

Date: Monday, May 2, 2022
Time: 9:00 a.m.
Location: Ohio Department of Public Safety
1970 West Broad Street, Room 1108
Columbus, Ohio 43223

The Ohio Department of Public Safety, Office of Criminal Justice Services-Motorcycle Ohio, pursuant to Chapter 119, Ohio Revised Code, will conduct a public hearing for the purpose of soliciting comments regarding the adoption, amendment and recession of rules.

The public hearing will be conducted on **Monday, May 2, 2022** beginning at **9:00 a.m.** in room 1108, located at 1970 West Broad Street, Columbus, OH 43223 and continue until all parties in attendance have had an opportunity to be heard.

The following rules are proposed for amendment to clarify and establish requirements:

- 4501-53-01 Definitions.
- 4501-53-03 Instructor qualifications for certification to teach.
- 4501-53-04 Instructor professional standards.
- 4501-53-05 Renewal of certification to teach.
- 4501-53-06 Private provider qualifications for certification of approval.
- 4501-53-07 Public provider qualifications for certification of approval.
- 4501-53-08 Provider inspections.
- 4501-53-09 Renewal of private provider certification of approval.
- 4501-53-11 Provider professional standards.
- 4501-53-12 Basic riding skills two.
- 4501-53-14 Basic riding skills for returning rider.
- 4501-53-15 Advanced riding skills.
- 4501-53-16 Materials incorporated by reference.

Persons affected by the proposed rules may appear at the hearing and be heard in person, or by an attorney, or both, or may present their position, argument, or contention in writing. Persons may offer and examine witnesses and present evidence to show that the proposed rules will be unreasonable or unlawful if enacted.

Requests for copies of the proposed rules and/or public comments may be submitted in person or by mail at the following address: Ohio Department of Public Safety, Office of Legal Services, Suite 531C, 1970 West Broad Street, Columbus, Ohio 43223, Telephone: (614) 466-5605, Email – rules@dps.ohio.gov. These rules may be accessed at [The Register of Ohio](#) search page or via the Department of Public Safety’s rules website (Bureau of Motor Vehicles tab under Proposed Rules & Public Hearings) at: <https://publicsafety.ohio.gov/wps/portal/gov/odps/what-we-do/administrative-rules-reviews>

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 4501-53-01

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?** 4/1/2022
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
- Koehler
3. **What statute is this rule being promulgated under?** 119.03
4. **What statute(s) grant rule writing authority?** 4508.08
5. **What statute(s) does the rule implement or amplify?** 4508.08, 9.79
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 motorcycle training providers. Terms have been updated and added based on current practices.

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

4501-53-01

Definitions.

[Comment: For dates and availability of material incorporated by reference in this rule, see rule 4501-53-16 of the Administrative Code.]

As used in this chapter

- (A) "Authorizing official" means any person who owns, or who maintains responsibility on behalf of an individual for, a corporation, business trust, estate, trust, partnership, or an association for the facilities, equipment, instructors, site coordinators, and other employees of a motorcycle training provider.
- (B) "Advanced riding skills" or "ARS" means the advanced rider course approved by the department.
- (C) "Basic riding skills" or "BRS" means the basic motorcycle training course approved by the department.
- (D) "Basic riding skills-returning rider" or "BRS-RR" means the basic rider course for the returning rider approved by the department.
- (E) "Basic riding skills-two" or "BRS-2" means the basic rider course for the experienced rider approved by the department.
- (F) "Chief instructor" means an instructor specially trained to perform the following duties: curricula development, conduct instructor preparation courses, conduct instructor refresher workshops, and instructor evaluations, to approve evaluate and paint ranges, and to conduct provider inspections.
- (G) "Lead Instructor Training Expert" or "LITE" specially trained by a Chief Instructor in the following duties: instructor evaluations, range evaluation and painting, instructor training and conduct provider inspections.
- ~~(G)~~(H) "Classroom" means any room within an approved training provider facility or under contract with a provider, in which students are taught motorcycle safety and education.
- ~~(H)~~(I) "Classroom instruction" means the portion of a motorcycle training course, in-person or virtual, devoted to teaching motorcycle knowledge which does not include the student's operation of a motorcycle.
- ~~(I)~~(J) "Completion ~~card~~certificate" means a ~~card~~certificate, created by the department, ~~that is~~ issued to students who have successfully complete~~completed~~ any approved motorcycle course through an approved training provider.

