

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

Agency Name

State Highway Patrol

Division

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4501:2-1-17

Rule Number

AMENDMENT

TYPE of rule filing

Rule Title/Tag Line

Motor vehicle equipment standards for horn and warning devices.**RULE SUMMARY**

1. Is the rule being filed consistent with the requirements of the RC 119.032 review? **No**

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. 4513.02**

5. Statute(s) the rule, as filed, amplifies or implements: **R.C. 4513.02**

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

The rule is being filed for amendment to update equipment requirements for sirens on public safety and emergency vehicles and the marking of devices for operating horns on motor vehicles.

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:

The rule provides motor vehicle equipment standards for horn and warning devices. Updates to the rule provide that the device for operating a motor vehicle horn shall be properly marked meeting Federal Motor Vehicle Safety Standard (FMVSS) 571.101 (revised effective 9/1/2006) and that sirens on public safety vehicles and emergency vehicles in-service on or after December 1, 2007 shall meet SAE Standard J 849 (revised 7/2002).

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:

Under R.C. Section 121.75 incorporated references including, without limitation, generally accepted industry standards, are exempted from the provisions of R.C. 121.71 to 121.74 so long as the incorporation by reference consists of a citation that will be intelligible to the persons who reasonably can be expected to be affected by the rule and that if the incorporated material was, is or reasonably can be expected to be subject to change, identifies, and specifies the date of the particular version that is incorporated. This rule sets forth information regarding required equipment standards for sirens on public safety and emergency vehicles and the applicable version of an SAE standard is incorporated by reference. We are providing the citation information and date as required. Those purchasing and inspecting these vehicles know to determine if the SAE standard is met. Further, to assure that incorporated material is generally available to persons affected by the rules of OAC Chapter 4501:2-1, proposed new Rule 4501:2-1-22 provides (as applicable) address, telephone number, and website information for use in obtaining the cited material.

Further, R.C. 121.75 provides that provisions of R.C. 121.71 to R.C. 121.74 do not apply with regard to the incorporation by reference of a federal regulation so long as the reference consists of a citation that will be intelligible to the persons who reasonably can be expected to be affected by the rule and that if the incorporated material was, is, or reasonably can be expected to be subject to change, identifies, and specifies the date of the particular version that is incorporated. This rule sets forth a requirement for marking of a motor vehicle horn. The marking is required to meet a specified Federal Motor Vehicle Safety Standard (FMVSS) of the Code of Federal Regulations (C.F.R.). Further, to assure that incorporated material is generally available to persons affected by the rules of OAC Chapter 4501:2-1, proposed new Rule 4501:2-1-22 provides (as applicable) address and website information for use in obtaining the cited material. In addition, the books containing the C.F.R. are generally available at depository libraries and therefore people can access them.

Also, Ohio Revised Code Section 121.76 provides that the provisions of R.C. 121.71 to 121.75 do not apply to the incorporation by reference of a statute of the Revised Code or of a rule of the Administrative Code.

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:

Under R.C. Section 121.75 incorporated references including, without limitation, generally accepted industry standards, are exempted from the provisions of R.C. 121.71 to 121.74 so long as the incorporation by reference consists of a citation that will be intelligible to the persons who reasonably can be expected to be affected by the rule and that if the incorporated material was, is or reasonably can be expected to be subject to change, identifies, and specifies the date of the particular version that is incorporated. This rule sets forth information regarding required equipment standards for sirens on public safety and emergency vehicles and the applicable version of an SAE standard is incorporated by reference. We are providing the citation information and date as required. Those purchasing and inspecting these vehicles know to determine if the SAE standard is met. Further, to assure that incorporated material is generally available to persons affected by the rules of OAC Chapter 4501:2-1, proposed new Rule 4501:2-1-22 provides (as applicable) address, telephone number, and website information for use in obtaining the cited material.

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Also, Ohio Revised Code Section 121.76 provides that the provisions of R.C. 121.71 to 121.75 do not apply to the incorporation by reference of a statute of the Revised Code or of a rule of the Administrative Code.

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:

Not Applicable.

12. 119.032 Rule Review Date: **3/30/2011**

(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 anticipate that this filing will affect the agency 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:

We do not expect this rule filing to increase the cost of compliance. Although some public safety and emergency vehicles may still be equipped with whistles or bells rather than the sirens required by this rule, the rule provides an exception from the siren standard for vehicles placed into service prior to December 1, 2007. We contacted representatives of organizations whose members operate public safety and emergency vehicles, and they indicated that their newer vehicles are already in compliance with the rule's siren equipment standard. Also, while there is no exception provided for older motor vehicle horns, we understand that the vast majority of existing motor vehicles are already in compliance with the FMVSS horn marking requirement set forth in this rule, and for those that are not, the cost of upgrading the motor vehicle equipment would not be substantial.

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**