

CSI - Ohio

The Common Sense Initiative

Business Impact Analysis

Agency Name: Ohio Department of Public Safety

Regulation/Package Title: _____

Rule Number(s): 4501:1-1-24

Date: August 18, 2015

Rule Type:

New

5-Year Review

Amended

Rescinded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.

77 SOUTH HIGH STREET | 30TH FLOOR | COLUMBUS, OHIO 43215-6117
CSIOhio@governor.ohio.gov

This rule outlines the circumstances that the Registrar of Motor Vehicles may disqualify a commercial driver for certain convictions. The rule also explains the process by which a driver may request a hearing on the disqualification and the procedures of the hearing.

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

Statutory Authority: R.C. 4501.02, R.C. 4506.22, R.C. 4507.01

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.

Yes, per 49 CFR 383.51 the State of Ohio is required to implement disqualifications as described in the rule.

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

This rule does not exceed the federal regulations.

5. What is the public purpose for this regulation?

The rule in its current and proposed form clarifies both the circumstances when an individual becomes disqualified from driving a commercial vehicle as well as dictating the format for hearings challenging the disqualification.

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

Compliance with the regulation does not follow a quantitative model of analysis.

Development of the Regulation

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

Dave Bose – Ohio Truckers Association

Don Robinson – Ohio Truckers Association

Gerry Krisa – Ohio Truckers Association

Jennifer Wolfe – Ohio Truckers Association

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

CSIOhio@governor.ohio.gov

Jim Newsome – Ohio Truckers Association

Loretta Miller – Ohio Truckers Association

Phil Dybzinski – Ohio Truckers Association

Willy Jennings – Ohio Truckers Association

Brian D Reigle – Columbus City Schools

Larry Woolum – Ohio Truckers Association

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

The Administrative Rule Review Stakeholder survey was returned by one stakeholder who indicated they understood the rule and estimated there would be no cost or time involved in complying with the rule.

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?

N/A No scientific data was used to develop this rule.

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?

This rule outlines the process by which a commercial driver may request a hearing for disqualifications established in statutes through ORC 4506.15, 4506.16, and 4506.17 and the format for the hearing.

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.

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

~~12.~~

The BMV is the sole authority for regulations involving disqualifications of commercial

Formatted: Indent: Left: 0.5", No bullets or numbering

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

CSIOhio@governor.ohio.gov

driver license holders in Ohio. A review of OAC Chapter 4501:1-1 did not find any duplication.

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.

~~13.~~ This rule has been submitted with minor grammatical changes. The BMV provides information about disqualifications and suspensions via the BMV website. The BMV has also reached out to the CDL holders via meetings and mass mailings as regulations changed.

Formatted: Indent: Left: 0.25", No bullets or numbering

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;
- b. Identify the nature of the adverse impact (e.g., license fees, fines, employer time for compliance); and
- c. Quantify the expected adverse impact from the regulation.
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.

- a) The impacted business community for this regulation would be any holder of a CDL who has a pending disqualification.
- b) Commercial driver license holders requesting a hearing must submit their hearing request in writing and have the option to mail in any evidence for the hearing at the discretion of the disqualified individual they may choose to attend the hearing or send a representative in their place.
- c) The adverse impact is limited to the submission of documentation by mail and appearing in person at the hearing if desired by the disqualified individual.

Formatted: Indent: Left: 1.25", No bullets or numbering

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

15. *The purpose of this regulation is to allow a CDL holder a hearing challenging their pending disqualification. Any adverse effect suffered by the CDL holder is balanced by the possibility they can have their disqualification dismissed.*

Formatted: Indent: Left: 0.5", No bullets or numbering

Regulatory Flexibility

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

16. *This regulation applies to individual CDL holders and as such treats all license holders the same. An exception to this standard for a small business holder is not appropriate.*

Formatted: Indent: Left: 0.5", No bullets or numbering

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?

17. *There are no fines or penalties associated with this regulation as it is a means to petition the Ohio BMV for a hearing in regards to their disqualification.*

Formatted: Indent: Left: 0.5", No bullets or numbering

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

The BMV provides information to the public regarding disqualification on the BMV website. Information can also be obtained via the BMV Telecommunications section and via the BMV's live chat service.

Commented [JAK1]: These questions still need answered.

Formatted: Font: Calibri, 11 pt

18.

Formatted: Indent: Left: 0.5", No bullets or numbering