

## Rule Summary and Fiscal Analysis

### Part A - General Questions

**Rule Number:** 4501-7-01

**Rule Type:** Amendment

**Rule Title/Tagline:** Definitions.

**Agency Name:** Department of Public Safety

**Division:**

**Address:** 1970 West Broad Street PO Box 182081 Columbus OH 43218-2081

**Contact:** Joseph Kirk **Phone:** 614-466-5605

**Email:** jakirk@dps.ohio.gov

#### I. Rule Summary

1. **Is this a five year rule review?** No
  - A. **What is the rule's five year review date?** 4/1/2027
2. **Is this rule the result of recent legislation?** No
3. **What statute is this rule being promulgated under?** 119.03
4. **What statute(s) grant rule writing authority?** 4508.02
5. **What statute(s) does the rule implement or amplify?** 4508.02 to 4508.09
6. **Does the rule implement a federal law or rule in a manner that is more stringent or burdensome than the federal law or regulation requires?** No
  - A. **If so, what is the citation to the federal law or rule?** Not Applicable
7. **What are the reasons for proposing the rule?**

The rule is being proposed to update defined terms for Chapter 4501-7 of the Administrative Code.
8. **Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

The rule defines terms for Chapter 4501-7 of the Administrative Code. Several terms are updated.

9. **Does the rule incorporate material by reference? No**
10. **If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.75, please explain the basis for the exemption and how an individual can find the referenced material.**

*Not Applicable*

11. **If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.**

*Not Applicable*

## **II. Fiscal Analysis**

12. **Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.**

This will have no impact on revenues or expenditures.

0.00

Not applicable.

13. **What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?**

Not applicable.

14. **Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No**

15. **Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No**

16. **If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.**

Not applicable.

**III. Common Sense Initiative (CSI) Questions**

- 17. Was this rule filed with the Common Sense Initiative Office? Yes
- 18. Does this rule have an adverse impact on business? No
  - A. Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? No
  - B. Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? No
  - C. Does this rule require specific expenditures or the report of information as a condition of compliance? No
  - D. Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business of which it will apply or applies? No

**IV. Regulatory Restriction Requirements under S.B. 9. Note: This section only applies to agencies described in R.C. 121.95(A).**

- 19. Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? No
  - A. How many new regulatory restrictions do you propose adding to this rule?  
Not Applicable
  - B. How many existing regulatory restrictions do you propose removing from this rule?  
Not Applicable
  - C. If you are not removing existing regulatory restrictions from this rule, please list the rule number(s) from which you are removing restrictions.  
Not Applicable
  - D. Please justify the adoption of the new regulatory restriction(s).

Not Applicable

4501-7-01

**Definitions.**

- (A) "Armed forces" means the armed forces of the United States, including the army, navy, air force, marine corps, coast guard, or any reserve components of those forces; the national guard of any state; the commissioned corps of the United State public health service; the merchant marine service during wartime; such other service as may be designated by congress; or the Ohio organized militia when engaged in full-time national guard duty for a period of more than thirty days.
- (B) "Applicant" or "candidate" means any person applying for a license to be an authorizing official for a driver training school, an instructor, an online instructor, or a training manager.
- (C) "Asynchronous" means education not occurring at the same time nor in real time with a live instructor.
- ~~(D)~~ (D) "Authorizing official" or "official" means any person who owns or who maintains responsibility on behalf of an individual, corporation, business trust, estate, trust, partnership, or an association for the facilities, equipment, instructors, managers and other employees of a driver training enterprise or an enterprise providing online driver education.
- ~~(E)~~ (E) "Beginning driver" or "beginning student" means any person being trained to drive a particular class of motor vehicle who has not been previously licensed to drive that motor vehicle by any state or country.
- ~~(F)~~ (F) "Behind-the-wheel instruction" means that portion of a driver training course which is devoted to teaching a student driving skill, provided to a student who is operating an approved motor vehicle, and presented by a licensed instructor.
- ~~(G)~~ (G) "Biometric authentication" means the verification of a user's identity by means of a physical trait or behavioral characteristic.
- ~~(H)~~ (H) "Certificate of completion" means a certificate electronically furnished by the department to a licensed driver training enterprise and issued by the enterprise to students under age eighteen who have completed the required twenty-four hours of classroom instruction, or equivalent online instruction, and eight hours of behind-the-wheel instruction to the satisfaction of the school's authorizing official or training manager as required by division (C) of section 4508.02 of the Revised Code.
- ~~(I)~~ (I) "Certificate of completion of an online driver education program" means a certificate electronically furnished by the department to a licensed driver training enterprise and issued by the enterprise to students under the age of eighteen who have completed the online equivalent of the required twenty-four hours of classroom instruction.

~~(J)~~(J) "Certified Driver Rehabilitation Specialist" means a person certified through the association of driver rehabilitation specialists (ADED) and who plans, develops, coordinates, and implements driver rehabilitation services for individuals with disabilities.

~~(K)~~(K) "Chargeable crash" means a conviction of, a guilty plea to, a finding of guilty following a plea of no contest to, or the forfeiture of any bail or collateral deposited to secure an appearance for a moving traffic violation as a result of a motor vehicle crash.

~~(L)~~(L) "Class D license school" means any school training students in the operation of motor vehicles for class "D" operator's licenses as defined in Chapter 4507. of the Revised Code.

~~(M)~~(M) Class "D" operators are licensed instructors who teach any part of a curriculum, including classroom, and behind-the-wheel instruction, or who provide curriculum support for an online driver training enterprise; for the operation of motor vehicles to persons learning to operate a ~~motor vehicle other than a commercial motor~~ passenger vehicle.

~~(N)~~(N) "Classroom" means any room within a driver training school used to teach students driver knowledge.

~~(O)~~(O) "Classroom instruction" means that portion of a driver training course that is devoted to teaching driver knowledge and provided in a physical classroom location. Classroom instruction does not include the student's operation of a motor vehicle.

~~(P)~~(P) "Commercial driver license" or "CDL" means a license issued in accordance with Chapter 4506. of the Revised Code that authorizes an individual to drive a commercial motor vehicle.

~~(Q)~~(Q) "Commercial motor vehicle" means any motor vehicle designed or used to transport persons or property that meets the qualifications listed in divisions (E) and (D) of section 4506.01 of the Revised Code.

~~(R)~~(R) "Current textbook or workbook" means a book published within the past ten years containing information for safe and responsible driver practices and used as part of an approved driver training curriculum.

~~(S)~~(S) "Department" means the "Ohio Department of Public Safety."

~~(T)~~(T) "Director" means the director of the "Ohio Department of Public Safety" as set forth in division (G) of section 121.03 of the Revised Code, or the director's designee.

~~(T)~~(U) "Disqualifying offense" has the same meaning ~~as~~ in section 9.79 of the Revised Code.

~~(U)~~(V) "Driver education," "theory," or "theory instruction" means that portion of a driver training course that is devoted to teaching driver knowledge and does not include the student's operation of a motor vehicle. See also "classroom instruction," "virtual classroom," and "online driver education program."

~~(V)~~(W) "Driver training" means that portion of a driver training course which is devoted to teaching a student driving skill, provided to a student who is operating an approved motor vehicle, and presented by a licensed instructor. (Also known as "behind-the-wheel instruction.")

~~(W)~~(X) "Driver training course" or "training program" means a course consisting of classroom instruction and behind-the-wheel training or an online driver education program offered by a driver training school, as defined in paragraph (Y) of this rule.

~~(X)~~(Y) "Driver license" or "operator license" means a class D license issued to any person to operate a motor vehicle, other than a commercial motor vehicle, including a "probationary license" or a "restricted license" as defined in division (A) of section 4507.01 of the Revised Code.

~~(Y)~~(Z) "Driver training school" or "school" means each facility where a driver training course is conducted. A driver training school includes:

- (1) A business enterprise conducted by a person for the training of persons to operate motor vehicles that use public streets or highways to provide training and charges a fee for such services,
- (2) A business enterprise that offers the equivalent to classroom instruction via an asynchronous online internet education program,
- (3) A lead school district as provided in section 4508.09 of the Revised Code,
- (4) A board of education of a city, exempted village, local, or joint vocational school district or the governing board of an educational service center that offers a driver education course for high school students enrolled in the district or in a district served by the educational service center, or
- (5) A college or university that offers training in licensure classes other than "D."

~~(Z)~~(AA) "Dual control brake" means two devices in a single motor vehicle, either of which will safely stop the motor vehicle. One device shall be a brake operated by the driver

of the motor vehicle. The second device shall be a brake that can be operated by the front seat passenger of the motor vehicle.

~~(AA)~~(BB) "Enterprise," "driver training enterprise," or "business enterprise" means a person, as defined in section 1.59 of the Revised Code, who operates a school, as defined in this chapter, for the training of persons in the operation of motor vehicles using public streets or highways or an online driver education program.

~~(BB)~~(CC) "Instructor" means any person, whether acting for self as operator of a driver training school or for such a school, who teaches, conducts classes of, gives demonstrations to, or supervises practice of, persons learning to operate or drive motor vehicles.

~~(CC)~~(DD) "In-person learning" means a form of instructional interaction that occurs in real time between instructors and students. This includes instructional interaction that allows people to interact from different locations at the same time.

~~(DD)~~(EE) "Manager's course" means a course of instruction designated by the director to train driver training school authorizing officials and training managers to instruct a school's instructors and to administer the operations of a school or driver training enterprise.

~~(EE)~~(FF) "Occupational therapist" means a person who is license or holds a limited permit to practice occupational therapy and who offers such services to the public under any title incorporating the words "occupational therapy," "occupational therapist," or similar title or description of services as defined in section 4755.04 of the Revised Code.

~~(FF)~~(GG) "Office" means a room used for conducting school business and storing school records which meets the requirements specified in rule 4501-7-02 of the Administrative Code.

~~(GG)~~(HH) "Online driver education program" means a licensed driver training course that is the equivalent to in-person classroom instruction approved by the director and offered by an online provider. An online driver education program shall not be offered by driver training schools providing instruction for obtaining commercial driver's licenses.

~~(HH)~~(II) "Online instructor" means a person who is available for curriculum content support for those students enrolled in an online driver education program. Curriculum content support may be provided through, but is not limited to, open forums, message boards, chat rooms, telephone support, or e-mail correspondences.



~~(H)~~(JJ) "Online provider" means a business that provides an asynchronous online program of classroom instruction via the internet for the training of persons to operate Class "D" vehicles, including a driver training school as defined in paragraph ~~(Y)~~(Z)(2) of this rule.

~~(J)~~(KK) "Original school application" means an application and all required supporting documents submitted by an enterprise or lead school district for a school that has not previously been licensed to operate a driver training school at that location, or an application for renewal received or postmarked after November thirtieth in a given calendar year for renewal of the school license for the calendar year which begins the following January first.

~~(K)~~(LL) "Original instructor or training manager application" means an application and all required documents for a license for an instructor or training manager that is submitted by a person who has not previously been licensed as a driver training instructor or training manager, or an application for renewal of a person's driver training instructor or training manager license that is received by the director after December thirty-first in the calendar year that occurs one year after the date of expiration of the last license issued to that person.

~~(L)~~(MM) "Ownership" means the legal right of possession; proprietorship.

- (1) A change in ownership of an enterprise or school includes the conveyance by a partner of his interest in the partnership that results in the dissolution of the partnership.
- (2) A change in ownership of an enterprise or school does not include the conveyance by a partner of his interest to another when such conveyance does not dissolve the partnership.

~~(M)~~(NN) "Person" means an individual, corporation, business trust, estate, trust, partnership, or association as defined in section 1.59 of the Revised Code.

~~(N)~~(OO) "Person with a disability" or "disabled person" means any person who, in the opinion of the registrar of motor vehicles, is afflicted with or suffering from a physical or mental disability or disease that prevents the person, in the absence of special training or equipment, from exercising reasonable and ordinary control over a motor vehicle while operating the vehicle upon the highways. A person with a disability is not a person who is or who has been subject to any condition resulting in episodic impairment of consciousness or loss of muscular control and whose condition, in the opinion of the registrar, is dormant or is sufficiently under medical control that the person is capable of exercising reasonable and ordinary control over a motor vehicle. A student who is deaf is not a person with a disability for purposes of this chapter.

~~(OO)~~(PP) "Physician" means a person licensed to practice medicine or surgery or osteopathic medicine and surgery under Chapter 4731. of the Revised Code.

~~(PP)~~(QQ) "Range" or "driving range" means an off-highway site designed for training motor vehicle drivers that does not permit public traffic to pass through the site, except that ranges for commercial motor vehicles may include only other vehicles being used in training. The range of a CDL driver training school is a closed-course facility that enables drivers to maneuver safely and is free from the interference of other hazards.

~~(QQ)~~(RR) "Residence" means any dwelling used or occupied as living quarters, whether or not on a full-time basis. A residence does not include an unattached structure upon a residential property that has a separate means of ingress and egress.

(SS) "Synchronous" means education occurring at the same time and in real time.

~~(RR)~~(TT) "Training manager" or "manager" means a person designated by an authorizing official of a driver training enterprise to carry out orders, instruct, conduct the business and manage the training program of a school, and assess and supervise current and candidate instructors.

~~(SS)~~(UU) "Teacher's driving institute" means any educational institute operated or sponsored by a college or university for the purpose of training instructors in the field of driver education and training which offers credit hours or a certificate for satisfactory completion of a course that is comparable to the training provided by the department.

~~(TT)~~(VV) "Route sheet", as it applies to class "D" instruction, means a map or list of specific roads taken during a given behind-the-wheel lesson.

~~(UU)~~(WW) "Commercial driver license school" or "CDL school" means any school training students to operate a commercial motor vehicle for purposes of obtaining a class "A", "B", or "C" commercial driver licenses as defined in Chapter 4506. of the Revised Code.

~~(VV)~~(XX) "Virtual classroom" means ~~an~~ a synchronous online classroom that allows participants to communicate with one another, view presentations and/or videos, interact with other participants and instructor, and engage with resources, and engage in work groups, all in real time.

(YY) "Private certification" means authorization from a private organization to an individual who meets qualifications determined by the organization related to the performance of a profession, occupation, or occupational activity and by which the individual may hold the individual's self out as certified by the organization.

Effective:

Five Year Review (FYR) Dates: 4/1/2027

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Certification

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Date

Promulgated Under: 119.03  
Statutory Authority: 4508.02  
Rule Amplifies: 4508.02 to 4508.09  
Prior Effective Dates: 01/07/1967, 03/01/1976, 08/25/1978, 11/23/1978,  
12/01/1980, 02/29/1988, 12/21/1991, 07/01/1997,  
10/04/2001, 01/08/2004, 10/08/2009, 10/10/2013,  
04/17/2014, 12/06/2014, 07/01/2016, 05/01/2022



# Common Sense Initiative

Mike DeWine, *Governor*  
Jon Husted, *Lt. Governor*

Joseph Baker, *Director*

## Business Impact Analysis

Agency, Board, or Commission Name: Ohio Department of Public Safety – Ohio Traffic Safety Office, Driver Training

Rule Contact Name and Contact Information: Joseph A. Kirk, Rules Coordinator, 614-466-5605, jakirk@dps.ohio.gov.

Regulation/Package Title (a general description of the rules' substantive content):

Commercial Driver Training Schools, OAC 4501-7

Rule Number(s): 4501-7-01, 4501-7-04, 4501-7-05, 4501-7-10, 4501-7-13, 4501-7-28, 4501-7-37, 4501-7-39

Date of Submission for CSI Review: October 26, 2023

Public Comment Period End Date: November 9, 2023

**Rule Type/Number of Rules:**

New/\_\_\_ rules

No Change/\_\_\_ rules (FYR? \_\_\_)

Amended 8 rules (FYR? \_\_\_)

Rescinded/\_\_\_ rules (FYR? \_\_\_)

The Common Sense Initiative is established in R.C. 107.61 to eliminate excessive and duplicative rules and regulations that stand in the way of job creation. Under the Common Sense Initiative, agencies must balance the critical objectives of regulations that have an adverse impact on business with the costs of compliance by the regulated parties. Agencies should promote transparency, responsiveness, predictability, and flexibility while developing regulations that are fair and easy to follow. Agencies should prioritize compliance over punishment, and to that end, should utilize plain language in the development of regulations.

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### Reason for Submission

1. R.C. 106.03 and 106.031 require agencies, when reviewing a rule, to determine whether the rule has an adverse impact on businesses as defined by R.C. 107.52. If the agency determines that it does, it must complete a business impact analysis and submit the rule for CSI review.

Which adverse impact(s) to businesses has the agency determined the rule(s) create?

The rule(s):

- a.  Requires a license, permit, or any other prior authorization to engage in or operate a line of business.
- b.  Imposes a criminal penalty, a civil penalty, or another sanction, or creates a cause of action for failure to comply with its terms.
- c.  Requires specific expenditures or the report of information as a condition of compliance.
- d.  Is likely to directly reduce the revenue or increase the expenses of the lines of business to which it will apply or applies.

