

CSI - Ohio

The Common Sense Initiative

Business Impact Analysis

Agency Name: Ohio Department of Public Safety

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

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

Date: August 24, 2018

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☐ Rescinded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.

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The rules in Chapter 4501-54 of the Ohio Administrative Code sets forth the requirements for a Motor Vehicle Collision Prevention Course. The requirements include the application process for course approval, curriculum requirements, including classroom hours and content, a written exercise, and a skills demonstration. The rules address the record required to be maintained by the course provider, including vehicle insurance, if required. The rule provides the method for participant completion and issuance of the certificate of completion. The rules set forth the department's role and responsibility with oversight of this course.

The proposed amendments include modifying terms for consistency and clarification throughout the chapter, combining duplicative language and definitions, updating incorporated reference materials, and updating the code references.

Other amendments in rule 4501-54-05 include curriculum topics to address changes and updates with driving environments, safe practices, inclusive of other drug categories, and vehicle technologies.

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

ORC 3937.43

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, the rules do 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)?

The purpose of the regulation is to protect the public and ensure participants are provided adequate, updated and complete training on the topics affecting the older driver population.

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

In 2013, the rules were changed to allow providers to teach the course at sites throughout the state without requiring certification at each site. This has increased the number of participants by 400% from 2013 through 2017. The agency will continue to measure the

success of the regulation by the increasing number mature drivers electing to take the course and the increasing number of providers offering the course.

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.

On February 6, 2018, all mature course providers were contacted by e-mail to participate in the rule review. In addition, AARP, while not an approved mature course provider, was contacted via e-mail to participate on February 27, 2018, but a representative was unable to attend in person or by conference call.

On March 27, 2018, the following representatives of the mature course providers participated in the review of the rules: Lorene Cook (AAA East Central); Michael Belcuore (AAA-Allied Group); Mary Lou Gallimore (AAA Ohio Auto Club).

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

The stakeholder group provided feedback on the effectiveness of offering a mobile program. They have been able to expand offering courses in other counties and keeping costs low for the participants because there are no costs associated with using the facilities. Also, they are able to offer the courses quickly without the delay of applying and being required to have a site inspection. They have also discussed the benefits for including additional topics within the curriculum based on the feedback from the participants. The added topics were already included in their curriculums, however; it was unanimously agreed that these topics should be covered by all providers. Additionally, in changing the verbiage from examination to exercise softens the language and reduces the anxiety of participants.

Additionally, the stakeholder group provided insight into operating costs and procedures for reviewing locations for the facilities. The provider input substantiated the benefits of providing a mobile program and outreach to other communities have increased participation.

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?

Scientific data was not used in the drafting of the rules for Chapter 4501-54.

- 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?**

Rule 4501-54-08 allows for the enterprise to provide vehicle insurance if participants use the provider's enterprise vehicle or participants can provide insurance if they use their own vehicle. By allowing the participants to use the enterprise vehicle, this increases participation for mature drivers who may not have a vehicle readily available, but still want to complete the course. . By allowing participants to use their own vehicles, this provides mature drivers the option of operating a vehicle that they are familiar with and adjusted to their needs and use on a regular basis.

- 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 rules provide for the participants successful completion of the course to be performance based. The rules provide for the instructor of the course to use discretion in determining the participant's completion based on their ability to perform basic maneuvers.

- 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 Chapter 4501-54-01 through 4501-54-08 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 offer continuing education courses for instructors on a regular basis. These courses will be offered at no cost to the instructors and include topics such as: understanding driver training regulations and updates on the changes in driving laws, environments, safe driving practices and other driver-related subjects. The agency provides continual technical support through e-mails, phone calls, and program reviews of the providers.

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 approximately 6 providers of the mature course throughout the state. Four of the providers are AAA clubs, covering at least 54 counties in Ohio.

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

The adverse impact includes reporting and time in completing the application process and maintaining records.

- 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.

4501-54-04

The estimated cost of compliance with the rule is one business day in time. This cost includes the completion of the application, compilation and upload of the documents required. Additionally, when changes are made to the content, the submission requires an hour to two hours of time to prepare and submit.

4501-54-06

The estimated cost of compliance is based upon time requirements for each school to inspect a facility for compliance prior to using the facility. The course is a mobile course and can be offered at any location as long as the facility provides for space adequate to allow for the off-road demonstration. The time taken to travel to the location depends upon the actual location of the facility. The majority of the course providers are AAA and therefore, they are restricted to stay within their designated club territories. They estimated the most time would be two hours of travel to inspect the facility.

There is no cost for use of the actual facilities. The majority of locations are donated space or are held at the main enterprise location, where other driver training programs are hosted.

4501-54-07

The estimated cost of compliance is five minutes to fill out the electronic certificate plus \$0.05 for the printing of the certificate per student.

4501-54-08

There is no cost of compliance. Most providers offering this course require the students to use their own vehicles for the purpose of comfortability and educational value. For the

courses providing vehicles, these vehicles are used for other driver education programs, therefore, the costs of insurance are already covered.

The rule does require the report of information upon request and review of the department.

The cost of compliance were provided by the rule review committee. The committee consisted of mature operator course providers: Mary Lou Gallimore (AAA Ohio Auto Club); Lorene Cook (AAA East Central); and Michael Belcuore (AAA-Allied Group, Inc.).

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

It is the responsibility of the agency to ensure the protection of the public by setting standards for ranges used for the skills demonstration. Furthermore, it the responsibility of the agency to ensure adequate and relative information is taught in the course.

The agency, along with stakeholder input, determined the regulations were balanced between the needs of the community regarding the quality of the program, participant safety during the program, and the mandates of the legislation.

Regulatory Flexibility

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

The rules provide for the mature operator course to determine and track the facilities used to offer the program. This reduces the time and costs associated with applying for an approval and obtaining a site inspection before being able to offer the course. In addition, providers use locations that are of no cost, which provides for lower participant costs.

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?

It is the policy of the Driver Training Program Office to work with the mature course providers and reduce any financial impact for paperwork violations. The office uses written communication with timelines for responses in the event the provider has any violations. In addition, the rules have minimal requirements for paperwork for the mature providers.

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

There are no financial resources provided or available through the agency. The Driver Training Program Office does provide assistance with interpreting the regulations, working

with the providers to ensure compliance, and reviewing and providing feedback on the curriculums.