

## Rule Summary and Fiscal Analysis

### Part A - General Questions

**Rule Number:** 4501-8-01

**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? Yes
  - A. What is the rule's five year review date? 6/7/2022
2. Is this rule the result of recent legislation? Yes
  - A. If so, what is the bill number, General Assembly and Sponsor? HB 263 - 133  
- Kohler
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. What are the reasons for proposing the rule?

This rule is being filed according to Section 106.03 ORC periodic rule review.

7. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.

The rule defines terms for Chapter 4501-8 of the Administrative code. Terms have been added dealing with disqualifying offenses and virtual learning.

8. Does the rule incorporate material by reference? No
9. 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*

10. 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**

11. 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

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

Not applicable.

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

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

15. 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**

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

**17. 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 Restrictions (This section only applies to agencies indicated in R.C. 121.95 (A))**

**18. 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

4501-8-01

**Definitions.**

- (A) "Abbreviated adult driver training course" or "abbreviated adult course" means a driver training course, as establish in division (F) of section 4508.02 of the Revised Code, consisting of classroom education, online education, and may include on the road training.
- (B) "Adult student" or "student" means a person, who is at least eighteen years of age, and meets the requirements as set forth in division (C) of section 4507.21 of the Revised Code.
- (C) "Adult training coordinator" or "adult coordinator" 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, assess, train and supervise current and candidate instructors.
- (D) "Applicant" or "candidate" means any person applying for a license to be an authorizing official for a driver training enterprise or school, an instructor or a training manager.
- (E) "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.
- (F) "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.
- (G) "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.
- (H) "Biometric authentication" means the verification of a user's identity by means of a physical trait or behavioral characteristic.
- (I) "Certificate of completion" means a certificate electronically furnished by the department to a licensed driver training enterprise and issued by the enterprise to students who have completed the required four hours of classroom instruction or the online instruction and four hours of behind-the-wheel instruction to the satisfaction of the school's authorizing official or adult training coordinator as required by division (C) of section 4508.02 of the Revised Code.

- (J) "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.
- (K) "Classroom" means any room within a driver training school used to teach students driver knowledge.
- (L) "Classroom instruction" means that portion of an abbreviated adult 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.
- (M) "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.
- (N) "Department" means the "Ohio Department of Public Safety."
- (O) "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.
- (P) "Disqualifying offense" has the same meaning as in section 9.79 of the Revised Code.
- ~~(P)~~(Q) "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.
- ~~(Q)~~(R) "Driver training school," "adult driver training school" or "school" means each facility where an abbreviated adult 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 a motor vehicle 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 online internet education program,
  - (3) A lead school district as provided in section 4508.09 of the Revised Code; or
  - (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 an

adult driver training course for high school students enrolled in the district or in a district served by the educational service center.

~~(R)~~(S) "Dual control brake" means two devices in a single motor vehicle, either of which will safely stop the motor vehicle.

~~(S)~~(T) "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 education and training of persons in the operation of motor vehicles using public streets or highways or an online driver education program.

(U) "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.

~~(T)~~(V) "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.

~~(U)~~(W) "Occupational therapist" means a person who is licensed 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.

~~(V)~~(X) "Office" means a room used for conducting school business and storing school records which meets the requirements specified in rules 4501-8-02 of the Administrative Code.

~~(W)~~(Y) "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.

~~(X)~~(Z) "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.

~~(Y)~~(AA) "Online provider" means a business that provides an 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 (R)(2) of this rule.

~~(Z)~~(BB) "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.

~~(AA)~~(CC) "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.

~~(BB)~~(DD) "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.

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

~~(DD)~~(FF) "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.

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

~~(FF)~~(HH) "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.

(II) "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."

(JJ) "Virtual classroom" means an 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.



Effective:

Five Year Review (FYR) Dates: 6/7/2022

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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: 07/01/2016

## Rule Summary and Fiscal Analysis

### Part A - General Questions

**Rule Number:** 4501-8-02

**Rule Type:** Amendment

**Rule Title/Tagline:** Place of business.

**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? Yes
  - A. What is the rule's five year review date? 6/7/2022
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. What are the reasons for proposing the rule?

This rule is being filed according to Section 106.03 ORC periodic rule review.

7. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.

The rule deals with with place of business, The rule is updated remove outdated language and remove restrictions.

8. Does the rule incorporate material by reference? No

9. 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*

10. 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**

11. 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.

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

The estimated cost of compliance for stakeholders includes lease agreements for the school, office and range locations, which averages about \$1,281.50 per location with multi-year or month-to-month terms. With the virtual classroom option, only an office is required.

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

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

15. 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**

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

17. 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

Failure to comply with the requirements set forth in this rule may result in denial of application or certificate, or an administrative action up to and including revocation.

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

The estimated cost of compliance for stakeholders includes lease agreements for the school, office and range locations, which averages about \$1,281.50 per location with multi-year or month-to-month terms. With the virtual classroom option, only an office is required.

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

For a virtual class, only an office would be required decreasing expenditures.

**IV. Regulatory Restrictions (This section only applies to agencies indicated in R.C. 121.95 (A))**

18. 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? 2

Paragraph (A)(3), first sentence - "(3)...virtual instruction shall..."

Paragraph (A)(3), last sentence - "(3)...business shall..."

B. How many existing regulatory restrictions do you propose removing from this rule? 5

Paragraph (A)(2)(a) stem "(A)(2).... shall be kept... (a) ..."

Paragraph (A)(2)(b) stem "(A)(2).... shall be kept... (b) ..."

Paragraph (A)(2)(c) stem "(A)(2).... shall be kept... (c) ..."

Paragraph (A)(2)(d) stem "(A)(2).... shall be kept... (d) ..."

Paragraph (A)(2)(e) stem "(A)(2).... shall be kept... (e) ..."

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

4501-8-02

**Place of business.**

(A) Each driver training enterprise offering the abbreviated adult driver training course shall maintain an established place of business that is owned and operated by that enterprise. ~~A copy of the deed, lease, or rental agreement for the property used as the established place of business shall be kept on file with the enterprise records.~~

(1) Except for an online school, each driver training enterprise offering an abbreviated adult driver training course in the classroom shall maintain at least one fixed geographical location at which a school is operated and at least one classroom where training is conducted.

(a) Any facility used for an abbreviated adult driver training course shall be inspected and approved prior to its use as a school.

(b) The use of a mobile or modular structure as an abbreviated adult driver training school shall be prohibited unless the structure is installed on a permanent foundation.

(c) The place of business shall only be occupied by the abbreviated adult driver training school during times of classroom instruction.

(2) ~~Except for an online school, an~~ The classroom for an abbreviated adult driver training school ~~shall maintain a classroom that~~ includes:

(a) ~~Will~~ Sufficient space to comfortably sit at least ten students and an instructor, and ~~have sufficient space to~~ contain tables and chairs or desks for all students;

(b) Is equipped with a variety of audio and/or visual training aids that support the course curriculum;

(c) Is free of visible and audible distractions and shall present an atmosphere adequate for learning;

(d) Has a clean and functional restroom that is available for student use within the facility; and

(e) Conforms to all federal, state and local fire, building and safety regulations.

(3) Each driver training enterprise, that is offering virtual instruction shall maintain at least one office, that has been inspected and approved by the director prior to use, at a fixed geographic location where records are kept and the virtual instruction is provided. The place of business shall only be occupied by the driver training school during times of instruction.

- ~~(3)~~(4) The enterprise shall also maintain at least one office in a fixed geographical location where records are kept.
- (a) The office of a driver training enterprise shall have access to a computer, printer, e-mail and the internet. It shall have space adequate to maintain those records required to be kept. A driver training enterprise shall have sufficient space to interview clients and to display the school license.
  - (b) If the office of the driver training enterprise and the classroom of the adult driver training school are located in the same facility, there shall be a permanent wall that sufficiently prevents distractions and noise in the classroom. If no permanent wall exists, the office shall remain closed during classroom instruction.
  - (c) The office shall be located in the same county as, or in a county adjacent to the school, for which students' paper records are being stored.
- ~~(4)~~(5) Each driver training enterprise providing an online abbreviated adult course shall maintain at least one office at a fixed geographic location where records are kept. The office of an enterprise providing an online abbreviated adult course shall:
- (a) Have a person available for technical support during reasonable hours, which must be posted on the online driver education program website;
  - (b) Have an online instructor available for curriculum content support during reasonable hours, which must be posted on the online driver education program website.
- ~~(5)~~(6) Neither the office of an online abbreviated adult course nor the office and abbreviated adult driver training school shall consist of a house, trailer, tent, temporary stand, post office box, rooming house or apartment. Neither the office of an online abbreviated adult course nor the office and adult driver training school shall be located within a residence or a room in a hotel or motel. No driver training enterprise may share any office or any classroom with any other driver training enterprise unless the same person owns both enterprises.
- (B) The driver training enterprise shall operate in compliance with all applicable local, state and federal laws.

Effective:

Five Year Review (FYR) Dates: 6/7/2022

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Certification

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Date

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|------------------------|------------|
| Promulgated Under:     | 119.03     |
| Statutory Authority:   | 4508.02    |
| Rule Amplifies:        | 4508.02    |
| Prior Effective Dates: | 07/01/2016 |



## Rule Summary and Fiscal Analysis

### Part A - General Questions

**Rule Number:** 4501-8-03

**Rule Type:** Amendment

**Rule Title/Tagline:** Character and fitness for adult driver training courses.

**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? Yes
  - A. What is the rule's five year review date? 6/7/2022
2. Is this rule the result of recent legislation? Yes
  - A. If so, what is the bill number, General Assembly and Sponsor? HB 263 - 133 - Kohler
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
6. What are the reasons for proposing the rule?

This rule is being filed according to Section 106.03 ORC periodic rule review.

7. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.

The rule deals with character and fitness for adult driver training courses. The rule has been updated to include disqualifying offenses with the enactment of HB 263 of the 133rd GA. Modifies the physical requirement to a two-year physical.

8. Does the rule incorporate material by reference? Yes
9. 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 4501-8-21 that deals with all materials incorporated by reference for the chapter.

10. 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

11. 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

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

The estimated cost of compliance for stakeholders includes the cost of a physical examination at approximately ~\$80 annually for all instructors and adult training coordinators. Schools may pass the cost onto their individual instructors.

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

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

15. 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**

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

**17. 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 cost of compliance for stakeholders includes the cost of a physical examination at approximately \$80 annually for all instructors and adult training coordinators. Schools may pass the cost onto their individual instructors. The estimated cost was provided by the driver education committees, who represent smaller and larger traditional brick-and-mortar schools. The rule requires the authorizing official of an abbreviated adult driver training school to make the physicals available upon request of the director.

**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 Restrictions (This section only applies to agencies indicated in R.C. 121.95 (A))**

**18. 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 (F) second sentence - " The authorizing official shall...."

Paragraph (F) last sentence - " The authorizing official shall...."

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

4501-8-03

**Character and fitness for adult driver training courses.**

[Comment: For dates and availability of material incorporated by reference in this rule, see paragraph (A) in rule 4501-8-21 of the Administrative Code.]

- (A) Any person connected in any manner with a driver training enterprise, including but not limited to an owner, partner, adult training coordinator, instructor, online instructor, or authorizing official, shall be of good character and reputation.
- (B) The conviction of any of the above persons of any ~~felony or any misdemeanor, other than a minor misdemeanor, which is reasonably related to a person's ability to serve safely and honestly in connection with a driver training enterprise~~disqualifying offense, shall be grounds to deny issuing or renewing a license or grounds for suspending or revoking a previously issued license.
- (C) Every person connected in any manner with a driver training enterprise, including but not limited to an owner, partner, adult training coordinator, office manager, instructor, or authorizing official, shall comply with all applicable state and federal laws which prohibit discrimination based upon race, color, national origin, sex, age, handicap, disability, ancestry, or religion.
- (D) The director may deny the issuance of a license to any person if the person applying for a license has had a driver training school, adult training coordinator, instructor, or online instructor license revoked or denied within the five years immediately preceding the current filing for an application.

After the five-year revocation period has lapsed, any adult training coordinator, instructor or online instructor whose license has been revoked or denied may apply for a license by following the training procedure set forth in rule 4501-8-05 of the Administrative Code. Granting of a license shall be based upon successful completion of the training procedure, which includes an appropriate course approved by the director, and successful completion of the probationary license period, and no further violations of Chapter 4507. or Chapter 4508. of the Revised Code or the rules amplifying those chapters.

- (E) No adult training coordinator or authorizing official shall knowingly permit any adult training coordinator, instructor, or online instructor of the enterprise who is not physically or mentally ~~unfit~~unsound to be in contact with students.
  - (1) Any person who applies for or holds an abbreviated adult driver training instructor's, online instructor's, authorizing official's school, or adult training coordinator's license shall submit to an examination of that person's physical or mental fitness when the director or the school's adult training coordinator or enterprise's authorizing official has evidence to believe the instructor, online

instructor, or coordinator may not be mentally or physically fit to instruct students or operate a motor vehicle.

- (2) Any person who applies for or holds a driver training instructor's, online instructor's, or adult training coordinator's license shall notify the authorizing official of any driver training enterprise with which the person is affiliated of any injury, any physical or mental impairment, or any drug or medicine the person is taking that gives good cause to believe such injury, impairment, drug or medicine may affect that instructor's, online instructor's or adult training coordinator's ability to drive or to effectively and safely instruct students or manage training.

~~(3) The authorizing official is responsible for maintaining records for an instructor's or adult training coordinator's behavioral problem(s) that give good cause for the belief that the instructor, online instructor, or adult training coordinator could be physically or mentally unfit to perform their duties. The authorizing official is also responsible for maintaining records of disciplinary actions taken to correct such behavior in the instructor's or training manager's file.~~

- (F) Except for an online instructor, instructors and adult training coordinators shall provide ~~an annual~~ completed "Driver Training Personnel Physical Examination" to the authorizing official of the enterprise every two years. ~~The authorizing official shall maintain the "Driver Training Personnel Physical Examination" in each instructor's and adult training coordinator's personnel file. The authorizing official shall make these records available for inspection upon request of the director.~~

Effective:

Five Year Review (FYR) Dates: 6/7/2022

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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  
Prior Effective Dates: 07/01/2016

## Rule Summary and Fiscal Analysis

### Part A - General Questions

**Rule Number:** 4501-8-04

**Rule Type:** Amendment

**Rule Title/Tagline:** Application for and renewal of an abbreviated adult driver training school and online license.

**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? Yes
  - A. What is the rule's five year review date? 6/7/2022
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, 4508.09
6. What are the reasons for proposing the rule?