### Regulatory Intent

2. 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 in this package set forth the requirements for the licensing, education, and training of beginning drivers and commercial drivers. This package is being filed to address new initiatives to assist in alleviating some barriers for driver education schools for teen driving programs, and to address new legislative changes. The key provisions include removing the requirement for a photo for driving instructors, adding in reciprocity for other state, governmental, or private certifications within the same field, adding in a probationary training manager endorsement, split instructor licenses, changing processes for renewal of licenses, and added disqualifying offenses.*

3. Please list the Ohio statute(s) that authorize the agency, board or commission to adopt the rule(s) and the statute(s) that amplify that authority.

*Chapter 4508. of the Revised Code*

4. 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.*

*No.*

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

*Not applicable.*

6. **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)?**

*Section 4508.02 of the Revised Code required the Department to adopt and prescribe rules for administration and enforcement of Chapter 4508 of the Revised Code. The regulation protects the safety and welfare of the public by ensuring that all new drivers and CDL drivers receive consistent, quality instruction delivered by enterprises that meet specific standards in program administration and by instructors who meet the character, fitness, education, and experience requirements expected of persons who intend to instruct new drivers in the operation of motor vehicles.*

7. **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 regulations through the number of new schools opening, the number of instructors licensed under the reciprocity and split licensing, and the number of endorsements for probationary managers. Additionally, the department will continue discussions on the business impact of the regulatory changes with the process changes to determine the success.*

8. **Are any of the proposed rules contained in this rule package being submitted pursuant to R.C. 101.352, 101.353, 106.032, 121.93, or 121.931?**

*If yes, please specify the rule number(s), the specific R.C. section requiring this submission, and a detailed explanation.*

*Not applicable.*

### **Development of the Regulation**

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

*If applicable, please include the date and medium by which the stakeholders were initially contacted.*

*Roundtables were held for each affected group, Class D, Disability, and CDL. There was little to no interest from the online community to participate in a roundtable. The department released the drafted rules to the stakeholders through the Bulletin Board on \*\*\*\*\*.*

*September 12, 2023 Class D roundtable – participants included: Sara Kisseberth (Drive Time Driving Instruction), Danielle Spino (Toledo Driving School), Vernon Goodwin (AAAA International of Milford), Kenny Koch (Coshocton Driver Training) Melissa Riedl (911 Driving School), Stacy Sanders (East Central Ohio Educational Service Center), Caitlyn Theado, Marge Schaim (AAAA International Driving School), Carla Fleece & Holly Brown (Licking Valley Driving School/Schwartz Driving School), Mary Kaye Speckhart (Pro*

*Driving School/Professional Driving School), Barb Funk (Mid-East Career & Tech Center), Tom Kircher (Driving Schools of Ohio/Suburban Driving Schools), Ann Cunningham (Hocking College/Tri-County Driver's Ed), Tina Simon & Sheila Rader (Cardinal Driving School), Joe Paul (BTW Driver's Ed), Lisa Bolin (Superior Driving Academy), Robin Gibson (2<sup>nd</sup> Nature Driving Academy), Shalana Satterwhite & Shari Armstrong (Public Safety Driving School), Dionne & Kevin Smith (Inspired Driving Academy), Ray Karbowski (Capabilities, Inc.), Rob Swinton (Safe Pass), Darnell Davis (Learn the Right Way Driving Academy), Aimee Hickey (Apollo Career Center), and Greg Anderson (ANDCO dba All Star Driver Education)*

*September 14, 2023 Disability roundtable –participants included: Tina Paff (Bick's Driving School of Western Hills), Ari Klarfeld (New Direction Driving School), Sharon Fife (D&D Driving School), Kate Lopez (Mercy Health West Hospital)*

*September 19, 2023 CDL roundtable – participants included: Micah French (Apollo Truck Driving Academy), Jeff Whittington (Roadmaster), John Smith (Southern State), Krystal Ranowsky and Ryan Hawk (Stark State), Paul Castle, John Enlow, & Christopher Ard (160 DA), Carl Smith & Mariea Stone (Valley College), Desmond Wilson (CMV Pros), Gene Bartlett (The Career Center), Scott Marx (The Marx Brothers Consulting), Melissa Warner (Ohio Business College), and Brad Maroon (Hamrick School)*

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

*The disability community requested some changes to reduce the burden of licensing individuals and allowing the annual assessments to be completed by a certified driver rehabilitation specialist. These requests were updated in the rule as they make sense and reduce duplicative work and training in the community.*

*Emily Haffner (OSU Driving Rehab Services) requested clarification on probationary training managers applying to the medically based hospitals and rehabilitation centers since they only provide behind-the-wheel training thereby being a restricted Class D instructor. The portion of the rule pertaining to probationary training managers requiring a non-restricted license to except these types of instructors for medically based hospitals and rehabilitation clinics was clarified.*

**11. 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*

**12. 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? Alternative regulations may include performance-based regulations, which define the required outcome, but do not dictate the process the regulated stakeholders must use to comply.**

*No. Chapter 4508. of the Revised Code spells out how the rules are to be promulgated and does not allow for alternative regulation.*

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

*Using RegExplorer, it was noted that other agencies refer to driver training, but Section 4508.02 of the Revised Code tasks the Ohio Department of Public Safety with creating standards for driver training.*

**14. 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 Department plans on communicating through multiple means (i.e. e-mail, open forum, public facing website updates, weekly electronic newsletters). The electronic application systems (DETS) will be updated to accommodate all the changes, and the forms addressing the changes will be published on the website. The Department will provide the basic instructor courses multiple times throughout the year to provide ample opportunity for all new prospective instructors. All online courses hosted by the department will be updated and ready for release upon effective date of the rules. The Department provides continuing education courses and a training manager course that will provide opportunities for the stakeholders to be informed of the recent changes. Additionally, the Department will choose an effective date in concert with driver training entities to make sure implementation is as smooth as possible.*

**Adverse Impact to Business**

**15. Provide a summary of the estimated cost of compliance with the rule(s). Specifically, please do the following:**

**a. Identify the scope of the impacted business community, and**

*There are 220 licensed enterprises with 440 satellite training locations with approximately 1850 licensed instructors.*

**b. Quantify and identify the nature of all adverse impact (e.g., fees, fines, employer time for compliance, etc.).**

*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.*

*The majority of the proposed changes do not provide additional adverse impact but rather reduce the compliance hours with the renewal process changes and reduced hours of training for the split licenses.*

*Rules were posted to all affected stakeholders for over two weeks for review and estimated costs and time impact. No responses received provided or identified the nature of the impact, including costs or time.*



**16. Are there any proposed changes to the rules that will reduce a regulatory burden imposed on the business community? Please identify. (*Reductions in regulatory burden may include streamlining reporting processes, simplifying rules to improve readability, eliminating requirements, reducing compliance time or fees, or other related factors*).**

4501-7-01 Definitions

*Minor updates to include new terms and update other definitions*

- *Minor updates on Added paragraph (C) to define asynchronous learning*
- *Updated paragraph (M) to clarify non-commercial vehicles as passenger vehicles*
- *Update paragraph (Z)(2) to further clarify online businesses as offering asynchronous programs*
- *Updated paragraph (JJ) to further clarify online programs as asynchronous*
- *Added paragraph (SS) to define synchronous learning*
- *Updated paragraph (SS) to further clarify virtual classroom as synchronous*
- *Added paragraph (YY) to define private certification per the new law*

4501-7-04 Application for a renewal of driver training school licenses

*The proposed new language changes the frequency requirement for full renewals annually, thereby reducing time and costs associated with the requirement.*

- *Clarified paragraph (B) to the correct format as prescribed for applying*
- *Updated paragraph (E) to the correct the website reference*
- *Changed the process in paragraph (L) to reduce the time and impact of providing a full renewal annually.*
- *Updated language in paragraphs (M) and (N)*
- *Updated rule citations in paragraph (O)(1)*

Costs

*Original school license application for Class “D” and CDL - Applications are submitted electronically.*

*Driver Training Enterprise application - \$250 per location application fee*

*Background check - \$30 - \$80 per authorizing official and owner*

*Total cost for enterprise application - \$280 - \$330*

- *The costs for the new school orientation depends upon the type taken by the provider. There is online offered for Class “d” and online driver education providers, in-person training for CDL, and virtual class. The estimated costs of compliance include the time and costs associated with traveling to Columbus, Ohio, when the class is offered in-person. The time and costs estimated depends upon the location from which the attendees are traveling from. The costs associated with the virtual and online options are time. There is no fee or cost for the class itself.*

*Enterprise renewal - \$50 per location application fee  
Total cost for enterprise renewal - \$50 per location*

*The estimated time to complete the renewal requirements may take four to five hours depending upon the number of locations a driver training school may have. This will be reduced to every other year.*

*Enterprise Fees for online providers  
Driver Training Enterprise application - \$250  
Review of security assessment and online driver education program - \$600  
Background check - \$30 - \$80 per authorizing official and owner  
Total cost for enterprise application - \$885 - \$930*

*Enterprise renewal - \$50 per location application fee  
Total cost for enterprise renewal - \$50 per location*

*\*The postage is difficult to determine since the online providers are required to submit a written version of the online driver education program. The actual cost incurred by the applicant depends on the curriculum. The Department does allow for CDs to be mailed in lieu of the full printed version. The estimated time to gather all documents for the application, including the fire inspection, building use agreement, background check, security assessment and program is approximately one day.*

*4501-7-05 Applications and renewal of licenses for instructors and training managers.*

*The proposed changes include splitting licenses for Class D instructors. This will provide flexibility with the schools in getting instructors licensed and will reduce the hours of training. Hours of training are not indicated in the rules but published through the approved training programs on the driver training website. The proposals include introducing a probationary training manager. For those applying to become a probationary training manager, it will require additional time with the driver training office to go over records to ensure they are fully compliant with the rules as they are learning to run a driver training school. It is estimated the additional time to be two (2) hours once or twice a year for a normal review. Those probationary training managers requesting additional support from the office will incur more time. Nothing will be charged for the support. The proposed changes include providing an option to include a photo for initial and renewal applications but removes the requirement to include it. Additionally, the changes include reciprocity from other states licensing, governmental agencies certification or private certifications in lieu of going through Ohio's training. This would reduce the time it takes to train an instructor and expedite the licensing process to get them out training students. The rules reduce the time for assessments from a full session or two hours to one hour for Class D, CDL, and disability instructors*

- Adding paragraph (B) to allow to for split licensing for instructors. This paragraph defines specialized restricted instructors versus a full-fledged instructor.*

- Updated paragraph (D) to include the new probationary training manager endorsement. Further clarified the requirements for training managers and probationary training managers.
- Modified paragraph (E)(3) to remove the mandatory submission of a photograph for instructor applications.
- Modified paragraph (E)(7)(a) to clarify type of license for the required training.
- Removed the reciprocity for CDL instructors from paragraph (E)(7)(c). This is addressed more in-depth in paragraph (E)(7)(d) in accordance with the new law. The new paragraph sets out the other state, governmental, and private organization certifications, and requirements to have reciprocity with those other types of licenses or certifications.
- Added paragraph (E)(7)(e) to address in-state previously licensed instructors to somewhat mirror the reciprocity. This reduces the re-training time and associated costs with training an instructor, who was recently licensed but was returning after more than one year after not renewing.
- Modified sections of paragraph (F) to reduce the time required for assessments of probationary instructors.
- Modified paragraph (G)(2)(a) to allow for consideration of a professional microcredential and certification as a Certified driver rehabilitation specialist.
- Updated paragraph (H)(5) to include the requirements to apply for a probationary training manager endorsement.
- Modified paragraph (L) to reduce the renewal requirements for instructors
- Updated paragraph (Q)(5) and (R)(5) to disqualifying offense and reference to the correct rule
- Updated paragraph (W) to correctly list the title of the course.

### Costs

*Initial Instructor application - \$25 – applications are submitted electronically*

*Background checks – \$105*

*- state level \$25*

*- federal level \$80*

*- Driver Abstract - \$8.50*

*- Physical - \$80*

*- Instructor's initial training - \$200 - \$500*

*Total cost for initial licensing of instructor - \$418.50 to \$781.50*

*Note: Schools will not incur training costs should an instructor applicant have a current and valid teaching degree issued through the Department of Education that includes training in driver education. Additionally, schools will not incur training costs should an instructor have been trained within the previous ten years and is able to provide proof of such training or a license within the previous five years. The reciprocity certifications and/or licenses will greatly reduce the training costs. Application time and costs apply to those under these exceptions.*

*The estimated time to put together an instructor application is two to three hours.*

*Instructor Renewal Fees*

*Renewal application - \$10*

*Driver abstract - \$8.50*

*Total cost to renew instructor's license - \$18.50*

*The time and costs associated with renewals will apply every other year.*

*The estimated time to complete the renewal requirements is four to five hours depending upon the number of instructors employed through the school.*

*Training Manager Fees*

*Training manager certification initial training course - \$600*

*Continuing education course required every three years - \$90*

*Note: Although the rules do not require schools to pay for costs for wages, travel, and lodging, the school may choose to pay the cost to initially certify a training manager which may be as much as \$1500. Likewise, the costs for continuing education may increase, as well, to an estimated total of \$700 to \$1000. If the continuing education course is one hosted by the department, there are no fees for the actual course.*

*Disability Instructor Fees*

*Disability certification initial training course - \$350*

*Continuing education course required every three years - \$50*

*Note: Disability instructors working for a medically based hospital or rehabilitation facility are required to have a professional license. Additionally, the training required for such professional licenses require continuing education annually. Those courses are approved by the agency for credit.*

*Although the rules do not require schools to pay for wages, travel and lodging, the schools may choose to pay for the amenities and training to initially certify a disability instructor which may be as much as \$800. Likewise, the costs for continuing education may increase to an estimated total of \$550.*

*Instructor Continuing Education Fees*

*Continuing Education course required every three years - \$25 - \$50*

*Note: The agency will provide credit for the continuing education course if the instructor can provide proof of attendance at a professional conference or if the enterprise requires an in-service for all employees. The agency intends to hold continuing education courses throughout Ohio to assist in reducing the costs incurred by the businesses and individuals. Although the rules do not require schools to pay for amenities, such as meals or lodging, the schools may choose to pay or pass the costs onto the individual.*

*Sexual Harassment Prevention Training\**

*The adverse impact for this requirement is only approximately thirty minutes for an instructor to complete the online training. There are no costs to take the department provided online training.*

4501-7-10 Driver Training

*Modified paragraph (A)(4) to clarify the requirement to maintain proof of identity when teaching and what is required if instructors do not have a pictured instructor's license.*

4501-7-13 Records maintained by a licensed driver training enterprise.

*Modified rule (D)(4) to provide an allowance for assessments to be completed by a certified driver rehabilitation specialist for disability instructors. Rehabilitation centers and medically-based hospitals are restricted to those available to perform an assessment and have concerns with HIPAA if they have another training manager from a different school perform the assessments. Additionally, they have comprehensive assessments completed within their organizations that already cover the same requirement making our rule a duplicative effort.*

*Updated the citations in paragraph (D)(6).*

*Modified paragraph (G) to clarify the intention of the rule.*

4501-7-28 Training Required for the operation of commercial motor vehicles.

*Modified paragraph (B) to clarify the requirement to maintain proof of identity when teaching and what is required if instructors do not have a pictured instructor's license.*

4501-7-37 Disqualifying Offenses

*Updated a couple sections to include offenses listed on the department's website but omitted initially in rule. Paragraph (C)(8) was modified for further clarification and inclusion of fraud offenses. Paragraph (C)(10) was added to include drug-related offenses.*

4501-7-39 Incorporated by reference.

*Many of the changes in this rule pertains to updating website references. Removed portions of the Code of Federal Regulations that are addressed in a different incorporated document and no longer specifically listed in the rules. There are no real impacts from these changes.*

*The paragraphs with updated website addresses are paragraphs (5) through (12), (14), and (16) through (20).*

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

*It is the responsibility of the Department to ensure the protection of the public by setting requirements for proper instructor training and driver training courses and instructors*

*maintain an environment that is conducive to learning. The Department, with the participation of its stakeholders, determined the regulations were balanced between the needs of the community regarding quality driver's training and student safety and the mandates of legislation including the 2 for 1 restriction requirement of Section 121.95 of the Revised Code.*

### **Regulatory Flexibility**

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

*Instructors are required to take continuing education courses once every three years. There are many options that can be used to reduce the costs, travel, and time. The department allows for pre-approved courses offered online or through other professional organizations, or school specific offered courses, or if the individual takes an appropriate course through another job or profession, it is possible to credit them with continuing education. The department also provides credit from one course and applies it to other portions of their license so duplicate courses are not required.*

**19. 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?**

*The Department implemented a policy in the inspection and investigation process to assist with waiving administrative action for first-time offenders and paperwork violations. The policy implemented includes a biennial program review. The program review allows for the authorizing official and training manager to review the paperwork with designated personnel. The program review allows for questions and clarifications to be provided as issues arise. If the program review results in any violations, the severity of the violations is reviewed, compared with previous inspections and then a course of action is determined. The Department has written warning letters to those schools with minor violations, such as paperwork, or first-time offenders. The warning letters address the violations and provide time for the school to correct or address the violations. If a violation is so minor, the Department will follow up in an e-mail identifying the discrepancy and allow the school to respond within a given timeframe. Education and correction of infractions is always preferred to administrative action, and the Driver Training Section works with driver training entities as much as possible to avoid penalties.*

*A similar policy was implemented for investigations. If an investigation results in a minor infraction a warning letter is issued or a pre-legal consultation occurs with the appropriate parties. If a severe allegation, such as sexual misconduct, is substantiated, administrative action is immediately taken without a warning even for first-time offenders.*

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

*The Department provides informational resources for the schools, including information on opening a driving school, and a link to Ohio Means Jobs where prospective instructors may find positions with local driving schools.*

*The rules require specific records and forms. These forms and templates for records are available on the Department website at no cost to the schools and instructors. The Department provides a copy of the Ohio Driver Training Curriculum to schools at no cost. The Department also provides a free two-hour information session, New School Orientation, for all new school owners. The New School Orientation is held at least five times throughout the year and provides guidance on the requirements and application process to begin the driver training school. This is held virtually and is in the process of going online. The Department also provides online options for training required. The Department hosts continuing education courses, Basic Instructor Courses, and other types of training, to schools and instructors at no cost.*



# Common Sense Initiative

Mike DeWine, *Governor*  
Jon Husted, *Lt. Governor*

Joseph Baker, *Director*

## MEMORANDUM

**TO:** Joe Kirk, Ohio Department of Public Safety

**FROM:** Caleb White, Business Advocate

**DATE:** November 29, 2023

**RE:** **CSI Review – Commercial Driver Training Schools (OAC 4765-7-01, 4765-7-04, 4765-7-05, 4765-7-10, 4765-7-13, 4765-7-28, 4765-7-37, and 4765-7-39)**

On behalf of Lt. Governor Jon Husted, and pursuant to the authority granted to the Common Sense Initiative (CSI) Office under Ohio Revised Code (ORC) section 107.54, the CSI Office has reviewed the abovementioned administrative rule package and associated Business Impact Analysis (BIA). This memo represents the CSI Office's comments to the Department as provided for in ORC 107.54.

