

CSI - Ohio

The Common Sense Initiative

Business Impact Analysis

Agency Name: Ohio Department of Public Safety

Regulation/Package Title: 4501-7

Rule Number(s): 4501-7-23 and 4501-7-25

Date: _____

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Rescinded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.

The rules set forth the requirements for licensing of commercial/ trucking driver training schools and instructors. The rules are proposed to change incorrectly statutes cited within the rule and to strike references that permit the use of photographs from the Bureau of Motor Vehicles in lieu of applicant provided photographs. The rules set forth the training

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requirements, character and fitness, and application processes for instructor and training manager licenses.

2. **Please list the Ohio statute authorizing the Agency to adopt this regulation.** 4508.02
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?**

No

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

n/a

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)?**

It is the agency's responsibility and statutory authority to license instructors and set standards for those training the public in the operation of commercial motor vehicles. The regulation is to protect the safety and welfare of the public and to ensure proper training is received.

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

The agency will measure the success of the regulation through the reduced number of administrative hearings, reduced number of investigations and increased number of applications for quality schools and instructors.

Development of the Regulation

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

Kreigh Spahr (Cuyahoga Community College), Aimee Napier (Napier Truck Driver Training, Inc.) and Doris Young (Great Lakes Truck Driving School Inc.).

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

The Commercial Driver's License committee was held via a teleconference on August 22, 2012. The input from stakeholders allowed for further clarification of necessary development of standards and financial responsibilities the drafted language has on the businesses. The CDL committee indicated the fees and requirements as drafted were not as stringent as other

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neighboring states. The stakeholders identified the financial and business impact of the regulations and requirements for documents and training.

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

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?

The agency did not consider alternative regulations. The committee stated the regulations set forth by Ohio are not as stringent as other states in which they were licensed to operate.

11. Did the Agency specifically consider a performance-based regulation? Please explain.

The Driver Training Program allows the schools to decide how to train, when to train the specific topics, and whether or not the instructor candidate is ready to be licensed. However, at the point of application and supporting documents, the Driver Training Program requires specific documents.

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

A review of Chapter 4508 of the Revised Code and Chapter 4501-7 of the Administrative Code was conducted.

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.

The Driver Training Program will continue to review all applications and training requirements for the licensees. The department will continue the practice of working with the schools should the training or documentation provided lack the completeness as required.

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;

There are currently at least 20 commercial driver training locations in Ohio.

b. Identify the nature of the adverse impact (e.g., license fees, fines, employer time for compliance); *The adverse impact includes license fees, background check fees, driving abstract fees, physical check fees, testing fees for the third party testing sites or exam stations, employer time, training, record retention, certificates of enrollment and/or completion and equipment requirements*

c. Quantify the expected adverse impact from the regulation.

The estimated costs of compliance for stakeholders include initial application fees for instructor initial application fee.... \$25

background check....\$80

BMV driving record....\$8.50

Physical....\$75

Testing....\$60

Total for an initial instructor application....\$248.50

Instructor renewal fee....\$10

BMV driving record....\$8.50

Total for an instructor renewal application....\$18.50

The training required for an initial instructor application can cost a school between 95 and 100 hours of training resulting in anywhere starting at \$200 up to \$1800 for the cost of training. This cost depends on the discretion of the school paying the candidate for their training.

For the certification of a training manager, the initial estimated cost of attending the forty hour course ranges from \$2000 to \$3000. This would include the school paying for the lodging, per diem, hourly wages, gas to commute and cost of the course.

The continuing education course is estimated to cost a school about \$700 per person. This includes cost of the course, gas to commute, hourly wages and per diem.

The estimated adverse impact was provided by the committee members.

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

It is the responsibility of the agency to ensure the protection of the public by setting requirements for proper training and character of a person who intends to train persons in the operation of a commercial motor vehicle. The agency determined the regulations will provide standardized and thorough application and training processes.

Regulatory Flexibility

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

Exemptions are made on a case by case basis depending upon a conviction of a person. The agency allows the use of the Medical Examiners physical, all CDL license holders already are required to have this to maintain the driver license. The agency allows for a certificate from a college or university, or a teacher's driving institute in lieu of being trained by the school.

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?

It is the office policy to work with the schools and allow them time and consideration to amend paperwork issues. The office identifies the issue and communicates with the school where issues were discovered. Also, the office uses a warning letter should a minor issued be identified that cannot be corrected with paperwork.

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

The Driver Training Program will host a continuing education at no cost or minimal cost to the training managers. The Driver Training Program works through a provider to offer the training manager course at a cost. Information regarding training or upcoming events are published to the driver training website (<http://www.drivertraining.ohio.gov/>) as well as sent out in a communication to all schools. It is up to the providers to pay for the courses.