This rule is being filed according to Section 106.03 ORC periodic rule review.

7. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.

The rule deals with application for and renewal of an abbreviated adult driver training school and online license. The rule is amended to include an electronic payment option.



8. Does the rule incorporate material by reference? Yes
9. 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 4501-8-21 that deals with all materials incorporated by reference for the chapter.

10. 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

11. 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.

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

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 or virtual training offered for providers. The estimated costs of compliance include the time to attend the virtual and online options. There is no fee or cost for the class itself. \*It is important to note that if the business is already licensed under Chapter 4501- 7 of the Ohio Administrative Code and they are adding the abbreviated adult course to an already existing license, no costs for the license or requirement of the orientation is required. Most of our abbreviated adult providers already fall under the licensing jurisdiction of Chapter 4501-7 of the Ohio Administrative Code.

Enterprise renewal - \$50 per location application fee Total cost for enterprise renewal - \$50 per location \*The renewal fee is not applied to this program if the abbreviated adult course is included on a license already issued under Chapter 4501-7 of the

Administrative Code. Most of our abbreviated adult providers already fall under the licensing jurisdiction of Chapter 4501-7 of the Ohio Administrative Code. 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.

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 \*It is important to note that if the business is already licensed under Chapter 4501- 7 of the Ohio Administrative Code and they are adding the abbreviated adult course to an already existing license, no costs for the license or requirement of the orientation is required. Most of our abbreviated adult providers already fall under the licensing jurisdiction of Chapter 4501-7 of the Ohio Administrative Code.

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\*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.

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

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

**17. 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**

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 or virtual training offered for providers. The estimated costs of compliance include the time to attend the virtual and online options. There is no fee or cost for the class itself. \*It is important to note that if the business is already licensed under Chapter 4501- 7 of the Ohio Administrative Code and they are adding the abbreviated adult course to an already existing license, no costs for the license or requirement of the orientation is required. Most of our abbreviated adult providers already fall under the licensing jurisdiction of Chapter 4501-7 of the Ohio Administrative Code.

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the Ohio Administrative Code. 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.

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\*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.

- 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 Restrictions (This section only applies to agencies indicated in R.C. 121.95 (A))**

18. 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 (Q) - "(Q) .... officials shall..."

**B. How many existing regulatory restrictions do you propose removing from this rule? 32**

Old Paragraph (D)(1) stem - "(D).... school license shall: (1) ...."

Stricken Paragraph (D)(1)(a) stem - "(D(1)).... at a minimum shall: (a) ...."

Stricken Paragraph (D)(1)(b) stem - "(D)(1).... school license shall: (b)...."

Old Paragraph (D)(2) (new (D)(1) stem - "(D).... school license shall: (2) ...."

Old Paragraph (D)(3) (new (D)(2) stem - "(D).... school license shall: (2) ...."

Old Paragraph (D)(3) (new (D)(2) second sentence - "(D)(2).... background checks shall...."

Old Paragraph (D)(4) (new (D)(3) stem - "(D).... school license shall: (3) ...."

Old Paragraph (D)(4) (new (D)(3) penultimate sentence "...proof shall..."

Old Paragraph (D)(4) (new (D)(3) last sentence "...shall be included..."

Old Paragraph (D)(5) (new (D)(4) stem - "(D).... school license shall: (4) ...."

Old Paragraph (D)(6) (new (D)(5) stem - "(D).... school license shall: (4) ...."

Paragraph (E)(1)(a) stem - "(E).... license shall: (1)... (a)...."

Paragraph (E)(1)(b) stem - "(E).... license shall: (1)... (b)...."

Paragraph (E)(2) stem - "(E).... license shall: (2)...."

Paragraph (E)(2) second sentence - "...checks shall be ..."

Paragraph (E)(2)(a) stem - "(E).... license shall: (2)... (a)...."

Paragraph (E)(1)(b) stem - "(E).... license shall: (1)... (b)...."

Paragraph (E)(3) stem - "(E).... license shall: (3)...."

Paragraph (E)(3) stricken penultimate sentence- "The proof shall..."

Paragraph (E)(3) stricken last sentence- "...signatures shall be..."

Paragraph (E)(4) stem - "(E).... license shall: (4)...."

Paragraph (E)(5) stem - "(E).... license shall: (5)...."

Paragraph old (E)(6) stem - "(E).... license shall: (6)...."

Paragraph (E)(6)(a) stem - "(E).... (6) at a minimum shall: (a)...."

Paragraph (E)(6)(b) stem - "(E).... (6) at a minimum shall: (b)...."

Paragraph old (E)(7) [new (E)(6)] stem - "(E).... license shall: (7)...."

Paragraph old (E)(8) [new (E)(7)] stem - "(E).... license shall: (7)...."

Paragraph (I)(1) stem - "(I).... course shall: (1)...."

Paragraph (I)(2) stem - "(I).... course shall: (2)...."

Paragraph (J)(1) stem - "(I).... license shall: (1)...."

Paragraph (J)(2) stem - "(I).... course shall: (2)...."

Paragraph (N) first sentence - "...fees shall be..."

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

4501-8-04

**Application for and renewal of an abbreviated adult driver training school and online license.**

[Comment: For dates and availability of material incorporated by reference in this rule, see paragraph (A) in rule 4501-8-21 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 driver training school. The authorizing official shall ensure the driver training school, its business enterprise, and its instructors, online instructors and adult training coordinators operate in compliance with Chapter 4508. of the Revised Code and Chapter 4501-8 of the Administrative Code, as well as all other applicable local, state, and federal laws.
- (B) No driver training enterprise may share the same name as any other driver training enterprise unless the same person owns both.
- (C) The director issues driver training school licenses. An authorizing official may apply for one or both of the following types of driver training school licenses:
- (1) Abbreviated adult school, which offers traditional classroom and/or virtual classroom instruction and behind-the-wheel training that complies with requirements of division (F) of section 4508.02 of the Revised Code;
  - (2) Online abbreviated adult school license, which offers a course of study via the internet, that is the content equivalent of the classroom instruction offered by a ~~class "D"~~ an abbreviated adult driver training school.
- (D) Each original "Driver Training Enterprise Application", submitted by the authorizing official, Each authorizing official applying for an original abbreviated adult driver training school license shall include:
- ~~(1) Complete and submit the "Driver Training Enterprise Application" to the department. Within the application, the authorizing official, at a minimum, shall:~~
    - ~~(a) Identify the person or persons who will serve as the authorizing official for the school; and~~
    - ~~(b) Certify the driver training enterprise will be operated in compliance with all applicable local, state, and federal laws.~~
  - ~~(2) Include an~~ An application fee of two hundred fifty dollars for each school location;

~~(3)(2) Submit criminal~~ Criminal background checks regarding the authorizing official and owner. ~~The criminal background checks shall be 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) A federal level check, provided by a government agency, which includes information from Ohio and all other states.

~~(4)(3) Submit proof~~ 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. The proof shall include the parties with who the agreement is made, address of the property for which the agreement is made, monetary consideration, even if none, and term of the agreement. The signatures and date of signatures shall be included.~~

~~(5)(4) Submit proof~~ 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. The inspection shall be dated no more than one year prior to the date the was received.~~

~~(6)(5) Submit a~~ A copy of the adult training coordinator's certificate of training showing completion of an adult coordinator's course approved by the department.

~~(6) Proof of completion of a department provided new school orientation for all owners and authorizing officials and dated no more than one year prior to the date of application.~~

(E) Each ~~authorizing official applying for an original "Driver Training Enterprise Application" for an~~ online abbreviated adult school license shall include:

(1) ~~Include a~~ A fee of eight hundred fifty dollars, which includes;

(a) Two hundred fifty dollar application fee; and



- (b) Six hundred dollars for review of the assessment and online driver education program;
- (2) ~~Submit criminal~~Criminal background checks regarding the authorizing official and owner. ~~The criminal background checks shall be~~ dated no more than ninety days prior to the date the "Driver Training Enterprise Application" is received by the director. The criminal background checks 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) A federal level check, provided by a government agency, which includes information from Ohio and all other states.
- (3) ~~Submit proof~~Proof of legal occupancy for the enterprise office 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. The proof shall include the parties with whom the agreement is made, address of the property for which the agreement is made, monetary consideration, even if none, and term of the agreement. The signatures and date of signatures shall be included.
- (4) ~~Submit proof~~Proof of a fire inspection, dated no more than one year prior to the date of application, for the office that is compliant with all applicable local, state and federal laws. ~~The inspection shall be dated no more than one year prior to the date the "Driver Training Enterprise Application" was received.~~
- (5) ~~Submit evidence~~Evidence of expertise in providing driver education and/or driver training which ~~may include~~includes, 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;
- (6) ~~Complete and submit the "Driver Training Enterprise Application." Within the application, the authorizing official, at a minimum, shall:~~
- (a) ~~Identify the person or persons who will serve as the authorizing official for the school; and~~
- (b) ~~Certify the driver training enterprise will be operated in compliance with all applicable local, state, and federal laws.~~

- ~~(7)(6) Submit the~~ The complete proposed online driver education program in written format and ~~include~~ full access to the proposed internet based website or portal for review;
- ~~(8)(7) Complete and submit the~~ A completed, signed, and notarized "Online Driver Education Security Assessment." ~~The assessment shall be signed and notarized.~~
- (8) Proof of completion of a department provided new school orientation for all owners and authorizing officials and dated no more than one year prior to the date of application.
- (F) An original online school license may be issued to the applicant based on all licensing requirements and the following online program has met an "Acceptable" rating for all requirements as prescribed by the director and set forth in the "Minimum Standards for an Online Abbreviated Adult Course":
- ~~(1) The online program has met an "Acceptable" rating for all requirements as prescribed by the director and set forth in the "Minimum Standards for an Online Abbreviated Adult Course";~~
- ~~(2) The online program has not been denied a license by the director within one year of the date of an original application filing.~~
- (G) 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.
- (H) Each original school and online license expires on December thirty-first of the year it is issued and may be renewed.
- (I) Each ~~authorizing official applying for a renewal of an abbreviated adult driver training course~~ shall include:
- (1) ~~Pay an~~ An application fee of fifty dollars; and
- (2) ~~Meet the~~ The "renewal requirements."
- (J) Each ~~authorizing official applying for a renewal online school license~~ shall include:
- (1) ~~Pay an~~ An application fee of fifty dollars; and
- (2) ~~Meet the~~ The "renewal requirements."

- (K) Each authorizing official for a school, as specified in paragraph (C) of this rule, shall ensure the department receives the "renewal requirements" by or that it is postmarked no later than November thirtieth of the year the license expires.
- (L) If the "renewal requirements" are not postmarked or received by the director by November thirtieth of year of expiration, the authorizing official shall submit a new "Driver Training Enterprise Application" for an original school license in accordance with paragraph (D) or (E) of this rule, whichever is applicable.
- (M) 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 (D) or (E) of this rule, whichever is applicable. The original application shall be submitted to and approved by the director prior to 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 4501-8-01 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 paragraphs (D)(2)(4) and (D)(6)(3), or (E)(2) and (E)(8)(6) of this rule, whichever is applicable. The application shall be approved by the director.
- (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 (D)(2) and (D)(6) or (E)(2) and (E)(8) of this rule, whichever is applicable. The application shall be approved by the director.
- (N) All license fees ~~shall be~~ are paid electronically in the form of a check or money order made payable to the treasurer of the state of Ohio.
- (O) 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.
- (P) 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.

(Q) 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: 6/7/2022

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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, 4508.09  
Prior Effective Dates: 07/01/2016

## Rule Summary and Fiscal Analysis

### Part A - General Questions

**Rule Number:** 4501-8-05

**Rule Type:** Amendment

**Rule Title/Tagline:** Requirements for instructors, online instructors and adult training coordinators.

**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? Yes
  - A. What is the rule's five year review date? 6/7/2022
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. What are the reasons for proposing the rule?

This rule is being filed according to Section 106.03 ORC periodic rule review.

7. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.

The rule deals with requirements for instructors, online instructors and adult training coordinators. An electronic payment option has been added. Modified to

require electronic pictures. Also amended to to require only one assessment for a probationary instructor to pass probation.

8. **Does the rule incorporate material by reference? Yes**
9. **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 4501-8-21 that deals with all materials incorporated by reference for the chapter.

10. **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**

11. **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.

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

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

Background checks – \$105

- state level \$25

- federal level \$80

- Driver Abstract - \$8.50

- Physical - \$80

Costs for training cannot be determined due to lack of response from stakeholders.

\*Note – if the instructor is already licensed as a Class D instructor, there are no application fees or requirements for the background checks, abstract or physical to add the abbreviated adult course to the existing license.

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

\*Note – if the instructor is already licensed as a Class D instructor, there is only one renewal fee for the license as a whole.

Adult Coordinator – the adult coordinators currently licensed by the department are also Class D training managers, therefore; they were only required to take the 2-hour course to add the adult coordinator endorsement to the license. No additional fees or training is required. The 2-hour course is offered online and at no cost to the stakeholder.

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. 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.

\*Note – the department grants credit for courses taken for other licenses and applies it towards this portion of the license. Therefore, the costs are shared with the other programs this instructor is licensed for.

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 fifteen minutes for an instructor to complete the online training. There will be no costs to take the online training.

The majority of the abbreviated adult instructors hold a Class D instructor or disability license. The department does not require duplicity of requirements for the instructors, including providing double the documents (physicals, abstracts, photos,) or fees. Credit is applied for continuing education across all of the programs held on one license. Therefore, the costs are shared with other programs.

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

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

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

Background checks - \$105

- state level \$25

- federal level \$80

- Driver Abstract - \$8.50

- Physical - \$80

Costs for training cannot be determined due to lack of response from stakeholders.

\*Note - if the instructor is already licensed as a Class D instructor, there are no application fees or requirements for the background checks, abstract or physical to add the abbreviated adult course to the existing license.

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

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Renewal application - \$10

Driver abstract - \$8.50

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

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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. 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. \*Note – the department grants credit for courses taken for other licenses and applies it towards this portion of the license. Therefore, the costs are shared with the other programs this instructor is licensed for.

