

**MEMORANDUM**

**TO:** Valerie Luptak, Ohio Department of Public Safety

**FROM:** Cory Bailey, Regulatory Policy Advocate, Lt. Governor's Office

**DATE:** April 11, 2016

**RE:** **CSI Review – Abbreviated Adult Driver Training (OAC § 4501-8-01 through 4501-8-21)**

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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) § 107.54, CSI has reviewed the abovementioned administrative rules and associated Business Impact Analysis (BIA). This memo represents CSI's comments to the Agency as provided for in ORC § 107.54.

**Analysis**

On January 15, 2016, the Ohio Department of Public Safety (ODPS) submitted a draft rule package consisting of 21 new rules to the CSI Office for review. The official public comment period closed on January 22, 2016 with three comments submitted.

The draft rule package establishes a new abbreviated adult driver training program. The program is designed for adult drivers (18 years and older) who fail their initial road or maneuverability tests. It consists of four hours of classroom or online instruction as well as either four hours of behind-the-wheel training with a licensed instructor or 24 hours of driving with a licensed driver. Adult drivers will be required to complete the training prior to attempting the test a second or subsequent time. A provision in ORC § 4508.02 directs ODPS to adopt rules for an abbreviated adult driver training program.

The rules not only lay out the curriculum for the program, but also create requirements for both driver training schools and driver training instructors. For schools, there are standards for licensing, financial responsibility, training agreements, recordkeeping, and the use of training vehicles among others. Instructors must meet licensing and continuing education requirements. Provisions are also included that are specific to instructing persons with disabilities.

According to the BIA, a committee of stakeholders reviewed the rules during early stakeholder outreach. The committee consisted of stakeholders representing both class “D” schools and online schools. The committee made suggestions to the Department regarding the appropriate number of hours for the program, topics in the curriculum, instructor training requirements, and issues specific to online programs. The suggestions were considered and incorporated into the rules when appropriate. In addition to early stakeholder outreach, three comments were submitted during the CSI public comment period. For the most part, these comments asked for clarification on certain issues, which ODPS provided.

The impacted business community primarily consists of driver training schools. While the additional education requirement for adult drivers presents a business opportunity, there are many adverse impacts such as licensing, fees, instructor requirements, financial responsibility, recordkeeping, vehicle inspection standards, advertising prohibitions and penalties for non-compliance. Businesses seeking drivers as a condition of employment are also adversely impacted. If an adult attempts and fails a driver’s test prior to being hired, they will now be required to complete the program in order to try again, which may delay the hiring process.

As already noted, ODPS has a statutory obligation to create rules for an abbreviated driver training program. The requirements in the rules were arrived at following a thorough stakeholder outreach process. They are also generally aligned with standards already imposed on driver training schools through other driver training programs. As a result, following review of the draft rules, BIA, and stakeholder outreach, it has been determined that the standards espoused by the CSI Office have been met, and the adverse impacts of the draft rules are justified.

### **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.