

NOTIFICATION OF PUBLIC HEARING

Notice of hearing to
amend Rules 4501-7-01, -02, -03, -04, -05, -06, -07, -08, -10,
-12, -13, -14, -16, -17, -18, -19, -20, and -21,
to rescind Rules 4501-7-09, -11, and -15, and
to adopt new Rules 4501-7-22, -23, -24, -25, -26, -27, -28, -29, -30,
-31, -32, -33, -34, -35, -36, and -37
of the Ohio Administrative Code in accordance with
Chapter 119. of the Ohio Revised Code

Notice is hereby given that a hearing will be held by the Ohio Department of Public Safety for the purpose of considering adoption, amendment, and rescission of the above-listed administrative rules.

As authorized in Section 4508.02 of the Ohio Revised Code and based on a review of Chapter 4501-7 of the Administrative Code, the Department of Public Safety proposes to amend Rules 4501-7-01, -02, -03, -04, -05, -06, -07, 08, -10, -12, -13, -14, -16, -17, -18, -19, -20, and -21, to rescind Rules 4501-7-09, -11, and -15, and to adopt new Rules 4501-7-22, -23, -24, -25, -26, -27, -28, -29, -30, -31, -32, -33, -34, -35, -36, and -37 of the Ohio Administrative Code.

These rules govern classroom driving instruction and behind-the-wheel driving instruction pertaining to operation of motor vehicles for class "D" operator's licenses and class "A", "B", and "C" commercial driver licenses. For purposes of clarification and ease of use, proposals for amendment, rescission, and adoption of new rules reflect a rule reorganization of Chapter 4501-7 of the Revised Code that separates provisions applicable to class "D" license schools from provisions applicable to commercial driver license (CDL) schools. (Currently many of these provisions are combined.)

In addition to changes to reflect the reorganization of Chapter 4501-7 of the Administrative Code, proposed changes include expansion of rule titles to enhance rule content descriptions, correction of typographical errors, restructuring of rules to enhance clarity and readability, clarification of rule language including updating of language and procedures to reflect online issuance of certification, updating of procedures for scheduling of Highway Patrol inspection of training school vehicles, revision of required time frames for inspection of class "D" motor vehicles (biennially rather than annually), and adding definitions for terms applicable in Chapter 4501-7 of the Administrative Code.

Proposed changes also include enhancing and clarifying rule language such as provisions covering application requirements for a training manager whose license has been revoked, requirements for authorizing officials to maintain records of training manager and instructor behavior problems that give good cause to believe the person could be physically or mentally unfit, and records of disciplinary actions taken to correct such behavior, clarification that for students with documented, mitigating circumstances, schools are permitted to work with them beyond the maximum contract period, clarification that breaks must be provided at required intervals, clarification that students are required to correctly

answer at least 76% of the final examination questions, clarification that students have an opportunity to re-take a failed examination and of requirements for the exam, clarification that instructors are required to wear identification cards during behind-the-wheel instruction, clarification of the required positioning of an instructor during student operation of a motor vehicle on a range, clarification of prohibitions against behavior that can cause unreasonable distraction during behind-the-wheel instruction, clarification regarding requirements for a beginning driver's first hour of behind-the-wheel instruction, clarification that instructor candidates with a minimum of 32 hours of training can teach up to 2 hours of behind-the-wheel instruction for one student while the training manager supervises from the back seat, with regard to CDL schools, the addition of classroom curriculum on the topic of emerging commercial motor vehicle safety technologies, inclusion of a minimum of 10 extra hours of behind-the-wheel instruction on streets and highways with normal traffic and a corresponding decrease by 10 hours in the current 20 hours of required on-highway or off-highway behind-the-wheel instruction, and replacement of language providing that a maximum of 2 hours of pre-trip and/or post-trip instruction be credited to behind-the-wheel on-highway or off-highway training with language requiring that a pre-trip be conducted with each change of drivers.

Changes include clarification that schools have the right to include language in their contracts providing that they may deny training per their discretion, clarification that a training agreement be provided to the student, or to a parent or legal guardian if the student is under 18, on the day it is executed, clarification that inspections and investigations may include, but are not limited to, inspecting and investigating any and all records, facilities, classroom instruction, behind-the-wheel instruction, and vehicles for behind-the-wheel instruction, clarification regarding required signatures for behind-the-wheel sessions, clarification of record keeping requirements for instructor teaching, and reorganization and clarification of language to require that records of training of instructors and training managers be kept for three years.

A public hearing on the proposed rules will be held Thursday May 7, 2009 at 10:00 a.m. in room 134 (first floor) of the Charles D. Shipley Building, Ohio Department of Public Safety, 1970 West Broad Street, Columbus, Ohio.

Either written or oral testimony will be received at the hearing. Additionally, written comments received at the address below before the hearing will be treated as testimony.

Requests for a copy of the proposed rules or comments on them should be submitted in person or by mail to the following address: Office of Legal Services, Ohio Department of Public Safety, 1970 West Broad Street, Suite 531, P.O. Box 182081, Columbus, Ohio 43218-2081, Telephone: (614) 466-7014.