#### Disability Instructor Fees

Disability certification initial training course - \$350

Continuing education course required every three years - \$50

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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 fifteen minutes for an instructor to complete the online training. There will be no costs to take the online training.

The majority of the abbreviated adult instructors hold a Class D instructor or disability license. The department does not require duplicity of requirements for the instructors, including providing double the documents (physicals, abstracts, photos,) or fees. Credit is applied for continuing education across all of the programs held on one license. Therefore, the costs are shared with other programs.

- 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 Restrictions (This section only applies to agencies indicated in R.C. 121.95 (A))**

18. 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? 7

Paragraph (A) new second sentence - "No authorizing... shall allow..."

Paragraph (A) new sentence - "Instructors shall maintain...."

Paragraph (C)(8) last sentence - "...shall be dated..."

New paragraph (H)(1)(a) - "...endorsement shall..."

New paragraph (H)(1)(b) - "...instructor shall..."

New paragraph (H)(2)(a) - "...shall file..."

New paragraph (H)(2)(b) - "...shall show..."

- B. How many existing regulatory restrictions do you propose removing from this rule? 30

Paragraph (C) first sentence - "license shall submit...."

Paragraph (C)(1) stem - "shall include: (1)..."

Paragraph (C)(2) stem - "(C)... shall include: (2)..."

Paragraph (C)(2)(a) stem - "(C)(2) shall include: (a)..."

Paragraph (C)(2)(b) stem - "(C)(2) shall include: (b)..."

Paragraph (C)(3) stem - "(C)... shall include: (3)..."

Paragraph (C)(3) second sentence stricken language - "Photograph shall not be..."

Paragraph (C)(3) last sentence stricken language - "Photograph submitted electronically shall be..."

Paragraph (C)(6)(a) stem - "(C)(6) ... shall consist of: (a)..."

Paragraph (C)(6)(b) stem - "(C)(6) ... shall consist of: (b)..."

Paragraph (C)(6)(c) stem - "(C)(6) ... shall consist of: (c)..."

Paragraph (C)(6)(d) stem - "(C)(6) ... shall consist of: (d)..."

Old Paragraph (D) - "... training shall..."

Paragraph New (D) [old (E)] - "...director shall issue..."

Paragraph New (D)(1) [old (E)(1)] - "...license shall expire..."

Paragraph (E)(2)(a) stem - "(E)(2) ... shall include: (a) ..."

Paragraph (E)(2)(b) stem - "(E)(2) ... shall include: (b) ..."

Paragraph (E)(3)(a) stem - "(E)(3) ... shall include: (a) ..."

Paragraph (E)(3)(b) stem - "(E)(3) ... shall include: (b) ..."

Paragraph (F) - "...licenses shall expire..."

Paragraph (J)(2) last sentence - "the abstract must..."

Paragraph (J)(3) second sentence - "Photographs shall not..."

Paragraph (J)(3) last sentence - "electronically

Stricken paragraph (T) - "director shall..."

Stricken paragraph (T)(1) second sentence - "endorsement shall...."

Stricken Paragraph (T)(1)(a) - "application shall..."

Stricken Paragraph (T)(1)(b) - "instructor shall..."

Stricken Paragraph (T)(2) second sentence - "... shall file..."

Stricken Paragraph (T)(2)(a) - "application shall..."

Stricken Paragraph (T)(2)(b) - "instructor shall..."

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

4501-8-05

**Requirements for instructors, online instructors and adult training coordinators.**

[Comment: For dates and availability of material incorporated by reference in this rule, see paragraph (A) in rule 4501-8-21 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 probationary instructor license or non-probationary instructor license issued by the director. No authorizing official or adult training coordinator 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. The instructor shall act only under the authority and guidance of a licensed driver training enterprise.
- (B) Adult training coordinators shall be licensed instructors and shall have completed a course for adult training coordinators.
- (C) Each person applying for an instructor or online instructor license ~~shall submit~~submits the "Abbreviated Adult Driver Training Instructor License Application" to the department. Original applications for instructors ~~shall~~ include:
- (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's criminal record and dated no more than ninety days prior to the date the director receives the "Abbreviated Adult Driver Training Instructor License Application." The background checks ~~shall~~ include:
    - (a) A state level check, which includes information maintained by the bureau of criminal identification and investigation, or a similar agency from the resident state of the applicant; and
    - (b) A federal level check, provided by a governmental agency, which includes information from Ohio and all other states.
  - (3) ~~Two passport size photographs~~ A .jpeg format photograph of the applicant ~~that measure two by two inches square~~ 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. ~~Photographs shall not be permanently attached to any material.~~ Photocopies of photographs ~~cut~~ from other identification badges or cards will not be accepted. ~~The photographs~~

~~will be used to create a pictured license issued by the director. Photographs submitted electronically shall be provided in a .tif or .jpeg format.~~

- (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 "Abbreviated Adult Driver Training Instructor License Application" is received by the director. The abstract must show the applicant has a current and valid license to operate a motor vehicle.
- (5) Except for an online instructor applicant, 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 the Administrative Code, road signs, the care and operation of motor vehicles, and the "Digest of Motor Vehicle Laws."
  - (c) A skill examination in a motor vehicle other than a commercial motor vehicle or motorcycle.
- (6) Except for an online instructor applicant, proof the applicant has completed a training program within the ten years immediately preceding the application for an instructor's license. Except for an online instructor, the proof ~~shall consist~~ consists of:
  - (a) A training program approved by the director and administered by a licensed driver training school under the direction of the adult training coordinator;  
or
  - (b) A valid copy of a 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. Such certificate shall be valid at the time of applying for an instructor license; or
  - (c) Certificate issued by a college or university providing training specific to driver education and training; or
  - (d) An abbreviated training program approved by the director and administered by the licensed driver training school under the direction of the adult training coordinator. The abbreviated training program shall only be



provided to instructors who currently meet the requirements under rule 4501-7-05 of the Administrative Code.

- (7) For an online instructor applicant, the proof shall consist of a training program approved by the director. Such training shall have been completed within the ten years immediately preceding the application for an online instructor's license.
- (8) Except for an online instructor applicant, the "Driver Training Personnel Physical Examination" ~~signed by a licensed physician~~ 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 ~~and~~ dated no more than one year prior to the date the director receives the "Abbreviated Adult Driver Training Instructor License Application."
- (9) Proof the applicant has completed the department's online "Sexual Harassment Training."
- ~~(D)~~ ~~The enterprise or organization that completed the training shall maintain the training records of the instructors, online instructors and adult training coordinators for three years after the instructor, online instructor or adult training coordinator is no longer employed with the driver training school.~~
- ~~(E)~~ (D) Upon approval of an initial "Abbreviated Adult Driver Training Instructor License Application" the director ~~shall issue~~ issues a probationary instructor license.
  - (1) The probationary license ~~shall expire~~ express 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 adult training coordinator shall be responsible for assessing the instructor. The authorizing official of an online course shall assess the online instructor. The assessments shall be provided to the director at least one month prior to the expiration of the probationary license.
  - (3) A probationary license holder may not be associated with more than one driver training enterprise during the probationary term.
  - (4) If a probationary 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 adult training coordinator.

(5) If during the probationary term, a probationary license holder becomes associated with another driver training enterprise, the probationary term shall start over.

(6) The director shall issue a non-probationary instructor license to an applicant who has successfully completed the probationary term.

~~(F)~~(E) Every applicant for an adult training coordinator endorsement shall submit the "Abbreviated Adult Driver Training Instructor License Application" to the department.

(1) For an abbreviated adult course instructor, who does not meet the requirements set forth in paragraph ~~(F)~~(E)(2) or ~~(F)~~(E)(3) of this rule, the original application shall include:

(a) Proof the applicant has completed a course for adult training coordinators approved by the director; and

(b) Proof the applicant has held an abbreviated adult instructor license for two years and have taught, at a minimum, eight abbreviated adult courses.

(2) For an applicant who has held, within the previous three years, a training manager license for a class d driver training school pursuant to Chapter 4501-7 of the Administrative Code, the original application ~~shall include~~includes:

(a) Proof of the training manager license for a class d driver training school pursuant to Chapter 4501-7 of the Administrative Code; and

(b) Proof the applicant has completed a continuing education course for adult training coordinators approved by the director.

(3) For an applicant that is a current certified driver rehabilitation specialist, the original application ~~shall include~~includes:

(a) Proof the applicant is a current certified driver rehabilitation specialist; and

(b) Proof the applicant has completed a course for adult training coordinators approved by the director.

~~(4) Proof the applicant has completed a course for adult training coordinators approved by the director.~~

~~(G)~~(F) All non-probationary instructor, online instructor and adult training coordinator licenses ~~shall~~ expire on December thirty-first of the year the license was issued, and a license may be renewed annually upon completion of the "renewal requirements."

~~(H)~~(G) All non-probationary instructor, online instructor and adult coordinator 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.

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

(1) As a disability endorsement for an instructor of an abbreviated adult training course providing classroom and behind-the-wheel instruction.

(a) An instructor applying for the disability endorsement shall file a "Abbreviated Adult Driver Training Instructor License Application" in accordance with paragraph (C) 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) As a license for an instructor of only 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 "Abbreviated Adult Driver Training Instructor License Application" in accordance with paragraph (C) of this rule and include proof of certification as an occupational therapist or a certified driver rehabilitation specialist.

(b) In order to maintain current certification, an instructor shall show proof of continuing education every three years in training drivers with a disability.

(I) Any application for an instructor, online instructor, or adult training coordinator license received by the director more than one year after the last license expired shall be submitted as an original application.

(J) Each applicant seeking renewal ~~of an instructor's, online instructor's, or adult training coordinator's license~~ shall submit the "renewal requirements" as prescribed by the director. "Renewal requirements" include:

- (1) A 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) 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. ~~The abstract must and~~ show the applicant has a current and valid license to operate a motor vehicle.
- (3) ~~Two passport size photographs~~ A .jpeg format photograph of the applicant ~~that measure two by two inches square 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. Photographs shall not be permanently attached to any material. Photocopies of photographs cut from other identification badges or cards will not be accepted. The photographs will be used to create a pictured license issued by the director. Photographs submitted electronically shall be provided in a .tif or .jpeg format.~~
- (4) The signature of the authorizing official of the driver training school with which the applicant is affiliated.

(K) Every applicant for a probationary or non-probationary instructor or online instructor license or applicant for an adult training coordinator 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, does not have any injury or physical or mental impairment, and 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 for any felony, within ten years of the date of application; or a conviction for any misdemeanor, other than a minor misdemeanor, within five years of the date of application, which is reasonable related to the applicant's ability to service safely and honestly in connection with a driver training enterprise~~ 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.
- (L) If an instructor, online instructor, or adult training coordinator 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, online instructor, or adult training coordinator shall submit the "renewal requirements" as set forth in paragraph ~~(H)~~(I) of this rule.
- (M) If an instructor, online instructor, or adult training coordinator failed to renew because the license holder's spouse served in the armed forces and the service resulted in the holder's absence from Ohio, the license shall be renewed in accordance with section 5903.10 of the Revised Code. The instructor or adult training coordinator shall submit the "renewal requirements" as set forth in paragraph ~~(H)~~(I) of this rule.
- (N) 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.
- (O) An instructor, online instructor, or adult training coordinator shall notify the enterprise's authorizing official, in writing, within ten days if any of the following occur:
- (1) The instructor, online instructor, or adult training coordinator is convicted of or pleads guilty to a moving traffic violation;
  - (2) The instructor, online instructor, or adult training coordinator is involved in a chargeable crash;

- (3) The instructor, online instructor, or adult training coordinator is convicted of a charge that assesses points against the holder's license;
  - (4) The instructor, online instructor, or adult training coordinator receives any driver license suspension, cancellation, or revocation;
  - (5) The instructor, online instructor, or adult training coordinator is convicted of or pleads guilty to any criminal charge specified ~~if in~~ paragraph (K)(4) of this rule.
- (P) The authorizing official shall notify the director, in writing, within ten days of the receipt of notice that the instructor, online instructor, or adult training coordinator received a conviction or violation specified in paragraph (O) of this rule.
- (Q) The director may refuse to issue or renew, or suspend, revoke or place on probation the probationary or non-probationary license of any instructor, online instructor, or adult training coordinator upon notice of that person's conviction for any offense for which that person may be disqualified under this rule.
- (R) The director may refuse to issue or renew, or suspend, revoke or place on probation the probationary or non-probationary license of any instructor, online instructor, or adult training coordinator 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 adult training coordinator which is committed beyond the periods provided herein.
- (S) No person shall submit a "Abbreviated Adult Driver Training Instructor License Application" or "renewal requirements" that are incomplete, incorrect or which contains false or misleading information. An incomplete, incorrect, false, or misleading "Abbreviated Adult Driver Training Instructor License Application" or "renewal requirements" may be rejected, returned to the applicant, or denied.
- ~~(T) The director shall issue certification for training persons with a disability in one of two categories:~~
- ~~(1) As a disability endorsement for an instructor of an abbreviated adult training course providing classroom and behind the wheel instruction. An instructor applying for the disability endorsement shall file a "Abbreviated Adult Driver Training Instructor License Application" in accordance with paragraph (C) of this rule.~~
  - ~~(a) Such application shall be accompanied by 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) As a license for an instructor of only a rehabilitation clinic or medically based hospital that offers driver training for beginning drivers with a disability. 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 "Abbreviated Adult Driver Training Instructor License Application" in accordance with paragraph (C) of this rule.~~

~~(a) The application shall be accompanied by proof of certification as an occupational therapist or a certified driver rehabilitation specialist.~~

~~(b) In order to maintain current certification, an instructor shall show proof of continuing education every three years in training drivers with a disability.~~

~~(U)~~(T) No authorizing official or adult training coordinator shall allow a person to instruct unless the person has applied for and obtained a probationary or non-probationary instructor's license in the manner and form prescribed by the director.

~~(V)~~(U) Every non-probationary instructor license holder and adult training coordinator shall complete a pre-approved continuing education course once every three years, and shall, upon request from the director, provide proof of the satisfactory completion of such training.

(1) The continuing education course shall be approved by the director and shall consist of topics related to driver's education and 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 shall provide a list of approved courses upon request. In addition to the list, 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.

