

**MEMORANDUM**

**TO:** George Stiteler, Ohio Department of Public Safety

**FROM:** Cory Bailey, Regulatory Policy Advocate, Lt. Governor's Office

**DATE:** January 14, 2016

**RE:** **CSI Review – Motorcycle Ohio (OAC § 4501-53-01 through 4501-53-16)**

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On behalf of Lt. Governor Mary Taylor, and pursuant to the authority granted to the Common Sense Initiative (CSI) Office under Ohio Revised Code (ORC) § 107.54, CSI has reviewed the abovementioned administrative rules and associated Business Impact Analysis (BIA). This memo represents CSI's comments to the Agency as provided for in ORC § 107.54.

**Analysis**

On December 1, 2015, the Ohio Department of Public Safety (ODPS) submitted a draft rule package consisting of fifteen amended rules and one new rule to the CSI Office as part of the five-year rule review requirement contained in Ohio statute. The official public comment period closed on December 23, 2015 with no comments submitted.

The draft rule package establishes rules governing Motorcycle Ohio, a motorcycle safety and education program operated by ODPS. The program allows students who successfully complete a training course to bypass the skill test when applying for a motorcycle license or endorsement. According to the BIA, the fatality rate for trained riders is much lower than for those who have not received the training.

Motorcycle Ohio is administered by both public and private providers. The draft rules include requirements the providers must meet in order to receive a certification. The rules also cover curriculum standards for training courses and qualifications for instructors. A new rule has been added, OAC § 4501-53-16, which incorporates materials from various sources, referencing where to access forms and further defining certain terms.

The rules have been amended extensively. For feedback on the changes, ODPS reached out to

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every private provider in the state during early stakeholder outreach, as well as seven of the key public providers. According to the BIA, a few stakeholders asked for clarification on changing from vendor standards to national training standards for training criteria. Follow-up with ODPS revealed that the clarification was provided and there were no further stakeholder concerns.

The impacted business community is the private organizations and corporations approved by ODPS to conduct motorcycle safety training and education. The adverse impacts to these private providers includes the time committed to filing an application, state and federal background checks, office and geographic location standards, range instruction requirements, and insurance coverage requirements. By extension, since instructors are provider employees, the instructor qualification requirements also represent an adverse impact to business.

The figures cited by ODPS show the effectiveness of the Motorcycle Ohio program. The draft rules ensure the program is administered correctly without imposing an undue burden on business. As a result, following review of the draft rules, BIA, and stakeholder outreach, it has been determined that the standards espoused by the CSI Office have been met, and the adverse impacts of the draft rules and amendments are justified.

### **Recommendations**

For the reasons discussed above, the CSI Office does not have any recommendations for this rule package.

### **Conclusion**

Based on the above comments, the CSI Office concludes that the Ohio Department of Public Safety should proceed with the formal filing of this rule package with the Joint Committee on Agency Rule Review.