

# CSI - Ohio

## The Common Sense Initiative

### Business Impact Analysis

Agency Name: Ohio Department of Public Safety

Regulation/Package Title: 4501-7

Rule Number(s): 4501-7-23 and 4501-7-25

Date: 1/31/2013

**Rule Type:**

☐ New

☒ Amended

☐ 5-Year Review

☐ Rescinded

The Common Sense Initiative was established by Executive Order 2011-01K and placed within the Office of the Lieutenant Governor. Under the CSI Initiative, agencies should balance the critical objectives of all regulations with the costs of compliance by the regulated parties. Agencies should promote transparency, consistency, predictability, and flexibility in regulatory activities. Agencies should prioritize compliance over punishment, and to that end, should utilize plain language in the development of regulations.

### **Regulatory Intent**

1. Please briefly describe the draft regulation in plain language.

Please include the key provisions of the regulation as well as any proposed amendments.

The rules set forth the requirements for licensing of commercial/ trucking driver training schools and instructors. The rule has been filed to change incorrectly statutes cited within the rule and to remove the ability to pull photographs of instructors from the BMV

77 SOUTH HIGH STREET | 30TH FLOOR | COLUMBUS, OHIO 43215-6117

[CSIOhio@governor.ohio.gov](mailto:CSIOhio@governor.ohio.gov)

database. The rules set forth the training requirements, character and fitness, and application processes for instructor and training manager licenses.

2. Please list the Ohio statute authorizing the Agency to adopt this regulation. 4508.02
3. Does the regulation implement a federal requirement? Is the proposed regulation being adopted or amended to enable the state to obtain or maintain approval to administer and enforce a federal law or to participate in a federal program?

No

4. If the regulation includes provisions not specifically required by the federal government, please explain the rationale for exceeding the federal requirement.

n/a

5. What is the public purpose for this regulation (i.e., why does the Agency feel that there needs to be any regulation in this area at all)?

*It is the agency's responsibility and statutory authority to license instructors and set standards for those training the public in the operation of commercial motor vehicles. Commercial motor vehicle licensed drivers pose an additional risk to the other drivers on the roadways. Therefore specialized training for safe driving practices is required for the type of vehicles and loads these vehicles may be carrying. Setting the standards and requirements for those teaching these specialized trainings need to be specific to ensure the training is thorough.*

6. How will the Agency measure the success of this regulation in terms of outputs and/or outcomes?

The agency will measure the success of the regulation through the reduced administrative hearings, reduced number of investigations and increased number of applications for quality schools and instructors.

### **Development of the Regulation**

7. Please list the stakeholders included by the Agency in the development or initial review of the draft regulation.

Kreigh Spahr ( Cuyahoga Community College), Aimee Napier (Napier Truck Driver Training, Inc.) and Doris Young (Great Lakes Truck Driving School Inc.).

8. What input was provided by the stakeholders, and how did that input affect the draft regulation being proposed by the Agency?

The input from stakeholders(as listed above in #7) allowed for further clarification of necessary development of standards and financial responsibilities the drafted language has

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on the businesses. The CDL committee indicated the fees and requirements as drafted were not as stringent as other neighboring states. The stakeholders identified the financial and business impact of the regulations and requirements for documents and training.

**9. What scientific data was used to develop the rule or the measurable outcomes of the rule? How does this data support the regulation being proposed?**

n/a

**10. What alternative regulations (or specific provisions within the regulation) did the Agency consider, and why did it determine that these alternatives were not appropriate? If none, why didn't the Agency consider regulatory alternatives?**

The agency did not consider alternative regulations. The committee stated the regulations set forth by Ohio are not as stringent as other states in which they were licensed to operate.

**11. Did the Agency specifically consider a performance-based regulation? Please explain.**

The Driver Training Program allows the schools to decide how to train, when to train the specific topics and whether or not the instructor candidate is ready to be licensed. However, at the point of application and supporting documents, the Driver Training Program requires specific documents.

**12. What measures did the Agency take to ensure that this regulation does not duplicate an existing Ohio regulation?**

The Commercial driving schools are also subject to Public Utilities Commission of Ohio(PUCO) regulations. The agency's regulatory authority pertains to training while the jurisdiction of PUCO regulates the motor carrier portion of the business. Therefore, there is no overlap in the regulations.

**13. Please describe the Agency's plan for implementation of the regulation, including any measures to ensure that the regulation is applied consistently and predictably for the regulated community.**

The Driver Training Program will provide training for those reviewing applications to ensure a common course of action is taken for each application. The agency will also continue with the policy of communicating with the schools and instructors of the expectations for each application. The amendments in these two proposed rules are minor changes.

### **Adverse Impact to Business**

**14. Provide a summary of the estimated cost of compliance with the rule. Specifically, please do the following:**

a. **Identify the scope of the impacted business community;**

There are currently at least 20 commercial driver training locations in Ohio.

b. **Identify the nature of the adverse impact (e.g., license fees, fines, employer time for compliance);**

The adverse impact of the proposed amendments includes the time and cost of obtaining photographs. The agency recognizes that other adverse impact exists in the rules, but for the purpose of this filing, only the adverse impact resulting from the proposed *amendments is being addressed. The full extent of the rules' adverse impact* will be addressed during their regularly scheduled five-year rule review on October, 8, 2014.

c. **Quantify the expected adverse impact from the regulation.**

It is estimated that the proposed amendment to paragraph (D) of 4501-7-25 will cost stakeholders approximately thirty minutes of time and between \$9 and \$12 to obtain the required photographs.

**15. Why did the Agency determine that the regulatory intent justifies the adverse impact to the regulated business community?**

The agency determined the change in requiring photos for instructors would put us in compliance with Ohio statute. Additionally, the changes with the convictions of a person would provide for correcting improper statutes.

### **Regulatory Flexibility**

**16. Does the regulation provide any exemptions or alternative means of compliance for small businesses? Please explain.**

Exemptions are made on a case by case basis depending upon a conviction of a person and the relation with providing a CDL educational service. The agency will permit the use of a digital photo to be scanned and e-mailed in lieu of providing a paper copy. This alternative would provide a cost savings measure of that defined in number 14 for the stakeholders.

**17. How will the agency apply Ohio Revised Code section 119.14 (waiver of fines and penalties for paperwork violations and first-time offenders) into implementation of the regulation?**

It is my office policy to work with the schools and allow them time and consideration to amend paperwork issues. We identify the issue and communicate with the school where issues were discovered. Also, we use a warning letter should a minor issued be identified that cannot be corrected with paperwork.

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**18. What resources are available to assist small businesses with compliance of the regulation?**

The Driver Training Program will host a continuing education at no cost or minimal cost to the training managers. The Driver Training Program works through a provider to offer the training manager course at a cost. Information regarding training or upcoming events are published to the driver training website as well as sent out in a communication to all schools. It is up to the providers to pay for the courses.