~~(W)~~(V) Every instructor, online instructor, and adult training coordinator shall complete the department's online "Sexual Harassment Training" annually. Proof of the course completion shall be maintained in the instructor's file and shall be made available upon request of the director.

Effective:

Five Year Review (FYR) Dates: 6/7/2022

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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: 07/01/2016



## Rule Summary and Fiscal Analysis

### Part A - General Questions

**Rule Number:** 4501-8-06

**Rule Type:** Amendment

**Rule Title/Tagline:** Qualifications for instructing persons with disabilities.

**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? Yes
  - A. What is the rule's five year review date? 6/7/2022
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
6. What are the reasons for proposing the rule?

This rule is being filed according to Section 106.03 ORC periodic rule review.
7. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.

The rule deals with qualification for instructing person with disabilities. The rule has been updated to remove restrictions in accordance with Section 121.95 of the Revised Code.
8. Does the rule incorporate material by reference? Yes

9. 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 4501-8-21 that deals with all materials incorporated by reference for the chapter.

10. 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

11. 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.

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

The estimated impact of the rule is \$4 per certificate issued to each student. The actual impact depends upon the number of students trained. Rehabilitation hospitals and clinics have historically trained as few as one person in the disability program a year.

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

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

15. 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

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

**17. 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 impact of the rule is \$4 per certificate issued to each student. The actual impact depends upon the number of students trained. Rehabilitation hospitals and clinics have historically trained as few as one person in the disability program a year.

**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 Restrictions (This section only applies to agencies indicated in R.C. 121.95 (A))**

**18. 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? 5**

Paragraph (C) first sentence - "...official who shall apply..."

Paragraph (C)(1) second sentence - "...coordinator shall copy..."

Paragraph (C)(1) last sentence - "...coordinator shall maintain"

Paragraph (C)(2) - first sentence - "...instruction shall maintain..."

Paragraph (C)(2) last sentence - "... facility shall determine..."

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

4501-8-06

**Qualifications for instructing persons with disabilities.**

[Comment: For dates and availability of material incorporated by reference in this rule, see paragraph (A) in rule 4501-8-21 of the Administrative Code.]

- (A) No school shall offer behind-the-wheel training programs for persons with a disability unless that school employs an instructor who is certified by the director to provide training for persons with a disability.
- (B) No instructor shall provide behind-the-wheel training to a student with a disability unless that instructor has been certified by the director to train persons with a disability.
- (C) A medically based hospital or rehabilitation facility that offers instruction for beginning drivers with a disability shall appoint an authorizing official who ~~shall apply~~ applies for a driver training school license for each driver training facility or school it operates. The school may offer only behind-the-wheel driver training and may refer students to another licensed driver training school for the required ~~classroom~~ theory instruction. The school shall also employ instructors certified to provide driver training instruction for drivers with a disability, and only certified instructors may provide driver training.
- (1) The authorizing official or adult training coordinator of the driver training school at a hospital or rehabilitation facility shall maintain complete records of each student's training at that school. For a hospital or rehabilitation facility that does not supply the required classroom training, the authorizing official or adult training coordinator ~~shall copy~~ copies all records produced at that school for students taking behind-the-wheel training and forward those records to the driver training school that will complete each student's classroom instruction required by paragraph (A) of rule 4501-8-09 of the Administrative Code. The authorizing official or adult training coordinator of the driver training school in which a student completed classroom training shall, upon the official's or coordinator's determination of the student's successful completion, ~~issue~~ issues the student a "Certificate of Completion." Each school's authorizing official or adult training coordinator ~~shall maintain~~ maintains complete driver training records applicable to this student, including copies of those completed by another school for the same student.
- (2) For those students who have completed the abbreviated adult course through an online program, the hospital or rehabilitation facility that provides the behind-the-wheel instruction ~~shall maintain~~ maintains the "Certificate of Completion of an Online Adult Program" for each student. The authorizing official or adult training coordinator of a medically based hospital or rehabilitation facility ~~shall determine~~ determines the student's successful completion and

~~supply~~supplies a "Certificate of Completion" compliant with rule 4501-8-10 of the Administrative Code.

- (D) The medically based hospital or rehabilitation facility shall have sufficient space for storing files. If classroom driver training is not being provided at the medically based hospital or rehabilitation facility, the requirement for a classroom is waived for this type of facility. The facility shall comply with all other requirements of a driver training school under Chapter 4501-8 of the Administrative Code.

Effective:

Five Year Review (FYR) Dates: 6/7/2022

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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  
Prior Effective Dates: 07/01/2016

## Rule Summary and Fiscal Analysis

### Part A - General Questions

**Rule Number:** 4501-8-07

**Rule Type:** Rescission

**Rule Title/Tagline:** Employees of the department and a licensed abbreviated adult course.

**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? Yes
  - A. What is the rule's five year review date? 6/7/2022
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. What are the reasons for proposing the rule?

The rule is being rescinded as it is redundant of the ethics statute.
7. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.

The rule deals with employees of the department being connected with a driver training enterpries.
8. Does the rule incorporate material by reference? No



9. 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*

10. 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**

11. 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.

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

Not applicable.

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

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

15. 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**

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

17. 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 Restrictions (This section only applies to agencies indicated in R.C. 121.95 (A))**

18. 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

TO BE RESCINDED

4501-8-07

**Employees of the department and a licensed abbreviated adult course.**

No employee of the department shall be connected in any capacity whatsoever with any driver training enterprise.

Effective:

Five Year Review (FYR) Dates: 6/7/2022

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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: | 07/01/2016 |

## Rule Summary and Fiscal Analysis

### Part A - General Questions

**Rule Number:** 4501-8-07

**Rule Type:** New

**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?**
2. **Is this rule the result of recent legislation?** Yes
  - A. **If so, what is the bill number, General Assembly and Sponsor?** HB 263 - 133  
- Kohler
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. **What are the reasons for proposing the rule?**

The rule is being proposed in accordance with the enactment of HB 263 of the 133rd General Assembly

7. **Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

The rule deals with disqualifying offenses for abbreviated driver training.

8. Does the rule incorporate material by reference? No
9. 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*

10. 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**

11. 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.

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

Not applicable.

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

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

15. 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**

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

**17. 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 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 Restrictions (This section only applies to agencies indicated in R.C. 121.95 (A))**

**18. 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

4501-8-07

**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-related offenses: section 2911.01 (aggravated robbery); 2911.02 (robbery); 2911.11 (aggravated burglary); 2911.12 (burglary); 2911.13 (breaking and entering); 2921.13 (falsification- in theft offense - to purchase firearm); 2921.41 (theft in office); of the Revised Code;
- (9) Weapons-related offenses: section 2923.02 (attempt to commit an offense); section 2923.12 (carrying concealed weapons); 2923.122 (illegal conveyance of deadly weapon or dangerous ordnance 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); section 2923.132 (use of firearm or dangerous ordnance by violent career criminal); section 2923.15 (using weapons while intoxicated); section 2923.16 (improperly handling firearms in a motor vehicle); section 2923.161 (improperly discharging firearm at or into a habitation, in a school safety zone or with intent to cause harm or panic to persons in a school building or at a school function); section 2923.162 (discharge of firearm on or near prohibited premises); section 2923.17 (unlawful possession of dangerous ordnance - illegally manufacturing or processing explosives); section 2923.19 (failure to secure dangerous ordnance); section 2923.20 (unlawful transaction in weapons); section 2923.201 (possessing a defaced firearm); section 2923.21 (Improperly furnishing firearms to minor); section 2923.211 (underage purchase of firearm or handgun); section 2923.24 (possessing criminal tools); section 2923.241

(hidden compartments in vehicles); section 2923.32 (engaging in pattern of corrupt activity); section 2923.42 (participating in criminal gang) of the Revised Code;

- (10) Drug related offenses: section 2925.02 (corrupting another with drugs); section 2925.03 (trafficking, aggravated trafficking in drugs); section 2925.04 (illegal manufacture of drugs - illegal cultivation of marihuana - methamphetamine offenses); section 2925.041 (illegal assembly or possession of chemicals for manufacture of drugs); section 2925.05 (funding, aggravated funding of drug or marihuana trafficking); section 2925.06 (illegal administration or distribution of anabolic steroids); section 2925.11 (possession of controlled substances); section 2925.12 (possessing drug abuse instruments); section 2925.13 (permitting drug abuse); section 2925.14 (illegal use or possession of drug paraphernalia); section 2925.22 (deception to obtain a dangerous drug); section 2925.23 (illegal processing of drug documents); section 2925.24 (tampering with drugs); section 2925.31 (abusing harmful intoxicants); section 2925.32 (trafficking in harmful intoxicants - improperly dispensing or distributing nitrous oxide); section 2925.36 (illegal dispensing of drug samples); section 2925.37 (counterfeit controlled substance offenses) of the Revised Code;
- (11) Failing to provide for a functionally impaired person as set forth in section 2903.16 of the Revised Code;
- (12) Menacing by stalking as set forth in section 2903.211 of the Revised Code;
- (13) Patient abuse or neglect as set forth in section 2903.34 of the Revised Code;
- (14) Patient endangerment as set forth in section 2903.341 of the Revised Code;
- (15) Kidnapping as set forth in section 2905.01 of the Revised Code;
- (16) Abduction as set forth in section 2905.02 of the Revised Code;
- (17) Extortion as set forth in section 2905.11 of the Revised Code;
- (18) Coercion as set forth in section 2905.12 of the Revised Code;
- (19) Trafficking in persons as set forth in section 2905.32 of the Revised Code;
- (20) Disrupting public services as set forth in section 2909.04 of the Revised Code;
- (21) Aggravated trespass as set forth in section 2911.211 of the Revised Code;

- (22) Safecracking as set forth in section 2911.31 of the Revised Code;
- (23) Tampering with coin machines as set forth in section 2911.32 of the Revised Code;
- (24) Operating a gambling house as set forth in section 2915.03 of the Revised Code;
- (25) Inciting to violence as set forth in section 2917.01 of the Revised Code;
- (26) Riot as set forth in section 2917.03 of the Revised Code;
- (27) Telecommunications harassment as set forth in section 2917.21 of the Revised Code;
- (28) Inducing panic as set forth in section 2917.31 of the Revised Code;
- (29) Making false alarms as set forth in section 2917.32 of the Revised Code;
- (30) Unlawful possession or use of a hoax weapon of mass destruction as set forth in section 2917.33 of the Revised Code;
- (31) Improperly handling infectious agents as set forth in section 2917.47 of the Revised Code;
- (32) Unlawful abortion upon a minor as set forth in section 2919.121 of the Revised Code;
- (33) Unlawful distribution of an abortion-inducing drug as set forth in section 2919.123 of the Revised Code;
- (34) Abortion manslaughter as set forth in section 2919.13 of the Revised Code;
- (35) Abortion trafficking as set forth in section 2919.14 of the Revised Code;
- (36) Dismemberment abortion as set forth in section 2919.15 of the Revised Code;
- (37) Partial birth feticide as set forth in section 2919.151 of the Revised Code;
- (38) Terminating or attempting to terminate human pregnancy after viability as set forth in section 2919.17 of the Revised Code;
- (39) Abortion after gestational age of twenty weeks as set forth in section 2919.201 of the Revised Code;
- (40) Domestic violence as set forth in section 2919.25 of the Revised Code;

- (41) Violating protection order as set forth in section 2919.27 of the Revised Code;
- (42) Bribery as set forth in section 2921.02 of the Revised Code;
- (43) Intimidation as set forth in section 2921.03 of the Revised Code;
- (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;
- (45) Retaliation as set forth in section 2921.05 of the Revised Code;
- (46) Perjury as set forth in section 2921.11 of the Revised Code;
- (47) Tampering with evidence as set forth in section 2921.12 of the Revised Code;
- (48) Making or causing false report of child abuse or neglect as set forth in section 2921.14 of the Revised Code;
- (49) Making false allegation of peace officer misconduct as set forth in section 2921.15 of the Revised Code;
- (50) Compounding a crime as set forth in section 2921.21 of the Revised Code;
- (51) Obstructing official business as set forth in section 2921.31 of the Revised Code;
- (52) Obstructing justice as set forth in section 2921.32 of the Revised Code;
- (53) Failure to comply with order or signal of police officer as set forth in section 2921.331 of the Revised Code;
- (54) Aiding escape or resistance to lawful authority as set forth in section 2921.35 of the Revised Code;
- (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;
- (56) Dereliction of duty as set forth in section 2921.44 of the Revised Code;
- (57) Impersonation of peace officer or private police officer as set forth in section 2921.51 of the Revised Code;
- (58) Contaminating substance for human consumption or use or contamination with hazardous chemical, biological, or radioactive substance - spreading false report of contamination as set forth in section 2927.24 of the Revised Code.

Effective:

Five Year Review (FYR) Dates:

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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 |

## Rule Summary and Fiscal Analysis

### Part A - General Questions

**Rule Number:** 4501-8-08

**Rule Type:** Amendment

**Rule Title/Tagline:** Financial responsibility.

**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? Yes
  - A. What is the rule's five year review date? 6/7/2022
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. What are the reasons for proposing the rule?

This rule is being filed according to Section 106.03 ORC periodic rule review.

7. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.

The rule deals with financial responsibility and insurance amounts. The rule as been amended to remove restriction in accordance with Section 121.95 of the Revised Code.

8. Does the rule incorporate material by reference? No

9. 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*

10. 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**

11. 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.

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

The estimated cost for vehicle insurance is approximately \$800 - \$2000 annually per vehicle. The cost depends upon the make, model and year of the vehicle. The total cost an enterprise pays is determined by the number of vehicles used for training. The estimated cost for the bond can range from 10% to 30% of the face value of the bond. The face value of the bond is determined by the number of schools operated by the school and the number of students with whom the business has a valid contract. The percentage to be paid annually is based upon assets and credit scores. Escrow accounts require the full amount of required coverage to be placed directly into an account. The amount is determined by the number of schools operated by the school and the number of students with whom the business has a valid contract.

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

- 15. 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**

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

- 17. 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 cost for vehicle insurance is approximately \$800 - \$2000 annually per vehicle. The cost depends upon the make, model and year of the vehicle. The total cost an enterprise pays is determined by the number of vehicles used for training. The estimated cost for the bond can range from 10% to 30% of the face value of the bond. The face value of the bond is determined by the number of schools operated by the school and the number of students with whom the business has a valid contract. The percentage to be paid annually is based upon assets and credit scores. Escrow accounts require the full amount of required coverage to be placed directly into an account. The amount is determined by the number of schools operated by the school and the number of students with whom the business has a valid contract.

