

## 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

**Address:** 8995 E. Main Street Reynoldsburg OH 43068

**Contact:** Jacquelyn Rachelle Keller-Potvin **Phone:** 614-728-6340

**Email:** Jacquelyn.Keller-Potvin@agri.ohio.gov

#### **I. Rule Summary**

1. **Is this a five year rule review? Yes**
  - A. **What is the rule's five year review date?** 11/30/2022
2. **Is this rule the result of recent legislation? Yes**
  - A. **If so, what is the bill number, General Assembly and Sponsor?** HB 321 - 134  
- Darrell Kick
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. **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 Ohio Department of Agriculture along with the Ohio Auctioneer Commission has identified the following changes to the Ohio Administrative Code in response to House Bill 321 which went into effect on September 13, 2022.

- 8. 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 the auctioneer license procedure information which has been consolidated in rule 901:8-2-07 of the Administrative Code.

- 9. Does the rule incorporate material by reference? Yes**
- 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.**

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.

- 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.**

This will have no impact on revenues or expenditures.

0.00

Not Applicable.

- 13. 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.

- 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.

Not Applicable.

### **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? Yes
- Rule 901:8-2-03 outlines the procedure for auctioneer licensure.
- 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 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 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? Yes
- A. How many new regulatory restrictions do you propose adding to this rule? 0
- B. How many existing regulatory restrictions do you propose removing from this rule? 10

Paragraph (B)(1) Removed Restriction - "shall be identical to the name under"

Paragraph (B)(1) Removed Restriction - "must be registered either as"

Paragraph (B)(2) Removed Restriction - "shall be the permanent physical business"

Paragraph (B)(2) Removed Restriction - "shall be maintained at the business"

Paragraph (C) Removed Restriction - "must answer seventy-five per cent"

Paragraph (C) Removed Restriction - "commission shall administer and grade"

Paragraph (C) Removed Restriction - "must score seventy points in order"

Paragraph (C) Removed Restriction - "commission shall notify the department"

Paragraph (D) Removed Restriction - "shall carry the license identification card"

Old Paragraph (E) Removed Restriction - "shall return the wall license and"

**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