### Analysis

This rule package consists of eight amended rules proposed by the Ohio Department of Public Safety (DPS). This rule package was submitted to the CSI Office on October 26, 2023, and the public comment period was held open through November 9, 2023. Unless otherwise noted below, this recommendation reflects the version of the proposed rules filed with the CSI Office on October 26, 2023.

The rules contained in this package establish the requirements for the licensing, education, and training of new drivers and commercial drivers. Ohio Administrative Code (OAC) 4501-7-01 sets forth the definitions to be used in this chapter and is amended to add and integrate definitions for "asynchronous," "synchronous," and "private certification," as well as to update and streamline the rule language. OAC 4501-7-04 sets forth the process and requirements for the application and renewal of a driver training school license. This rule is amended to clarify that the renewal fee is an annual fee, allow flexibility in the manner in which documents are to be submitted to DPS, update a web address, allow for a driver training school to use a scheduled program review instead of the renewal requirements for the renewal of their license, and update, streamline, and clarify rule

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language.

OAC 4501-7-05 outlines the process for instructors and training managers to apply for and renew licenses. This rule is amended to add a probationary training manager endorsement and to differentiate between training managers and probationary training managers, eliminate the requirement for a photo to be included in initial and renewal applications, adopt out-of-state licensing reciprocity as outlined in ORC Chapter 4796, bring the requirements for previously licensed driving instructors in line with the out-of-state reciprocity requirements, reduce the time required for the assessments of probationary instructors, and allow for professional micro credentials be an acceptable document to satisfy the credential required to be submitted with a license application for a certified driver rehabilitation specialist. This rule is also amended to split the licenses for Class D instructors into three types based on what they teach which will reduce the number of training hours required to obtain this certification and make it easier for schools to license Class D instructors, outline what must be included in an application for a probationary training manager endorsement, reduce the renewal requirements for instructors by only requiring the applicant's driving record abstract to be submitted biennially rather than annually, as well as update language and references.

OAC 4501-7-10 outlines the training requirements for Class D drivers. This rule is amended to clarify the requirement for an instructor to maintain a proof of identity when teaching and clarify the requirements for situations where an instructor does not have a photo on their instructor license. OAC 4501-7-28-13 establishes what records are required to be maintained by a licensed driver training school including how long they are to be kept. This rule is amended to allow for the annual assessment for disability instructor to be performed by a certified rehabilitation specialist as well as to update and clarify language. OAC 4501-7-28 establishes the training requirements for Commercial Driver License (CDL) drivers in training. This rule is amended to clarify the requirement for an instructor to maintain a proof of identity when teaching and clarify the requirements for situations where an instructor does not have a photo on their instructor license.

OAC 4501-7-37 outlines the disqualifying offenses for licenses issued under ORC 4508.04. This rule is amended to further detail disqualifying fraud offences and include drug-related offences as disqualifying offences. OAC 4501-7-39 lists materials in this chapter that have been incorporated by reference. This rule is amended to update the list of incorporated materials.

During early stakeholder outreach, DPS held three round tables and shared the draft rules with stakeholders. The first roundtable was held on September 12, 2023, and included the representatives of twenty-three Class D stakeholders. The second roundtable was held on September 14, 2023, and included the representatives of four stakeholders involved in training individuals in the disability

community. The final roundtable took place on September 19, 2023, and included representatives of eleven stakeholders involved in commercial CDL training. During this period, DPS received comments from stakeholders in the disability community asking for the burden of licensing individuals to be reduced and for certified driver rehabilitation specialist to be permitted to administer the annual assessment of a disability instructor. DPS also received a comment from a representative of the Ohio State University Driving Rehab Services which asked for clarification on probationary training managers that apply to medically based hospitals and rehabilitation centers as they only provide behind-the-wheel instruction and could be considered a restricted Class D instructor under these rules. In response to this feedback, DPS made the changes requested by the disability community and clarified the portion of the rules related to probationary training managers applying to medically based hospitals and rehabilitation centers. During the CSI public comment period, DPS received two comments.

The first comment came from Northridge Local Schools (NLS), which offers drivers education to their students. NLS requested the timeline for a new driver to complete the driver's education course be extended from six months to nine months to better accommodate the school semester structure. DPS elected not to make this change as extending this timeline can lead to an increase in knowledge lost and the potential need for remedial education as well as to ensure that Ohio drivers are licensed in a timely manner.

The second comment came from Coshocton Driver training. This commenter raised concerns with disqualifying offenses such as DUIs or driving offenses preventing individuals from becoming a driving instructor and with the limited timeframe in which driver training must be completed. DPS elected not to make changes in response to these comments as the rules do allow for instructors with either traffic violations and/or criminal convictions to obtain a license to teach driver's education. Individuals with traffic convictions resulting in fewer than four points or a two or fewer moving convictions are eligible, and a person's criminal background is also taken into consideration. DPS reported that the rules provide discretion to evaluate applicants based on the severity and nature of the disqualifying offense as well as any rehabilitation or treatment received when determining if the individual should be disqualified from having a license. DPS also stated that the limited timeframe rules are written to allow for mitigating circumstances, such as medical or health and family issues, but alternative options are also available as appropriate.

The business community impacted by the rules includes 220 licensed enterprises with 440 satellite training locations and 1850 licensed instructors who are licensed through DPS. The adverse impacts created by the rules include the application and renewal fees, the time associated with submitting the application along with the required documents, and the costs associated with training instructors. DPS estimates the total cost of a license for driver training schools can range from \$280-\$330 for

the initial application and \$50 for renewal. An online driving schools' initial application is estimated to cost \$885-\$930 due to an additional requirement to have a review of a security assessment. Finally, online driver education program licenses cost \$600 for an initial license, with a renewal cost of \$50. DPS estimates the time associated with obtaining a license is approximately one day. DPS estimates that the total cost for a license for an instructor can range from \$418.50 to \$781.50 and with renewals costing \$18.50, as well as \$25-50 for continuing education every three years. DPS estimates that the costs for training managers are \$600 for an initial training course and \$90 every three years for continuing education. DPS estimates that the costs for disability instructors are \$350 for an initial training course and \$50 every three years for continuing education. DPS estimates it will take driving schools approximately a day to complete the license application along with all the requirements and also estimates it will take instructors four to five hours for driving instructors to complete their application requirements. DPS states that these adverse impacts are necessary to ensure the protection of the public by setting the requirements for proper instructor training and driver training courses and that instructors maintain an environment that is conducive to learning.

### **Recommendations**

Based on the information above, the CSI Office has no recommendations on this rule package.

### **Conclusion**

The CSI Office concludes that DPS should proceed in filing the proposed rules with the Joint Committee on Agency Rule Review.

November 29, 2023

Caleb White, Business Advocate  
Office of Lt. Governor Jon Husted  
Common Sense Initiative Office  
77 South High Street, 30<sup>th</sup> Floor  
Columbus, OH 43215

Dear Mr. White,

Thank you for your review of the business impact analysis for the proposed revisions to Ohio Administrative Code Chapter 4501-7 (Commercial Driver Training Schools). The Ohio Department of Public Safety, has received and read your review recommendations and conclusions. The Department understands that CSI has no additional recommendations.

The Department intends to formally file OAC Chapter 4501-7, and all required materials, with the Joint Committee on Agency Rule Review, the Legislative Service Commission, and the Secretary of State, on November 30, 2023, with a public hearing to be held Thursday, January 4, 2024.

Sincerely,

*Joseph A. Kirk*

Joseph A. Kirk  
Rules Coordinator

cc:    Valerie Wald, Administrative, Driver Education and Training  
      Ashleigh Henry, Associate Legal Counsel  
      Joseph Baker, CSI Director

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## Rule Summary and Fiscal Analysis

### Part A - General Questions

**Rule Number:** 4501-7-04

**Rule Type:** Amendment

**Rule Title/Tagline:** Application for and renewal of driver training school licenses.

**Agency Name:** Department of Public Safety

**Division:**

**Address:** 1970 West Broad Street PO Box 182081 Columbus OH 43218-2081

**Contact:** Joseph Kirk **Phone:** 614-466-5605

**Email:** jakirk@dps.ohio.gov

#### I. Rule Summary

1. **Is this a five year rule review?** No
  - A. **What is the rule's five year review date?** 4/1/2027
2. **Is this rule the result of recent legislation?** No
3. **What statute is this rule being promulgated under?** 119.03
4. **What statute(s) grant rule writing authority?** 4508.02
5. **What statute(s) does the rule implement or amplify?** 4508.01, 4508.02, 4508.03, 4508.04, 4508.09
6. **Does the rule implement a federal law or rule in a manner that is more stringent or burdensome than the federal law or regulation requires?** No
  - A. **If so, what is the citation to the federal law or rule?** Not Applicable
7. **What are the reasons for proposing the rule?**

The rule is being amended to update outdated modes of communication and make general changes based on current procedures.
8. **Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

The rule deals with the application requirements for CDL, class D and online provider applications. The rule has been amended to update outdated modes of communication and make general amendments based on updated procedures.

9. **Does the rule incorporate material by reference? Yes**
10. **If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.75, please explain the basis for the exemption and how an individual can find the referenced material.**

The rule directs readers to rule 4501-7-39 that deals with all materials incorporated by reference for the chapter.

11. **If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.**

*Not Applicable*

## **II. Fiscal Analysis**

12. **Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.**

This will have no impact on revenues or expenditures.

0.00

Not applicable.

13. **What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?**

The estimated costs of compliance for stake holders includes time and costs associated with traveling to Columbus, Ohio. The time and costs will vary for each attendee depending on travel time and mileage. There is no fee or cost to the orientation class.

14. **Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). Yes**
15. **Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No**

- 16. If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.**

The Driver Training Program Office fees are directed to the highway fund. However, the fund allows for the office and field staff to provide services for compliance and resources at no cost to the schools. This includes offering classes and continuing education courses for the instructors. The funding allows for the support for program reviews of schools to ensure they are providing the training required. The field staff also provide vehicle inspections for the vehicles to ensure safe operation while training students behind the wheel of vehicles. In addition, the funds provide for additional resources to be printed and provided to the schools to support curriculums.

### **III. Common Sense Initiative (CSI) Questions**

- 17. Was this rule filed with the Common Sense Initiative Office? Yes**

- 18. Does this rule have an adverse impact on business? Yes**

- A. Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? Yes**

Pursuant to sections 4508.03 and 4508.04 of the Revised Code, no person shall operate a driver training school or act as a driver training instructor unless licensed by the director of public safety.

- B. Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? Yes**

Sanctions up to and including denial of application or revocation of license may be imposed if applicants or licensees fail to meet the requirements set forth in this rule.

- C. Does this rule require specific expenditures or the report of information as a condition of compliance? Yes**

The estimated costs of compliance for stake holders include only time and costs associated with traveling to Columbus, Ohio. The time and costs estimated will vary for each attendee depending on travel time and mileage. There is no fee or cost to the orientation class.

- D. Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business of which it will apply or applies? No**

**IV. Regulatory Restriction Requirements under S.B. 9. Note: This section only applies to agencies described in R.C. 121.95(A).**

**19. Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? No**

**A. How many new regulatory restrictions do you propose adding to this rule?**

Not Applicable

**B. How many existing regulatory restrictions do you propose removing from this rule?**

Not Applicable

**C. If you are not removing existing regulatory restrictions from this rule, please list the rule number(s) from which you are removing restrictions.**

Not Applicable

**D. Please justify the adoption of the new regulatory restriction(s).**

Not Applicable



## Rule Summary and Fiscal Analysis

### Part B - Local Governments Questions

**1. Does the rule increase costs for:**

<b>A. Public School Districts</b>	Yes
<b>B. County Government</b>	No
<b>C. Township Government</b>	No
<b>D. City and Village Governments</b>	No

**2. Please estimate the total cost, in dollars, of compliance with the rule for the affected local government(s). If you cannot give a dollar cost, explain how the local government is financially impacted.**

The estimated cost of compliance includes only time and costs associated with traveling to Columbus, Ohio. The time and costs estimated will vary for each attendee depending on travel time and mileage. There is no fee or cost to the orientation class.

**3. Is this rule the result of a federal government requirement? No**

- A. If yes, does this rule do more than the federal government requires? *Not Applicable***
- B. If yes, what are the costs, in dollars, to the local government for the regulation that exceeds the federal government requirement?**
- Not Applicable*

**4. Please provide an estimated cost of compliance for the proposed rule if it has an impact on the following:**

- A. Personnel Costs**
- Not applicable.
- B. New Equipment or Other Capital Costs**
- Not applicable.
- C. Operating Costs**

Not applicable.

**D. Any Indirect Central Service Costs**

Not applicable.

**E. Other Costs**

Not applicable.

**5. Please explain how the local government(s) will be able to pay for the increased costs associated with the rule.**

There are no provisions or grants available to offset or pay for the costs imposed by the rule.

**6. What will be the impact on economic development, if any, as the result of this rule?**

There is no foreseen impact on economic development.

4501-7-04

**Application for and renewal of driver training school licenses.**

[Comment: For dates and availability of material incorporated by reference in this rule, see paragraph (A) in rule 4501-7-39 of the Administrative Code.]

