

**Guide to Rule-making
at the
Ohio Department of Public Safety**

I. Introduction

This Guide provides a general overview of the rule-making process followed by the Ohio Department of Public Safety (ODPS). The purpose of this Guide is to assist members of the public who participate, or who may wish to participate, in the rule-making process.

II. Regulatory Mission of ODPS

The mission of ODPS is to save lives, reduce injuries and economic loss, administer Ohio's motor vehicle laws, and preserve the safety and well being of all Ohio citizens with the most cost-effective and service-oriented methods available.

Ohio law provides ODPS with regulatory responsibility in the following broad areas:

- Administration and enforcement of motor vehicle laws regarding titling, registration, licensing, sale, and operation;
- Administration of trauma and emergency medical services laws and rules;
- Enforcement of liquor laws and rules pertaining to retail liquor permit holders, as well as conducting investigations related to the administration of State food stamp programs;
- Administration and enforcement of emergency management services laws, duties, and responsibilities;
- Enforcement of Ohio's motor vehicle and traffic laws and investigation of criminal activities on Ohio's roadways and on state-owned or leased property;
- Coordination of all homeland security activities of all state agencies and serving as a liaison between state agencies and local entities for those activities and related purposes, and administration and enforcement of laws regarding private investigators and security providers;
- Administration of criminal justice services laws and funds.

III. ODPS Organization

ODPS is divided into eight (8) divisions, each of which is responsible for the development and enforcement of the administrative rules falling within its area of responsibility. The eight divisions are listed below with a brief description of their primary areas of responsibility.

A. Administration

The Administration Division is responsible for the compilation, analysis, and publication of statistics on motor vehicle accidents and causes; educational programs to promote traffic safety; conducting research and studies promoting

safety on Ohio's highways; and overseeing the rule-making process for the other divisions of ODPS.

B. Bureau of Motor Vehicles

The Bureau of Motor Vehicles (BMV) is responsible for the administration and enforcement of motor vehicle laws regarding registration, titling, licensing, sale, and operation of vehicles.

C. Criminal Justice Services

The Division of Criminal Justice Services is responsible for the coordination of criminal justice planning for the state. The Division provides research, technology, grants administration, and programmatic initiatives in its work with agencies and communities committed to reducing and preventing crime in Ohio.

D. Emergency Management Agency

The Emergency Management Agency (EMA) is responsible for the administration and enforcement of emergency management services laws, duties, and responsibilities. As such, EMA is the central point of coordination in Ohio for response to, and recovery from, disasters.

E. Emergency Medical Services

The Emergency Medical Services (EMS) division is responsible for the administration of trauma and emergency medical services laws and rules. Division staff work in conjunction with the State Board of Emergency Medical Services on EMS-related issues.

F. Homeland Security

The Homeland security division is responsible for coordination of homeland security activities of all state agencies and acts as a liaison between state agencies and local entities for those activities and related purposes. The division is also responsible for administration and enforcement of the laws regarding private investigators and security service providers.

G. Investigative Unit

The Investigative Unit is responsible for the enforcement of Ohio liquor laws and rules pertaining to retail liquor permit holders. The Unit's enforcement agents work in conjunction with the Ohio Liquor Control Commission on liquor law-related issues. The Unit's enforcement agents also assist the Ohio Department of Human Services in the administration of food stamp programs by conducting food stamp-related investigations.

H. State Highway Patrol

The State Highway Patrol is responsible for enforcement of Ohio's motor vehicle and traffic laws on the State's highways. The Patrol also investigates criminal activities on public roadways and state owned or leased property and provides executive protection for the Governor and others as directed by the Governor. The division also provides highway safety education for the public and other law enforcement agencies.

IV. ODPS Rule-making Authority

ODPS is authorized to promulgate (adopt, amend, and/or rescind) the administrative rules necessary to carry out its duties and responsibilities as outlined in Ohio laws. ODPS' duties and responsibilities are generally addressed in the following provisions of the Ohio Revised Code:

- Title 45 (motor vehicle laws and the creation of the Emergency Medical Services Division)
- Chapter 4749 (Private Investigation)
- Chapter 4765 (Emergency Medical Services)
- Chapter 5502 (Department of Public Safety)
- Chapter 5503 (State Highway Patrol)

V. ODPS Rule-making Process

A. Rule Source: Generally, new rules are promulgated as a result of the passage of new laws by the Ohio legislature and changes to existing rules are promulgated as a result of necessary changes in the way in which the subject area must be regulated. The rule-making process is the same for both new rules and changes to existing rules; ODPS uses both an internal and external process as described below.

B. Internal Process:

1. Each division must obtain prior approval from the Director whenever a change in policy is necessary.
2. Each division works in conjunction with its assigned legal counsel to draft its rules based on new laws or changes in the way in which a subject area must be regulated; the division also prepares the rule summary and fiscal analysis form that must be filed with a proposed new or amended administrative rule.
3. The draft is then submitted to the division's assigned legal counsel for review and approval.

4. Once the assigned legal counsel has reviewed and approved it, the proposed new or amended administrative rule is submitted to the Director for final approval.

C. External Process:

1. The division responsible for the rule handles the external process in conjunction with the division's assigned legal counsel and the ODPS rules coordinator.
2. The division seeks comments from interested parties.
3. The division and its legal counsel evaluate comments received from interested parties.
4. The ODPS rules coordinator files the proposed rule, notice, and accompanying rule summary and fiscal analysis with the Joint Committee on Agency Rule Review (JCARR), the Legislative Service Commission (LSC), the Secretary of State and other agencies, as required.
5. At least thirty (30) days before a scheduled hearing on the proposed rule, ODPS provides notice of its intention to adopt the rule in the Register of Ohio, which is published by the Legislative Service Commission.
6. A public hearing is conducted the thirty-first to fortieth (31-40) day after the proposed rule filing.
7. The division and its legal counsel evaluate information received at the public hearing for possible rule amendment or withdrawal.
8. A division representative and the division's legal counsel attend the JCARR hearing to address any questions or concerns raised by committee members or witnesses who testify or submit written comments.
9. The ODPS rules coordinator files the final rule with JCARR, LSC and the Secretary of State.

VI. Public Participation

ODPS encourages members of the public to participate in its rule-making process. The opportunities for participation vary depending upon the rule-making directions and time limits established in the relevant laws passed by the Ohio Legislature. Opportunities may include some or all of the following:

- Interested party review and comments: The division responsible for the rule may invite public review and comment upon a draft proposed rule, depending upon the time and substantive limitations contained in the relevant Ohio law.
- Public hearing: The public is invited to attend the public hearing conducted on a proposed rule and offer comments. The public also may submit written comments.
- JCARR hearing: The public is invited to attend the JCARR hearing and may offer comments on a proposed rule. The public also may submit written comments.

VII. Department contacts

The Legal Services Office oversees much of the Department's administrative rule-making process. Questions, concerns or comments regarding the general rule-making process, or a particular rule filing, may be directed to:

Office of Legal Services
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1970 W. Broad Street, Suite 531
P.O. Box 182081
Columbus, Ohio 43218-2081
(PH) 614/466-7014
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