

CSI - Ohio

The Common Sense Initiative

Business Impact Analysis

Agency Name: Ohio Department of Public Safety, Bureau of Motor Vehicles

Regulation/Package Title: Report of peace officer; request of commercial motor vehicle driver to submit to blood, breath or urine test(s) for alcohol or controlled substances

Rule Number(s): 4501:1-1-25

Date: 8/28/2015

Rule Type:

- | | |
|----------------------------------|---|
| <input type="checkbox"/> New | <input checked="" type="checkbox"/> 5-Year Review |
| <input type="checkbox"/> Amended | <input type="checkbox"/> Rescinded |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 sets forth required form and content of the report required to be submitted by a peace officer by R.C. 4506.17.

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

R.C. sections 4501.02, 4506.17, 4506.22 and 4507.01

3. Does the regulation implement a federal requirement?

No.

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.

Not applicable, as the rule does not involve any federal requirements.

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)?

This regulation gives guidance to peace officers as to the proper format and information that must be submitted for the report required by R.C. 4506.17

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

Success will be measured by peace officers submitting the correct information on reports regarding an implied consent test.

Development of the Regulation

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

Stakeholders were contacted by e-mail on June 1, 2015 and requested to review the rule and provide feedback by July 9, 2015. The stakeholders contacted were;

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

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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?

One stakeholder responded to the survey and the stakeholder indicated that the rule was clear and estimated there would be no costs for compliance.

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?

Not applicable. 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?

R.C. 4506.17 requires peace officers to submit a report to the registrar about violations of this statute. Quantifying the information required on this form is the most efficient way to ensure compliance with this statute.

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.

This rule defines the information required on a report detailing a violation of R.C.4506.17 but does not specify a specific format for the submission of the information.

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 disqualifications of commercial 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.

This rule has been submitted without change. The BMV provides information about disqualifications and suspensions 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 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.**

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) All commercial driver license holders within the state of Ohio.*
- b) The requirement for peace officers to submit a report of information in a required format when submitting notification of a violation of statute 4506.17 in and of itself is expected to have no adverse impact on commercial driver license holders.*
- c) Since there is no expected adverse impact on commercial driver license holders, there are no costs to quantify.*

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

The BMV believes that specifying the form and content of the report of a peace officer’s report required under R.C.4506.17 is the most effective way to guarantee proper enforcement of the revised code and mitigates any adverse impact.

Regulatory Flexibility

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

There are currently no exceptions for small businesses under this regulation as the rule relates to information being relayed by peace officers for a violation of R.C.4506.17.

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 to the public regarding disqualifications and suspensions on the BMV website. Information can also be obtained via the BMV Telecommunications section and via the BMV's live chat service.