- (A) No person shall establish a driver training enterprise or allow such an enterprise to continue unless the authorizing official first applies for and obtains from the director a license for ~~a~~the driver training school. The authorizing official shall ensure the driver training school, its business enterprise, and its instructors and training managers operate in compliance with Chapter 4508. of the Revised Code and Chapter 4501-7 of the Administrative Code, as well as all other applicable local, state, and federal laws. No motorcycle training or motorcycle safety program is administered under this chapter of the Administrative Code.
- (B) Each authorizing official applying for a school license shall submit the "Driver Training Enterprise Application" ~~in writing~~ as prescribed by the director to the department.
- (C) No driver training enterprise established after July 1, 2001, may share the same name as any other driver training enterprise unless the same person owns both.
- (D) A "Driver Training Enterprise Application" may include one or any combination of the following types of driver training school licenses:
- (1) Class "D" license school, which offers traditional classroom instruction, virtual classroom instruction, and behind-the-wheel training that complies with the requirements of division (C) of section 4508.02 of the Revised Code;
  - (2) Online license school, which offers a course of study via the internet, that is the content equivalent of the classroom instruction offered by a class "D" school.
  - (3) CDL license school, which offers instruction in the operation of commercial motor vehicles, including theory and behind-the-wheel training.
- (E) An online provider may be, but is not required to be, affiliated with a class ""D" driver training school. Online providers shall provide a link to the driver training website ~~https://services.dps.ohio.gov/DETS/public/schools~~ https://apps.dps.ohio.gov/DETS/public/schools, giving the student easy access to the list of approved driver training schools in Ohio.
- (F) Each original "Driver Training Enterprise Application," submitted by the authorizing official, includes:
- (1) An application fee of two hundred fifty dollars for each school location;

- (2) Criminal background checks regarding the authorizing official and owner, dated no more than ninety days prior to the date the "Driver Training Enterprise Application" is received by the director. The criminal background checks shall include:
    - (a) A state level check, which includes information maintained by the bureau of criminal identification and investigation, or a similar government agency from the resident state of the authorizing official and/or owner; and;
    - (b) Except for a CDL enterprise applicant, a federal level check, provided by a government agency, which includes information from Ohio and all other states.
  - (3) Proof of legal occupancy for each driver training school that includes the parties with whom the agreement is made, address of the property for which the agreement is made, monetary consideration, even if none, term of the agreement, and signatures and dates of both parties. For an enterprise offering virtual classroom, this includes proof of legal occupancy for the office where the virtual classroom is hosted. For an online school, this includes proof of legal occupancy for the enterprise office.
  - (4) Proof of a fire inspection, dated no more than one year prior to the date of application, for each school or office location, whichever is applicable, that is compliant with all applicable local, state and federal laws.
  - (5) A copy of the training manager's certificate of training showing the training manager has completed, within the past ten years, a driver training school manager's course approved by the director;
- (G) In addition to paragraph (F) of this rule, an original application for an online school license includes:
- (1) A fee of six hundred dollars for review of the assessment and online driver education program;
  - (2) Evidence of expertise in providing driver education and/or driver training which may include, but is not limited to, proof of prior or current driver's education and/or training certification or licensure issued in Ohio or another state. The director may consider all evidence provided;
  - (3) The complete proposed online driver education program in written format and full access to the proposed internet-based website or portal for review;

- (4) A completed, signed, and notarized "Online Driver Education Security Assessment."
- (H) In addition to paragraph (F) of this rule, an application for a CDL driver training school license includes a copy of the intended layout of the range including dimensions of the run-off areas and dimensions of the specific exercise dimensions.
- (I) An original online school license may be issued to the applicant based on all licensing requirements and the online program has met an "Acceptable" rating for all requirements as prescribed by the director and set forth in the "Required Minimum Standards for Online Driver Education."
- (J) The authorizing official for an online school shall provide the director with an "Online Driver Education Security Assessment" describing any significant system changes for approval within thirty days of enabling the specific changes.
- (K) Each driver training school license expires on December thirty-first of the year it is issued and each license may be renewed.
- (L) Each renewal of a driver training school license includes:
- (1) An annual application fee of fifty dollars for each school or online school location; and
  - (2) ~~The "renewal requirements."~~ Either:
    - (a) Demonstrated compliance with a scheduled program review the same year as the renewal; or
    - (b) Submission of the "renewal requirements."
- (M) Each authorizing official for a school, as specified in paragraph (D) of this rule, shall ensure the department receives the "renewal requirements" by or that it is ~~postmarked~~ submitted no later than November thirtieth of the year the license expires.
- (N) If the "renewal requirements" are not ~~postmarked~~ submitted or received by the director by November thirtieth of each year, the authorizing official shall submit a new "Driver Training Enterprise Application" for an original school license in accordance with paragraph (F), (G), or (H) of this rule, whichever is applicable.
- (O) No authorizing official shall change the school's name, ownership, authorizing official, or school location without prior notification to the director.

- (1) Any person to whom the ownership is conveyed of a driver training enterprise shall submit a new "Driver Training Enterprise Application" in accordance with ~~paragraph~~ paragraphs (F), (G), or (H) of this rule, whichever is applicable. The application for an original license shall be submitted to and approved by the director prior to the conveyance of ownership.
  - (2) Any person to whom an interest in ownership is conveyed that does not constitute a change of ownership as defined in rule 4501-7-01 of the Administrative Code shall submit a new "Driver Training Enterprise Application" for the conveyance of interest to the director along with the documents required in paragraph (F) (2) of this rule.
  - (3) No fees will be assessed for changing the location of a school or the name of a driver training enterprise.
  - (4) Any person applying to be an authorizing official of an enterprise shall complete and submit a new "Driver Training Enterprise Application" along with the documents required in paragraph (F)(2) of this rule. The application shall be approved by the director.
- (P) All license fees are paid electronically or in the form of a check or money order made payable to the treasurer of the state of Ohio.
- (Q) No person shall submit the "Driver Training Enterprise Application" or "renewal requirements" that are incomplete or incorrect or which contain false or misleading information. An incomplete, incorrect, false, or misleading "Driver Training Enterprise Application" or "renewal requirements" may be rejected, returned to the applicant, or denied.
- (R) If a driver training enterprise or school closes or discontinues business for any reason, the authorizing official shall return the school license to the director immediately.
- (S) All prospective new enterprise owners and authorizing officials shall attend a new school orientation provided by the department no more than one year prior to the date the department receives the "Driver Training Enterprise Application."

Effective:

Five Year Review (FYR) Dates: 4/1/2027

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Certification

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Date

Promulgated Under: 119.03  
Statutory Authority: 4508.02  
Rule Amplifies: 4508.01, 4508.02, 4508.03, 4508.04, 4508.09  
Prior Effective Dates: 01/07/1967, 01/01/1980, 12/01/1980, 02/29/1988,  
09/04/1991 (Emer.), 12/21/1991, 07/01/1997,  
10/04/2001, 10/08/2009, 10/10/2013, 04/17/2014,  
12/06/2014, 07/01/2016, 05/01/2022

## Rule Summary and Fiscal Analysis

### Part A - General Questions

**Rule Number:** 4501-7-05

**Rule Type:** Amendment

**Rule Title/Tagline:** Applications and renewal of licenses for instructors and training managers.

**Agency Name:** Department of Public Safety

**Division:**

**Address:** 1970 West Broad Street PO Box 182081 Columbus OH 43218-2081

**Contact:** Joseph Kirk **Phone:** 614-466-5605

**Email:** jakirk@dps.ohio.gov

#### I. Rule Summary

1. **Is this a five year rule review?** No
  - A. **What is the rule's five year review date?** 4/1/2027
2. **Is this rule the result of recent legislation?** No
3. **What statute is this rule being promulgated under?** 119.03
4. **What statute(s) grant rule writing authority?** 4508.02
5. **What statute(s) does the rule implement or amplify?** 4508.02, 4508.03, 4508.04, 4508.05
6. **Does the rule implement a federal law or rule in a manner that is more stringent or burdensome than the federal law or regulation requires?** No
  - A. **If so, what is the citation to the federal law or rule?** Not Applicable
7. **What are the reasons for proposing the rule?**

The rule is being proposed to make general changes and make better organize the rule.
8. **Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**



The rule sets forth requirements for the training of instructors and online instructors and the application process for initial and renewal license. The rule has been reorganized to better group information, as well as make general changes based on current practice.

9. **Does the rule incorporate material by reference? Yes**
10. **If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.75, please explain the basis for the exemption and how an individual can find the referenced material.**

The rule directs readers to rule 4501-7-39 that deals with all materials incorporated by reference for the chapter.

11. **If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.**

*Not Applicable*

## **II. Fiscal Analysis**

12. **Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.**

This will have no impact on revenues or expenditures.

0.00

Not applicable

13. **What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?**

Basic Instructor Course - Fee for course - \$25 Note: Although the rules do not require schools to pay for wages, travel and lodging, the schools may choose to pay for the amenities and training which may be as much as \$144 per day. Training - Required time for the instructor training program is estimated to take six to eight weeks to complete the full training. Schools will not incur training costs if an instructor applicant has a current and valid teaching degree issued through the Department of Education that includes training in driver education. Additionally, schools will not incur training costs if an instructor has been trained within the previous ten years and is able to provide proof of such training. Probationary assessment - The time required to assess an instructor is based upon their type of license. Each assessment may take two to

three hours to complete. Since the assessments will be completed during a normal working day there is no additional cost to performing the assessments.

14. **Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). Yes**
15. **Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No**
16. **If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.**

The Driver Training Program Office fees are directed to the highway fund. However, the fund allows for the office and field staff to provide services for compliance and resources at no cost to the schools. This includes offering classes and continuing education courses for the instructors. The funding allows for the support for program reviews of schools to ensure they are providing the training required. The field staff also provide vehicle inspections for the vehicles to ensure safe operation while training students behind the wheel of vehicles. In addition, the funds provide for additional resources to be printed and provided to the schools to support curriculums.

### **III. Common Sense Initiative (CSI) Questions**

17. **Was this rule filed with the Common Sense Initiative Office? Yes**
18. **Does this rule have an adverse impact on business? Yes**
  - A. **Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? Yes**

Pursuant to sections 4508.03 and 4508.04 of the Revised Code, no person shall operate a driver training school or act as a driver training instructor unless licensed by the director of public safety.

- B. **Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? Yes**

Sanctions up to and including denial of application or revocation of license may be imposed if applicants or licensees fail to meet the requirements set forth in this rule.

- C. **Does this rule require specific expenditures or the report of information as a condition of compliance? Yes**

Basic Instructor Course - Fee for course - \$25 Note: Although the rules do not require schools to pay for wages, travel and lodging, the schools may choose to pay for the amenities and training which may be as much as \$144 per day. Training - Required time for the instructor training program is estimated to take six to eight weeks to complete the full training. Schools will not incur training costs if an instructor applicant has a current and valid teaching degree issued through the Department of Education that includes training in driver education. Additionally, schools will not incur training costs if an instructor has been trained within the previous ten years and is able to provide proof of such training. Probationary assessment - The time required to assess an instructor is based upon their type of license. Each assessment may take two to three hours to complete. Since the assessments will be completed during a normal working day there is no additional cost to performing the assessments.

- D. Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business of which it will apply or applies? No**

**IV. Regulatory Restriction Requirements under S.B. 9. Note: This section only applies to agencies described in R.C. 121.95(A).**

- 19. Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? Yes**

- A. How many new regulatory restrictions do you propose adding to this rule? 0**
- B. How many existing regulatory restrictions do you propose removing from this rule? 2**

Paragraph new (F)(2)(c) - For an online.... assessment shall...."

Paragraph new (F)(5),third sentence - "If the request is.... term shall start over"

- C. If you are not removing existing regulatory restrictions from this rule, please list the rule number(s) from which you are removing restrictions.**  
The regulatory restriction in paragraph (D) has moved to the (D)(2).
- D. Please justify the adoption of the new regulatory restriction(s).**

Not Applicable

## Rule Summary and Fiscal Analysis

### Part B - Local Governments Questions

**1. Does the rule increase costs for:**

<b>A. Public School Districts</b>	Yes
<b>B. County Government</b>	No
<b>C. Township Government</b>	No
<b>D. City and Village Governments</b>	No

**2. Please estimate the total cost, in dollars, of compliance with the rule for the affected local government(s). If you cannot give a dollar cost, explain how the local government is financially impacted.**

The estimated cost of compliance includes time and costs associated with additional training., The time and costs estimated will vary for each attendee depending on travel time and mileage.

Basic Instructor Course Fee \$25.

**3. Is this rule the result of a federal government requirement? No**

- A. If yes, does this rule do more than the federal government requires? *Not Applicable***
- B. If yes, what are the costs, in dollars, to the local government for the regulation that exceeds the federal government requirement?**

*Not Applicable*

**4. Please provide an estimated cost of compliance for the proposed rule if it has an impact on the following:**

**A. Personnel Costs**

Not applicable.

**B. New Equipment or Other Capital Costs**

Not applicable.

**C. Operating Costs**

Not applicable.

**D. Any Indirect Central Service Costs**

Not applicable.

**E. Other Costs**

Not applicable.

**5. Please explain how the local government(s) will be able to pay for the increased costs associated with the rule.**

There are no provisions or grants available to offset or pay for the costs imposed by the rule.

**6. What will be the impact on economic development, if any, as the result of this rule?**

The rule has no foreseen impact on economic development

4501-7-05

**Applications and renewal of licenses for instructors and training managers.**

[Comment: For dates and availability of material incorporated by reference in this rule, see paragraph (A) in rule 4501-7-39 of the Administrative Code.]

(A) No person shall give instruction for hire in the operation of a motor vehicle unless such person is the holder of a current and valid instructor's license issued by the director. No authorizing official or training manager shall allow a person to instruct driver training unless the person has applied for and obtained the appropriate instructor's license from the director. Instructors shall maintain a valid driver's license at all times during licensure.

(B) Class "D" instructor licenses are issued by the director in one of three types:

- (1) Class "D" instructors are non-restricted licensed instructors who teach any part of the curriculum, including classroom and behind-the-wheel instruction in the operation of a passenger vehicle.
- (2) Classroom-restricted class "D" instructors are licensed instructors who may only teach driver knowledge in the classroom or via virtual classroom in the operation of a passenger vehicle.
- (3) Behind-the-wheel-restricted class "D" instructors are licensed instructors who may only instruct students behind the wheel of a vehicle in the operation of a passenger vehicle.

~~(B)~~(C) CDL instructor licenses are issued by the director in one of three classes:

- (1) Class "A" commercial instructors are licensed instructors who teach any part of a curriculum, including classroom and behind-the-wheel instruction, for the operation of commercial motor vehicles as defined in division (D) of section 4506.01 of the Revised Code.
- (2) Class "B" commercial instructors are licensed instructors who teach any part of the curriculum, including classroom and behind-the-wheel instruction, for the operation of commercial motor vehicles as defined in division (D)(2) of section 4506.01 of the Revised Code.
- (3) Restricted instructors are licensed instructors who may teach driver knowledge in the classroom or via virtual classroom, and who may be permitted to instruct students on the driving range but not behind the wheel of a commercial motor vehicle on the road. Restricted instructors are not required to possess or maintain a commercial driver license. In order to provide instruction to

students on the driving range, the restricted instructor shall have previously held a commercial driver's license in the same classification with the proper endorsements necessary to operate a commercial motor vehicle for which training is provided.

~~(C)~~(D) Training managers and probationary training managers shall be licensed instructors and have completed a course approved by the director for driver training school managers. ~~Training managers for commercial training shall be "class A" licensed instructors properly endorsed to operate all classes of vehicles for which the school offers training.~~

(1) Training managers are non-restricted instructors, except for disability instructors as defined in paragraph (G)(2) of this rule.

(2) Training managers for commercial training shall be "class A" licensed instructors properly endorsed to operate all classes of vehicles for which the school offers training.

(3) Probationary training managers may remain on probation for up to two years or until they meet the three-year requirement as described in paragraph (H)(2) through (H)(4) of this rule, whichever is applicable. During the time a person holds a probationary training manager endorsement, additional support and program reviews will occur to ensure compliance with the rules in this chapter.

~~(D)~~(E) Each person applying for any original driver training instructor license shall submit the "Driver Training Instructor License Application" as prescribed by the director to the department. Original applications for a driver training instructor includes:

(1) A fee of twenty-five dollars paid electronically or in the form of a check or money order made payable to the treasurer of the state of Ohio.

(2) Background checks regarding the applicant criminal record and dated not more than ninety days prior to the date the director receives the "Driver Training Instructor License Application." The background checks includes:

(a) A state level check, which includes information maintained by the bureau of criminal identification and investigation, or a similar government agency from the resident state of the applicant; and;

(b) Except for a CDL instructor applicant, a federal level check, provided by a government agency, which includes information from Ohio and all other states.

- (3) ~~A~~ Although not required, an optional photograph of the applicant may be included in a .jpeg format photograph of the applicant showing neck, shoulders, full face and uncovered head with a plain solid colored background ~~and taken not more than sixty days prior to the date of the application.~~ Photocopies or photographs from other identification badges or cards will not be accepted.
- (4) The applicant's driving record abstract obtained from the records maintained by the bureau of motor vehicles, or a similar agency from another state if the applicant has an out-of-state license. The abstract shall be dated no more than ninety days prior to the date the "Driver Training Instructor License Application" is received by the director, and the abstract must show the applicant has a current and valid license to operate a motor vehicle.
- (5) Except for online instructors, certification from an Ohio driver examiner that the applicant has passed the required driver training instructor testing. Testing includes:
- (a) A vision screening.
  - (b) A knowledge test that includes questions testing the applicant's knowledge of Chapter 4501-7 of the Administrative Code, road signs, the care and operation of motor vehicles, and the "Digest of Ohio Motor Vehicle Laws."
  - (c) A skill examination in a motor vehicle, in the correct classification of motor vehicle, and other than a motorcycle.
- (6) Evidence the applicant has completed a basic instructor course provided and approved by the department. The course shall have been completed no more than one year prior to the date the director receives the "Driver Training Instructor License Application."
- (7) Proof the applicant has completed, within the ten years immediately preceding the application for an instructor license, an approved instructor's course in the classification of training for which the applicant is applying for an instructor's license and on a form prescribed by the director.
- (a) For a class "D" instructor applicant, in accordance to the type of license, ~~a fifty-two hour~~ an instructor's course in driver training approved by the director or a copy of a valid state of Ohio department of education certificate with a driver training endorsement issued pursuant to the provisions of sections 3319.22 to 3319.31 of the Revised Code. Instructor candidates completing the ~~fifty-two hour~~ training requirement may



student teach with the training manager supervising from the back seat. The ~~fifty-two hour~~ instructor's course in driver training is provided by one of the following:

- (i) College or university,
  - (ii) Program approved by the department,
  - (iii) Licensed driver training school under the direction of a licensed training manager.
- (b) For an online instructor license, evidence the applicant has completed an online instructor program approved by the director.
- (c) For a CDL instructor applicant, an instructor's course approved by the director in the same classification of commercial motor vehicle as the applicant intends to train and provided by:
- (i) Program approved by the department, or
  - (ii) Licensed driver training school under the direction of a licensed training manager, ~~or~~
  - (iii) ~~Effective February 7, 2022, a program of training including licensure from another state with which Ohio has reciprocity. This includes:~~
    - ~~(a) Verification the applicant is a licensed instructor in another state at the time of application; and~~
    - ~~(b) It has been determined that the other state's instructor certification requirements are substantially similar to Ohio's training requirements.~~
- (d) Training is not required if applicant meets the requirements for reciprocal licensure found in section 4796 of the Revised Code.
- (e) Training is not required if the applicant provides proof of being previously licensed as a non-probationary instructor, pursuant to paragraph (B) or (C) of this rule, whichever is applicable, within five years immediately preceding the date of application, if:
- (i) The proof of previous licensure is in the same or substantially similar classification of license as the type of license as the application type;

(ii) The previous license was left in good standing with the department, and was not surrendered or revoked; and

(iii) If the applicant has not completed a pre-approved advanced training course in more than three years, the director may issue a license, in accordance with paragraph (F) of this rule, provided the applicant completes a course that complies with paragraph (V) of this rule within one calendar year of the date of issuance.

