

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

Agency Name

Division

Heather Reed

Contact

1970 West Broad St., Suite 531 P.O. Box 182081
Columbus OH 43218-2081

Agency Mailing Address (Plus Zip)

614-466-7014

Phone

614-752-6063

Fax

4501-53-05

Rule Number

AMENDMENT

TYPE of rule filing

Rule Title/Tag Line

Renewal of certificate to teach.**RULE SUMMARY**

1. Is the rule being filed consistent with the requirements of the RC 119.032 review? **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: **R.C. 4508.08**

5. Statute(s) the rule, as filed, amplifies or implements: **R.C. 4508.08**

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

This filing is based on a R.C. 119.032 rule review of Ohio Administrative Code Chapter 4501-53 to update, reorganize, simplify, and clarify the rules. Proposed changes are to clarify the rule and to eliminate unnecessary language.

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 the process for renewing instructor certification to teach in the

motorcycle and safety education program of the Department of Public Safety, also known as the Motorcycle Ohio (MO) program. Changes include elimination of unnecessary language, reorganization of language for clarification of time frames for renewal application, and clarification that the three courses required to have been taught in the previous teaching certification period, are to have been taught for MO. It also includes a new requirement regarding ERC instructors which provides that within the past three years, ERC instructors shall have taught at least one ERC or attended an ERC update provided by the Department.

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:

While this rule references the Administrative Code, incorporation by reference of such information is excepted by section 121.76 of the Revised Code from the requirements set forth in R.C. 121.71 to 121.75.

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:

While this rule references the Administrative Code, incorporation by reference of such information is excepted by section 121.76 of the Revised Code from the requirements set forth in R.C. 121.71 to 121.75.

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:

This rule had required that renewal of an instructor's certification to teach under Chapter 4501-53 of the Administrative Code, be predicated, in part, on the instructor having taught in Ohio as instructor of record in a minimum of three basic rider courses. In the original filing, at least one of the three basic rider courses was required to have been for the Motorcycle Ohio (MO) program. In the revised rule

language, all three basic rider courses are required to have been taught for the Motorcycle Ohio (MO) program.

Revised language also provides that in addition to the instructor renewal requirements of paragraph (D), for an ERC instructor to obtain renewal of certification to teach under OAC Chapter 4501-53 an ERC instructor shall also, within the past three years, have taught at least one ERC or attended an ERC update provided by the Department.

12. 119.032 Rule Review Date: **11/17/2005**

(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.

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We do not expect this rule to affect the agency's budget.

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 is not expected to create additional costs.

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**