

CSI - Ohio

The Common Sense Initiative

Business Impact Analysis

Agency Name: Ohio Department of Public Safety

Regulation/Package Title: _____

Rule Number(s): 4501:1-1-29

Date: August 27, 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Rescinded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.

This rule outlines the circumstances that the Registrar of Motor Vehicles may cancel a commercial driver license that was granted based on a falsified application.

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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?

Yes, per 49 CFR 383.73(j) 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 prevents individuals from obtaining a commercial driver license under false pretenses in the State of Ohio.

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

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

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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 adheres to the minimal federal standard for disqualifying an individual that obtains a commercial driver license using falsified information.

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

Performance-based regulations are not appropriate in this instance.

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

The BMV is the sole authority for regulations involving issuance of commercial driver licenses 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.

This rule has been submitted without change. The BMV provides information about license issuance via the BMV website, Telecommunications section and live chat service. The BMV has also reached out to the CDL holders via meetings and mass mailings as regulations have changed.

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.**

a) All commercial driver license holders within the state of Ohio.

b) This regulation requires the cancellation of a commercial driver license based on a falsified application.

c) If the driver chooses to retest, then they would be subject to the following fees:

- CDL testing fees at a state run facility are currently \$100. Licensing fees will total \$69.*

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

Cancellation of a commercial driver license using a falsified application is required by federal regulations. This rule adheres to the minimum federal standard.

Regulatory Flexibility

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

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.

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?

There are no penalties associated with improper filing of paperwork under this regulation.

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

The BMV provides information about license issuance via the BMV website, Telecommunications section and live chat service. The BMV has also reached out to the CDL holders via meetings and mass mailings as regulations have changed.