(8) Each application for an original instructor's license to train behind the wheel of commercial motor vehicles also includes:

(a) Proof of being licensed as the operator of a commercial motor vehicle for at least three years during the ten-year period preceding the application. For restricted instructors, proof of previously ~~holding~~operating on a commercial driver's license, in the same classification or higher with the same endorsements as being taught, for at least two years:

(b) Except for CDL restricted instructors, proof ~~Proof~~ of a valid commercial driver's license that is legal for the operation of all vehicles in which the instructor trains students.

(9) Except for an online instructor, the "Driver Training Personnel Physical Examination" signed by a physician, nurse practitioner, or physician's assistant acting within their scope of practice declaring that the instructor does not have a medical condition, physical condition, including vision impairment (not corrected), which could interfere with the responsibilities of being an instructor or could jeopardize the health and welfare of students and/or general public. The "Driver Training Personnel Physical Examination" shall be completed no more than one year prior to the date the director receives the "Driver Training Instructor License Application." For a CDL instructor applicant, as an alternative, may submit proof of a current certificate of medical examination issued under "49 C.F.R. 391.43," which shall have been completed no more than one year prior to the date the director receives the application.

(10) Proof the applicant has taken the department's online "Sexual Harassment Prevention Training."

(11) The signature of the enterprise's authorizing official.

~~(E)~~(F) Except for applicants exempt from training under paragraph (E)(7)(d) of this rule, upon ~~Upon~~ approval of an initial "Driver Training Instructor License Application" the director issues a probationary instructor license.

- (1) The probationary license expires one hundred eighty days from the date of issuance.
- (2) The probationary instructor license holder shall successfully pass an assessment, approved by the director, prior to the expiration of the probationary license. The training manager shall be responsible for assessing the instructor and shall provide the director with the assessment at least one month prior to the expiration of the probationary license.
  - (a) For ~~any~~ class "D" probationary instructor, the assessment encompasses a minimum of one hour complete-classroom or virtual classroom session, or a minimum of one hour complete-behind-the-wheel session, whichever type of training is primarily taught by the probationary instructor license holder.
  - (b) For a disability instructor of a medically based hospital or rehabilitation clinic, the assessment encompasses a minimum of one hour full-behind-the-wheel session being taught by the probationary instructor license holder.
  - (c) For an online probationary instructor, the assessment ~~shall encompass~~encompasses a one day assessment of the online probationary license holder handling curriculum content inquiries from online students.
  - (d) Except for CDL restricted instructors, the assessment encompasses a minimum of one hour complete-classroom session, a minimum of one hour complete-range session, or a minimum of one hour complete-behind-the-wheel session, whichever type of training is primarily taught by the probationary license holder.
  - (e) For CDL restricted instructors, the assessment encompasses a minimum of one hour complete-classroom session or one complete range session, whichever is applicable.
- (3) A probationary license holder may not be associated with more than one driver training enterprise during the probationary term.
- (4) If a probationary instructor license holder fails to meet expectations as provided by the assessment, the director may extend the probationary term no more than ninety days. The probationary instructor license holder shall successfully pass a second assessment performed by the training manager.

(5) If during the probationary term, a probationary instructor license holder intends to become associated with another driver training enterprise, the holder of the license shall request approval from the director. The director shall review the request. If the request is approved, the instructor may transfer to the approved driver training enterprise, ~~and probationary term shall start over~~. A transfer may only be approved based upon the demonstration of mitigating circumstances, including but not limited to, a school closing, the probationary instructor license holder moving, or inability to teach due to low student enrollment.

~~(F)~~(G) The director issues certification for training persons with a disability in one of two categories:

(1) As a disability endorsement for an instructor of a class '~~d~~D' driver training course providing classroom, virtual classroom, and behind-the-wheel instruction.

(a) An instructor applying for the disability endorsement shall file a "Driver Training Instructor License Application" in accordance with paragraph ~~(E)~~(E) of this rule and include a certificate of successful completion of a course approved by the director for training drivers with a disability.

(b) In order to maintain current certification, an instructor shall take a continuing education course in training drivers with a disability, as approved by the director, every three years.

(2) A license for an instructor at a rehabilitation clinic or medically based hospital that offers driver training for beginning drivers with a disability.

(a) An instructor applying for a license, who will provide driver training in persons with a disability for a rehabilitation clinic or medically based hospital, shall file a "Driver Training Instructor License Application" in accordance with paragraph ~~(E)~~(E) of this rule and ~~be include proof of certification as an occupational therapist or one of the following: a certified driver rehabilitation specialist.~~

(i) Proof of certification as an occupational therapist;

(ii) Proof of certification as a certified driver rehabilitation specialist in lieu of the training required in paragraph (E)(7) of this rule.

(iii) Proof of a valid driver rehabilitation professional microcredential issued by the Association for Driver Rehabilitation Specialists.

(b) In order to maintain current certification, an instructor shall show proof of continuing education every three years. The continuing education shall

include topics on medical conditions or disabilities and how they relate to driving.

~~(G)~~(H) Every training manager applicant shall submit the "Driver Training Instructor License Application." The application includes:

- (1) Proof the manager applicant has completed a course for driver training school managers that has been approved by the director;
- (2) For a class "D" instructor, proof the applicant has held a valid class "D" driver instructor license, or the equivalent in another state, for at least three years.
- (3) If the applicant for a training manager license is a current certified driver rehabilitation specialist, and provides proof of current certification, the three years of holding a valid class "D" driver instructor license may be waived by the director.
- (4) For a CDL instructor, proof the applicant has held a valid commercial instructor license for at least three years.
- (5) A person may apply for a probationary training manager endorsement if the applicant provides the following:
  - (a) Proof of being licensed as an instructor for at least one year;
  - (b) Proof of completing a course for driver training school managers that has been approved by the director; and
  - (c) Evidence of expertise or experience in education, previous management position or a training instructor in the transportation industry or a related field, or previous proof of expertise in training employees or other professionals. The director may consider all evidence provided.

~~(H)~~(I) All instructor, online instructor, disability instructor, CDL instructor, and training manager non-probationary licenses expire on December thirty-first of the year the license is issued, and may be renewed annually upon completion of the "renewal requirements."

~~(H)~~(J) All instructor, online instructor, disability instructor, CDL instructor, and training manager license "renewal requirements" may be filed without penalty if filed within one year from the date of expiration of the last license issued, but such license will be effective no sooner than the date it is approved by the director.

~~(K)~~(K) Any application for an instructor's, online instructor's, or manager's license received by the director more than one year after the last license expired shall be submitted as an original application.

~~(L)~~(L) Each applicant seeking renewal shall submit the "renewal requirements" as prescribed by the director. "Renewal requirements" includes:

- (1) ~~At a minimum, payment of the annual~~ fee of ten dollars paid electronically or in the form of a check or money order made payable to the treasurer of the state of Ohio.
- (2) Biennially after initial licensure. ~~The~~the applicant's driving record abstract obtained from the records maintained by the bureau of motor vehicles, or a similar agency from another state if the applicant has an out-of-state license. The abstract shall be dated no more than ninety days prior to the date the "renewal requirements" are received by the director, and show the applicant has a current and valid license to operate a motor vehicle.
- (3) ~~Although not required, an optional photograph of the applicant may be included in .jpeg format photograph of the applicant showing neck, shoulders, full face and uncovered head with a plain solid colored background, and taken not more than sixty days prior to the date of the submission of the "renewal requirements."~~ Photocopies or photographs from other identification badges or cards will not be accepted.

~~(M)~~(M) Each applicant for a driver training instructor's, online instructor's, disability instructor, CDL instructor, or training manager's license shall:

- (1) Certify the applicant has been licensed as the operator of a motor vehicle for at least five years.
- (2) Possess a valid driver's license.
- (3) Certify that the applicant is in sound physical and mental health, that the applicant does not have any injury or physical or mental impairment, and that the applicant is not under the influence of or addicted to any drug or medicine which may affect that applicant's ability to drive or to effectively and safely instruct students or manage training.
- (4) Have a record free of a conviction of a disqualifying offense.
- (5) Have a driving record free of any of the following:

- (a) Three or more chargeable crashes within the three years preceding the date of application;
- (b) Three or more moving violation convictions under Chapter 4511. of the Revised Code, or an equivalent conviction from another jurisdiction, within the three years preceding the date of application;
- (c) An accumulation of six points or more under Chapter 4510. of the Revised Code, or equivalent action from another jurisdiction, within the preceding three years;
- (d) A twelve-point administrative suspension under section 4510.037 of the Revised Code, or equivalent action from another jurisdiction, within the ten years preceding the date of application.

~~(M)~~(N) If an instructor or training manager failed to renew because of service in the armed forces, the license shall be renewed in accordance with section 5903.10 of the Revised Code. The instructor or training manager shall submit the "renewal requirements" as set forth in paragraph ~~(H)~~(L) of this rule.

~~(N)~~(O) If an instructor or training manager failed to renew because the certificate holder's spouse served in the armed forces and the service resulted in the holder's absence from this state, the license shall be renewed in accordance with section 5903.10 of the Revised Code. The instructor or training manager shall submit the "renewal requirements" as set forth in paragraph ~~(H)~~(L) of this rule.

~~(O)~~(P) A renewal shall not be granted unless the holder or the holder's spouse, whichever is applicable, has presented satisfactory evidence of the service member's discharge under honorable conditions or release under honorable conditions from active duty or national guard duty within six months after the discharge or release.

~~(P)~~(Q) An instructor, online instructor, or training manager shall notify the enterprise's authorizing official in writing within ten days if any of the following occur:

- (1) The instructor, online instructor, or training manager is convicted of or pleads guilty to a moving traffic violation conviction;
- (2) The instructor, online instructor, or training manager is involved in a chargeable crash;
- (3) The instructor, online instructor, or training manager is convicted of a charge that assesses points against the applicant's license;

(4) The instructor, online instructor, or training manager receives any driver license suspension, cancellation, or revocation;

(5) The instructor, online instructor, or training manager is convicted of or pleads guilty to any ~~criminal charge~~ disqualifying offense specified listed in paragraph (J)(4) of this rule rule 4501-7-37 of the Administrative Code.

~~(Q)~~(R) The authorizing official or training manager shall notify the director in writing within ten days of the official's or manager's receipt of notice that any of the following has occurred:

(1) An instructor, online instructor, or training manager is convicted of or pleads guilty to a moving traffic violation conviction;

(2) An instructor, online instructor, or training manager is involved in a chargeable crash;

(3) An instructor, online instructor, or training manager is convicted of a charge that assesses points against the applicant's license;

(4) An instructor, online instructor, or training manager receives any driver license suspension, disqualification, cancellation, or revocation;

(5) An instructor, online instructor, or training manager is convicted of or pleads guilty to any ~~criminal charge~~ disqualifying offense listed in this rule 4501-7-37 of the Administrative Code .

~~(R)~~(S) The director may refuse to issue or renew, or may suspend, revoke, or place on probation the probationary or non-probationary license of any instructor, online instructor, or training manager upon notice of that person's conviction for any offense for which that person may be disqualified under this rule.

~~(S)~~(T) The director may refuse to issue or renew, or may suspend, revoke, or place on probation a probationary or non-probationary license upon notice of an offense determined by the director to be of a nature or severity inconsistent with the standards expected of an instructor, online instructor, or training manager which is committed beyond the periods provided herein.

~~(T)~~(U) No person shall submit a "Driver Training Instructor License Application" or "renewal requirements " that are incomplete, incorrect or which contains false or misleading information. An incomplete or incorrect, false, or misleading "Driver Training Instructor License Application" or "renewal requirements" may be rejected, returned to the applicant, or denied.



~~(U)~~(V) Every training manager, instructor, and online instructor shall complete a pre-approved advanced training course once every three years and, upon request from the director, provide proof of the satisfactory completion of such training.

- (1) The course shall be one approved by the director or one of continued education in driver training or training management conducted by a college, university, or a national driver training organization.
- (2) The proof of satisfactory completion shall be in a manner prescribed by the director.
- (3) The director may pre-approve, on an individual basis, additional conferences, workshops, or seminars, including a driving dynamics or defensive driving course, in satisfaction of this requirement.

~~(V)~~(W) Every training manager, instructor, disability instructor, CDL instructor, and online instructor shall complete the department's online "Sexual Harassment Prevention Training" annually.

~~(W)~~(X) The director may amend the "Driver Training Instructor License Application" form at any time.

Effective:

Five Year Review (FYR) Dates: 4/1/2027

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Certification

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Date

Promulgated Under: 119.03  
Statutory Authority: 4508.02  
Rule Amplifies: 4508.02, 4508.03, 4508.04, 4508.05  
Prior Effective Dates: 01/07/1967, 03/01/1976, 11/23/1978, 10/26/1979,  
12/01/1980, 02/29/1988, 12/21/1991, 07/01/1997,  
07/11/1997, 10/04/2001, 01/08/2004, 10/08/2009,  
10/10/2013, 12/06/2014, 07/01/2016, 05/01/2022

## Rule Summary and Fiscal Analysis

### Part A - General Questions

**Rule Number:** 4501-7-10

**Rule Type:** Amendment

**Rule Title/Tagline:** Driver training in the operation of Class "D" motor vehicles.

**Agency Name:** Department of Public Safety

**Division:**

**Address:** 1970 West Broad Street PO Box 182081 Columbus OH 43218-2081

**Contact:** Joseph Kirk **Phone:** 614-466-5605

**Email:** jakirk@dps.ohio.gov

#### I. Rule Summary

1. **Is this a five year rule review?** No
  - A. **What is the rule's five year review date?** 4/1/2027
2. **Is this rule the result of recent legislation?** No
3. **What statute is this rule being promulgated under?** 119.03
4. **What statute(s) grant rule writing authority?** 4508.02
5. **What statute(s) does the rule implement or amplify?** 4508.02, 4508.03
6. **Does the rule implement a federal law or rule in a manner that is more stringent or burdensome than the federal law or regulation requires?** No
  - A. **If so, what is the citation to the federal law or rule?** Not Applicable
7. **What are the reasons for proposing the rule?**

The rule is being proposed to make update to identification requirements based on current practice.
8. **Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

The rule deals with driver training in the operation of Class D motor vehicles. The rule is amended to allow for identification that does not contain a photo.

9. **Does the rule incorporate material by reference? Yes**
10. **If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.75, please explain the basis for the exemption and how an individual can find the referenced material.**

The rule directs readers to rule 4501-7-39 that deals with all materials incorporated by reference for the chapter.

11. **If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.**

*Not Applicable*

## **II. Fiscal Analysis**

12. **Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.**

This will have no impact on revenues or expenditures.

0.00

Not applicable.

13. **What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?**

Not applicable.

14. **Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No**

15. **Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No**

16. **If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.**

Not applicable.

### III. Common Sense Initiative (CSI) Questions

17. Was this rule filed with the Common Sense Initiative Office? Yes

18. Does this rule have an adverse impact on business? Yes

A. Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? Yes

Pursuant to sections 4508.03 and 4508.04 of the Revised Code, no person shall operate a driver training school or act as a driver training instructor unless licensed by the director of public safety.

B. Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? Yes

Sanctions up to and including denial of application or revocation of license may be imposed if applicants or licensees fail to meet the requirements set forth in this rule.

C. Does this rule require specific expenditures or the report of information as a condition of compliance? No

D. Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business of which it will apply or applies? No

### IV. Regulatory Restriction Requirements under S.B. 9. Note: This section only applies to agencies described in R.C. 121.95(A).

19. Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? No

A. How many new regulatory restrictions do you propose adding to this rule?

Not Applicable

B. How many existing regulatory restrictions do you propose removing from this rule?

Not Applicable

- C. If you are not removing existing regulatory restrictions from this rule, please list the rule number(s) from which you are removing restrictions.**

Not Applicable

- D. Please justify the adoption of the new regulatory restriction(s).**

Not Applicable

4501-7-10

**Driver training in the operation of Class "D" motor vehicles.**

[Comment: For dates and availability of material incorporated by reference in this rule, see paragraph (A) in rule 4501-7-39 of the Administrative Code.]