~~(J)~~(K) "Department" means the Ohio department of public safety.

~~(K)~~(L) "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.

~~(L)~~(M) "Motorcycle endorsement" means any ~~driver's~~driver license with a motorcycle endorsement.

~~(M)~~(N) "Instructor" means an individual certified by the department to teach motorcycle training courses approved by the department.

~~(N)~~(O) "Instructor of record" refers to the instructor hired by a training provider or the department to teach a given course and receive compensation for that course. An instructor volunteering ~~the instructor's~~their teaching services, unless assigned by the provider or department as an instructor, is not considered an instructor of record.

~~(O)~~(P) "Instructor preparation course" or "IPC" means a course of instruction to teach potential motorcycle instructors how to train the general public in motorcycle safety practices.

~~(P)~~(Q) "Motorcycle Ohio" or "MO" is the motorcycle safety and education program operated by the department as provided in section 4508.08 of the Revised Code.

~~(Q)~~(R) "Private provider" means any private organization or corporation approved by the department to train the general public in an approved motorcycle safety and education course.

~~(R)~~(S) "Provider" means both private provider and public provider.

~~(S)~~(T) "Public provider" or "grantee" means any public agency or recognized training facility contracted by the department to train the general public in an approved motorcycle safety and education course.

~~(T)~~(U) "Range" or "riding range" means an off-highway site designed for training riders that does not permit traffic to pass through the site during training.

~~(U)~~(V) "Range instruction" means a portion of ~~a~~an approved motorcycle training course devoted to teaching motorcycle skills which includes the student's operation of a motorcycle.

~~(V)~~(W) "Site coordinator" means a person designated by the authorized official of a motorcycle training provider to carry out orders and conduct the business and manage the provider's training program.

(X) "Curriculum and Training Specialist" means an instructor specially trained to perform the following duties: design, evaluate, approve and paint training ranges, curricula development, instructor training, and to conduct provider inspections.

(Y) "Proper riding gear" means a D.O.T. approved helmet, eye protection (a properly fitted face shield on a helmet, or a set of goggles, or a set of eye glasses), long sleeved shirt or jacket with no holes, full fingered sturdy gloves with no holes, full length sturdy pants with no holes, and sturdy over-the-ankle footwear.

(Z) "State Coordinator" means the motorcycle Ohio statewide coordinator.

(AA) "National Standards" means the "Model National Standards for Entry-Level Motorcycle Rider Training" developed by windwalker corporation and highway safety services LLC for the national highway traffic safety administration.

(BB) "Motorcycle temporary instruction permit identification card (TIPIC)" means a motorcycle operator learner's permit issued by a person's state of residence.

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

Effective:

Five Year Review (FYR) Dates: 4/1/2022

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 4508.08
Rule Amplifies: 4508.08, 9.79
Prior Effective Dates: 09/26/2003 (Emer.), 12/26/2003, 02/02/2006,
04/21/2011, 05/01/2016



Common Sense Initiative

Mike DeWine, Governor
Jon Husted, Lt. Governor

Sean McCullough, Director

Business Impact Analysis

Agency, Board, or Commission Name: [Ohio Department of Public Safety, Motorcycle Ohio](#)

Rule Contact Name and Contact Information:

[Joseph A. Kirk, Rules Coordinator, 614-466-5605, jakirk@dps.ohio.gov](#)

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

[4501-53 Motorcycle Safety and Education](#)

Rule Number(s): [Rules 4501-53-01 to 4501-53-16](#)

Date of Submission for CSI Review: [2/14/2022](#)

Public Comment Period End Date: [2/28/2022](#)

Rule Type/Number of Rules:

New/ ___ rules

No Change/ 2 rules (FYR? 2)

Amended/ 14 rules (FYR? 14)

Rescinded/ ___ rules (FYR? ___)

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

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Reason for Submission

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

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

The rule(s):

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

Regulatory Intent

2. Please briefly describe the draft regulation in plain language.
The Chapter regulates motorcycle training and instruction in Ohio.
3. Please list the Ohio statute(s) that authorize the agency, board or commission to adopt the rule(s) and the statute(s) that amplify that authority.
Section 4508.08 of the Ohio Revised Code.
4. Does the regulation implement a federal requirement? Is the proposed regulation being adopted or amended to enable the state to obtain or maintain approval to administer and enforce a federal law or to participate in a federal program?
If yes, please briefly explain the source and substance of the federal requirement.
Not applicable.
5. If the regulation includes provisions not specifically required by the federal government, please explain the rationale for exceeding the federal requirement.
Not applicable.
6. What is the public purpose for this regulation (i.e., why does the Agency feel that there needs to be any regulation in this area at all)?

