



## Common Sense Initiative

**Mike DeWine**, Governor  
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### Business Impact Analysis

Agency, Board, or Commission Name: Motor Vehicle Repair Board (CRB)

Rule Contact Name and Contact Information:

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Regulation/Package Title (a general description of the rules' substantive content):

CRB BIA

Rule Number(s): 4775-1-01, 4775-2-01, 4775-2-02, 4775-2-03, 4775-2-04, 4775-2-07, 4775-2-08, 4775-2-09, 4775-3-01, 4775-3-02, 4775-3-03, 4775-3-04, 4775-3-06, 4775-3-07, 4775-3-08, 4775-3-09, 4775-3-10, 4775-3-11, 4775-4-01, 4775-4-02, 4775-4-03, 4775-4-04, 4775-5-01, 4775-5-02, 4775-5-03, 4775-5-04, 4775-5-05, 4775-5-06

Date of Submission for CSI Review: 7/31/2023

Public Comment Period End Date: 8/14/2023

Rule Type/Number of Rules:

New/ 0 rules

No Change/ 25 rules (FYR? X)

Amended/ 3 rules (FYR? X)

Rescinded/ 0 rules (FYR? X)

The Common Sense Initiative is established in R.C. 107.61 to eliminate excessive and duplicative rules and regulations that stand in the way of job creation. Under the Common Sense Initiative, agencies must balance the critical objectives of regulations that have an adverse impact on business with the costs of compliance by the regulated parties. Agencies should promote transparency, responsiveness, predictability, and flexibility while developing regulations that are fair and easy to follow. Agencies should prioritize compliance over punishment, and to that end, should utilize plain language in the development of regulations.

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### **Reason for Submission**

1. R.C. 106.03 and 106.031 require agencies, when reviewing a rule, to determine whether the rule has an adverse impact on businesses as defined by R.C. 107.52. If the agency determines that it does, it must complete a business impact analysis and submit the rule for CSI review.

Which adverse impact(s) to businesses has the agency determined the rule(s) create?

The rule(s):

- a. ☒ Requires a license, permit, or any other prior authorization to engage in or operate a line of business.
- b. ☒ Imposes a criminal penalty, a civil penalty, or another sanction, or creates a cause of action for failure to comply with its terms.
- c. ☒ Requires specific expenditures or the report of information as a condition of compliance.
- d. ☐ Is likely to directly reduce the revenue or increase the expenses of the lines of business to which it will apply or applies.

### **Regulatory Intent**

2. Please briefly describe the draft regulation in plain language.  
*This packet contains only no-change rules for the 5-year review. There are no new regulations or amendments. The majority of these rules deal with administrative procedures.*
3. Please list the Ohio statute(s) that authorize the agency, board or commission to adopt the rule(s) and the statute(s) that amplify that authority.  
*ORC 119.03*
4. Does the regulation implement a federal requirement? *No.*  
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?  
*No.*
5. If the regulation implements a federal requirement, but includes provisions not specifically required by the federal government, please explain the rationale for exceeding the federal requirement. *N/A.*
6. 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)?  
*The public purpose of the regulations are to assure that collision repair shops and window tinting shops abide by Ohio Laws thus protecting consumers from fraud and monetary loss*

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7. How will the Agency measure the success of this regulation in terms of outputs and/or outcomes?  
*Success is measured by the registrants' compliance to the administrative rules.*
8. Are any of the proposed rules contained in this rule package being submitted pursuant to R.C. 101.352, 101.353, 106.032, 121.93, or 121.931?  
*No.*

### **Development of the Regulation**

9. Please list the stakeholders included by the Agency in the development or initial review of the draft regulation.  
*The stakeholders reviewing the 5 year no-change rules include five Board members, 4 are owners of collision repair shops, and one is the owner of a mechanical repair shop, the Autobody & Service Repair Association of Ohio, the Assistant Attorney General, the Executive Director, Program Administrator 2, 2 Investigators, 1 Investigator Assistant, and the current registrants.*
10. What input was provided by the stakeholders, and how did that input affect the draft regulation being proposed by the Agency?  
*The stakeholders listed were in agreement with the no change 5-year reviews.*
11. 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?  
*N/A*
12. 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 other alternative regulations to consider since there are no other laws regulating the auto repair industry in Ohio.*
13. What measures did the Agency take to ensure that this regulation does not duplicate an existing Ohio regulation?  
*Chapter 4775 does not duplicate any other existing Ohio regulations.*
14. 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.  
*The rules have not changes. We have implemented these rules previously by public service announcements, notifications to industry associations, group emails, and website postings.*

### **Adverse Impact to Business**

15. Provide a summary of the estimated cost of compliance with the rule(s). Specifically, please do the following:
- Identify the scope of the impacted business community: *The impacted business community is the Ohio auto repairers that specifically perform collision repair, auto*

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*glass repair and replacement, airbag repair or replacement, paintless dent repair and window tint installation.*

- b. Quantify and identify the nature of all adverse impact (e.g., fees, fines, employer time for compliance, etc.).

*Registration fees are \$225 per year. Failure to comply can result in civil action by the Board and the Attorney General's Office. Employer time to comply is very minimal; basically the time to fill out an application. The registrants are required to obtain and submit a certificate of insurance verifying Garage Keepers coverage and general liability.*

16. Are there any proposed changes to the rules that will reduce a regulatory burden imposed on the business community? Please identify.

*N/A there are no proposed changes to the rules.*

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

*The agency determined that the adverse impact to the regulated business community is justifiable as it protects Ohio consumers from fraud and deceitful business practices.*

### **Regulatory Flexibility**

18. Does the regulation provide any exemptions or alternative means of compliance for small businesses? Please explain. *Yes, there are several exemptions to registration listed in the rules;*

- (1) An employee, other than a manager, of a motor vehicle repair business;*
- (2) A motor vehicle dealer, licensed pursuant to sections 4517.01 to 4517.45 of the Ohio Revised Code;*
- (3) A motor vehicle dealer licensed pursuant to sections 4517.01 to 4517.45 of the Ohio Revised Code who is also the owner, part owner, or operator of a motor vehicle repair business;*
- (4) A motor vehicle auction owner licensed to sections 4517.01 to 4517.45 of the Ohio Revised Code;*
- (5) A motor vehicle leasing dealer licensed pursuant to sections 4517.01 to 4517.45 of the Ohio Revised Code;*
- (6) A motor vehicle salvage dealer licensed pursuant to 4517.01 to 4517.45 of the Ohio Revised Code;*
- (7) A person or lessee who owns or leases ten or more motor vehicles used principally in connection with any established business and who does not perform motor vehicle repairs other than the motor vehicles used principally in connection with the established business;*
- (8) A motor vehicle renting dealer as defined in division (A)(2) of section 4549.65 of the Revised Code who does not perform motor vehicle repairs on motor vehicles other than*

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*the motor vehicles used in connection with the established motor vehicle renting business;*

*(9) A person who performs repairs to the motor vehicles of a single commercial, industrial, or governmental establishment exclusively and does not offer or provide motor vehicle repair service to the general public;*

*(10) The owner, part owner, or officer of, or instructor employed by an educational institution that provides instruction in motor vehicle repair while the owner, part owner, officer of, or instructor is engaging in activity in furtherance of instruction in motor vehicle collision repair.*

**19. 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?**

*Our agency does not invoke fines and penalties for paperwork violations.*

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

*The Board members, the Board staff, our website, and our laws and rules are always available to clarify inquiries regarding compliance.*