Note: Any schools in Ohio, which are under the authority of the state, are not required to maintain a bond or escrow account.



Additionally, if the school operates other programs under Chapter 4501-7 of the Administrative Code, they are able to use the same bond or escrow account and only increase the amount of coverage based upon the total number of students enrolled for the abbreviated adult program.

**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? Yes**

However the increase in expenses varies based on circumstance.... Note: Any schools in Ohio, which are under the authority of the state, are not required to maintain a bond or escrow account.

Additionally, if the school operates other programs under Chapter 4501-7 of the Administrative Code, they are able to use the same bond or escrow account and only increase the amount of coverage based upon the total number of students enrolled for the abbreviated adult program.

**IV. Regulatory Restrictions (This section only applies to agencies indicated in R.C. 121.95 (A))**

**18. 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? 10**

Paragraph (A) third sentence - "...responsibility shall..."

Paragraph (A) last sentence - "The ....shall be available..."

Paragraph (B)(1)(a) stem - (B)...These limits shall be listed...: (a)..."

Paragraph (B)(1)(b) stem - (B)...These limits shall be listed...: (b)..."

Paragraph (B)(1)(c) stem - (B)...These limits shall be listed...: (c)..."

Paragraph (B)(1)(d) stem - (B)...These limits shall be listed...: (d)..."

Paragraph (B)(1)(e) stem - (B)...These limits shall be listed...: (e)..."

Paragraph (B)(2)(a) stem - (B)...These limits shall be listed...: (a)..."

Paragraph (B)(2)(b) stem - (B)...These limits shall be listed...: (b)..."

Paragraph (B)(2)(c) stem - (B)...These limits shall be listed...: (c)..."

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

4501-8-08

**Financial responsibility.**

- (A) Except for a driver training school providing only online instruction, the authorizing official shall maintain financial responsibility for the operation of all motor vehicles used for instruction as specified in Chapter 4509. of the Revised Code. Such insurance coverage shall be acquired from a company licensed to do business in this state: ~~The financial responsibility shall and~~ be maintained as long as the driver training enterprise is operating a driver training school. Proof of the insurance coverage required by this rule shall be maintained ~~in the school office and~~ with all motor vehicles used for instruction. ~~The certificate of insurance shall be available for inspection upon request of the director.~~
- (B) Except for a driver training school providing only online instruction, insurance coverage shall be maintained in the following minimum limits as provided in either paragraph (B)(1) or (B)(2) of this rule. ~~These limits shall be listed on the certificate of insurance:~~
- (1)
- (a) One hundred thousand dollars for bodily injury to or death of one person in any one crash;
  - (b) Three hundred thousand dollars for bodily injury to or death of two or more persons in any one crash;
  - (c) Twenty-five thousand dollars for injury to property of other in any one crash;
  - (d) Five thousand dollars medical payment for each occupant;
  - (e) Uninsured motorist coverage at least equal to the bodily injury coverage required in paragraphs (B)(1)(a) and (B)(1)(b) of this rule.
- (2)
- (a) Four hundred thousand dollars combined single limit liability coverage;
  - (b) Five thousand dollars medical payments for each occupant;
  - (c) Uninsured motorist coverage at least equal to the bodily injury coverage required in paragraph (B)(2)(a) of this rule.
- (C) Except for a driver training school providing only online instruction, failure to maintain the required insurance, including the record of current coverage as required by this rule, may result in the suspension or revocation of an authorizing official's driver training enterprise license.

- (D) Students with a disability providing motor vehicles for their own instruction shall provide proof of insurance or other financial responsibility that indicates compliance with Chapter 4509. of the Revised Code. Proof of coverage shall be provided prior to using such motor vehicle for any behind-the-wheel instruction.
- (E) No driver training school license will be issued or renewed until the authorizing official certifies that the enterprise maintains a continuous performance bond or escrow account for each of its schools in an amount sufficient to cover the cost of reimbursing students for training and/or services not supplied. The amount of such bond or escrow account shall be based on the number of students trained by the enterprise or number of students anticipated to be trained by the enterprise. Such bond or escrow account shall be no less than ten thousand dollars for the first licensed school and no less than an additional two thousand dollars for each additional licensed school under the enterprise. The bond or escrow account shall continue in force as long as the enterprise operates a school or as long as the enterprise has students to whom it is contractually obligated.
- (1) The current and valid performance bond or evidence of an escrow account shall be maintained at the school office and filed as part of the school records and made available upon request. Such bond or escrow account shall be obtained by the enterprise from a company authorized to do business in this state specifying that such enterprise shall not practice fraud or make any fraudulent representation which may cause a monetary loss to a person taking instruction from the enterprise.
  - (2) The bond or escrow account shall include the enterprise name, the amount of the bond or escrow account, the effective date, and the period of coverage.
  - (3) The bond or escrow account shall name the department of public safety and the state of Ohio as obligees and shall stipulate that the director shall be notified ten days before the bond or escrow account terminates due to its expiration, cancellation for any reason, or before the bond or escrow account is reduced in value.
  - (4) The bond or escrow account is required of each licensed school, but does not apply to a driver training school operated under the authority of the state of Ohio or any political subdivision approved by the director.
  - (5) Failure to maintain such performance bond or escrow account, including record of bond or escrow account required by this rule, during any portion of the licensure period may result in suspension or revocation of an authorizing official's enterprise license.

Effective:

Five Year Review (FYR) Dates: 6/7/2022

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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: | 07/01/2016 |

## Rule Summary and Fiscal Analysis

### Part A - General Questions

**Rule Number:** 4501-8-09

**Rule Type:** Amendment

**Rule Title/Tagline:** Course requirements.

**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? Yes
  - A. What is the rule's five year review date? 6/7/2022
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. What are the reasons for proposing the rule?

This rule is being filed according to Section 106.03 ORC periodic rule review.

7. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.

The rule deals with course requirements for abbreviated adult training. Provisions added for virtual classrooms. Restrictions removed in accordance with Section 121.95 of the Revised Code.

8. Does the rule incorporate material by reference? Yes

9. 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 4501-8-21 that deals with all materials incorporated by reference for the chapter.

10. 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

11. 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.

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

The estimated costs of compliance include time to implement and maintain the specific security controls required by the state and set forth in the "Online Driver Education Security Assessment." Most online providers also offer the Class D course utilizing the same link, therefore; the costs to implement and maintain the security measures are negligible.

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

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

15. 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**

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

**17. 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**

The estimated costs of compliance include time to implement and maintain the specific security controls required by the state and set forth in the "Online Driver Education Security Assessment." Most online providers also offer the Class D course utilizing the same link, therefore; the costs to implement and maintain the security measures are negligible.

- 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 Restrictions (This section only applies to agencies indicated in R.C. 121.95 (A))**

**18. 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 (E)(2) first sentence "...instructor shall ..."

- B. How many existing regulatory restrictions do you propose removing from this rule? 14**

Paragraph (A)(4) second sentence - "Such students shall..."

Paragraph (B) second sentence - "...course shall..."



Paragraph (C) second sentence - "...course shall..."

Paragraph (E)(1) first sentence - "... school shall give..."

Paragraph (E)(5) - "...shall be used..."

Paragraph (E)(6)(g) stricken language - "...official shall...."

Paragraph (F)(4) first sentence - "...shall appear..."

Paragraph (F)(4) first sentence - "...shall appear..." (2x)

Paragraph (F)(4) last sentence - "...shall lock..."

Paragraph (F)( ) second sentence - "...shall be given..."

Paragraph (G)(2) last sentence - "...shall display..."

Paragraph (G)(7) first sentence - "...shall be..."

Paragraph (G)(7) last sentence - "...shall be..."

Paragraph (I) first sentence - "...shall consist..."

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

4501-8-09

**Course requirements.**

[Comment: For dates and availability of material incorporated by reference in this rule, see paragraph (A) in rule 4501-8-21 of the Administrative Code.]

(A) Abbreviated adult courses for beginning drivers, who are at least eighteen years of age and older, may be offered in three categories:

- (1) Four hours of classroom equivalent training offered via the internet through a licensed online enterprise; or
- (2) Four hours of classroom or virtual classroom instruction offered through an abbreviated adult training course; or
- (3) Four hours of classroom , virtual classroom, or online instruction and four hours of behind-the-wheel training.
- (4) Those students electing only the courses provided in paragraphs (A)(1) and (A)(2) will be required to drive twenty-four hours, not to exceed four hours per day, with a valid licensed driver. Such students ~~shall~~ submit to the registrar a signed "24-hour Affidavit" attesting that the student has acquired a minimum of twenty-four hours of driving experience.

(B) The abbreviated adult course classroom and online instruction shall be based upon the principals of and cover, at a minimum, the body of knowledge contained in the "Abbreviated Adult Course Curriculum." The abbreviated adult course ~~shall consist~~ consists of four hours of classroom or online instruction.

(C) The abbreviated adult course behind-the-wheel training shall be based upon the principals of and cover, at a minimum, the laboratory lessons contained in the "Abbreviated Adult Course Curriculum." The abbreviated adult course ~~shall consist~~ consists of four hours of behind-the-wheel instruction.

(D) Except as provided in rule 4501-8-06 of the Administrative Code for a medically based hospital or rehabilitation facility that offers instruction for persons with a disability, and for online enterprises offering ~~the classroom equivalent~~ theory instruction only via the internet, enterprises that provide the abbreviated adult course shall be able to provide both the classroom, virtual classroom, and the behind-the-wheel training.

(E) The classroom and virtual classroom instruction shall meet the following requirements:

- (1) ~~The classroom environment shall be maintained~~ Maintain an environment in a manner that is conducive to learning. In maintaining an environment that is conducive to learning, ~~the school shall give consideration~~ is given to the

appropriate class size, appropriate methods of maintaining discipline, and any other relevant factors;

(2) For instruction provided via a virtual classroom environment, the instructor shall periodically ensure the students are present and actively engaged with the course content. This may be accomplished through quizzes, worksheets, group activities, or other educational activities related to the content being taught.

~~(2)(3)~~ Provide a ten minute break ~~shall be provided~~ at the approximate mid-point of the lesson for students receiving more than two continuous hours of training;

~~(3)(4)~~ Any materials or workbooks used for classroom instruction shall be available to every student taking that instruction. Instructional materials referenced during the classroom instruction shall be provided for each student;

~~(4)(5)~~ No use of videos, slides or films, or activities unrelated to safe driving practices, driver knowledge, or driver skill ~~shall be used;~~

~~(5)(6)~~ It shall be the responsibility of the driver training enterprise to determine each student's successful completion by means of a comprehensive final examination measuring driver knowledge.

(a) No student being tested shall be permitted to refer to any materials that may contain answers to the questions thereon;

(b) The final examination shall be administered and graded in-person by a licensed instructor. Only examinations provided by the director shall be used. Accommodations shall be made for the final examination to assist students with confirmed learning difficulties.

(c) The student shall answer seventy-five per cent or more of the questions comprising the final examination correctly in order to constitute a successful completion of the classroom instruction.

(d) The student may be offered no more than two additional opportunities to a final examination if the student failed the first attempt. The student may not re-take an exam that the student had previously taken and failed.

(e) A student who fails all three attempts at the final examination shall re-take the classroom instruction.

(f) 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 exam, and the student's name and signature.

~~(g) The enterprise's adult training coordinator or authorizing official shall store the results of such measurements and maintain the results in the student's file for three years.~~

~~(6)~~(7) A student who is absent from any portion of the classroom instruction shall make up the segment of the instruction missed prior to receiving a certificate;

(F) The online abbreviated adult course instruction shall meet the following requirements:

- (1) Student curriculum and content based questions and/or comments shall be responded to by an online instructor. This includes, but is not limited to, responses to message boards, chat rooms, e-mails and telephone calls;
- (2) Any reference material required for the student to complete the online instruction must be provided to the student prior to the start of the online instruction;
- (3) Each student successfully enrolled in an online abbreviated adult course shall be provided with a username and password. This username and password shall be required for each time the student logs into the program;
- (4) Personal validation questions ~~shall~~ appear, at a minimum, twice throughout the entire course and at a minimum ~~shall~~ appear once during the final examination. The student shall answer correctly the personal validation question within sixty seconds for the questions presented over the internet. The student shall have no more than one additional opportunity to answer another validation question if the student fails to answer correctly the first question. Failure to answer both validation questions correctly ~~shall lock~~ locks the student out of the program for ~~twenty-four hours~~ a calendar day.
- (5) The online driver education program shall provide a final examination at the completion of the program during the online provider's operational hours. ~~All final examinations shall be given during the online provider's operational hours and an~~ An online instructor shall be available during this time. In addition to paragraph (E)~~(5)~~(6) of this rule, with the exception of paragraph (E)~~(5)~~(6)(b) of this rule, the final examinations shall:
  - (a) Include twenty questions that have been randomly drawn from the "Abbreviated Adult Examination Questions Test Bank." No question shall appear more than once per final examination;
  - (b) Not identify the correct answer of a final examination question to the student until the entire test has been completed and submitted;

(G) The behind-the-wheel training shall meet the following requirements:

- (1) No behind-the-wheel training shall be given to a student who does not hold and carry a valid temporary permit or operator's license. No student shall be given behind-the-wheel instruction using a permit or license which has expired or which has been suspended or revoked;
  - (2) When a student operates a motor vehicle upon 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 ~~shall display~~ 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;
  - (3) No instructor shall give a student behind-the-wheel instruction before the student has received at least two hours of classroom instruction;
  - (4) No instructor shall provide a student any behind-the-wheel instruction, if within the same day the student has taken four hours of classroom instruction, unless the student has been provided a thirty minute break after completion of the classroom instruction;
  - (5) Students receiving more than two continuous hours of behind-the-wheel training shall be provided a ten-minute break at the approximate mid-point of the lesson;
  - (6) Instructors shall ensure that a student's first thirty minutes of training occurs in an area that is reasonable free from pedestrian and vehicular traffic, and that first thirty minutes does not include operation of a vehicle on primary traffic arteries, main highway routes, and other thoroughfares that carry a large amount of traffic;
  - (7) During times of behind-the-wheel training, use of any items or behavior that causes unreasonable distraction ~~shall be~~ is prohibited. No eating or drinking by the students ~~shall be~~ is permitted in the vehicle during times of training or while the vehicle is in motion;
  - (8) 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 training shall be given to a student who is not driving.
  - (9) An on-road evaluation of the student's ability to drive shall be performed at the end of the four hours. The evaluation shall be based upon basic driving skills and the student's good faith effort to perform the basic skills.
- (H) The total training a student receives shall not exceed six hours in one day, including both classroom, virtual, or online instruction and behind-the-wheel training.

