

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 1301:17-1-10

Rule Type: Amendment

Rule Title/Tagline: Continuing education for licensees.

Agency Name: Department of Commerce

Division: Division of Real Estate - Home Inspector Program

Address: 77 South High St. 20th floor Columbus OH 43215

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I. Rule Summary

1. Is this a five year rule review? Yes
 - A. What is the rule's five year review date? 1/20/2023
2. Is this rule the result of recent legislation? No
3. What statute is this rule being promulgated under? 119.03
4. What statute(s) grant rule writing authority? Ohio Revised Code Section 4764.05(A)
5. What statute(s) does the rule implement or amplify? Ohio Revised Code Sections 4764.08 & 4764.09
6. Does the rule implement a federal law or rule in a manner that is more stringent or burdensome than the federal law or regulation requires? No
 - A. If so, what is the citation to the federal law or rule? Not Applicable
7. What are the reasons for proposing the rule?

The intent of the existing regulation is to satisfy requirements in Ohio Revised Code Section 4764.05(A).
8. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.

The intent of the regulation is to ensure home inspector licensees are regularly completing education offerings that maintain or increase a licensee's skill, knowledge and competency in home inspection.

Paragraphs (F) & (H)(2) - As a result of the proposed changes to OAC 1301:17-1-11, the proposed amendment is needed to reference the correct paragraphs this rule.

- 9. Does the rule incorporate material by reference? No**
- 10. If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.75, please explain the basis for the exemption and how an individual can find the referenced material.**

Not Applicable

- 11. If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.**

PDF version of the proposed revised rule was originally filed in the ERF system. The rule was re-filed so that a XML version of the proposed revised rule could be filed in the ERF system.

II. Fiscal Analysis

- 12. Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.**

This will have no impact on revenues or expenditures.

\$0.00

The Division will not see any increase or decrease in the agency's revenues or expenditures due to the proposed amendments to the existing rule.

- 13. What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?**

There is no new or additional adverse impact to the stakeholders with the proposed changes. The impact of the existing rule is an applicant will have to pay a renewal application fee as required in OAC 1301:17-1-03 and as authorized by ORC Section 476.05. The amount of time spent completing the application will vary. The Division estimates it will take approximately 30 minutes to complete.

14. Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No
15. Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No
16. If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.

The application fee is necessary to defray the costs associated with the administration of ORC Chapter 4764.

III. Common Sense Initiative (CSI) Questions

17. Was this rule filed with the Common Sense Initiative Office? Yes
18. Does this rule have an adverse impact on business? Yes
 - A. Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? No
 - B. Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? No
 - C. Does this rule require specific expenditures or the report of information as a condition of compliance? Yes

Yes, pursuant to ORC Section 4764.05(A), applicants must provide proof to the Division that they have satisfied the rule's requirements.
 - D. Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business of which it will apply or applies? No

IV. Regulatory Restriction Requirements under S.B. 9. Note: This section only applies to agencies described in R.C. 121.95(A).

19. Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? No
 - A. How many new regulatory restrictions do you propose adding to this rule?

Not Applicable

- B. How many existing regulatory restrictions do you propose removing from this rule?**

Not Applicable

- C. If you are not removing existing regulatory restrictions from this rule, please list the rule number(s) from which you are removing restrictions.**

Not Applicable

- D. Please justify the adoption of the new regulatory restriction(s).**

Not Applicable

Rule Summary and Fiscal Analysis

Part A – General Questions

Rule Number: 1301:17-1-10

Rule Type: Administrative Rule

Rule Title/Tagline: Continuing Education for Licensees

Agency Name: Department of Commerce

Division: Division of Real Estate & Professional Licensing

Address: 77 South High Street, 20th Floor

Contact: Ed Woodruff **Phone:** 614-466-5042

Email: edward.woodruff@com.state.oh.us

I. Rule Summary

1. Is this a five year rule review? No

A. What is the rule's five year review date? N/A

2. Is this rule the result of recent legislation? No

A. If so, what is the bill number, General Assembly and Sponsor? Not Applicable

3. What statute is this rule being promulgated under? Ohio Revised Code Section 119.03

4. What statute(s) grant rule writing authority? Ohio Revised Code Section 4764.05(A)

5. What statute(s) does the rule implement or amplify? Ohio Revised Code Section 4764.08 & 4764.09

6. Does the rule implement a federal law or rule in a manner that is more

stringent or burdensome than the federal law or regulation requires? No

A. If so, what is the citation to the federal law or rule? Not applicable

7. What are the reasons for proposing the rule?

The intent of the existing regulation is to satisfy requirements established in Ohio Revised Code Section 4764.05(A).

8. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.

The intent of this regulation is to ensure home inspector licensees are regularly completing education offerings that maintain or increase a licensee's skill, knowledge and competency in home inspection.

Paragraphs (F) & (H)(2) - As a result of the proposed changes to OAC 1301:17-1-11, the proposed amendment is needed to reference the correct paragraph in the rule.

9. Does the rule incorporate material by reference? No

10. If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.75 please explain the basis for the exemption and how an individual can find the referenced material. Not Applicable

11. If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule. Not Applicable

II. Fiscal Analysis

12. Please estimate the **increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.**

Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.

What is the dollar amount for this estimate?

\$0.00

The Division will not see any increase or decrease in agency's revenues or expenditures due to the proposed amendments to the existing rule.

13. What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?

There is no new or additional adverse impact to the stakeholder with the proposed changes. The impact of the existing rule is an applicant will have to pay a renewal application fee as required in the OAC 1301:17-1-03 and as authorized by Ohio Revised Code Section 4764.05. The amount of time spent completing the application will vary. The Division estimates it will take 30 minutes to complete the application.

14. **Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No**
15. **Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No**
16. **If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.** The application fees are necessary to defray the costs associated with the administration of Ohio Revised Code Chapter 4764.

III. Common Sense Initiative (CSI) Questions

17. **Was this rule filed with the Common-Sense Initiative Office? Yes**
18. **Does this rule have an adverse impact on business? Yes.**
 - A. **Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? No.**
 - B. **Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? No.**
 - C. **Does this rule require specific expenditures or the report of information as a condition of compliance? Yes.** Pursuant to Ohio Revised Code Section 4764.05(A), applicants must provide proof to the Division that they have satisfied the rule's requirements.
 - D. **Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business to which it will apply or applies? No.**

IV. Regulatory Restrictions (This section only applies to agencies indicated in R.C. 121.95 (A))

19. **Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? No**

A. How many new regulatory restrictions do you propose adding to this rule? None

B. How many existing regulatory restrictions do you propose removing from this rule? None

C. If you are not removing existing regulatory restrictions from this rule, please list the rule number(s) from which you are removing restrictions. Not applicable.

D. Please justify the adoption of the new regulatory restriction(s). Not applicable