proposed amendments clarify the process and incorporate material by reference.

4501-7-12 (Class D and online license school training agreements) sets forth the requirement for each class "D" and online driver training school to establish a written agreement between the school and each student. Proposed amendments clarify the rule's intent and require online providers to utilize specific measures to ensure the identity of the parent or guardian of each student.

4501-7-13 (Records for online and class D licensed schools) sets forth recordkeeping requirements for class "D" and online driver training schools. Proposed amendments clarify the types of information to be collected and retained, set forth specific requirements for electronic records, and address materials incorporated by reference.

4501-7-14 (Vehicles used to train the operation of motor vehicles other than commercial motor vehicles) sets forth the requirements for equipment, markings and inspections for the motor vehicles used for training. Proposed amendments provide for clarification of signage on the vehicles and require schools to maintain specific records of vehicle inspections.

4501-7-20 (Inspections and investigations of class D and online license schools) sets forth the department's authority to inspect and investigate class "D" and online driver training schools. The proposed amendment further clarifies "information technology" infrastructure.

4501-7-21 (The director may take action against a license of a class D or online school, training manager, online instructor or instructor) establishes the director's authority to take action against an applicant or licensee and his or her rights under Chapter 119. of the Revised Code. The proposed amendment includes a licensee's failure to pay for fines imposed or services rendered by the department.

4501-7-22 (Place of business for a CDL school and office) sets forth place of business requirements for CDL driver training schools. Proposed amendments update language regarding location of student records.

4501-7-23 (Character and fitness for CDL schools) sets forth character and fitness requirements for persons connected to a CDL driver training school. Proposed changes required annual physicals of each instructor and training manager.

4501-7-25 (Application and renewal of CDL school instructor and training manager licenses) sets forth the requirements for the training of instructors, as well as initial and renewal application processes for CDL instructors and training managers. Proposed amendments clarify application processes, address military applicants, and require all instructors and training managers to complete a course on sexual harassment annually.

4501-7-29 (CDL school training agreements) sets forth the requirement for each CDL school to establish a written agreement between the enterprise and each student. A proposed amendment requires the school to identify the type of training and classification of vehicle within the training agreement.

4501-7-30 (CDL school records) sets forth recordkeeping requirements for CDL driver training schools. Proposed amendments clarify the types of information to be collected and retained, set forth specific requirements for electronic records, and address materials incorporated by reference.

4501-7-31 (Vehicles used to train in the operation of commercial motor vehicles) sets forth the requirements for equipment, markings and inspections for the commercial motor vehicles used for training. Proposed amendments exempt school buses that meet specific regulations from dual brake requirements and student driver signage, set forth specific inspection requirements for those buses being used as training vehicles, require the school to track vehicle inspections, and address materials incorporated by reference.

4501-7-35 (Prohibition of guarantees by a CDL license school) prohibits anyone associated with a driver training enterprise from guaranteeing that a student will pass the final examination or receive a license from the training provided. Proposed amendments address the vehicles as commercial vehicles.

4501-7-37 (The director may take action against a license of a CDL school, training manager, or instructor) establishes the director's authority to take action against an applicant or licensee and his or her rights under Chapter 119. of the Revised Code. The proposed amendment includes a licensee's failure to pay for fines imposed or services rendered by the department.

The following rules are proposed for simultaneous rescission and adoption under the same rule number due to the Legislative Service Commission's fifty percent rulemaking guideline, as it is estimated that more than fifty percent of the rule has been changed.

4501-7-24 (Application for and renewal of a CDL school license) sets forth initial licensing and renewal application requirements. Proposed changes in the new rule reorganize the application process to mirror that of class "D" and online driver training schools, require background checks for all owners and authorizing officials of a CDL school, and require a fire inspection and building use agreement for each school location.

4501-7-28 (Training required for the operation of commercial motor vehicles) sets forth the training and curriculum requirements for CDL driver training schools. Proposed changes in the new rule address material incorporated by reference, reorganize content, clarify requirements for supervision of students, and allow CDL driver training schools to offer training in both CDL classifications.

Any persons affected by the proposed adoption of these rules may appear at the hearing and be heard in person, or by an attorney, or both, or may present their position, argument, or contention in writing. Persons may offer and examine witnesses and present evidence to show that the proposed rules will be unreasonable or unlawful if enacted.

The proposed rules may be accessed electronically via the Division of OCJS' website at http://publicsafety.ohio.gov/cjs_rules_notices.stm. Questions and/or public comments regarding the proposed rules may be addressed to Driver Training Program Manager Valerie Luptak at (614) 466-3524.