

CSI - Ohio

The Common Sense Initiative

Business Impact Analysis

Agency Name: Ohio Department of Public Safety

Regulation/Package Title: 4501-54 "Motor Vehicle Accident Prevention Courses for Drivers Sixty and Over"

Rule Number(s): 4501-54-01, 4501-54-02, 4501-54-03, 4501-54-04, 4501-54-05, 4501-54-06, 4501-54-07, and 4501-54-08

Date: _____

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☐ Rescinded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.

The drafted rules pertain to the approval of programs providing driver training to mature drivers ages sixty and older. The drafted rules set forth the minimum curriculum content,

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required skills demonstration, records and insurance requirements to provide the mature driver course.

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

The statutory authority is designated by division 3937.43 of the Revised Code.

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, the regulation does not implement a federal requirement.

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 set requirements for the mature course providers. It is the agency's responsibility to provide clear standards for programs that will ensure the mature drivers are provided with current and safe driving practices.

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 regulations by the number of crashes in which our mature drivers are involved. The agency will also measure the success of the regulations by the increased number of approved mature operator courses successfully providing safety training to mature adults throughout the State of Ohio.

Development of the Regulation

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

A committee was formed by the agency contacting current providers of the mature operator course and other persons who interact with mature adults and their driving ability. The agency contacted prospective committee members through an e-mail invitation, dated January 16, 2013, requesting participation in the rule review. The stakeholders that participated included: Lorene Cook (AAA East Central), Al Salyers (Auto Club Driving School), Walter Neary (Drive-Rite Driving School), and Mary Lou Gallimore (AAA Club). Additional interested members included Matt Gurwell (Keeping Us Safe), Walt Rudin (National Safety Council), Bob Rankin (AARP), Nancy Schuster (ITN Greater Cincinnati) and Angela Newman (Newman's Insurance Agency).

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

The committee brought for the idea to soften the language of the rules to avoid the misconception of the mature driving program by the public. The misconception of the mature program by the participants included the notion that the State of Ohio would revoke their *driver's license if they failed the written examination and practical examination. Therefore, the terms "written examination" was changed to "written exercise" and "practical examination" was changed to "skills demonstration."* The committee also determined that the eight required hours were too long in duration for the mature population to sit through. The complications of no or few attendees for the eight hours made providing the course difficult for the approved mature course providers. The hours were then reduced to a minimum of six. The committee then provided more topics for instruction which were pertinent to the older population and also included basic vehicle information and updated laws. Topics on distracted driving, prescription use and risks with driving, and vehicle equipment were added to the minimum course content requirements. Next, the committee determined that the biggest obstacle in providing the mature driving courses was the approval of operation by the department was restricted to one facility and as a result the older population was less likely to come to their location. The agency concluded that taking the program to the community would assist with providing more educational opportunities to the older population. The committee also conveyed the need for more specific range requirements since the course could be mobile under the amended rules. Thus the specific range requirements were drafted into the rules.

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 Ohio Department of Transportation was contacted to verify the size requirements for simulated roadways. The sizes of the lanes were then based upon the rural lane widths provided by the engineering department. Additionally, from previous meetings with advanced driver courses, the range requirements were drafted into the mature operator course rules.

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 considered approving only the locations for which applications were received. The practice of approving specific locations restricted the approved mature course providers from expanding and providing the course to communities where the mature population resided or frequented. These two things created low attendance and the availability of the course was reduced. By removing this restriction, the approved mature course providers would be able to provide the course at local senior centers and therefore increase the attendance of the mature operator course.

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

The agency implemented approving the enterprise in lieu of approving and certifying each location used for training. This will allow for the programs to be provided in multiple locations that may only be used once and will not require the lengthy application process. The enterprises will be responsible to ensure the facilities are compliant with the regulations. In doing so, the agency will determine at a later time if the change of approval was successful based upon agency representatives participating in random courses, complaints being received by the agency, and increased number of certificates being issued.

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

The agency performed a review of the Revised Code 3937.43. and Ohio Administrative Code Chapters 4501-54-01 through -08 to prevent duplication.

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 agency intends to attend the mature operator courses to familiarize ourselves with the mature course and the effectiveness of the skills demonstration. The agency will continue to provide guidance to opening an enterprise under the rules during continuing education courses, via the telephone and electronic correspondences. *The agency will perform "audits" of the approved mature course providers on a biennial basis to ensure all requirements are being met.*

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 ten approved providers of the mature operator course.

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

The costs of compliance would include employer time for the application, time and wages for providing the course and insurance costs.

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.

Application Costs:

Employer time: 1 hour = \$18 per hour

*Insurance Costs: \$165/mo.

The insurance costs provided above are estimated and difficult to determine.

Insurance costs are determined by many variables, the actual vehicles used, if the mature operator course provides the vehicles or uses the *participant’s vehicle*, how the vehicles are used, etc. Approved mature course providers, who are also licensed as a class “d” driver training school, will not incur additional insurance costs. The cars used for the class “d” driver training school will be the same vehicles used for the mature course program.

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

The agency has determined the regulatory intent justifies the adverse impact to the business community. The drafted rules provide for flexibility for the program to be “mobile,” taken out to the community centers, senior centers, etc. Thus the enterprise is not required to incur the cost of a lease for each location. The fewer costs incurred by the enterprise decreases the cost for a participant to take the program. Insurance was included as a liability protection should something occur during the skills demonstration. The costs for the insurance are negligible since most enterprises maintain the insurance for other driver training programs. Additionally, the agency does not require any application fees or certificate fees and the program costs again remain low.

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Regulatory Flexibility

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

The agency has determined to make the program “mobile.” The enterprise is approved to offer the course at any location, so long as the location meets the requirements. The responsibility of each location is upon the enterprise. In doing this, the program can be taken out to the community.

Mature driver course applicants have the ability to use the AARP or AAA curriculum in place of creating their own curriculum. The AAA curriculum training is provided with the adult remedial training course for instructors, so instructors are licensed to operate both. AARP instructors provide the course on a volunteer basis and are trained by other volunteers so the costs are negligible if none.

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?

The agency’s procedures are to communicate with an applicant and identify the items that are required for the approval. The agency does not “reject” applications due to a missing item. Additionally, the agency performs “audits” during which the staff will speak with the course instructor and assist with identifying problems and how to remedy those before any action is taken.

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

The agency provides resources on the driver training program website as well as frequently communicates with the schools to provide guidance *and especially during the “audits.”*