

# CSI - Ohio

The Common Sense Initiative

## Business Impact Analysis

Agency Name: Office of Criminal Justice Services – Motorcycle Ohio

Regulation/Package Title: Motorcycle Ohio 5-year rule review

Rule Number(s): 4501-53-01,02,03,04,05,06,07,08,09,10,11,12,13,14,15,16

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date: 12/1/15

**Rule Type:**

☒ New

☒ Amended

☒ 5-Year Review

☐ Rescinded

The Common Sense Initiative was established by Executive Order 2011-01K and placed within the Office of the Lieutenant Governor. Under the CSI Initiative, agencies should balance the critical objectives of all regulations with the costs of compliance by the regulated parties. Agencies should promote transparency, consistency, predictability, and flexibility in regulatory activities. Agencies should prioritize compliance over punishment, and to that end, should utilize plain language in the development of regulations.

### **Regulatory Intent**

1. Please briefly describe the draft regulation in plain language.

*Please include the key provisions of the regulation as well as any proposed amendments.*

*Key provisions are updated language, definition of curriculum and standards.*

77 SOUTH HIGH STREET | 30TH FLOOR | COLUMBUS, OHIO 43215-6117

[CSIOhio@governor.ohio.gov](mailto:CSIOhio@governor.ohio.gov)

**2. Please list the Ohio statute authorizing the Agency to adopt this regulation.**

Ohio Revised Code 4508.08

**3. Does the regulation implement a federal requirement? Is the proposed regulation being adopted or amended to enable the state to obtain or maintain approval to administer and enforce a federal law or to participate in a federal program?**

*If yes, please briefly explain the source and substance of the federal requirement.*

Federal funds from Section 2010, Section 405f and 402 funds are used to purchase motorcycles, training, motorcycle awareness outreach/educational materials (e.g., banners, magnets, yard signs, etc.) aimed to increase motorists' awareness of motorcyclists. Information on federal grants can be found at: <http://www.nhtsa.gov/About+NHTSA/Highway+Safety+Grant+Programs>.

**4. If the regulation includes provisions not specifically required by the federal government, please explain the rationale for exceeding the federal requirement.**

No.

**5. What is the public purpose for this regulation (i.e., why does the Agency feel that there needs to be any regulation in this area at all)?**

These regulations ensure instructors and providers provide uniform motorcycle training across Ohio and ensure public safety.

**6. How will the Agency measure the success of this regulation in terms of outputs and/or outcomes?**

Motorcycle Ohio will conduct on-site audits of providers and real time audits of instructors.

**Development of the Regulation**

**7. Please list the stakeholders included by the Agency in the development or initial review of the draft regulation.**

*If applicable, please include the date and medium by which the stakeholders were initially contacted.*

*100% of Private Providers (14) and seven key public providers, and ABATE of Ohio were contacted by email 9/23/2015.*

Bob Althoff	A.D. Farrow Co.	<a href="mailto:bobalthoff@adfarrow.com">bobalthoff@adfarrow.com</a>
Rodney Crabtree	A.D. Farrow Co.	<a href="mailto:rodneycabtree@adfarrow.com">rodneycabtree@adfarrow.com</a>
Jim Elgin	ABATE of Ohio	<a href="mailto:chairofboard@abate.com">chairofboard@abate.com</a>
Deb Fishley	Adventure Harley-Davidson	<a href="mailto:Deb.fishley@hmhd.com">Deb.fishley@hmhd.com</a>
Mike Davis	Adventure Harley-Davidson	<a href="mailto:mike@hmhd.com">mike@hmhd.com</a>

77 SOUTH HIGH STREET | 30TH FLOOR | COLUMBUS, OHIO 43215-6117

[CSIOhio@governor.ohio.gov](mailto:CSIOhio@governor.ohio.gov)

William J. Kottyan	Athens Harley-Davidson	<a href="mailto:bkottyan@frog.net">bkottyan@frog.net</a>
Bill English	Biketown Harley-Davidson	<a href="mailto:ridersedge@yahoo.com">ridersedge@yahoo.com</a>
Tom Wronkovich	Biketown Harley-Davidson	<a href="mailto:wronko@zoominternet.net">wronko@zoominternet.net</a>
Michelle Barttlette-Dave Coterel	Buckminn's Harley-Davidson	<a href="mailto:ridersedge@buckminnsdandd.com">ridersedge@buckminnsdandd.com</a>
Dennis Beam	Butler Tech-Career Center	<a href="mailto:beamdennis@hotmail.com">beamdennis@hotmail.com</a>
Sue Ankrom	C&A Harley-Davidson	<a href="mailto:sue@ca-hd.com">sue@ca-hd.com</a>
Joe Burke	Great Oaks Career Campus	<a href="mailto:burkej@greatoaks.com">burkej@greatoaks.com</a>
Todd Smith	Iron Pony Motorsports	<a href="mailto:boxerdad@live.com">boxerdad@live.com</a>
Lisa Goetsch	Kent State University	<a href="mailto:lgoetsch@kent.edu">lgoetsch@kent.edu</a>
Mike Stevens	Lake Erie Harley-Davidson	<a href="mailto:mike@lakeerieharley.com">mike@lakeerieharley.com</a>
Tom Williams	Lake Erie Harley-Davidson	<a href="mailto:tom@lakeerieharley.com">tom@lakeerieharley.com</a>
Dave Spotton	Lakeland Community College	<a href="mailto:dspotton@lakelandcc.edu">dspotton@lakelandcc.edu</a>
Vickey Johnson	Lucas County Educational Services	<a href="mailto:vjohnson@bex.net">vjohnson@bex.net</a>
Tim Stahlberg	Polaris Career Center	<a href="mailto:tstahlberg@aol.com">tstahlberg@aol.com</a>
Jeff Caldwell	Professional Systems Driving School	<a href="mailto:PDSDrivingSchool@yahoo.com">PDSDrivingSchool@yahoo.com</a>
Dan Woerner	Rider Education of Ohio	<a href="mailto:DanWoerner@ridereducationofohio.org">DanWoerner@ridereducationofohio.org</a>
Timothy Sherman	Rubber City Harley Davidson	<a href="mailto:toledohd@aol.com">toledohd@aol.com</a>
Kirk Compton	State 8 Motorcycles	<a href="mailto:kirkc@state8.com">kirkc@state8.com</a>
Susan Rzepka	State 8 Motorcycles	<a href="mailto:susanr@state8.com">susanr@state8.com</a>
David J. Arthur	The Ohio National Guard	<a href="mailto:david.arthur@ang.af.mil">david.arthur@ang.af.mil</a>
Louis Owens-Donny	Tri-County Harley-Davidson	<a href="mailto:donny@tricountyharley.com">donny@tricountyharley.com</a>
Zoltan-Stacy Budevsky	Western Reserve Harley-Davidson	<a href="mailto:stacy@WHRD.com">stacy@WHRD.com</a>

