



Common Sense Initiative

Mike DeWine, Governor
Jon Husted, Lt. Governor

Sean McCullough, Director

MEMORANDUM

TO: Joseph Kirk, Ohio Department of Public Safety

FROM: Sean McCullough, Business Advocate

DATE: March 15, 2022

RE: CSI Review – Motorcycle Safety and Education (OAC 4501-53-01 to 4501-53-16)

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

Analysis

This rule package consists of 14 amended and two no-change rules proposed by the Ohio Department of Public Safety (Department). This rule package was submitted to the CSI Office on February 14, 2022, and the public comment period was held open through February 28, 2022. Unless otherwise noted below, this recommendation reflects the version of the proposed rules filed with the CSI Office on February 14, 2022.

The rules in this package outline the requirements of motorcycle training and instruction in this state. The rules include course and curriculum requirements, student to instructor ratios, instructor credentials and certification requirements, course provider inspections, instructor and provider certification renewal, insurance requirements, among others. All 16 are being filed pursuant to the five-year rule review requirement.

The Department provided the draft rules to course providers and instructors in this state for purposes of early stakeholder outreach. The Department received two comments. The first stated that instructors should be required to ride the provider courses before providing instruction. The Department responded that this would require additional and undue burden on the Department and

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the instructors, and that current credentialing and certification requirements provide for proper training. The second required that the rules be amended to align with national standards. The Department responded by removing unnecessary references and reinforming the commenter that the relevant national standards remain incorporated by reference. The remaining update and clarify language. No comments were received during the CSI comment period.

The business community affected by the rules include providers and instructors. Adverse impacts include the fees associated with background checks (\$45-69), and the instructor prep class fee (\$100). Other impacts include limitations on student to instructor ratios, CPR credentialing, curriculum standards, instructor certification, records maintenance, and insurance requirements. The Department states that the adverse impacts of these rules are justified as they reduce the motorcycle crash rates in this state while using the most minimal impactful methods to businesses.

Recommendations

Based on the information above, the CSI Office has no recommendations on this rule package.

Conclusion

The CSI Office concludes that the Ohio Department of Public Safety should proceed in filing the proposed rules with the Joint Committee on Agency Rule Review.