

CSI - Ohio

The Common Sense Initiative

Business Impact Analysis

Agency Name: Bureau of Motor Vehicles

Regulation/Package Title: BMV Fee Installment Plan

Rule Number(s): 4501:1-1-45

Date: January 7, 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☐ Rescinded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.

This rule is being filed to implement statutory changes set forth in SB337, 129th General Assembly, which permits the Bureau of Motor Vehicles to implement a fee installment plan as an option for persons to pay reinstatement fees.

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This rule establishes provisions to permit persons who owe a minimum of \$150 in reinstatement fees to pay fees in regular, scheduled installments, if all other reinstatement requirements have been met. Once a person is approved for the fee installment plan, the person's driving status will be recorded as "valid," provided that the person's driver's license is not otherwise suspended or expired. The rule also establishes those reasons for which the Registrar may deny or terminate a person's fee installment plan, which include the acceptance of another court-approved fee payment plan, failure to abide by the terms and conditions of the plan, a change in the person's driving privileges status, or any other just cause determined by the Registrar.

2. Please list the Ohio statute authorizing the Agency to adopt this regulation.

R. C. 4501.02, 4510.10

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?

If yes, please briefly explain the source and substance of the federal requirement.

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)?

The purpose is to adopt rules that permit a person to pay reinstatement fees in installments pursuant to SB 337, 129th G.A. A fee installment plan will increase a person's options for repayment.

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

The agency will monitor the increase in usage through available statistical reports.

Development of the Regulation

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

If applicable, please include the date and medium by which the stakeholders were initially contacted.

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The stakeholders included several deputy registrars who are independent contractors of small businesses that provide services on behalf of the BMV, member of Ohio Deputy Registrar Association(ODRA), as well as non-members. The stakeholders represented those deputy registrars who collect reinstatement fees, as well as those who do not. BMV invited stakeholders via email to participate in a meeting that was held on December 14, 2012. No other small businesses are impacted by this rule.

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

The stakeholders provided positive feedback and fully supported the adoption of this rule. They did not pose any concerns with accepting payments for the fee installment plan.

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?

The use of scientific data is not necessary or useful.

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?

This regulation is itself an alternative regulation to an existing Court fee payment plan and allows alternative methods of payment. We did not identify any other potential alternative regulations.

11. Did the Agency specifically consider a performance-based regulation? Please explain. *Performance-based regulations define the required outcome, but don't dictate the process the regulated stakeholders must use to achieve compliance.*

The performance will be measured by any increases or decreases to overall reinstatement fee collections and by any increases or decreases to reinstatement fee collections at deputy registrar agencies.

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

A thorough review was done of the agency's existing statutes and administrative rules.

12. 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 regulation will be implemented by an established date to those Deputy Registrars that opt to collect the reinstatement fees. Informational material, training, and support will be provided prior to the implementation date. Field staff, reinstatement offices, and phone center support will be available after implementation.

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Adverse Impact to Business

13. 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 is no impact to the general business community. The only impact is to approximately 194 Deputy Registrars who perform driver license and vehicle registration services under contract with the Bureau of Motor Vehicles (BMV).

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

There is no adverse impact. It is a revenue enhancement for those Deputy Registrars that opt to participate.

c. Quantify the expected adverse impact from the regulation.

The adverse impact can be quantified in terms of dollars, hours to comply, or other factors; and may be estimated for the entire regulated population or for a “representative *business*.” Please include the source for your information/estimated impact.

None

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

It is expected that no adverse impact will result from a deputy registrar's decision to participate. On the contrary, it is anticipated that the decision to participate will result in the positive benefit of an additional revenue stream.

Regulatory Flexibility

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

Yes. Participation in collecting reinstatement fees is optional for the Deputy Registrars.

16. 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?

There are no fines or penalties for paperwork violations.

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

The BMV field staff and reinstatement offices are available to assist the affected deputy registrars in all phases of compliance with the rule.

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