

**MEMORANDUM**

TO: Joseph Kirk, Ohio Department of Public Safety

FROM: Emily Kaylor, Regulatory Policy Advocate

DATE: August 29, 2016

RE: **CSI Review – Bus Inspections (OAC 4501-52-01, 4501-52-02, 4501-52-03, 4501-52-05, and 4501-52-06)**

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 one amended and four no-change rules submitted by the Ohio Department of Public Safety (ODPS) for their statutorily required five-year review. It was submitted to the CSI Office on July 15, 2016 and the comment period closed on August 8, 2016. No comments were received during this time.

The rule package covers the chapter of administrative code governing safety inspections of passenger-carrying vehicles and mirrors requirements in the Federal Motor Carrier Safety Standards and Federal Motor Carrier Safety Regulations in the Code of Federal Regulations. The State Highway Patrol is required to inspect every bus as defined in ORC 4513.50 each year and the buses are also subject to roadside inspections. The Office of Licensing and Commercial Standards, Motor Carrier Enforcement Unit handles the inspections.

The impacted community includes all owners of passenger vehicles weighing more than 10,000 pounds or designed to transport more than 15 passengers, including the driver. Each vehicle must pass an inspection annually in order to be utilized in the operator's business. An annual fee of

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\$100 allows each vehicle two attempts to pass the inspection. After two failures, the vehicle owner must pay an additional \$100 for two more inspection attempts. The fee is submitted to any deputy registrar in the state and then the bus operator may contact a local State Highway Patrol office to schedule the inspection. Many of the vehicle requirements include safety standards like exterior lighting must be securely mounted, a proper service break system, wheel and tire standards, no cracks in the frame, exhaust systems to discharge fumes, proper fuel tank installation, and secure seating. These inspections are also required on dual-use buses such as school or church buses that may be used in the for-hire transportation of passengers.

The amendments to OAC 4501-52-01 only update reference documents, and the other rules remain unchanged. For stakeholder outreach, ODPS sent emails to some motorcoach bus companies and a few churches that have buses. Two comments were received and responded to by ODPS during this early stakeholder outreach. No comments were received during the CSI comment period.

After reviewing the proposed rules and the BIA, the CSI Office has determined that the rules satisfactorily meet the standards espoused by the CSI Office, and the purpose of the rule package is justified.

Recommendation

For the reasons explained 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