

**Rule Summary and Fiscal Analysis (Part A)****Department of Public Safety**

Agency Name

Division

**Joseph Kirk**

Contact

**1970 West Broad Street PO Box 182081 Columbus OH 43218-2081**

Agency Mailing Address (Plus Zip)

Phone

Fax

**jakirk@dps.ohio.gov**

Email

**4501-53-05**

Rule Number

**AMENDMENT**

TYPE of rule filing

Rule Title/Tag Line

**Renewal of certification to teach.****RULE SUMMARY**1. Is the rule being filed for five year review (FYR)? **Yes**2. Are you proposing this rule as a result of recent legislation? **No**3. Statute prescribing the procedure in accordance with the agency is required to adopt the rule: **119.03**4. Statute(s) authorizing agency to adopt the rule: **4508.08**5. Statute(s) the rule, as filed, amplifies or implements: **4508.08**

6. State the reason(s) for proposing (i.e., why are you filing,) this rule:

This rule is being filed according to a R.C. 106.03 periodic rule review.

7. If the rule is an AMENDMENT, then summarize the changes and the content of the proposed rule; If the rule type is RESCISSION, NEW or NO CHANGE, then summarize the content of the rule:

This rule sets forth rule for renewal of certification to teach motorcycle training.

The changes in this rule deletes and revises antiquated language and states specific language for renewal of certification to teach motorcycle training. (3) defines background checks as state level and federal level. (F) Sets forth eligibility for (ARS) Advanced Riding Skills recertification. (G) Adds upon request, applicant provide physician's statement as to physical and mentally capable to provide motorcycle instruction. (H) Requires if an instructor is decertified due to a section RC119.01 administrative procedure, a one year waiting period from date of decertification must be observed before reapplication.

8. If the rule incorporates a text or other material by reference and the agency claims the incorporation by reference is exempt from compliance with sections 121.71 to 121.74 of the Revised Code because the text or other material is **generally available** to persons who reasonably can be expected to be affected by the rule, provide an explanation of how the text or other material is generally available to those persons:

The rule incorporates the "Motorcycle Ohio Instructor Renewal Application". The forms is available on a publically accessible website.

9. If the rule incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material electronically, provide an explanation of why filing the text or other material electronically was infeasible:

The rule refers to proposed new rule 4501-53-16 dealing with material incorporated by reference in the chapter. Rule 4501-53-16 contains form names, dates, and website availability.

10. If the rule is being **rescinded** and incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material, provide an explanation of why filing the text or other material was infeasible:

*Not Applicable.*

11. If **revising** or **refiling** this rule, identify changes made from the previously filed version of this rule; if none, please state so. If applicable, indicate each specific paragraph of the rule that has been modified:

*Not Applicable.*

12. Five Year Review (FYR) Date: **2/8/2016**

(If the rule is not exempt and you answered NO to question No. 1, provide the

scheduled review date. If you answered YES to No. 1, the review date for this rule is the filing date.)

NOTE: If the rule is not exempt at the time of final filing, two dates are required: the current review date plus a date not to exceed 5 years from the effective date for Amended rules or a date not to exceed 5 years from the review date for No Change rules.

### **FISCAL ANALYSIS**

13. Estimate the total amount by which *this proposed rule* would **increase / decrease** either **revenues / expenditures** for the agency during the current biennium (in dollars): Explain the net impact of the proposed changes to the budget of your agency/department.

This will have no impact on revenues or expenditures.

0.00

The rule is not expected to impact the agency's budget in the current biennium.

14. Identify the appropriation (by line item etc.) that authorizes each expenditure necessitated by the proposed rule:

Not applicable.

15. Provide a summary of the estimated cost of compliance with the rule to all directly affected persons. When appropriate, please include the source for your information/estimated costs, e.g. industry, CFR, internal/agency:

The rule states the requirements for renewal of instructor certification, including the application, fee; In addition, items like physician's statements and background checks may be required upon request.

16. Does this rule have a fiscal effect on school districts, counties, townships, or municipal corporations? **No**

17. Does this rule deal with environmental protection or contain a component dealing with environmental protection as defined in R. C. 121.39? **No**

### **S.B. 2 (129th General Assembly) Questions**

18. Has this rule been filed with the Common Sense Initiative Office pursuant to R.C. 121.82? **Yes**

19. Specific to this rule, answer the following:

A.) Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? **Yes**

The rule establishes requirements for renewal of an instructor certification.

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? **Yes**

Failure to meets the rule criteria may result non renewal of teaching certificate.

C.) Does this rule require specific expenditures or the report of information as a condition of compliance? **Yes**

The rule states the requirements for renewal of instructor certification, including the application, fee; In addition, items like physician's statements and background checks may be required upon request.