(A) All driver training courses for beginning drivers, who are between the ages of fifteen years and six months of age and eighteen years of age, must meet the following requirements:

- (1) Except as provided in rule 4501-7-06 of the Administrative Code for a medically based hospital or rehabilitation facility that offers instruction for persons with a disability and online providers, enterprises that provide driver training shall provide both the classroom or virtual instruction and behind-the-wheel instruction;
- (2) No behind-the-wheel instruction shall be given to a student who does not hold and carry a valid temporary permit or operator's license. No driver shall be given behind-the-wheel instruction using a permit or license which has expired or which has been suspended or revoked
- (3) Students shall be taught and supervised by a licensed instructor. Licensed instructors instruct only under the authority of a licensed driver training school.
- (4) When a student operates a motor vehicle on the public highways, a licensed instructor shall be in the vehicle seated beside the driver. The instructor shall ~~wear, in a conspicuous location, an identification card. The identification card displays a clear photo of the instructor's face, the instructor's name and the name of the driver training school for which the instructor is working;~~ carry with them proper identification to prove valid licensure and provide such proof upon request. Proper identification includes:
  - (a) The instructor's current and valid driver's license and the department issued instructor license if the department issued license does not have the instructor's photo printed on it; or
  - (b) The instructor's current and valid department issued instructor license if the department issued license contains the instructor's photo printed on it.
- (5) The driver training course shall be based on the principals of and cover, at a minimum, the in-car lessons contained in the "Ohio Driver Training Curriculum." The program includes no less than eight hours of driver training for each student;

- (6) Behind-the-wheel instruction consists of no less than sixty minutes of instruction for each hour credited toward completion of the required training. Time taken for breaks in instruction shall not be included when calculating completion of the required instruction;
  - (7) No instructor shall give a beginning driver behind-the-wheel instruction before the student has completed the classroom or virtual classroom instruction. No instructor shall give a student who is enrolled in an online program, behind-the-wheel instruction without receiving a "Certificate of Completion of an Online Driver Education Program" issued by the online provider;
  - (8) Class "D" instructors shall take a ten minute break after every four consecutive hours of instruction;
  - (9) A student's good-faith effort made during the full eight hours of skills training constitutes successful completion of the behind-the-wheel training;
  - (10) All training as required in this rule and rule 4501-7-09 of the Administrative Code, provided by the enterprise shall be made available to, and completed by, the student within six months of the first date of training, unless mitigating circumstances occur. Mitigating circumstances include health and family issues that disrupt the student's ability to receive training. Mitigating circumstances do not include the inability to schedule training due to parent or student elective or extra-curricular activities, such as sports and school clubs. Mitigating circumstances shall be documented in the student's record. Requests for special circumstances not listed to be considered "mitigating" are requested through the department. If no mitigating circumstances are approved, training will be voided and the student re-takes the training.
- (B) In addition to the requirements for class "D" licensed schools listed in paragraph (A) of this rule, driver training courses and instructors shall maintain an environment that is conducive to learning.
- (1) If a student is operating a motor vehicle on a range, an instructor may leave the motor vehicle, but remain standing outside the vehicle in a position where the instructor can continue to directly observe the operation of the motor vehicle, and maintain a position where both the student and the instructor can hear each other and be heard by each other;
  - (2) During times of behind-the-wheel instruction, use of any items or behavior that causes or can cause unreasonable distraction is prohibited. No eating or drinking by students is permitted in the vehicle during times of instruction or while the vehicle is in motion;



- (3) No student shall be given more than three hours of behind-the-wheel instruction in one day. The total training a student receives shall not exceed four hours in one day. Students receiving more than two continuous hours of training shall be provided a ten-minute break at the approximate mid-point of the lesson;
  - (4) Instructors shall ensure that a beginning driver's first hour of behind-the-wheel training occurs in an area that is reasonably free from pedestrian and vehicular traffic, and that the first hour does not include operation of a vehicle on primary traffic arteries, main highway routes, and other thoroughfares that carry a large amount of traffic;
  - (5) No instructor shall permit a beginning driver to operate a motor vehicle on an expressway before the beginning driver has received at least two hours of behind-the-wheel instruction on a roadway that is not an expressway;
  - (6) No more than two students may be in a vehicle while behind-the-wheel instruction is being given. No credit for the hours of required behind-the-wheel instruction shall be given to a student who is not driving;
- (C) Instructor candidates who have completed at least thirty-two hours of training can teach up to two hours of behind-the-wheel instruction for one student with the training manager supervising from the back seat. A lesson plan and route sheet provided by the training manager will be used during the lesson.

Effective:

Five Year Review (FYR) Dates: 4/1/2027

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Certification

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Date

Promulgated Under: 119.03  
Statutory Authority: 4508.02  
Rule Amplifies: 4508.02, 4508.03  
Prior Effective Dates: 01/07/1967, 03/01/1976, 11/23/1978, 12/01/1980,  
02/29/1988, 12/21/1991, 07/01/1997, 10/04/2001,  
07/31/2003, 01/08/2004, 10/08/2009, 10/10/2013,  
12/06/2014, 07/01/2016, 05/01/2022

## Rule Summary and Fiscal Analysis

### Part A - General Questions

**Rule Number:** 4501-7-13

**Rule Type:** Amendment

**Rule Title/Tagline:** Records maintained by a licensed driver training enterprise.

**Agency Name:** Department of Public Safety

**Division:**

**Address:** 1970 West Broad Street PO Box 182081 Columbus OH 43218-2081

**Contact:** Joseph Kirk **Phone:** 614-466-5605

**Email:** jakirk@dps.ohio.gov

#### I. Rule Summary

1. **Is this a five year rule review?** No
  - A. **What is the rule's five year review date?** 4/1/2027
2. **Is this rule the result of recent legislation?** No
3. **What statute is this rule being promulgated under?** 119.03
4. **What statute(s) grant rule writing authority?** 4508.02
5. **What statute(s) does the rule implement or amplify?** 4508.02, 4508.03
6. **Does the rule implement a federal law or rule in a manner that is more stringent or burdensome than the federal law or regulation requires?** No
  - A. **If so, what is the citation to the federal law or rule?** Not Applicable
7. **What are the reasons for proposing the rule?**

The rule is being proposed to
8. **Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

The rule deals with records to be kept by driver training programs. The rule is amended to provide an allowance for assessments to be completed by a certified driver rehabilitation specialist for disability instructors. Additionally, amendments were made to citations and to clarify the rule.

9. **Does the rule incorporate material by reference? Yes**
10. **If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.75, please explain the basis for the exemption and how an individual can find the referenced material.**

The rule directs readers to rule 4501-7-39 that deals with all materials incorporated by reference for the chapter.

11. **If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.**

*Not Applicable*

## **II. Fiscal Analysis**

12. **Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.**

This will have no impact on revenues or expenditures.

0.00

Not applicable.

13. **What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?**

Not applicable.

14. **Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No**

15. **Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No**

16. **If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.**

Not applicable.

**III. Common Sense Initiative (CSI) Questions**

17. Was this rule filed with the Common Sense Initiative Office? Yes

18. Does this rule have an adverse impact on business? Yes

A. Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? No

B. Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? Yes

Sanctions up to and including denial of application or revocation of license may be imposed if applicants or licensees fail to meet the requirements set forth in this rule.

C. Does this rule require specific expenditures or the report of information as a condition of compliance? No

D. Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business of which it will apply or applies? No

**IV. Regulatory Restriction Requirements under S.B. 9. Note: This section only applies to agencies described in R.C. 121.95(A).**

19. Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? No

A. How many new regulatory restrictions do you propose adding to this rule?

Not Applicable

B. How many existing regulatory restrictions do you propose removing from this rule?

Not Applicable

- C. If you are not removing existing regulatory restrictions from this rule, please list the rule number(s) from which you are removing restrictions.**

Not Applicable

- D. Please justify the adoption of the new regulatory restriction(s).**

Not Applicable

4501-7-13

**Records maintained by a licensed driver training enterprise.**

[Comment: For dates and availability of material incorporated by reference in this rule, see paragraph (A) in rule 4501-7-39 of the Administrative Code.]

- (A) Each licensed school shall maintain student records for three years from the date the record was finalized, regardless of whether the student has completed all training.
- (B) For a class "D" and CDL licensed school, a distinct record shall be kept for classroom instruction, and a distinct record shall be kept for behind-the-wheel training. These records include:
- (1) A record of the material taught for each student in each training session, which includes:
    - (a) The student classroom and behind-the-wheel records shall include the student's name and address; driver license or permit number and, if applicable, its issuance date; the date of each training session; and the actual starting time, break time, and the actual ending time for each session the student completed;
    - (b) Each behind-the-wheel session notation signed or initialed by the student and instructor, who provided the training, after completion of the training. The record also includes the instructor's license number for each session;
    - (c) The signature of the training manager or instructor on the final record confirming all training has been successfully completed;
    - (d) A record of each training session administered by the school including the date, time, break time, topic of instruction, instructor of record, and complete roster of the students attending such session. In addition, for virtual classroom, a copy of the student roster footprint showing each student's log in and log out times;
    - (e) A copy of the student's final examination;
    - (f) For a class "D" student, a record of every student's proof of completion for instruction obtained through an online provider in a manner prescribed by the director.
  - (2) For a class "D" training course, a copy of the completed and signed final record for each student who is less than eighteen years of age, if applicable to the student, includes the following notations:

- (a) That the student received all classroom instruction or the equivalent online instruction as required by this chapter and division (C) of section 4508.02 of the Revised Code;
  - (b) That the student has satisfactorily completed the behind-the-wheel instruction required by this chapter and division (C) of section 4508.02 of the Revised Code;
  - (c) The student's score on any examination of knowledge required by rule 4501-7-09 of the Administrative Code;
  - (d) A record of the "Certificate of Completion" issued including its number and the date of issue.
- (3) For each student in a training course for the operation of commercial motor vehicles, the records include the following notations:
- (a) That the student received all classroom and behind-the-wheel instruction required by rule 4501-7-28 of the Administrative Code.
  - (b) The student's final test score.
- (4) A record of every driver training certificate of completion issued by the enterprise to students under eighteen years of age in the format prescribed by the director.
- (5) A copy of the fully executed training agreement between the enterprise and each student trained.
- (C) For an online licensed school, the records include, at a minimum;
- (1) The student's name and address;
  - (2) The date the student started and date the student completed the program;
  - (3) Each start time, each end time, and total cumulative time spent in of each module of the online program;
  - (4) The agreement between the enterprise and each student trained;
  - (5) A record of the "Certificate of Completion of an Online Driver Education Program" issued by the online provider to students under eighteen years of age, in a format prescribed by the director;
  - (6) The records for each examination provided to each student, which includes:



- (a) All of the questions asked and the student's responses;
  - (b) The name or identity of the online instructor entering comments or responding to questions during each final examination.
- (D) All driver training enterprises and schools shall maintain an instructor file for all instructors currently employed and maintain the records for at least three years following the termination of an instructor's employment. The records include:
- (1) A copy of each instructor's current license. The instructor's license, or a photocopy of the license, shall also be maintained by the instructor, and by each enterprise for which the instructor trains. The license, or a photocopy thereof, is kept in the instructor's possession at any time the instructor is training students.
  - (2) The enterprise or organization that completed the training is responsible for maintaining the records of the instructors. This includes the dates, times, location of training and curriculum used.
  - (3) For instructors with the training manager endorsement or disability endorsement, proof of completion of the training provided to obtain such endorsement.
  - (4) An annual assessment for all instructors performed by the training manager, or a certified driver rehabilitation specialist for a disability instructor, that are in a written format pre-approved by the director.
  - (5) Proof of the annual "Sexual Harassment Prevention Training" course completion.
  - (6) Proof of satisfactory completion of a pre-approved advanced training course as set forth in paragraphs ~~(F)~~(G) and/or ~~(U)~~(V) of rule 4501-7-05 of the Administrative Code, whichever is applicable.
  - (7) The "Driver Training Personnel Physical Examination" as set forth in paragraph (F) of rule 4501-7-03 of the Administrative Code.
  - (8) For a class "D" school records include a record of the schedule or log for behind-the-wheel instruction for each instructor that includes the date, start and ending time, and student name for each lesson.
  - (9) Records for a training manager and/or instructor's behavioral problem(s) that give good cause for the belief that the instructor and/or training manager could be physically or mentally unfit to perform their duties. The records also include disciplinary actions taken to correct such behavior in the instructor's file.

(E) Driver training enterprises and schools shall also maintain a file for business records.

Business records include:

- (1) The current school license. A copy shall be made available to any person upon request. Except for an online driver training program, the original school license is posted in the school in a conspicuous location where any person who enters the school can see it. If a license cannot be posted at the school, the license, or a copy thereof, is carried to each training session provided in that school.
  - (2) A copy of the deed, lease, or rental agreement for the property used as the established place of business;
  - (3) Proof of valid insurance coverage as set forth in paragraph (B) or (C) in rule 4501-7-08 of the Administrative Code, whichever is applicable;
  - (4) Proof of a valid and continuous bond or escrow account covering the enterprise's obligations to provide student instruction as set forth in paragraph (F) in rule 4501-7-08 of the Administrative Code;
  - (5) For a CDL enterprise, a copy of the range layout including dimensions of the run-off areas and dimensions of the specific exercise dimensions as set forth in paragraph (H) of rule 4501-7-04 of the Administrative Code.
  - (6) The annual "Motor Vehicle Inspection List";
  - (7) A complete copy of the required curriculum and lesson plans used by the school and any supporting textbooks, articles, or other sources of driver training information used for the classroom, online equivalent or behind-the-wheel instruction.
- (F) If an instructor, authorizing official, or manager permits the use of a stamped or electronically produced signature, that instructor, official, or manager is responsible for securing the stamp or electronic means, and that instructor, official, or manager is responsible for any document on which that instructor's, official's, or manager's signature is produced.
- (G) ~~All of the documents listed in this rule shall be kept accurately and~~ records required to be maintained by an enterprise under the rules of this chapter, that are stored in a file in the office, shall be kept accurately and in an office of the school that conforms to the standards in this chapter. Finalized records may be stored at the enterprise's main office. Active student records shall be stored on site in the classroom or in an office located in the same county as or in a county adjacent to where the training takes place. The authorizing official or training manager shall make all records available for inspection by the director. The authorizing official or training manager shall make

all applicable records available for inspection by a student and/or the student's parent or legal guardian at any and all reasonable times. These documents shall be furnished upon request to the director.

- (H) If a school closes or an enterprise discontinues business for any reason, the authorizing official or training manager shall complete and submit the "Enterprise Closing Procedure" to the director at least thirty days prior to closing.
- (I) No person shall falsify, alter, or in any manner tamper with any records required to be kept in this chapter.
- (J) All records required to be maintained by an enterprise under the rules of this chapter, that are stored electronically, shall be stored either in a secured computer at the office for the enterprise or at a secure off-site data center within the United States. The authorizing official or training manager shall make all records available for inspection by the director. The authorizing official or training manager shall make all applicable records available for inspection by a student and/or the student's parent or legal guardian at any and all reasonable times. Any records required to be maintained which are in a computer database shall be accessible and capable of being distinguished from non-related records.

Effective:

Five Year Review (FYR) Dates: 4/1/2027

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Certification

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Date

Promulgated Under: 119.03  
Statutory Authority: 4508.02  
Rule Amplifies: 4508.02, 4508.03  
Prior Effective Dates: 01/07/1967, 03/01/1976, 08/25/1978, 11/23/1978,  
12/01/1980, 02/29/1988, 12/21/1991, 07/01/1997,  
10/04/2001, 01/08/2004, 10/08/2009, 10/10/2013,  
12/06/2014, 07/01/2016, 05/01/2022

## Rule Summary and Fiscal Analysis

### Part A - General Questions

**Rule Number:** 4501-7-28

**Rule Type:** Amendment

**Rule Title/Tagline:** Training required for the operation of commercial motor vehicles.

**Agency Name:** Department of Public Safety

**Division:**

**Address:** 1970 West Broad Street PO Box 182081 Columbus OH 43218-2081

**Contact:** Joseph Kirk **Phone:** 614-466-5605

**Email:** jakirk@dps.ohio.gov

#### I. Rule Summary

1. **Is this a five year rule review?** No
  - A. **What is the rule's five year review date?** 4/1/2027
2. **Is this rule the result of recent legislation?** No
3. **What statute is this rule being promulgated under?** 119.03
4. **What statute(s) grant rule writing authority?** 4508.02
5. **What statute(s) does the rule implement or amplify?** 4508.02
6. **Does the rule implement a federal law or rule in a manner that is more stringent or burdensome than the federal law or regulation requires?** No
  - A. **If so, what is the citation to the federal law or rule?** Not Applicable
7. **What are the reasons for proposing the rule?**

The rule is being filed to reduce a requirement
8. **Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

The rule deals with training required for the operation of commercial motor vehicles. Requirements dealing with maintaining proof of identity when teaching, has been changed to no longer require that an instructor have a photo instructor's license.

9. **Does the rule incorporate material by reference? Yes**
10. **If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.75, please explain the basis for the exemption and how an individual can find the referenced material.**

The rule directs readers to rule 4501-7-39 that deals with all materials incorporated by reference for the chapter.

11. **If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.**

*Not Applicable*

## **II. Fiscal Analysis**

12. **Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.**

This will have no impact on revenues or expenditures.

0.00

Not applicable.

13. **What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?**

Not applicable.

14. **Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No**

15. **Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No**

16. **If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.**

Not applicable.