- (I) Classroom instruction, virtual instruction, online instruction and behind-the-wheel training ~~shall consist~~ consists of no less than sixty minutes for each hour credited towards the completion of the required training. Time taken for breaks shall not be included when calculating completion of the required instruction.
- (J) Except for an online abbreviated adult course, students shall be taught and supervised by a licensed instructor. Licensed instructors shall instruct students only under the authority and guidance of a licensed driver training school.
- (K) For an online abbreviated adult course, any modifications made to the online instruction, including but not limited to, design, quizzes, activities, modules, content, law updates or resources must be approved by the director prior to being placed into production.
- (L) In order to meet the standards set forth in division (A)(2)(a) of section 4508.02 of the Revised Code, an online abbreviated adult course provider must implement and maintain all security controls included in the "Online Driver Education Security Assessment."
- (M) All training as required in this rule, provided by the enterprise shall be made available to, and completed by, the student within three 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 shall be documented in the student's record. Requests for special circumstances not listed to be considered as "mitigating" shall be requested through the department. If no mitigating circumstances are approved, training will be voided and the student shall re-take the training.

Effective:

Five Year Review (FYR) Dates: 6/7/2022

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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: | 07/01/2016 |

## Rule Summary and Fiscal Analysis

### Part A - General Questions

**Rule Number:** 4501-8-10

**Rule Type:** Amendment

**Rule Title/Tagline:** Certificates of completion.

**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? Yes
  - A. What is the rule's five year review date? 6/7/2022
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. What are the reasons for proposing the rule?

This rule is being filed according to Section 106.03 ORC periodic rule review.

7. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.

The rule deals with certificates of completion. Amended to allow for electronic certificates.

8. Does the rule incorporate material by reference? Yes



9. 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 4501-8-21 that deals with all materials incorporated by reference for the chapter.

10. 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

11. 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.

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

The savings can result in the cost of a stamp up to first overnight mailing costs.  
Certificate of completion for an online driver training program - \$4 per certificate\*  
Certificate of completion - \$4

\* The adverse impact on the schools is based on the number of students completed by the business enterprise. The stakeholder group indicated these certificate costs are included in the cost of the course and paid by the student.

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

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

**17. 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 savings can result in the cost of a stamp up to first overnight mailing costs. Certificate of completion for an online driver training program - \$4 per certificate\*

Certificate of completion - \$4

\* The adverse impact on the schools is based on the number of students completed by the business enterprise. The stakeholder group indicated these certificate costs are included in the cost of the course and paid by the student.

- 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 Restrictions (This section only applies to agencies indicated in R.C. 121.95 (A))**

**18. 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? 11**

Paragraph (A) first sentence - "... and shall maintain..."

Paragraph (A) fourth sentence - "... and shall not..."

Paragraph (A)(1) second sentence - "...official shall..."

Paragraph (A)(3) first sentence - "...coordinator shall..."

Paragraph (A)(3) last sentence - "...coordinator shall..."

Paragraph (A)(4) - "Certificates shall..."

Paragraph (C) third sentence - "This for shall..."

Paragraph (C) third sentence - "This for shall..." (2x)

Paragraph (D) second sentence - "...coordinator shall..."

Paragraph (D) last sentence - "...coordinator shall..."

Paragraph (E) "...director shall..."

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

4501-8-10

**Certificates of completion.**

[Comment: For dates and availability of material incorporated by reference in this rule, see paragraph (A) in rule 4501-8-21 of the Administrative Code.]

(A) The director shall supply and maintain record of the certificates as required by division (A) of section 4508.10 of the Revised Code ~~and shall maintain a record of all certificates supplied to each driver training enterprise.~~ The record will include the name of the enterprise and the date the certificates were supplied. The certificates will be supplied to a licensed driver training enterprise. Certificates are non-transferrable to and shall not be transferred to or issued by any other enterprise. No authorizing official or training manager shall issue a certificate before the student had completed all required training.

(1) Online enterprises shall issue a "Certificate of Completion of an Online Adult Program" to a student who has successfully completed four hours of online instruction. ~~No authorizing official shall issue a "Certificate of Completion of an Online Adult Program" prior to~~ Successful completion includes the student completing every module and passing the final examination of the online abbreviated adult course.

(2) Except for online enterprises, an abbreviated adult course enterprise shall issue a "Certificate of Completion" or a "Certificate of Classroom Completion" to a student who is at least eighteen years of age and who has successfully completed the abbreviated adult course required by division (F) of section 4508.02 of the Revised Code.

(a) A "Certificate of Completion" is issued to students who have completed both the classroom and behind-the-wheel training with the abbreviated adult course enterprise.

(b) "Certificate of Classroom Completion" is issued to students who have completed only the classroom portion of the abbreviated adult training course with an abbreviated adult course enterprise.

~~(3) The authorizing official or adult training coordinator shall issue certificates to students in numerical sequence based upon the date a student completed the training. No authorizing official or adult training coordinator shall issue any certificate before the student had completed all required training.~~

~~(4) Certificates shall be logged and printed by the enterprise through the on-line system managed by the department.~~

- (B) When the authorizing official or adult training coordinator determines that a certificate must be voided, the box for "void" shall be marked on the on-line system.
- (C) In the event a "Certificate of Completion," "Certificate of Completion of an Online Adult Program," or "Certificate of Classroom Completion" is lost or stolen after being issued to a student, the student may obtain a new "Certificate of Completion," "Certificate of Completion of an Online Adult Program," or "Certificate of Classroom Completion" from the driver training enterprise that issued it. The student shall first complete and sign the "Request for Duplicate Certificate", ~~and explain the theft or loss. This form shall be signed by the student. The "Request for Duplicate Certificate" shall be retained by the enterprise and maintained in the school files.~~ The adult training coordinator or authorizing official, or a designee, ~~shall mark~~ marks the box for "duplicate" and ~~issue~~ issues the new certificate via the on-line system. No driver training school may charge a fee for a replacement certificate that exceeds fifteen dollars.
- (D) ~~No certificate may be sent electronically.~~ An authorizing official or adult training coordinator of the school who issues the certificate shall sign each certificate. If an authorizing official or adult training coordinator permits the use of a stamped or electronically produced signature, that official, or coordinator ~~shall be~~ is responsible for securing the stamp or electronic means. That official or coordinator ~~shall be~~ is responsible for any document on which that official's or coordinator's signature is produced.
- (E) ~~When~~ All unused certificates will be made inaccessible by the director when a driver training enterprise closes for any reason, including a license suspension or revocation; ~~the director shall make all unused certificates inaccessible to the enterprise.~~

Effective:

Five Year Review (FYR) Dates: 6/7/2022

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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: 07/01/2016

## Rule Summary and Fiscal Analysis

### Part A - General Questions

**Rule Number:** 4501-8-11

**Rule Type:** Amendment

**Rule Title/Tagline:** Training agreements.

**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? Yes
  - A. What is the rule's five year review date? 6/7/2022
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. What are the reasons for proposing the rule?

The rule deals with training agreements.
7. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.

The rule deals with training agreements. The rule has been updated to current practice and has removed restrictions in accordance with Section 121.95 of the Revised Code.
8. Does the rule incorporate material by reference? Yes

9. **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 4501-8-21 that deals with all materials incorporated by reference for the chapter.

10. **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**

11. **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.

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

For online providers the cost is negligible since the cost for printing are placed on the customers. The agency provides a template for the required agreement at no charge to the schools. The template is readily available and easily accessible from the department's website. Therefore, if a school uses the agency's agreement, the only cost is printing. If a school opts to create and print its own, it may incur the higher compliance costs. All schools are required to maintain the training agreements for three years from the date of program completion.

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

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

**17. 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**

For online providers the cost is negligible since the cost for printing are placed on the customers. The agency provides a template for the required agreement at no charge to the schools. The template is readily available and easily accessible from the department's website. Therefore, if a school uses the agency's agreement, the only cost is printing. If a school opts to create and print its own, it may incur the higher compliance costs. All schools are required to maintain the training agreements for three years from the date of program completion.

- 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 Restrictions (This section only applies to agencies indicated in R.C. 121.95 (A))**

**18. 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? 11**

Paragraph (A) second sentence - "... agreement shall be..."

Paragraph (A)(2) stem - "(A)... shall contain...: (2)..."

Paragraph (A)(3) stem - "(A)... shall contain...: (3)..."

Paragraph (A)(4) stem - "(A)... shall contain...: (4)..."

Paragraph (A)(5) stem - "(A)... shall contain...: (5)..."

Paragraph (A)(6) stem - "(A)... shall contain...: (6)..."

Paragraph (A)(9) stem - "(A)... shall contain...: (9)..."

Paragraph new (A)(11) stem - "(A)... shall contain...: (11)..."

Paragraph (A)(12) stem - "(A)... shall contain...: (12)..."

Paragraph (E) second sentence - "... shall be used..."

Paragraph (E)(3) second sentence - "... shall be used..."

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

4501-8-11

**Training agreements.**

[Comment: For dates and availability of material incorporated by reference in this rule, see paragraph (A) in rule 4501-8-21 of the Administrative Code.]

(A) A signed written agreement shall be established between the student and the driver training enterprise prior to the start of any training. Verbal agreements are prohibited. ~~A signed copy of the written agreement shall be maintained in the school office files for a period of three years.~~

(B) All written agreements ~~shall~~ contain the following:

(1) The type of training the enterprise will provide;

~~(1)~~(2) The full address where the classroom instruction will be given, if applicable.  
Online adult abbreviated courses shall use the office address of the company and its website address;

~~(2)~~(3) All charges for the training course stated clearly;

~~(3)~~(4) Policies for dismissal of a student;

~~(4)~~(5) Refund policy;

~~(5)~~(6) Except for an online abbreviated adult course, a statement regarding the use of an enterprise-owned vehicle for the license examination if included in the charges, and if not included, any additional charge for this service;

~~(6)~~(7) The agreement shall state that the hours shall include four hours of classroom, virtual, or online instruction based upon the "Abbreviated Adult Course Curriculum."

~~(7)~~(8) The agreement shall state that, if elected by the student, that the four hours of behind-the-wheel training is based upon the "Abbreviated Adult Course Curriculum."

~~(8)~~(9) A declaration of the date by which the complete program of training will be made available to and completed by the student. This date shall be no more than three months from the date the instruction begins.

(10) The statement, "Driver training schools are licensed by the Department of Public Safety through the Driver Training Program Office, 1970 West Broad Street, Columbus, Ohio 43223."

~~(9)~~(11) The signature of the authorizing official, adult training coordinator, or instructor and the date such signature was made.

~~(10)~~(12) The signature of the student and the date such signature was obtained.

(C) A signed copy of the agreement shall be given to the student on the day that it is executed.

(D) If applicable, for a student who took instruction through an online abbreviated adult course and elected to receive behind-the-wheel training, an agreement must be established between the student and the enterprise offering the behind-the-wheel training. Verbal agreements are prohibited. Except for paragraph (B)~~(6)~~(7) of this rule, all other requirements in this chapter apply to the agreement.

(E) Driver training enterprises shall use reasonable controls to verify the student's identification when enrolling in the program. For an abbreviated adult driving course, that offers classroom and behind-the-wheel instruction, using a web-based enrollment process, secure and reasonable controls to authenticate the student's identity ~~shall be~~are used. An online enterprise shall develop and maintain the means to reasonably authenticate the student's identity. This may be accomplished by a combination of the following:

(1) Third-party database authentication;

(2) Other secure means that are based on emerging technologies and allow for reasonable assurance that the student's identity is authenticated; or

(3) A signed and notarized affidavit. The affidavit ~~shall include~~includes certification that the parent or guardian submitted official documents to verify the student's identity. The affidavit shall be received by the online enterprise before training may begin.

Effective:

Five Year Review (FYR) Dates: 6/7/2022

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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: 07/01/2016

## Rule Summary and Fiscal Analysis

### Part A - General Questions

**Rule Number:** 4501-8-12

**Rule Type:** Rescission

**Rule Title/Tagline:** Required records.

**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? Yes
  - A. What is the rule's five year review date? 6/7/2022
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. What are the reasons for proposing the rule?

The rule is being rescinded to file a new version of the rule.
7. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.

The rule deals with required record to be kept.
8. Does the rule incorporate material by reference? No

9. 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*

10. 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**

11. 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.

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

Not applicable.

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

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

15. 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**

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

17. 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 Restrictions (This section only applies to agencies indicated in R.C. 121.95 (A))**

18. 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? 54

Paragraph (A) - "...shall maintain"

Paragraph (A)(1) second sentence - "A distinct record shall be kept..."

Paragraph (A)(1) second sentence - "and a record shall be kept..."

Paragraph (A)(1)(a) stem - "(A)(1) These records shall include: (a)..."

Paragraph (A)(1)(b) stem - "(A)(1) These records shall include: (b)..."

Paragraph (A)(1)(c) stem - "(A)(1) These records shall include: (c)..."

Paragraph (A)(1)(d) stem - "(A)(1) These records shall include: (d)..."

Paragraph (A)(1)(d) second sentence - "...shall include..."



Paragraph (A)(1)(d) last sentence - "...shall include..."

Paragraph (A)(1)(e) stem - "(A)(1) These records shall include: (e)..."

Paragraph (A)(1)(e) last sentence - "...shall also include..."

Paragraph (A)(1)(f) stem - "(A)(1) These records shall include: (f)..."

Paragraph (A)(1)(f) last sentence - "...shall include..."

Paragraph (A)(1)(g) stem - "(A)(1) These records shall include: (g)..."

Paragraph (A)(1)(h) stem - "(A)(1) These records shall include: (h)..."

Paragraph (A)(1)(i) stem - "(A)(1) These records shall include: (i)..."

Paragraph (A)(2)(a) stem - "(A)(2) These records include...: (a)..."

