

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 901:8-2-03

Rule Type: Amendment

Rule Title/Tagline: Auctioneer license procedure; deposit or return of license.

Agency Name: Department of Agriculture

Division: Enforcement and Compliance

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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? 8/25/2020**
- 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? 4707.19**
- 5. What statute(s) does the rule implement or amplify? 4707.07, 4707.10, 4707.11**
- 6. What are the reasons for proposing the rule?**

This rule is being reviewed in accordance with the five year rule review process. The rules in this package outline the regulations of the auctioneer profession in the state and have been reviewed by auctioneers and the Ohio Auctioneer Commission.

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

Rule 901:8-2-03 outlines the auctioneer license procedure and the deposit or return of license. This rule is being amended to remove any duplicate requirements found in Revised Code and stylistic changes.

8. Does the rule incorporate material by reference? Yes
9. 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.

Pursuant to section 121.75 of the Revised Code, the code sections incorporated into this rule are exempt from compliance with sections 121.71 to 121.74 of the Revised Code.

10. 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

11. 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

Not Applicable.

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

This rule is procedural in nature and therefore does not have an associated cost of compliance.

13. Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No

14. Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No

15. If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.

Not Applicable.

III. Common Sense Initiative (CSI) Questions

16. Was this rule filed with the Common Sense Initiative Office? Yes

17. 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? Yes

Rule 901:8-2-03 outlines the procedure for auctioneer licensure. The rule outlines the required application information as well as passing examination scores.

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

As required by statute, an individual must pay a \$25 examination fee in order to sit for the auctioneer examination.

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

18. Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? Yes

A. How many new regulatory restrictions do you propose adding? 0

B. How many existing regulatory restrictions do you propose removing? 7

901:8-2-03(C) The restriction requires the applicant to submit a photo along with the application.

901:8-2-03(D)(1) The first restriction in paragraph (D)(1) requires the applicant to be notified of date, time, and place of the examination.

901:8-2-03(D)(1) The second restriction in paragraph (D)(1) requires the examination fee to be forfeited if the applicant fails to appear for the scheduled examination.

901:8-2-03(D)(1) The third restriction in paragraph (D)(1) requires the application materials and license fee to be returned if the applicant fails to appear for the scheduled examination.

901:8-2-03(D)(2) The restriction requires the applicant to pass both the written and oral examinations to be issued a license.

901:8-2-03(E) The restriction requires the identification card to be produced upon request.

901:8-2-03(F) The restriction requires the license to be returned to the department if it becomes void or invalid.