

**MEMORANDUM**

**TO:** Pamela Watkins, Rules Administrator, Ohio Department of Public Safety

**FROM:** Paula Steele, Regulatory Policy Advocate

**DATE:** November 19, 2012

**RE:** **CSI Review – Transportation of Pupils (OAC Chapter 4501:1-3)**

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On behalf of Lt. Governor Mary Taylor, and pursuant to the authority granted to the Common Sense Initiative (CSI) Office under Ohio Revised Code (ORC) section 107.54, the CSI Office has reviewed the abovementioned administrative rule package and associated Business Impact Analysis (BIA). This memo represents the CSI Office's comments to the Agency as provided for in ORC 107.54.

**Analysis**

The Ohio Department of Public Safety has submitted a rule package consisting of 17 proposed rules, all of which are existing rules being reviewed under the five-year review requirement of ORC 119.032. Of these rules, two (Ohio Administrative Codes (OAC) 4501-1-05 and 4501-1-08) are being proposed with minor amendments to update OAC references, and the others are being proposed with no changes. The chapter fulfills the requirements of ORC 4511.76 which requires the Department to adopt and enforce rules relating to the issuance of licenses to those who provide transportation to students. The proposed rules outline the licensing and operations requirements of those non-exempt persons providing transportation to and from school functions. The rule package was filed with the CSI Office on October 12, 2012 with a public comment period ending on October 28, 2012. There were no comments received during the public comment period.

The intent of the proposed regulation is to ensure the safety and protection of students while being transported. For example, the rules require a person wishing to transport pupils to be licensed by the Department. In order to be licensed, the applicant must submit a criminal background report at the time of application and every two years after that. In addition, a licensee must hold certain

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levels of insurance coverage, maintain performance bonds, and must meet the physical and mental qualifications required by the Ohio Department of Education in OAC 3301-83-23.

According to the Department's BIA submitted with the rule package, the Department sent out a survey to a sample group of stakeholders who are impacted by the proposed rules. There was no input or feedback provided by the stakeholder group.

The Department identified the adverse impacts to businesses from the proposed rules as background checks and medical exams for the drivers, pre-service training, and annual insurance per school bus. These impacts to business are justified as they are a reasonable and effective means of providing for safe transportation of pupils.

### **Recommendations**

For the reasons discussed above, the CSI Office does not have any recommendations for this rule package.

### **Conclusion**

Based on the above comments, the CSI Office concludes that the Department of Public Safety should proceed with the formal filing of this rule package with the Joint Committee on Agency Rule Review.

cc: Mark Hamlin, Lt. Governor's Office