### III. Common Sense Initiative (CSI) Questions

17. Was this rule filed with the Common Sense Initiative Office? Yes

18. Does this rule have an adverse impact on business? Yes

A. Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? Yes

Pursuant to sections 4508.03 and 4508.04 of the Revised Code, no person shall operate a driver training school or act as a driver training instructor unless licensed by the director of public safety.

B. Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? Yes

Sanctions up to and including denial of application or revocation of license may be imposed if applicants or licensees fail to meet the requirements set forth in this rule.

C. Does this rule require specific expenditures or the report of information as a condition of compliance? No

D. Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business of which it will apply or applies? No

### IV. Regulatory Restriction Requirements under S.B. 9. Note: This section only applies to agencies described in R.C. 121.95(A).

19. Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? Yes

A. How many new regulatory restrictions do you propose adding to this rule? 1

Paragraph (B), second sentence - "Instructors shall..."

B. How many existing regulatory restrictions do you propose removing from this rule? 0

- C. If you are not removing existing regulatory restrictions from this rule, please list the rule number(s) from which you are removing restrictions.**

Rule 4501-7-05 is removing two restrictions in this package.

- D. Please justify the adoption of the new regulatory restriction(s).**

The new restriction is making the rule commensurate with other rules in the package, which are themselves making it less restrictive by not requiring a picture on the instructor license.



4501-7-28

**Training required for the operation of commercial motor vehicles.**

[Comment: For dates and availability of material incorporated by reference in this rule, see paragraph (A) in rule 4501-7-39 of the Administrative Code.]

- (A) Enterprises training drivers in the operation of commercial motor vehicles shall provide theory instruction and behind-the-wheel instruction in the operation of commercial motor vehicles. A CDL licensed school may offer instruction in class "A" instruction, class "B" instruction, or both.
- (B) Students shall be taught and supervised by a licensed instructor. Instructors shall act only under the authority and guidance of a licensed driver training enterprise. Instructors shall carry on them proper identification to prove valid licensure and provide such proof upon request. Proper identification includes:
- (1) The instructor's current and valid driver's license and the department issued instructor license if the department issued license does not have the instructor's photo printed on it; or
  - (2) The instructor's current and valid department issued instructor license if the department issued license contains the instructor's photo printed on it.
- (C) If a student completed the classroom or virtual classroom training through another enterprise, no behind-the-wheel instruction is provided until proof of completion of the classroom or virtual classroom is provided.
- (D) The training environment shall be maintained in a manner that is conducive to learning. Maintaining an environment that is conducive to learning includes consideration to the appropriate class size, providing appropriate shelter in inclement weather on the range, ensuring the safety of students in and around vehicles on the range, and any other relevant factors.
- (E) The authorizing official and/or training manager of the enterprise shall ensure that each student completes all required classroom hours and/or behind-the-wheel training hours, whichever is applicable, within two hundred seventy days after the first lesson unless mitigating circumstances occur which is documented by the school in the student's record. Mitigating circumstances include health and family issues that disrupt the student's ability to receive training.
- (F) No student is provided more than ten hours of training by an enterprise in one calendar day.

- (G) Theory instruction and behind-the-wheel instruction consists of no less than sixty minutes for each hour credited toward completion of the required instruction. Time taken for breaks or observation is not included when calculating completion of the required instruction.
- (H) No more than forty per cent of the total theory instruction hours is devoted to showing educational videos, slides or films that relate to commercial driver training. No videos, films, or activities unrelated to safe commercial driving practices, commercial driver knowledge, or commercial driver skill shall be used.
- (I) All behind-the-wheel instruction on streets and highways shall be under the direct supervision of a licensed instructor who is in the vehicle and seated in the front seat next to the driver.
- (J) If a student is observing behind-the-wheel instruction of another student and not actually driving, such time is not be credited to the student for behind-the-wheel training completed. Each student driver, with the assistance of the instructor, shall do at least one pre-trip inspection during each day of on-the-road training.
- (K) During the training of one or more motor vehicles on the range, an instructor, who is not restricted to the classroom only, is required to remain on the range to actively instruct and monitor students. The following limits exist:
- (1) During the operation of a vehicle on the range:
    - (a) One instructor may oversee no more than eight students;
    - (b) One instructor may oversee no more than four vehicles; and
    - (c) No more than two students may be working with one vehicle at one time.
  - (2) During pre-trip inspection training, one instructor may oversee no more than eight students.
- (L) Theory instruction.
- (1) Theory instruction for class "A" commercial motor vehicle training totals at least forty hours. The curriculum shall, at a minimum, meet all curriculum standards set forth in "Title 49 of the Code of Federal Regulations, Appendix A to Part 380" and the "Commercial Driver's License Curriculum Guideline."
  - (2) Theory instruction for class "B" commercial motor vehicle training totals at least twelve hours. The curriculum shall, at a minimum, meet all curriculum

standards set forth in "Title 49 of the Code of Federal Regulations, Appendix B to Part 380" and the "Commercial Driver's License Curriculum Guideline."

- (3) Theory instruction for a passenger endorsement totals at least eight hours. The curriculum shall at a minimum, meet all curriculum standards set forth in "Title 49 of the Code of Federal Regulations, Appendix C to Part 380" and the "Commercial Driver's License Curriculum Guideline."
- (4) School bus endorsement training curriculum. Theory instruction for a school bus endorsement totals at least eight hours and shall, at a minimum, meet all curriculum standards set forth in "Title 49 of the Code of Federal Regulations, Appendix D to Part 380" and the "Commercial Driver's License Curriculum Guideline."
- (5) Final examination. It shall be the responsibility of the commercial driver training enterprise offering the theory instruction to determine each student's successful completion by means of a comprehensive final examination measuring driver knowledge. The final examination is provided at the completion of the theory training.
  - (a) No student being tested shall be permitted to refer to any materials that may contain answers to the questions thereon.
  - (b) Student knowledge measured by the final examination shall be representative of the entire scope of knowledge of the curriculums as set forth in paragraph (L) of this rule. The number of questions shall be based on the following:
    - (i) The final examination for class "A" commercial motor vehicle training as set forth in paragraph (L)(1) of this rule includes one hundred content-based test questions.
    - (ii) The final examination for class "B" commercial motor vehicle training as set forth in paragraph (L)(2) of this rule includes fifty content-based test questions.
    - (iii) The final examination for training provided as set forth in paragraphs (L)(3) and (L)(4) of this rule includes twenty-five content-based questions.
  - (c) Each student shall answer eighty per cent or more of the questions comprising the final examination correctly in order to constitute successful completion. If a student fails the exam, the student may be offered no more than two additional opportunities to pass without

further education. The student may not re-take the same exam the student had previously taken and failed. Students may not be provided a final examination less than a calendar day from the last attempt.

- (d) The final examination shall be administered and graded under the supervision of a licensed instructor. Accommodations shall be made for the final examination to assist students with confirmed learning difficulties.
  - (e) The record of all final examinations given shall include the date the test was given, the student's score, the name and signature of the instructor who administered and graded the test, and the student's name and signature.
- (M) Behind-the-wheel training. Instructors providing behind-the-wheel training shall be actively instructing during all public road training sessions.
- (1) Behind-the-wheel instruction for class "A" commercial motor vehicle training shall be provided in a class "A" vehicle and total at least forty hours. No less than ten hours of behind-the-wheel instruction shall be given on off-highway ranges. No less than ten hours of behind-the-wheel instruction shall be given on streets and highways with normal traffic. Twenty hours of behind-the-wheel instruction may be used either for on-highway or off-highway training. The authorizing official, instructor or training manager shall determine which behind-the-wheel instruction would be most beneficial to the student. No student shall be taken on the road for training prior to receiving a minimum of five hours of range training. The five hours of time credited does not include observation time. The curriculum shall, at a minimum, include instruction as set forth in "Title 49 of the Code of Federal Regulations, Appendix A to Part 380" and the "Commercial Driver's License Curriculum Guideline."
  - (2) Behind-the-wheel instruction for class "B" commercial motor vehicle training shall be provided in a class "B" vehicle and total at least twenty-eight hours. No less than eight hours of behind-the-wheel instruction shall be given on ranges. No less than eight hours of behind-the-wheel instruction shall be given on streets and highways with normal traffic. Twelve hours of behind-the-wheel instruction may be used either for on-highway or off-highway training. The authorizing official, instructor or training manager shall determine which behind-the-wheel instruction would be most beneficial to the student. No student shall be taken on the road for training prior to receiving a minimum of four hours of range training. The four hours of time credited shall not include observation time. The curriculum shall, at a minimum, include instruction as set forth in "Title 49 of the Code of Federal Regulations, Appendix B to Part 380" and the "Commercial Driver's License Curriculum Guideline."

- (3) Passenger endorsement behind-the-wheel curriculum. The driver training school may include the passenger endorsement training curriculum in the Class B curriculum. For those students seeking to obtain the passenger endorsement on a current commercial driver's license, the driver training school may offer the passenger endorsement curriculum as separate behind-the-wheel instruction. The curriculum shall, at a minimum, include instruction as set forth in "Title 49 of the Code of Federal Regulations, Appendix C to Part 380" and the "Commercial Driver's License Curriculum Guideline."
- (4) School bus endorsement training curriculum. The driver training school may include the school bus endorsement training curriculum in the Class B curriculum. For those students seeking to obtain the school bus endorsement on a current commercial driver's license, the driver training school may offer the school bus endorsement curriculum as separate behind-the-wheel instruction. The curriculum shall, at a minimum, include instruction as set forth in "Title 49 of the Code of Federal Regulations, Appendix D to Part 380" and the "Commercial Driver's License Curriculum Guideline."
- (5) Proficiency. It shall be the responsibility of the commercial driver training enterprise offering the behind-the-wheel instruction to determine each student's successful completion of all range and road activities. Successful completion shall be based upon the student's ability to demonstrate proficiency in proper techniques for the range and road skills.
  - (a) The instructor shall determine and document that the student has demonstrated proficiency in all topics of behind-the-wheel instruction topics.
  - (b) The proficiency demonstration shall occur at the end of the student's training. The demonstration shall be, at a minimum, two hours in length with thirty minutes for pre-trip.

Effective:

Five Year Review (FYR) Dates: 4/1/2027

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Certification

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Date

Promulgated Under: 119.03  
Statutory Authority: 4508.02  
Rule Amplifies: 4508.02  
Prior Effective Dates: 12/21/1991, 07/01/1997, 10/04/2001, 10/08/2009,  
12/06/2014, 07/01/2016, 05/01/2022

## Rule Summary and Fiscal Analysis

### Part A - General Questions

**Rule Number:** 4501-7-37

**Rule Type:** Amendment

**Rule Title/Tagline:** Disqualifying offenses.

**Agency Name:** Department of Public Safety

**Division:**

**Address:** 1970 West Broad Street PO Box 182081 Columbus OH 43218-2081

**Contact:** Joseph Kirk **Phone:** 614-466-5605

**Email:** jakirk@dps.ohio.gov

#### I. Rule Summary

1. **Is this a five year rule review?** No
  - A. **What is the rule's five year review date?** 4/1/2027
2. **Is this rule the result of recent legislation?** No
3. **What statute is this rule being promulgated under?** 119.03
4. **What statute(s) grant rule writing authority?** 4508.02
5. **What statute(s) does the rule implement or amplify?** 9.79, 4508.02, 4508.03, 4508.04
6. **Does the rule implement a federal law or rule in a manner that is more stringent or burdensome than the federal law or regulation requires?** No
  - A. **If so, what is the citation to the federal law or rule?** Not Applicable
7. **What are the reasons for proposing the rule?**

The rule is being amended to update disqualifying offenses in accordance with Section 9.79 of the Revised Code.
8. **Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

The rule deals with disqualifying offenses. Theft, fraud and drug related offenses have been updated.

9. **Does the rule incorporate material by reference? No**
10. **If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.75, please explain the basis for the exemption and how an individual can find the referenced material.**

*Not Applicable*

11. **If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.**

*Not Applicable*

## **II. Fiscal Analysis**

12. **Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.**

This will have no impact on revenues or expenditures.

0.00

Not applicable.

13. **What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?**

Not applicable.

14. **Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No**

15. **Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No**

16. **If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.**

Not applicable.



### **III. Common Sense Initiative (CSI) Questions**

17. Was this rule filed with the Common Sense Initiative Office? Yes

18. Does this rule have an adverse impact on business? Yes

A. Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? No

B. Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? Yes

The rule defines disqualifying offenses as it pertains to bars to licensure.

C. Does this rule require specific expenditures or the report of information as a condition of compliance? No

D. Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business of which it will apply or applies? No

### **IV. Regulatory Restriction Requirements under S.B. 9. Note: This section only applies to agencies described in R.C. 121.95(A).**

19. Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? No

A. How many new regulatory restrictions do you propose adding to this rule?

Not Applicable

B. How many existing regulatory restrictions do you propose removing from this rule?

Not Applicable

C. If you are not removing existing regulatory restrictions from this rule, please list the rule number(s) from which you are removing restrictions.

Not Applicable

D. Please justify the adoption of the new regulatory restriction(s).

Not Applicable

4501-7-37

**Disqualifying offenses.**

- (A) "Disqualifying offense" means a conviction, judicial finding of guilt, or plea of guilty to a criminal offense that has is directly related to the duties and responsibilities related to the operation of a driver training school, the operation as an instructor or training manager, or both. A conviction of attempt, conspiracy, or complicity to any section or offense listed in subsection (C) of this rule is considered a disqualifying offense.
- (B) "Offense" for the purposes of this rule means an offense as listed in sections of the Revised Code as listed in this rule and includes any municipal ordinance, law of this state, any other state or the United States that is substantially equivalent to any section or offense listed in subsection (C) of this rule.
- (C) For any license issued by the department pursuant to Chapter 4508., with the exception of section 4508.08, of the Revised Code and the related rules adopted by the director, the following offenses are disqualifying offenses:
- (1) Violent offenses: section 2903.01 (aggravated murder), 2903.02 (murder), 2903.03 (voluntary manslaughter), 2903.04 (involuntary manslaughter), 2903.041 (reckless homicide), 2903.05 (negligent homicide), 2903.11 (felonious assault), 2903.12 (aggravated assault), 2903.13 (assault), 2903.21 (aggravated menacing), 2903.211 (menacing by stalking), or 2909.24 (terrorism) of the Revised Code;
  - (2) Sexually-oriented offenses: section 2907.02 (rape), 2907.03 (sexual battery), 2907.04 (unlawful sexual conduct with a minor), 2907.05 (gross sexual imposition), 2907.06 (gross sexual imposition), 2907.07 (importuning), 2907.08 (voyeurism), 2907.09 (public indecency), 2907.19 (commercial sexual exploitation of a minor), 2907.21 (compelling prostitution), 2907.22 (promoting prostitution), 2907.23 (enticement or solicitation to patronize a prostitute; procurement of a prostitute for another), 2907.231 (pandering obscenity involving minor or impaired person), 2907.31 (disseminating matter harmful to juveniles), 2907.311 (Displaying matter harmful to juveniles), 2907.32 (pandering obscenity), 2907.321 (pandering obscenity involving minor or impaired person), 2907.322 (pandering sexually oriented matter involving a minor or impaired person), or 2907.323 (illegal use of a minor or impaired person in nudity-oriented material or performance) of the Revised Code or a violation of former section 2907.12 (felonious sexual penetration) of the Revised Code;
  - (3) Child-related violent offenses: section 2903.15 (permitting child abuse), 2905.05 (criminal child enticement); 2919.22 (endangering children), 2919.24 (contributing to the unruliness or delinquency of a child), of the Revised Code;

- (4) Arson offenses: section 2909.02 (aggravated arson), and 2909.03 (arson) of the Revised Code;
- (5) Vandalism and related offenses: section 2909.05 (vandalism), 2909.06 (criminal damaging or endangering), 2909.09 (vehicular vandalism) of the Revised Code;
- (6) Major motor vehicle offenses: section 4511.19 (operating a motor vehicle under the influence), section 4511.194 (having physical control of vehicle while under the influence), 2903.06 (aggravated vehicular homicide, vehicular homicide, vehicular manslaughter), 2903.08 (aggravated vehicular assault, vehicular assault) of the Revised Code;
- (7) Terrorism-related offenses: section 2909.22 (soliciting or providing support for act of terrorism), 2909.23 (making a terroristic threat), 2909.24 (terrorism), 2909.26 (criminal possession of chemical, biological, radiological, or nuclear weapon or explosive device), 2909.27 (criminal use of chemical, biological, radiological, or nuclear weapon or explosive device), 2909.27 (illegal assembly or possession of chemicals or substances for manufacture of prohibited weapons), and 2909.29 (money laundering) of the Revised Code;
- (8) Theft and fraud-related offenses: section 2911.01 (aggravated robbery); 2911.02 (robbery); 2911.11 (aggravated burglary); 2911.12 (burglary); 2911.13 (breaking and entering); 2913.02 (theft); 2913.11 (passing bad checks); 2913.30 (counterfeiting); 2913.31 (forgery - forging identification cards or selling or distributing forged identification cards); 2913.49 (identity fraud); 2913.51 (receiving stolen property); 2921.13 (falsification- in theft offense - to purchase firearm); 2921.41 (theft in office); of the Revised Code;
- (9) Weapons-related offenses: section 2923.12 (carrying concealed weapons); 2923.122 (illegal conveyance of deadly weapon or dangerous ordinance or of object indistinguishable from firearm in school safety zone); 2923.1211 (falsification of concealed handgun license - possessing a revoked or suspended concealed handgun license); 2923.13 (having weapons while under disability) of the Revised Code;
- (10) Drug-related offenses: section 2925.03 (trafficking, aggravated trafficking in drugs); 2925.04 (illegal manufacture of drugs - illegal cultivation of marihuana - methamphetamine offenses); 2925.041 (illegal assembly or possession of chemicals for manufacture of drugs); 2925.11 (possession of controlled substances); 2925.12 (possessing drug abuse instruments); 2925.13 (permitting drug abuse); 2925.14 (illegal use or possession of drug paraphernalia); 2925.22 (deception to obtain a dangerous drug); 2925.23 (illegal processing of drug documents); 2925.24 (tampering with drugs) of the Revised Code;