Paragraph (A)(2)(b) stem - "(A)(2) These records include...: (b)..."

Paragraph (A)(2)(c) stem - "(A)(2) These records include...: (c)..."

Paragraph (A)(2)(d) stem - "(A)(2) These records include...: (d)..."

Paragraph (A)(2)(e) stem - "(A)(2) These records include...: (e)..."

Paragraph (A)(2)(e)(i) stem - "(A)(2)(e) These records include...: (i)..."

Paragraph (A)(2)(e)(ii) stem - "(A)(2)(e) These records include...: (ii)..."

Paragraph (C)(1) stem - "(C) ...shall maintain...: (1)...."

Paragraph (C)(2) stem - "(C) ...shall maintain...: (2)...."

Paragraph (C)(3) stem - "(C) ...shall maintain...: (3)...."

Paragraph (C)(4) stem - "(C) ...shall maintain...: (4)...."

Paragraph (C)(4) second sentence - "... used shall be kept..."

Paragraph (C)(5) stem - "(C) ...shall maintain...: (5)...."

Paragraph (D)(1) stem - "(D) ...shall maintain...: (1)...."

Paragraph (D)(2) stem - "(D) ...shall maintain...: (2)...."

Paragraph (D)(3) stem - "(D) ...shall maintain...: (3)...."

Paragraph (D)(3) second sentence - "...The assessments shall be maintained..."

Paragraph (D)(4) stem - "(D) ...shall maintain...: (4)...."

Paragraph (D)(4) second sentence - "... shall be stored..."

Paragraph (D)(4) second sentence - "...and shall be made.

Paragraph (D)(4) third sentence - "...shall be posted...."

Paragraph (D)(4) last sentence - "... shall be carried..."

Paragraph (E) - "...shall be responsible..."

Paragraph (E) - "...shall be responsible..." (2x)

Paragraph (F) first sentence - "... shall be kept..."

Paragraph (F) third sentence - "... shall be stored..."

Paragraph (F) fourth sentence - "... shall make..."

Paragraph (F) fifth sentence - "... shall make..."

Paragraph (F) last sentence - "... shall be furnished"

Paragraph (G) - "...shall complete..."

Paragraph (H) first sentence - "... shall be maintained..."

Paragraph (H) last sentence - "... shall be kept..."

Paragraph (I) - "...personal shall..."

Paragraph (J) first sentence - "...shall be stored..."

Paragraph (J) second sentence - " ...shall make all..."

Paragraph (J) third sentence - " ...shall make all..."

Paragraph (J) last sentence - ... shall be accessible..."

Paragraph (A)(2)(f) stem - "(A)(2) These records include...: (f)..."

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

## TO BE RESCINDED

4501-8-12

**Required records.**

[Comment: For dates and availability of material incorporated by reference in this rule, see paragraph (A) in rule 4501-8-21 of the Administrative Code.]

(A) Each licensed school shall maintain the following student records for three years from the date the record was finalized.

- (1) For an abbreviated adult course offering classroom and behind-the-wheel instruction, a record of the material taught for each student in each training session, regardless of whether the student has completed all training. A distinct record shall be kept for the classroom instruction, and a distinct record shall be kept for behind-the-wheel training, if applicable. These records shall include:
  - (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, the actual starting time, break time, and the actual ending time for each session the student completed;
  - (b) Each behind-the-wheel session notation shall be signed or initialed by the student;
  - (c) The instructor who provided the instruction for each behind-the-wheel session shall initial the record and record the instructor's license number for each session;
  - (d) A record of the on-road evaluation performed for the student. The evaluation shall include the date of evaluation, signature and license number of the instructor evaluating the student. The record shall also include the student's initials.
  - (e) A record of every student's proof of completion for instruction. The record shall be maintained in a manner prescribed by the director.
  - (f) A complete roster of students attending each classroom session. The roster shall include the name of the school, date, time, break time, topic of instruction, and instructor of record;
  - (g) A record of the student's examination of knowledge required by rule 4501-8-09 of the Administrative Code; and

- (h) A copy of the training agreement between the enterprise and each student trained.
  - (i) The "Certificate of Completion of an Online Adult Program" for those students who took an online abbreviated adult course and have elected to receive behind-the-wheel instruction.
- (2) For an online adult abbreviated course, the records shall include, at a minimum;
- (a) The student's name and address;
  - (b) The date the student started and date the student completed the program;
  - (c) The start time and end time of each module of the online program;
  - (d) The agreement between the enterprise and each student trained;
  - (e) The online provider shall create and maintain the records for each examination provided to each student. The school shall ensure that the record for each examination includes:
    - (i) All of the questions asked and the student's responses;
    - (ii) The name or identity of the online instructor entering comments or responding to questions during each final examination.
  - (f) A record of every student's proof of completion for instruction. The record shall be maintained in a manner prescribed by the director.
- (B) Except for an online abbreviated adult course, the enterprise shall maintain 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 for three years.
- (C) All driver training enterprises shall maintain a permanent file of the following records:
- (1) A copy of each instructor's current license;
  - (2) A copy of each instructor's current driving record submitted during the annual license renewal;
  - (3) A complete copy of the "Abbreviated Adult Course Curriculum" and lesson plans used by the school and any supporting articles, or other sources of driver training information used for the classroom or behind-the-wheel instruction;

- (4) The enterprise or organization that completed the training shall maintain the records of the instructors. Dates, times, location of training and curriculum used shall be kept on file for inspection.
  - (5) A valid and current continuous performance bond covering the enterprise's obligations to provide student instruction as set forth in paragraph (E) of rule 4501-8-08 of the Administrative Code.
- (D) In addition to paragraph (A)(1) of this rule, an abbreviated adult course offering classroom and behind-the-wheel instruction, shall maintain the following records in a permanent file:
  - (1) A certificate of insurance verifying an active policy covering each vehicle used by the enterprise or its instructors for driver training with limits set forth in paragraph (B) of rule 4501-8-08 of the Administrative Code;
  - (2) A copy of authorization from the department for instructors employed by that enterprise to train persons with disabilities, if applicable;
  - (3) An annual assessment for all instructors performed by the adult training coordinator that are in a written format pre-approved by the director. The assessments shall be maintained in the instructor's file;
  - (4) The current school license. A copy shall be stored in the files maintained by the enterprise and shall be made available to any person upon request. The original school license shall be posted 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, shall be carried to each training session provided in that school.
- (E) If an instructor, online instructor, authorizing official, or coordinator permits the use of a stamped or electronically produced signature, that instructor, official, or coordinator shall be responsible for securing the stamp or electronic means, and that instructor, official, or coordinator shall be responsible for any document on which that instructor's, official's, or coordinator's signature is produced.
- (F) All of the documents listed in this rule shall be kept accurately and stored in a file in the office of the school that conforms to the standards under 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 adult training coordinator shall make all records available for inspection by the director. The authorizing official or adult training coordinator 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.

- (G) If a school closes or an enterprise discontinues business for any reason, the authorizing official or adult training coordinator shall complete and submit the "Enterprise Closing Procedure" to the director at least thirty days prior to closing.
- (H) The instructor's license, or a photocopy of the license, shall be maintained by the instructor, and by each enterprise for which the instructor trains. The license, or a photocopy thereof, shall be kept in the instructor's possession at any time the instructor is training students.
- (I) No person shall falsify, alter, or in any manner tamper with any records required to be kept by 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. The authorizing official or adult training coordinator shall make all records available for inspection by the director. The authorizing official or adult training coordinator 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: 6/7/2022

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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: 07/01/2016



## Rule Summary and Fiscal Analysis

### Part A - General Questions

**Rule Number:** 4501-8-12

**Rule Type:** New

**Rule Title/Tagline:** Required Records.

**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?
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. What are the reasons for proposing the rule?

The rule is being adopted to replace the previous rule that was rescinded.
7. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.

The rule deals with required records.
8. Does the rule incorporate material by reference? Yes

9. **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 4501-8-21 that deals with all materials incorporated by reference for the chapter.

10. **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**

11. **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.

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

The costs associated with creating and maintaining student and business records are estimated to be more time based. The cost for the paperwork itself is estimated to be \$3 per student for the entire file. The time associated with completing, reviewing and filing the student records is estimated to be one hour per student. The time to create the business files, including curriculum, instructor files, applications, and financial responsibility, is estimated to be one hour. For an enterprise that is closing, the time involved with completing and sending the closing form is estimated to be five minutes. An enterprise may scan and e-mail the form or fax the form to the agency. The cost analysis was provided by a committee consisting of current stakeholders of class D, disability, and online providers.

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

15. 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**

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

17. 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? Yes

The costs associated with creating and maintaining student and business records are estimated to be more time based. The cost for the paperwork itself is estimated to be \$3 per student for the entire file. The time associated with completing, reviewing and filing the student records is estimated to be one hour per student. The time to create the business files, including curriculum, instructor files, applications, and financial responsibility, is estimated to be one hour. For an enterprise that is closing, the time involved with completing and sending the closing form is estimated to be five minutes. An enterprise may scan and e-mail the form or fax the form to the agency.

The cost analysis was provided by a committee consisting of current stakeholders of class D, disability, and online providers.

- 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 Restrictions (This section only applies to agencies indicated in R.C. 121.95 (A))**

**18. 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? 19**

Paragraph (A) - "... school shall maintain..."

Paragraph (A)(1) - penultimate sentence - "... record shall be kept..."

Paragraph (A)(1) - penultimate sentence - "... record shall be kept..." (2x)

Paragraph (B) - "... school shall maintain..."

Paragraph (B)1 second sentence - "...shall also be maintained..."

Paragraph (C) - "... shall also maintain..."

Paragraph (C)(1) second sentence - "... copy shall be made..."

Paragraph (E) first sentence - "shall be kept..."

Paragraph (E) third sentence - "shall be stored..."

Paragraph (E) fourth sentence - "shall make all..."

Paragraph (E) fifth sentence - "shall make all..."

Paragraph (E) last sentence sentence - "shall be furnished..."

Paragraph (F) - "... shall complete..."

Paragraph (G) - "No person shall falsify..."

Paragraph (H) first sentence - "... shall be stored..."

Paragraph (H) second sentence - "shall make all..."

Paragraph (H) third sentence - "shall make all..."

Paragraph (H) last sentence - "shall be accessible..."

Paragraph (I) - "... shall be made..."

- 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.**  
54 restrictions were deleted when the previous 4501-8-12 was rescinded.

4501-8-12

**Required Records.**

[Comment: For dates and availability of material incorporated by reference in this rule, see paragraph (A) in rule 4501-8-21 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.

(1) For an abbreviated adult course offering classroom, virtual classroom, and behind-the-wheel instruction, a record of the material taught for each student in each training session, regardless of whether the student has completed all training. A distinct record shall be kept for the classroom instruction, and a distinct record shall be kept for behind-the-wheel training, if applicable. These records include:

(a) The student classroom and behind-the-wheel records include the student's name and address; driver license or permit number and, if applicable, its issuance date, the date of each training session, 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) A record of the on-road evaluation performed for the student. The evaluation includes the date of evaluation, signature and license number of the instructor evaluating the student, and the student's initials;

(d) A record of the "Certificate of Completion" or "Certificate of Classroom Completion", whichever is applicable, issued including its number and the date of issue;

(e) A complete roster of students attending each classroom session. The roster includes the name of the school, date, time, break time, topic of instruction, and instructor of record;

(f) A record of the student's examination of knowledge required by rule 4501-8-09 of the Administrative Code;

(g) A copy of the training agreement between the enterprise and each student trained;

(h) The "Certificate of Completion of an Online Adult Program" for those students who took an online abbreviated adult course and have elected to receive behind-the-wheel instruction;

- (i) If applicable, the "Request for Duplicate Certificate" for each duplicate certificate issued.
- (2) For an online adult abbreviated course, student records include, at a minimum:
  - (a) The student's name and address;
  - (b) The date the student started and date the student completed the program;
  - (c) The start time, end time, and total cumulative time spent in each module of the online program;
  - (d) The agreement between the enterprise and each student trained;
  - (e) The records for each examination provided to each student, which includes:
    - (i) All of the questions asked and the student's responses;
    - (ii) The name or identity of the online instructor entering comments or responding to questions during each final examination.
  - (f) A record of every "Certificate of Completion of an Online Adult Program" issued by the online provider to students under eighteen years of age, in a format prescribed by the director.
  - (g) If applicable, the "Request for Duplicate Certificate" for each duplicate certificate issued.
- (B) 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 adult coordinator or disability endorsement, proof of completion of the training provided to obtain such endorsement.

- (4) A copy of each instructor's current driving record submitted during the annual license renewal.
  - (5) An annual assessment for all instructors performed by the adult coordinator that are in a written format pre-approved by the director.
  - (6) Proof of the annual "Sexual Harassment Prevention Training" course completion.
  - (7) Proof of satisfactory completion of a pre-approved advanced training course as set forth in paragraphs (T) and/or (V) of rule 4501-8-05, whichever is applicable.
  - (8) The "Driver Training Personnel Physical Examination" as set forth in paragraph (F) of rule 4501-8-03.
  - (9) Except for an online abbreviated adult course, the 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 for three years.
  - (10) Records for an adult coordinator's and/or instructor's behavioral problem(s) that give good cause for the belief that the instructor and/or adult coordinator 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.
- (C) Driver training enterprises and schools shall also maintain a file for business records. These records include:
- (1) The current school license. A copy shall be made available to any person upon request. Except for an online abbreviated adult course, 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 paragraphs (B) in rule 4501-8-08, 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 4501-8-08;
  - (5) The annual "Motor Vehicle Inspection List";



- (6) A complete copy of the "Abbreviated Adult Course Curriculum" and lesson plans used by the school and any supporting articles, or other sources of driver training information used for the classroom or behind-the-wheel instruction;
- (D) If an instructor, authorizing official, or coordinator permits the use of a stamped or electronically produced signature, that instructor, official, or coordinator is responsible for securing the stamp or electronic means, and that instructor, official, or coordinator is responsible for any document on which that instructor's, official's, or coordinator's signature is produced.
- (E) All of the documents listed in this rule shall be kept accurately and stored in a file in the office of the school that conforms to the standards under 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 adult training coordinator shall make all records available for inspection by the director. The authorizing official or adult training coordinator 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.
- (F) If a school closes or an enterprise discontinues business for any reason, the authorizing official or adult training coordinator shall complete and submit the "Enterprise Closing Procedure" to the director at least thirty days prior to closing
- (G) No person shall falsify, alter, or in any manner tamper with any records required to be kept by this chapter.
- (H) 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. The authorizing official or adult training coordinator shall make all records available for inspection by the director. The authorizing official or adult training coordinator 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.
- (I) All records required to be maintained in this rule and chapter shall be made available to the director upon request.

