

CSI - Ohio

The Common Sense Initiative

Business Impact Analysis

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

Regulation/Package Title: Relief from disqualification for life from operating a commercial vehicle

Rule Number(s): 4501:1-1-26

Date: August 30, 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 Rescinded |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 summarizes the procedure by which an individual may petition the Registrar of Motor Vehicles for relief of disqualification for life to driver a commercial motor vehicle.

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

R.C. sections 4501.02, 4506.22 and 4507.01

3. Does the regulation implement a federal requirement? *No. While Federal regulations give states the option to grant relief from lifetime disqualifications they do not require states to provide this option.*

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.

This regulation follows the Federal guidelines for relief from lifetime disqualification.

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 allows individuals who are serving a lifetime disqualification an opportunity to reinstate commercial driving privileges.

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.

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

Loretta Miller – Ohio Truckers Association

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

CSIOhio@governor.ohio.gov

*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 these rules.

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?

Federal guidelines for relief from lifetime disqualifications were followed in the development of this regulation.

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

This rule does offer flexibility to those looking for relief from a lifetime disqualification by allowing the individual to submit a certificate of completion from any approved rehabilitation program.

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. 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) The impacted business community for this regulation would be any holder of a CDL who is serving a lifetime disqualification.*
- b) To comply with this regulation a CDL holder looking for would need to submit proof of completion of an appropriate rehabilitation program, pay the appropriate reinstatement fee, and then retest for his or her CDL and purchase a new license once the disqualification has been terminated.*
- c) While no course has currently been approved the BMV estimates the course would cost approximately \$100 based on remedial driving courses currently being offered. The reinstatement fee for the disqualification is currently \$40. CDL testing fees at a state run facility are currently \$100. Licensing fees will total \$69. Remedial driving course costs were obtained from the American Automotive Association and the National Safety Council. Costs to retest and purchase a license were obtained from the BMV fee schedule.*

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

The purpose of this regulation is to allow a CDL holder to obtain relief from a lifetime disqualification. The BMV believes that the benefits of regaining a CDL after having previously being disqualified for life outweigh any adverse impact from the reinstatement process.

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. Disqualified individuals will eventually have a choice between various rehabilitation services as these services are approved by the registrar.

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 fines or penalties associated with this regulation as it is a means for relief from a lifetime disqualification.

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.