- ~~(10)~~(11) Failing to provide for a functionally impaired person as set forth in section 2903.16 of the Revised Code;
- ~~(11)~~(12) Menacing by stalking as set forth in section 2903.211 of the Revised Code;
- ~~(12)~~(13) Patient abuse or neglect as set forth in section 2903.34 of the Revised Code;
- ~~(13)~~(14) Patient endangerment as set forth in section 2903.341 of the Revised Code;
- ~~(14)~~(15) Kidnapping as set forth in section 2905.01 of the Revised Code;
- ~~(15)~~(16) Abduction as set forth in section 2905.02 of the Revised Code;
- ~~(16)~~(17) Extortion as set forth in section 2905.11 of the Revised Code;
- ~~(17)~~(18) Coercion as set forth in section 2905.12 of the Revised Code;
- ~~(18)~~(19) Trafficking in persons as set forth in section 2905.32 of the Revised Code;
- ~~(19)~~(20) Disrupting public services as set forth in section 2909.04 of the Revised Code;
- ~~(20)~~(21) Aggravated trespass as set forth in section 2911.211 of the Revised Code;
- ~~(21)~~(22) Safecracking as set forth in section 2911.31 of the Revised Code;
- ~~(22)~~(23) Tampering with coin machines as set forth in section 2911.32 of the Revised Code;
- ~~(23)~~(24) Operating a gambling house as set forth in section 2915.03 of the Revised Code;
- ~~(24)~~(25) Inciting to violence as set forth in section 2917.01 of the Revised Code;
- ~~(25)~~(26) Riot as set forth in section 2917.03 of the Revised Code;
- ~~(26)~~(27) Telecommunications harassment as set forth in section 2917.21 of the Revised Code;
- ~~(27)~~(28) Inducing panic as set forth in section 2917.31 of the Revised Code;
- ~~(28)~~(29) Making false alarms as set forth in section 2917.32 of the Revised Code;
- ~~(29)~~(30) Unlawful possession or use of a hoax weapon of mass destruction as set forth in section 2917.33 of the Revised Code;

- ~~(30)~~(31) Improperly handling infectious agents as set forth in section 2917.47 of the Revised Code;
- ~~(31)~~(32) Unlawful abortion upon a minor as set forth in section 2919.121 of the Revised Code;
- ~~(32)~~(33) Unlawful distribution of an abortion-inducing drug as set forth in section 2919.123 of the Revised Code;
- ~~(33)~~(34) Abortion manslaughter as set forth in section 2919.13 of the Revised Code;
- ~~(34)~~(35) Abortion trafficking as set forth in section 2919.14 of the Revised Code;
- ~~(35)~~(36) Dismemberment abortion as set forth in section 2919.15 of the Revised Code;
- ~~(36)~~(37) Partial birth feticide as set forth in section 2919.151 of the Revised Code;
- ~~(37)~~(38) Terminating or attempting to terminate human pregnancy after viability as set forth in section 2919.17 of the Revised Code;
- ~~(38)~~(39) Abortion after gestational age of twenty weeks as set forth in section 2919.201 of the Revised Code;
- ~~(39)~~(40) Domestic violence as set forth in section 2919.25 of the Revised Code;
- ~~(40)~~(41) Violating protection order as set forth in section 2919.27 of the Revised Code;
- ~~(41)~~(42) Bribery as set forth in section 2921.02 of the Revised Code;
- ~~(42)~~(43) Intimidation as set forth in section 2921.03 of the Revised Code;
- ~~(43)~~(44) Intimidation of attorney, victim or witness in criminal case of delinquent child action proceeding as set forth in section 2921.04 of the Revised Code;
- ~~(44)~~(45) Retaliation as set forth in section 2921.05 of the Revised Code;
- ~~(45)~~(46) Perjury as set forth in section 2921.11 of the Revised Code;
- ~~(46)~~(47) Tampering with evidence as set forth in section 2921.12 of the Revised Code;
- ~~(47)~~(48) Making or causing false report of child abuse or neglect as set forth in section 2921.14 of the Revised Code;

- ~~(48)~~(49) Making false allegation of peace officer misconduct as set forth in section 2921.15 of the Revised Code;
- ~~(49)~~(50) Compounding a crime as set forth in section 2921.21 of the Revised Code;
- ~~(50)~~(51) Obstructing official business as set forth in section 2921.31 of the Revised Code;
- ~~(51)~~(52) Obstructing justice as set forth in section 2921.32 of the Revised Code;
- ~~(52)~~(53) Failure to comply with order or signal of police officer as set forth in section 2921.331 of the Revised Code;
- ~~(53)~~(54) Aiding escape or resistance to lawful authority as set forth in section 2921.35 of the Revised Code;
- ~~(54)~~(55) Illegal conveyance of weapons, drugs, or other prohibited items onto grounds of detention facility or institution as set forth in section 2921.36 of the Revised Code;
- ~~(55)~~(56) Dereliction of duty as set forth in section 2921.44 of the Revised Code;
- ~~(56)~~(57) Impersonation of peace officer or private police officer as set forth in section 2921.51 of the Revised Code.

Effective:

Five Year Review (FYR) Dates: 4/1/2027

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Certification

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Date

Promulgated Under: 119.03  
Statutory Authority: 4508.02  
Rule Amplifies: 9.79, 4508.02, 4508.03, 4508.04  
Prior Effective Dates: 05/01/2022



## Rule Summary and Fiscal Analysis

### Part A - General Questions

**Rule Number:** 4501-7-39

**Rule Type:** Amendment

**Rule Title/Tagline:** Incorporated by reference.

**Agency Name:** Department of Public Safety

**Division:**

**Address:** 1970 West Broad Street PO Box 182081 Columbus OH 43218-2081

**Contact:** Joseph Kirk **Phone:** 614-466-5605

**Email:** jakirk@dps.ohio.gov

#### I. Rule Summary

1. **Is this a five year rule review?** No
  - A. **What is the rule's five year review date?** 4/1/2027
2. **Is this rule the result of recent legislation?** No
3. **What statute is this rule being promulgated under?** 119.03
4. **What statute(s) grant rule writing authority?** 4508.02
5. **What statute(s) does the rule implement or amplify?** 4508.02
6. **Does the rule implement a federal law or rule in a manner that is more stringent or burdensome than the federal law or regulation requires?** No
  - A. **If so, what is the citation to the federal law or rule?** Not Applicable
7. **What are the reasons for proposing the rule?**

The rule is being amended to update materials incorporated by reference.
8. **Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

The rule deals with materials incorporated by reference. The rule is amended to remove certain materials and update websites and/or dates of others.

9. **Does the rule incorporate material by reference? Yes**
10. **If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.75, please explain the basis for the exemption and how an individual can find the referenced material.**

These materials are generally available to driver training enterprises, instructors, training manager, and authorizing officials, who are the persons most reasonably expected to be affected by Chapter 4501-7, upon written request submitted to the Driver Training Program Office or via the Driver Training Program website (<http://www.drivertraining.ohio.gov/forms>.)

Under R.C. Section 121.75, the Code of Federal Regulations is exempted from the provisions of R.C. 121.71 to 121.74, as long as the material incorporated by reference is generally available, consists of a citation that will be intelligible to readers, and provides readers with how the material may be accessed. This rule addresses all of these materials by providing full citations, the date/version of the materials as appropriate, as well as referring readers to where and how they may be accessed.

11. **If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.**

*Not Applicable*

## **II. Fiscal Analysis**

12. **Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.**

This will have no impact on revenues or expenditures.

0.00

Not applicable.

13. **What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?**

Not applicable.

14. Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No
15. Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No
16. If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.

Not applicable.

### **III. Common Sense Initiative (CSI) Questions**

17. Was this rule filed with the Common Sense Initiative Office? Yes
18. Does this rule have an adverse impact on business? No
  - A. Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? No
  - B. Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? No
  - C. Does this rule require specific expenditures or the report of information as a condition of compliance? No
  - D. Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business of which it will apply or applies? No

### **IV. Regulatory Restriction Requirements under S.B. 9. Note: This section only applies to agencies described in R.C. 121.95(A).**

19. Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? No
  - A. How many new regulatory restrictions do you propose adding to this rule?

Not Applicable

- B. How many existing regulatory restrictions do you propose removing from this rule?**

Not Applicable

- C. If you are not removing existing regulatory restrictions from this rule, please list the rule number(s) from which you are removing restrictions.**

Not Applicable

- D. Please justify the adoption of the new regulatory restriction(s).**

Not Applicable

4501-7-39

**Incorporated by reference.**

(A) Incorporated by reference. This chapter includes material that has been incorporated by reference. If the material is subject to change, only the specific version listed in this rule is incorporated. Any revision to the referenced material is not incorporated unless and until this rule has been amended to specify the new date.

~~(1) "49 CFR 391.43" or "Title 49 of the Code of Federal Regulations, Section 391.43" (February, 2014) may be obtained at the "U.S. Government Printing Office, 732 N. Capital Street NW, Washington DC 20401" or via its website at <http://www.govinfo.gov>.~~

~~(2) "49 CFR 380" or "Title 49 of the Code of Federal Regulations, Section 380" (March, 2015) available through the "U.S. Government Printing Office, 732 N. Capital Street NW, Washington DC 20401" or via its website at <http://www.govinfo.gov>.~~

~~(3) "49 CFR 383" or "Title 49 of the Code of Federal Regulations, Section 383" (February, 2020) available through the "U.S. Government Printing Office, 732 N. Capital Street NW, Washington DC 20401" or via its website at <http://www.govinfo.gov>.~~

~~(4) "49 CFR 391" or "Title 49 of the Code of Federal Regulations, Section 391" (February, 2014) available through the "U.S. Government Printing Office, 732 N. Capital Street NW, Washington DC 20401" or via its website at <http://www.govinfo.gov>.~~

~~(5) "49 CFR 395" or "Title 49 of the Code of Federal Regulations, Section 395" (July, 2019) available through the "U.S. Government Printing Office, 732 N. Capital Street NW, Washington DC 20401" or via its website at <http://www.govinfo.gov>.~~

~~(6)~~(1) "Title 49 of the Code of Federal Regulations, Appendix A to Part 380" (March, 2019) available through the "U.S. Government Printing Office, 732 N. Capital Street NW, Washington DC 20401" or via its website at <http://www.govinfo.gov>.

~~(7)~~(2) "Title 49 of the Code of Federal Regulations, Appendix B to Part 380" (May, 2018) available through the "U.S. Government Printing Office, 732 N. Capital Street NW, Washington DC 20401" or via its website at <http://www.govinfo.gov>.

~~(8)~~(3) "Title 49 of the Code of Federal Regulations, Appendix C to Part 380" (December, 2016) available through the "U.S. Government Printing

Office, 732 N. Capital Street NW, Washington DC 20401" or via its website at <http://www.govinfo.gov>.

~~(9)~~(4) "Title 49 of the Code of Federal Regulations, Appendix D to Part 380" (December, 2016) available through the "U.S. Government Printing Office, 732 N. Capital Street NW, Washington DC 20401" or via its website at <http://www.govinfo.gov>.

~~(10)~~(5) "Certificate of Completion" is made available to licensed driver training enterprises, except for online driver training enterprises, and may be accessed via the driver training program office on-line application database at ~~<https://services.dps.ohio.gov/DETS>~~<https://apps.dps.ohio.gov/DETS>.

~~(11)~~(6) "Certificate of Completion of an Online Driver Education Program" is made available to licensed online driver training enterprises and may be accessed via the driver training program office on-line application database at ~~<https://services.dps.ohio.gov/DETS>~~<https://apps.dps.ohio.gov/DETS>.

~~(12)~~(7) "Commercial Driver's License Curriculum Guideline" or form "DTO 0232 " (January, 2022) may be accessed via the driver training program office website at ~~<http://www.drivertraining.ohio.gov/forms.aspx>~~<https://publicsafety.ohio.gov/what-we-do/our-programs/ohio-driver-training-for-schools/forms-and-applications>.

~~(13)~~(8) "Digest of Motor Vehicle Laws" or "HSY 7607" (~~October, 2021~~[April, 2023](https://www.ohio.gov)) may be accessed via the bureau of motor vehicles' website at ~~<http://www.ohio.gov>~~<https://www.bmv.ohio.gov/forms-general.aspx>.

~~(14)~~(9) "Driver Training Enterprise Application" or form "DTO 0116" (July, 2014) may be accessed via the driver training program office website at ~~<http://www.drivertraining.ohio.gov/forms.aspx>~~<https://publicsafety.ohio.gov/what-we-do/our-programs/ohio-driver-training-for-schools/forms-and-applications> or electronically through the "Driver Education and Training System" at ~~<https://services.dps.ohio.gov/DETS>~~<https://apps.dps.ohio.gov/DETS>.

~~(15)~~(10) "Driver Training Instructor License Application" or form "DTO 0115" (July, 2014) may be accessed via the Ohio driver training program website at ~~<https://www.drivertraining.ohio.gov/instructors.aspx>~~<https://publicsafety.ohio.gov/what-we-do/our-programs/ohio-driver-training-for-schools/forms-and-applications> or electronically through the "Driver Education and Training System" at ~~<https://services.dps.ohio.gov/DETS>~~<https://apps.dps.ohio.gov/DETS>.

- (16)(11) "Driver Training Personnel Physical Examination" or "DTO 0117" (May, 2021) may be accessed via the driver training program office website at ~~http://www.drivertraining.ohio.gov/forms.aspx~~https://publicsafety.ohio.gov/what-we-do/our-programs/ohio-driver-training/for-schools/forms-and-applications.
- (17)(12) "Enterprise Closing Procedure Form" or form "DTO 0158" (July, 2014) may be accessed via the driver training program office website at ~~http://www.drivertraining.ohio.gov/forms.aspx~~https://publicsafety.ohio.gov/what-we-do/our-programs/ohio-driver-training/for-schools/forms-and-applications.
- (18)(13) "Examination Questions Test Bank" (January, 2022) is made available to licensed online driver training enterprises upon written request submitted to "Driver Training Program Office, 1970 West Broad Street, Columbus, Ohio 43223."
- (19)(14) "Motor Vehicle Inspection List" or form "DTO 0142" (March, 2021) may be accessed via the driver training program website at ~~http://www.drivertraining.ohio.gov/forms.aspx~~https://publicsafety.ohio.gov/what-we-do/our-programs/ohio-driver-training/for-schools/forms-and-applications or electronically through the "Driver Education and Training System" at https://apps.dps.ohio.gov/DETS.
- (20)(15) "Ohio Driver Training Curriculum" or "DTO 0108" (January, 2022) and available through the driver training program office, 1970 West Broad street, Columbus, Ohio 43223.
- (21)(16) "Online Driver Education Security Assessment" or "DTO 0201" (January, 2022) may be accessed via the driver training program office website at ~~http://www.drivertraining.ohio.gov/forms.aspx~~https://publicsafety.ohio.gov/what-we-do/our-programs/ohio-driver-training/for-schools/forms-and-applications.
- (22)(17) "Renewal requirements" are available through the driver training program's on-line application database at ~~https://services.dps.ohio.gov/DETS~~https://apps.dps.ohio.gov/DETS.
- (23)(18) "Request for Duplicate Certificate" or form "DTO 0120" (July, 2014) may be accessed via the driver training program office website at ~~http://www.drivertraining.ohio.gov/forms.aspx~~https://publicsafety.ohio.gov/what-we-do/our-programs/ohio-driver-training/for-schools/forms-and-applications.

~~(24)~~(19) "Required Minimum Standards for Online Driver Education" or form "DTO 0051" (August, 2020) may be accessed via the Ohio driver training program website at ~~<http://www.drivertraining.ohio.gov/forms.aspx>~~<https://publicsafety.ohio.gov/what-we-do/our-programs/ohio-driver-training/for-schools/forms-and-applications>.

~~(25)~~(20) "Sexual Harassment Prevention Training" or "WBT650-DriversTraining" (~~September, 2014~~January, 2023) may be accessed via the "Public Safety Training Campus" at ~~<http://www.drivertraining.ohio.gov>~~<https://publicsafety.ohio.gov/what-we-do/our-programs/ohio-driver-training/for-instructors/courses/courses>.

(B) Materials incorporated by reference are also available by writing to the "Ohio Department of Public Safety, Driver Training Program, 1970 West Broad Street, Columbus, Ohio 43223."



Effective:

Five Year Review (FYR) Dates: 4/1/2027

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Certification

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Date

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