

**MEMORANDUM**

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

**FROM:** Sydney King, Regulatory Policy Advocate

**DATE:** April 8, 2015

**RE:** **CSI Review – Remedial Driving Courses (OAC 4501-21-01 thru 4501-21-17)**

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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**

This rule package consists of ten amended,<sup>1</sup> five no-change, and two new rules proposed by the Ohio Department of Public Safety (ODPS). The rules (with the exception of the two new rules) were reviewed as a five-year rule review as required by statute. The draft rules were submitted to the CSI Office on January 15, 2015 with the comment period ending on January 29, 2015.

The rule package establishes the requirements for remedial driving course programs, juvenile driver improvement programs, and advanced juvenile driver programs. The rules regulate the application process, course curriculum, physical facilities, operational policies and procedures, continuing education requirements, renewal of course program approvals, instructor qualifications, insurance requirements, and record maintenance.

The BIA states ODPS invited several stakeholder groups to review the rules and provide suggested amendments. Stakeholders requested ODPS provide clarification for "home office" requirements. As a result of the input, ODPS amended the language to allow for the use of a home

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<sup>1</sup> Rules 4501-21-11, 4501-21-12, and 4501-21-13 are being amended by more than 50 percent. Therefore the Legislative Service Commission requires that the existing rules be rescinded and replaced by new rules that have the same rule numbers.

office for administrative functions. Two comments were submitted during the CSI public comment period. ODPS responded to the comments providing explanation and clarification. According to ODPS, the stakeholders were satisfied with the responses.

The BIA identifies remedial driving course providers and curriculum providers as the impacted industry. ODPS provided a detailed analysis of the adverse impacts and the costs in the BIA. However, the CSI Office identified several additional adverse impacts to industry providers. The unidentified adverse impacts include facility requirements, prohibited advertising activities, penalties for noncompliance include suspension, revocation, and probationary status for a program, enrollment contract requirements, and classroom policies and hour requirements.

ODPS states the rules are necessary to ensure individuals participating in driving training education are receiving a quality education. According to ODPS, this provides additional protection to the public because it increases the training and skill of drivers on the road.

Upon review of the proposed rules and BIA, the CSI Office determined that the rules satisfactorily meet the standards espoused by the CSI Office, and the purpose of the rules justifies the adverse impacts.

### **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 Ohio 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