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The regulations ensure instructors and providers provide uniform motorcycle training across Ohio and ensure public safety.

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

Motorcycle Ohio conducts on-site audits of providers and real time audits of instructors.

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

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

Not applicable.

Development of the Regulation

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

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

The rules were provided to the following stakeholders:

Mike Stock	Abate
Kolman Fuzy	Abate - Legislative Director
Heather Wilson	AMA
Andy McVey	BRP
Lorrie Laing	Cambridge Systematics
Mary Gilbert	CMA - Ohio State Coordinators
Rex Gilbert	CMA - Ohio State Coordinators
Robert Williams	GWRAA
Steffen Smith	Harley-Davidson Riding Academy
Steffen Smith	Harley-Davidson Riding Academy
Ben Kimmel	DPS Legislative Liaison
Art Hill	Motorcycle Ohio - Chief Instructor
Heather Wilson	Motorcycle Ohio - Chief Instructor
Rick Smith	Motorcycle Ohio - Chief Instructor
Susan Rzepka	Motorcycle Ohio - Chief Instructor
John LaRiccia	Motorcycle Ohio - Training Specialist
Carl "4-Wars" Carter	NABSTMC - Cleveland President
Alan "Stampede" Carter	NABSTMC - Columbus President
Terry "Crown Royal" Sims	NABSTMC - Dayton President
Sanford Washington	NABSTMC - National Buffalo Soldiers & Troopers
Earl "Tabono" Mack	NABSTMC - Toledo President

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Michelle May	ODOT
Patrick Vessels	OSHP
Robert Wakefield	OTSO
Bill Bish	Ridin' On Magazine
Annet Hix	SW4 US Army NG
Leon Winfrey	Total Control
Lee Parks	Total Control
MSG Gregory Jones	USArmy NG

Additionally, the rules were sent to all instructors and site coordinators.

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

Two comments were received.

Ken Gillissie stated that he believes that instructors should be required to actually ride the demo motorcycles on the course. Mr. Gillissie admits he knows this would be an increased burden on Motorcycle Ohio, but believes that if an instructor cannot ride the demos, they should not be teaching.

Motorcycle Ohio does not plan to implement this change as it would place an undue burden on both the Department and the instructors. Instructors must already currently take yearly training to keep up with current knowledge and best practices.

Susan Rzepka, TK Trainer, LLC, state that rules 4501-53-12 and 4501-53-14 should be aligned rule 4501-53-02 without specifying particular sections of the NHSTA Model National Standards for Entry Level Motorcycle Rider Training.

Motorcycle Ohio has updated rules 4501-53-12 and 4501-53-14 to remove references to particular sections of the National Standards. The National Standards are still incorporated by reference.

11. What scientific data was used to develop the rule or the measurable outcomes of the rule? How does this data support the regulation being proposed?

Trained riders are reported in the Ohio fatality reports at a disproportionately lower rate. Motorcycle Ohio reviews all crashes in Ohio on a weekly basis to determine the causes of the fatalities. The data is used to revise the course curriculum to help reduce the fatality rates in Ohio. The revisions made in 2019-2020 BRS and BRS-RR curriculum shows a decrease in serious injury for those that participate in training classes. Trained riders are 5% of the at-fault fatalities and 11.5% of the fatalities overall.

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- 12. What alternative regulations (or specific provisions within the regulation) did the Agency consider, and why did it determine that these alternatives were not appropriate? If none, why didn't the Agency consider regulatory alternatives?**

No alternative regulations are available.

- 13. Did the Agency specifically consider a performance-based regulation? Please explain.**
NHSTA Model National Standards for Entry Level Motorcycle Rider Training is the template for state motorcycle training and testing.

Performance-based regulations define the required outcome, but don't dictate the process the regulated stakeholders must use to achieve compliance.

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

RegExplorer was used to review the Ohio Revised Code and the Ohio Administrative code. This ensured that the Department of Public Safety was the only agency that had the statutory authority to regulate a motorcycle safety and education program.

- 15. Please describe the Agency's plan for implementation of the regulation, including any measures to ensure that the regulation is applied consistently and predictably for the regulated community.**

Updates are regularly published through the Motorcycle Ohio website.

