



Common Sense Initiative

Mike DeWine, Governor
Jon Husted, Lt. Governor

Sean McCullough, Director

MEMORANDUM

TO: Joe Kirk, Ohio Department of Public Safety

FROM: Sean McCullough, Director

DATE: November 10, 2021

RE: **CSI Review – 4501-21 Remedial Driving Courses (OAC 4501-21-01, 4501-21-02, 4501-21-03, 4501-21-04, 4501-21-05, 4501-21-06, 4501-21-07, 4501-21-08, 4501-21-09, 4501-21-10, 4501-21-11, 4501-21-12, 4501-21-13, 4501-21-14, 4501-21-15, 4501-21-16, 4501-21-17, and 4501-21-18)**

On behalf of Lt. Governor Jon Husted, 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 contains two new, thirteen amended, and three no change rules submitted by the Ohio Department of Public Safety (Department) as part of the statutorily required five-year review process. The package was submitted to CSI on September 15, 2021, and the public comment period was held open through September 29, 2021. Unless otherwise noted below, this recommendation reflects the version of the proposed rules filed with the CSI office on September 15, 2021.

The rules establish requirements for remedial driving course providers, specifically how to apply, requirements for instructor training, place of business, financial responsibility, certificates, and records, as well as actions that the Department may take against a remedial driving course.

Amendments are proposed to add definitions for "asynchronous," "disqualifying offense," "video teleconferencing," and "virtual classroom," remove an explicit prohibition on instructors accepting cash or personal gifts from students, incorporate online courses into the rules, require the course

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provider to maintain final examination and instructor training records, and detail business records that must be kept and records that must be specifically maintained by online course providers. Additionally, the Department proposed two new rules detailing disqualifying offenses, and requiring remedial course providers to establish an office, including requirements for the structure and recordkeeping.

As part of early stakeholder outreach, the Department hosted a town hall meeting with remedial driving course providers, notified every provider, and posted the proposed rules on its website for public feedback. Stakeholders made suggestions to reduce final tests from three to two and require that every online remedial provider maintain student records at a location within the state of Ohio. The Department did not make any changes as a result of those suggestions. However, the Department did accept stakeholder suggestions to remove a prohibition on certificates of completion being sent electronically.

One comment was received during the CSI public comment period from a driving school training manager who is opposed to adult remedial courses being conducted online due to the risk of cheating and their concern that online courses don't achieve the goals of the remedial driving course. In response, the Department stated that if the course provider can meet the instructional standards for remedial driving courses, the Department is required to approve the course by ORC 4510.037 (L).

The rules impact Ohio's 102 remedial driving enterprises and four curriculum providers, as well as potential online adult remedial course providers. In the BIA, the Department identified adverse impacts created by the rules as time and costs associated with submitting an application, maintaining an office, curriculum training programs, maintaining a bond or escrow, completing continuing education, training and compliance, obtaining driving abstracts and background checks for authorizing officials, reporting information to the Department, and issuing certificates of completion. Costs of maintaining an office space can range from nothing (if using a home office) to \$3,100 per month for a professional office space. The Department estimates that applying for remedial driving course approval takes 10-40 minutes, which it stated has been expedited using an electronic process. Background checks cost between \$65 to \$90. The Department also estimates that creating a curriculum may take four to six months and obtaining approval from the Department may take two months. Certificates of completion cost \$4 per certificate. The Department estimates that costs to comply with the range requirements, which includes a car and the required equipment on the vehicle, is about \$10,000. Instructor training costs are between \$330 to \$1,200 for adult remedial initial training, \$180 for juvenile initial training, and \$400 for the original two-day training course. Additionally, continuing education workshops are between \$125 to \$200 for the adult remedial, plus travel and other employee expenses, and there's no cost for the juvenile remedial continuing

education workshop.

The Department asserted that it is responsible for ensuring the protection of the public by setting standards and training requirements for personnel conducting and students receiving remedial driving course instruction, and that these regulations balance the needs of the community with student safety and statutory mandates.

Recommendations

For the reasons described above, the CSI office has no recommendations on this rule package.

Conclusion

Based on its review of the proposed rule package, the CSI office recommends that the Department of Public Safety proceed in filing the proposed rules with the Joint Committee on Agency Rule Review.