



Common Sense Initiative

Mike DeWine, Governor
Jon Husted, Lt. Governor

Sean McCullough, Director

MEMORANDUM

TO: Joseph Kirk, Ohio Department of Public Safety

FROM: Jacob Ritzenthaler, Business Advocate

DATE: May 24, 2022

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

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 Department as provided for in ORC 107.54.

Analysis

This rule package consists of thirteen amended rules, six no change rules, two rescinded rules, and two new rules proposed by the Ohio Department of Public Safety (Department) as part of the statutory five-year review requirements. This rule package was submitted to the CSI Office on April 21, 2022, and the public comment period was held open through May 6, 2022. Unless otherwise noted below, this recommendation reflects the version of the proposed rules filed with the CSI Office on April 21, 2022.

Ohio Administrative Code (OAC) Chapter 4501-8 establishes requirements for abbreviated adult driver training courses, offered to adults after failing an initial driving test. OAC 4501-8-01 lists definitions used throughout the chapter and is amended to include new definitions related to virtual classrooms and in-person learning. OAC 4501-8-02 requires driver training enterprises to maintain an established place of business and introduces requirements to maintain an office for businesses that offer virtual instruction. OAC 4501-8-03 sets forth requirements for owners and employees to maintain character and fitness standards and is amended to increase the submission time of a Driver Training Personnel Physical Examination to two years and update disqualifying offence language.

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OAC 4501-8-04 establishes application and renewal requirements for an abbreviated adult driver training school and online license. The rule is amended to update rule language regarding submission items, requirements for virtual learning programs, and requirements for prospective new owners and authorizing officials to attend a new school orientation program provided by the Department.

OAC 4501-8-05 and 4501-8-06 establish requirements for instructors, online instructors, and adult training coordinators, as well as qualifications for instructing persons with disabilities. Amendments to the rules include requiring instructors to maintain valid driver's licenses, allowing electronic payments and image submissions, allowing additional medical practitioners to sign the Driver Training Personnel Physical Examination, and other language and structure updates. OAC 4501-8-07 states that no employee of the Department shall be connected in any capacity with a driver training enterprise and is proposed for rescission. New rule OAC 4501-8-07 lists the various criminal offenses that would disqualify an individual from working for a driver training school. OAC 4501-8-08 requires authorizing officials to maintain financial responsibility for vehicles used by driving schools and is amended to make minor language edits.

OAC 4501-8-09 establishes the training requirements for driver training courses, including the categories of in-person and virtual classroom instruction offered, as well as instruction and behind-the-wheel training curriculum and instruction standards. The rule includes amendments that introduce requirements for virtual classrooms. OAC 4501-8-10 and 4501-8-11 set forth requirements for the distribution of training certificates upon program completion and written training agreements between students and driver training enterprises. Amendments include removal of prohibitions against sending certificates electronically and updates to certificate replacement procedures. OAC 4501-8-12 lists the records that schools must maintain and is rescinded and replaced by a new rule due to the number of amendments.

OAC 4501-8-13 concerns training vehicles and is amended to change responsibilities for inspecting vehicles from the State Highway Patrol to the Department. OAC 4501-8-14 and 4501-8-15 set forth requirements for the safe operation of vehicles and driver examination test routes and are proposed without changes. OAC 4501-8-16 and 4501-8-17 establish requirements for advertising and prohibitions on guaranteeing a license as a result of training. Both rules are proposed without changes. OAC 4501-8-18 requires offices and classrooms to be subject to inspection and is amended to include virtual classroom instruction. OAC 4501-8-19 and 4501-8-20 describe the administrative actions available to the Department and the process for applications received from veterans, current armed forces members, and their spouses, and are proposed without changes. OAC 4501-8-21 lists the materials incorporated into the rules by reference and is amended to update relevant dates and titles.

During early stakeholder outreach, the Department reviewed the proposed rules during a meeting with abbreviated adult driver training providers and notified all providers via online notification. During that time, the Department made changes to the rules regarding electronic certificates, timeframes for final exams, and exemptions for training programs if an individual completed an approved program one year prior to taking and failing a driving test. No comments were received during the CSI public comment period.

The business community impacted by the rules includes 97 abbreviated adult driver training enterprises, which employ 359 instructors. The adverse impacts created by the rules include application fees for both enterprises and instructors, required training for instructors, maintenance of financial responsibility, and vehicle inspections. The application fee for enterprises costs \$250 per location and background checks for owners and authorizing officials can cost between \$30 and \$80. Enterprises are required to maintain an established place of business, which can vary in cost depending on the facility. Online providers are also subject to a \$600 fee for the costs of reviewing the assessment and online program. Instructor application fees cost \$25 and are renewed for \$10. Physical examinations cost approximately \$80. Additionally, instructor certification to train individuals with disabilities costs \$350 for the training course and approximately \$50 for the required continuing education courses every three years. The Department notes that, if a driver training enterprise or instructor is already licensed as for Class D (teen) training, none of the license applications, background checks, or assessments are required. The Department states that the adverse impacts created by the rules are necessary to ensure the safety of individuals enrolled in driver training programs.

Recommendations

Based on the information above, the CSI Office has no recommendations on this rule package.

Conclusion

The CSI Office concludes that the Department should proceed in filing the proposed rules with the Joint Committee on Agency Rule Review