Replaces: Replaces former 4501-8-12

Effective:

Five Year Review (FYR) Dates:

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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: | 07/01/2016       |

## Rule Summary and Fiscal Analysis

### Part A - General Questions

**Rule Number:** 4501-8-13

**Rule Type:** Amendment

**Rule Title/Tagline:** Vehicles used to train.

**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? Yes
  - A. What is the rule's five year review date? 6/7/2022
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. What are the reasons for proposing the rule?

This rule is being filed according to Section 106.03 ORC periodic rule review.

7. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.

The rule deals with vehicles used to train. The rule has been updated to current practice and restrictions have been removed in accordance with Section 121.95 of the Revised Code.

8. Does the rule incorporate material by reference? Yes

9. **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 4501-8-21 that deals with all materials incorporated by reference for the chapter.

10. **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**

11. **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.

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

The vehicles used for the abbreviated adult training are also used for Class D training. There are no abbreviated adult only driver training schools. The requirements of this chapter are already employed under the provisions in Chapter 4501-7 of the Administrative Code. The department does not require a duplicate inspection of the vehicles if they are used for other programs.

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

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

15. **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**

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

**17. 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? Yes**

The vehicles used for the abbreviated adult training are also used for Class D training. There are no abbreviated adult only driver training schools. The requirements of this chapter are already employed under the provisions in Chapter 4501-7 of the Administrative Code. The department does not require a duplicate inspection of the vehicles if they are used for other programs.

**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 Restrictions (This section only applies to agencies indicated in R.C. 121.95 (A))**

**18. 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? 4**

Paragraph (H)(2) first sentence- "...shall immediately notify..."

Paragraph (H)(2) second sentence- "...shall schedule..."

Paragraph (H)(3) first sentence - "... shall maintain..."

Paragraph (H)(3) second sentence - "... shall make..."

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

4501-8-13

**Vehicles used to train.**

[Comment: For dates and availability of material incorporated by reference in this rule, see paragraph (A) in rule 4501-8-21 of the Administrative Code.]

- (A) Every driver training enterprise that provides students with behind-the-wheel instruction in the operation of motor vehicle shall supply all equipment necessary to give the required instruction for operating motor vehicles, except that a student with a disability may provide a motor vehicle that is specially equipped for that student's disability.
- (B) Every motor vehicle used to provide behind-the-wheel instruction shall be maintained in safe mechanical condition and shall be in compliance with all applicable provisions of Chapter 4513. of the Revised Code.
- (C) Safety belts that meet the standards set forth in section 4513.262 of the Revised Code shall be provided for all occupants of motor vehicles used for driver training. Such belts shall be in use by all occupants of a driver training vehicle at all times.
- (D) All motor vehicles used for behind-the-wheel training shall be equipped with dual controls as defined in this chapter of the Administrative Code. The auxiliary control device shall be securely fastened and easily accessible to the person seated in the front passenger seat.
- (E) All motor vehicles used for behind-the-wheel instruction shall be equipped with inside rearview mirrors for both the driver and instructor and outside rearview mirrors on the driver's and instructor's side of the vehicle. A visor mirror shall not be used as an inside rear view mirror.
- (F) All motor vehicles used for training shall be equipped with a sign on the front of the vehicle and a sign on the rear of the vehicle containing the words, "student driver." The words of both signs shall be visible and legible outside of the motor vehicle from both the front and the rear. Such words shall be a minimum of three inches high, contrast the color of the vehicle and use material that reflects light at night. Any other words on such signs shall be no more than two inches high. Additional signs on the front, rear, or doors that indicate the vehicle is being used as a driver-training vehicle are permitted.
- (G) Every motor vehicle shall carry a current financial responsibility identification card or insurance identification card that complies with rule 4501:1-2-02 of the Administrative Code.

(H) The authorizing official or adult training coordinator of the school shall make all motor vehicles used by the school available for inspection by the director at any and all reasonable times.

(1) Every motor vehicle used by the school shall be inspected annually. No motor vehicle shall be used for behind-the-wheel instruction unless it is inspected ~~by, and displays a valid motor vehicle inspection decal issued and received an~~ inspection number by the ~~state highway patrol director~~ within the last twelve months.

(2) When a driver training enterprise obtains vehicles to add to its fleet for instructional purposes, after the annual inspection, the authorizing official or adult training coordinator ~~shall immediately notify~~ notifies the ~~state highway patrol department and ask for a motor vehicle inspection and decal.~~ The ~~state highway patrol shall~~ department will schedule a motor vehicle inspection in response to such a request from a driver training school official, coordinator, or instructor.

(a) Prior to first using a vehicle for training, the authorizing official or adult training coordinator shall:

(i) Inspect the vehicle for compliance to provisions in paragraphs (A), (B), (C), (D), (E), (F) and (G) of this rule completing a form prescribed by the director;

(ii) Add the vehicle information to the fleet list for the online school function; and

(iii) Schedule the vehicle for inspection by the ~~state highway patrol~~ department.

(b) If the motor vehicle acquired by the enterprise meets the provisions of this rule as determined by the authorizing official or adult training coordinator, but does not ~~display~~ receive the decal inspection number required by this rule, the motor vehicle may be used for a period not to exceed thirty days from the date the vehicle was acquired by the driver training enterprise.

~~(3) The authorizing official shall maintain the "Motor Vehicle Inspection List" on file at the school. The authorizing official shall make the "Motor Vehicle Inspection List" available upon request of the director.~~

(I) A person who has a disability may provide and receive instruction in a motor vehicle that has been altered for the purpose of providing the person with special equipment.



Any vehicle provided for this purpose shall be in a safe operating condition as determined by the licensed driver training instructor, adult training coordinator, or authorizing official, and the vehicle shall be insured as provided in paragraph (D) of rule 4501-8-08 of the Administrative Code.

Effective:

Five Year Review (FYR) Dates: 6/7/2022

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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: 07/01/2016

## Rule Summary and Fiscal Analysis

### Part A - General Questions

**Rule Number:** 4501-8-18

**Rule Type:** Amendment

**Rule Title/Tagline:** Inspections and investigations.

**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? Yes

A. What is the rule's five year review date? 6/7/2022

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, 4508.06

5. What statute(s) does the rule implement or amplify? 4508.06

6. What are the reasons for proposing the rule?

This rule is being filed according to Section 106.03 ORC periodic rule review.

7. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.

The rule deals with inspections and investigations. Virtual Classrooms have been added.

8. Does the rule incorporate material by reference? No

9. 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*

10. 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**

11. 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.

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

This rule requires the schools to provide specific documentation and/or items related to the training for the purpose of an inspection and/or investigation. The specific documentation may include student records, instructor records, and other items such as vehicles, and facilities used for training. The time it takes a school to prepare for an inspection is between four and eight hours. This includes the time it requires to pull records from other sites, if they have more than one site, and to present all vehicles. The school would then be responsible for ensuring that all items requested are available for inspection at the main enterprise office. For an online driver education program, it may take between one and two hours to pull the information together since it is available in electronic format. The online school would then be required to provide the department access to the data.

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

15. 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**

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

17. 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? No

However, an administrative action including a fine up to revocation or denial of application may occur should the enterprise fail to comply with 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

This rule requires the schools to provide specific documentation and/or items related to the training for the purpose of an inspection and/or investigation. The specific documentation may include student records, instructor records, and other items such as vehicles, and facilities used for training. The time it takes a school to prepare for an inspection is between four and eight hours. This includes the time it requires to pull records from other sites, if they have more than one site, and to present all vehicles. The school would then be responsible for ensuring that all items requested are available for inspection at the main enterprise office. For an online driver education program, it may take between one and two hours to pull the information together since it is available in electronic format. The online school would then be required to provide the department access to the data.

- 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 Restrictions (This section only applies to agencies indicated in R.C. 121.95 (A))**

**18. 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

4501-8-18

**Inspections and investigations.**

- (A) Every place used as an office or classroom by a driver training enterprise, except as provided in paragraph (B) of this rule, shall be subject to inspection and/or investigation by the director during reasonable hours. Inspections and investigations may include, but are not limited to, any and all records, facilities, classroom instruction, virtual classroom instruction, behind-the-wheel instruction, and vehicles used for behind-the-wheel instruction. The enterprise's authorizing official or the school's adult training coordinator shall make school records, student records, vehicles, and facilities required by this chapter available to the director for inspection. The adult training coordinator or authorizing official shall, upon the director's request, produce records for copying. Such records shall be promptly returned to the school.
- (B) An online enterprise shall be subject to inspections and/or investigations by the director during reasonable hours. Inspections and investigations may include, but are not limited to, all student records, training modules, information technology infrastructure, security measures and other aspects of the online abbreviated adult program. The director may inspect and/or investigate supporting documentation to include access to computer logs related to the inspection and/or investigation. If the technical support, application server host, or data storage facilities are located outside the state of Ohio, the authorizing official shall submit, upon request of the director, a report encompassing the rules of this chapter to meet the requirements in lieu of a state-conducted inspection and/or investigation of technical support, application server host, or data storage facilities. The authorizing official shall make school and student records required by this chapter available to the director online, in a password-protected environment, upon request.

Effective:

Five Year Review (FYR) Dates: 6/7/2022

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Certification

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Date

Promulgated Under: 119.03  
Statutory Authority: 4508.02, 4508.06  
Rule Amplifies: 4508.06  
Prior Effective Dates: 07/01/2016



## Rule Summary and Fiscal Analysis

### Part A - General Questions

**Rule Number:** 4501-8-21

**Rule Type:** Amendment

**Rule Title/Tagline:** Incorporated materials.

**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? Yes
  - A. What is the rule's five year review date? 6/7/2022
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. What are the reasons for proposing the rule?

This rule is being filed according to Section 106.03 ORC periodic rule review.

7. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.

The rule contains materials incorporated by reference .Updates have been made to material dates and website links.

8. Does the rule incorporate material by reference? Yes

9. **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 4501-8, upon written request submitted to the Driver Training Program Office or via the Driver Training Program website (<https://services.dps.ohio.gov/DETS>.)

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.

10. **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**

11. **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.

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

Not applicable.

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

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

15. 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**

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

17. 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 Restrictions (This section only applies to agencies indicated in R.C. 121.95 (A))**

18. 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

4501-8-21

**Incorporated materials.**

[Comment: For dates and availability of material incorporated by reference in this chapter, see paragraph (A) of this rule.]

(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) "24-hour Affidavit" or "BMV 5789" (April, 2016) may be accessed via the bureau of motor vehicles' website at ~~http://www.bmv.ohio.gov/forms-numerical.aspx~~<https://publicsafety.ohio.gov/static/bmv5789.pdf>.
- (2) "Abbreviated Adult Course Curriculum" or "DTO 0210" (August, 2017) is available through the driver training program office, 1970 West Broad street, Columbus, Ohio 43223.
- (3) "Abbreviated Adult Driver Training Enterprise Application" or form "DTO 0119" (February, 2016) may be accessed via the driver training program office website at <http://www.drivertraining.ohio.gov/forms.aspx> or electronically through the "Driver Education and Training System" at <https://services.dps.ohio.gov/DETS>.
- (4) "Abbreviated Adult Driver Training Instructor License Application" or form ""DTO 0121" (February, 2016) may be accessed via the Ohio driver training program website at <http://www.drivertraining.ohio.gov/forms.aspx> or electronically through the "Driver Education and Training System" at <https://services.dps.ohio.gov/DETS>.
- (5) "Abbreviated Adult Examination Questions Test Bank" 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."
- (6) "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>.
- (7) "Certificate of Completion of an Online Adult Program" is made available to licensed online enterprises, and may be accessed via the driver training program office on-line application database at <https://services.dps.ohio.gov/DETS>.

- (8) "Certificate of Classroom Completion" is made available to licensed driver training enterprises offering the abbreviated adult training course, and may be accessed via the driver training program office on-line application database at <https://services.dps.ohio.gov/DETS>.
  - (9) "Digest of Motor Vehicle Laws" or "HSY 7607" (~~December, 2015~~October, 2021) may be accessed via the bureau of motor vehicles' website at <http://www.ohiobmvt.gov/>.
  - (10) "Driver Training Personnel Physical Examination" or "DTO 0117" (~~March, 2017~~May, 2021) may be accessed via the driver training program office website at <http://www.drivertraining.ohio.gov/forms.aspx>.
  - (11) "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>.
  - (12) "Minimum Standards for an Online Abbreviated Adult Course" or form "DTO 0211" (February, 2016) may be accessed via the Ohio driver training program website at <http://www.drivertraining.ohio.gov/forms.aspx>.
  - (13) "Motor Vehicle Inspection List" or form "DTO 0142" (~~July, 2014~~March, 2021) may be accessed via the driver training program website at <http://www.drivertraining.ohio.gov/forms.aspx>.
  - (14) "Online Driver Education Security Assessment" or "DTO 0201" (~~July, 2014~~January, 2022) may be accessed via the driver training program office website at <http://www.drivertraining.ohio.gov/forms.aspx>.
  - (15) "Renewal requirements" are available through the driver training program's on-line application database at <https://services.dps.ohio.gov/DETS>.
  - (16) "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>.
  - (17) "Sexual Harassment Prevention Training" or "WBT650-DriversTraining" (September, 2014) may be accessed via the "Public Safety Training Campus" at <http://www.drivertraining.ohio.gov/>.
- (B) Materials incorporated by reference are also available by writing to the "~~Office of Criminal Justice Services~~Ohio Department of Public Safety, Driver Training Program, 1970 West Broad Street, Columbus, Ohio 43223."

Effective:

Five Year Review (FYR) Dates: 6/7/2022

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Certification

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Date

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|------------------------|------------------------|
| Promulgated Under:     | 119.03                 |
| Statutory Authority:   | 4508.02                |
| Rule Amplifies:        | 4508.02                |
| Prior Effective Dates: | 07/01/2016, 01/01/2018 |