**8. What input was provided by the stakeholders, and how did that input affect the draft regulation being proposed by the Agency?**

Each contact was given a complete and identical copy of all proposed changes and asked to provide input by 10/2/15. Three grantees responded in writing asking for clarification on changing to national training standards instead of vendor standards for training criteria. The Private Providers voiced the same question at the Private Provider face-to-face annual meeting October 14, 2015.

**9. What scientific data was used to develop the rule or the measurable outcomes of the rule? How does this data support the regulation being proposed?**

Trained riders are reported in the Ohio fatality reports at a disproportionately lower rate.

On a year to date basis through September there are 140 motorcycle fatalities, up 15.7% vs. last year. Trained riders are 5% of the at-fault fatalities and 11.5% of the fatalities overall.

**10. What alternative regulations (or specific provisions within the regulation) did the Agency consider, and why did it determine that these alternatives were not appropriate? If none, why didn't the Agency consider regulatory alternatives?**

There are no alternative regulations available.

- 11. Did the Agency specifically consider a performance-based regulation? Please explain.**  
*Performance-based regulations define the required outcome, but don't dictate the process the regulated stakeholders must use to achieve compliance.*

*"National Standards" is the "Model National Standards for Entry-Level Motorcycle Rider Training" (August, 2011) and may be accessed via the "National Highway Traffic Safety Administration" website at <http://www.nhtsa.gov/Safety/Motorcycles>.*

- 12. What measures did the Agency take to ensure that this regulation does not duplicate an existing Ohio regulation?**

Motorcycle Ohio researched the Ohio revised code and the Ohio administrative code.

- 13. Please describe the Agency's plan for implementation of the regulation, including any measures to ensure that the regulation is applied consistently and predictably for the regulated community.**

Published updates through the State of Ohio Office of Criminal Justice Services-Motorcycle Ohio <http://www.motorcycle.ohio.gov/>

Mandatory instructor updates, Motorcycle Ohio staff support and provider updates. Updates for instructors will be provided at the mandated annual instructor workshop and through communication through Motorcycle Ohio and ODPS training campus. Updates for providers will be provided at the mandated semi-annual meetings and through communication through Motorcycle Ohio and ODPS training campus in addition to the Motorcycle Ohio quality assurance site visits.

### **Adverse Impact to Business**

- 14. Provide a summary of the estimated cost of compliance with the rule. Specifically, please do the following:**

- a. Identify the scope of the impacted business community; Upon initial application of their respective roles, the impact of increased background check affects instructors, private providers and grantees.*
- b. Identify the nature of the adverse impact (e.g., license fees, fines, employer time for compliance); Previously, only an Ohio background check was required. The background check has been expanded to include a federal level check. This proposal brings Motorcycle Ohio into alignment with other departments on background requirements.*
- c. Quantify the expected adverse impact from the regulation.**

77 SOUTH HIGH STREET | 30TH FLOOR | COLUMBUS, OHIO 43215-6117

[CSIOhio@governor.ohio.gov](mailto:CSIOhio@governor.ohio.gov)

*The adverse impact can be quantified in terms of dollars, hours to comply, or other factors; and may be estimated for the entire regulated population or for a “representative business.” Please include the source for your information/estimated impact. The cost of the BCI background check (required now) is approximately \$22 and the FBI (proposed) is approximately \$24. Note: BCI&I only accepts certified checks or money orders, payable to Treasurer-State of Ohio.*

**Background Check - ovmlb - State of Ohio**

*The impact of the proposed rule changes does not change the business system or reporting methods or require capital purchases. It does not impact license fees, employer time for compliance or increase or increase fines. It does clarify existing language, qualify forms, materials and qualify standards by inclusion.*

**15. Why did the Agency determine that the regulatory intent justifies the adverse impact to the regulated business community?**

The regulatory changes will allow Motorcycle Ohio to meet its mandate of public protection with minimal business impact and reduce the cost of crash burden in Ohio.

**Regulatory Flexibility**

**16. Does the regulation provide any exemptions or alternative means of compliance for small businesses? Please explain.**

The nature of the business does not provide exemptions or alternative means of compliance.

**17. How will the agency apply Ohio Revised Code section 119.14 (waiver of fines and penalties for paperwork violations and first-time offenders) into implementation of the regulation?**

Section 119.14 does not apply

**18. What resources are available to assist small businesses with compliance of the regulation?**

The Motorcycle Ohio staff will assist providers as requested.