Mandatory instructor updates, Motorcycle Ohio staff support and provider updates. Updates for instructors will be provided at the mandated annual instructor workshop and through communication through Motorcycle Ohio and ODPS training campus. Updates for providers will be provided at the mandated semi-annual meetings and through communication through Motorcycle Ohio and ODPS training campus in addition to the Motorcycle Ohio quality assurance site visits.

Adverse Impact to Business

- 16. Provide a summary of the estimated cost of compliance with the rule. Specifically, please do the following:**

- a. **Identify the scope of the impacted business community; and**
The impacted business community includes instructors, private providers and grantees.
- b. **Identify the nature of all adverse impact (e.g., fees, fines, employer time for compliance,); and**

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The adverse impact is in the cost of fees, as instructors are required to pay a \$100 fee for the instructor preparation class. An Ohio BCI and FBI background check run approximately \$45-60.

c. Quantify the expected adverse impact from the regulation.

The adverse impact can be quantified in terms of dollars, hours to comply, or other factors; and may be estimated for the entire regulated population or for a “representative business.” Please include the source for your information/estimated impact.

4501-53-01 Definitions

Definition rule, no adverse impact on business. Definitions updated.

4501-53-02 Basic riding skills.

Describes requirements for basic riding skills for new riders. Curriculum must be approved by Motorcycle Ohio. Establishes instruction ratios of one instructor for twenty four students in the classroom, and one instructor for six students on the range,

4501-53-03 Instructor qualification or certification to teach.

Requires completion of the “Instructor Candidate Questionnaire” as well as a criminal background check. Additionally requires a current first aid card and current adult CPR card.

4501-53-04 Instructor professional standards.

Requires reporting to motorcycle Ohio within fourteen days, an occurrence in a moving violation. Additionally requires a current first aid card and current adult CPR card.

4501-53-05 Renewal of certification to teach.

Requires completion of the “Motorcycle Ohio Instructor Renewal Application” as well as a criminal background check upon request.

4501-53-06 Private provider qualification or certification of approval.

Requires course providers to use an instructor certified by Motorcycle Ohio. Requires completion of the “Motor Cycle Ohio Private Provider Application” as well as a criminal background check. Establishes requirements for offices, classrooms and ranges and curriculum standards for the effective operation of a motorcycle training course.

4501-53-07 Public provider qualification for certification of approval.

Requires course providers to use an instructor certified by Motorcycle Ohio. Requires completion of the “Motor Cycle Ohio Public Provider Application” as well as a criminal background check. Establishes requirements for offices, classrooms and ranges and curriculum standards for the effective operation of a motorcycle training course.

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4501-53-08 Provider inspections.

States that providers facilities may be inspected as reasonable times, and that records must be made accessible to the Department of Public safety.

4501-53-09 Renewal of private provider certification of approval.

Requires completion of the “Motorcycle Ohio Private Provider Application” renewal and possibly a criminal background check.

4501-53-10 Administrative actions

Specifies the manner in which the Department may adjudicate discipline for violations of Chapter 4508. of the Revised Code, or Chapter 4501-53 of the Administrative Code.

4501-53-11 Provider professional standards.

States professional standards that instructors and course providers must maintain; adverse impact realized only if a provider has a violation of Chapter 4508. of the Revised Code, or Chapter 4501-53 of the Administrative Code.

4501-53-12 Basic riding skills two.

Describes requirements for basic riding skills 2 for riders. Curriculum must be approved by Motorcycle Ohio. Establishes instruction ratio of one instructor for 6 students on the range,

4501-53-13 Private provider insurance

States insurance levels that private providers must call for motorcycles provided for instruction. No-change.

4501-53-14 Basic riding skills for returning rider.

Establishes requirement for a course for riders returning to the motorcycle operation after time away. Establishes instructor to student ratio of one instructor to twenty-four students.

4501-53-15 Advanced riding skills.

Establishes requirements for a course for advanced riding skills. The majority of this courses requirements are incorporated by reference in the Motorcycle Ohio Policy and Procedure Manual.

4501-53-16 Materials incorporated by reference.

Provides the availability of materials incorporated by reference. No adverse impact on business.

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

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The rule chapter allows Motorcycle Ohio to meet its mandate of public protections with minimal business impact and helps to reduce the cost of crash burden in Ohio. Graduates of Motorcycle Ohio safety programs are statistically shown to be safer riders.

Regulatory Flexibility

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

The nature of the business does not provide exemptions or alternative means of compliance.

19. How will the agency apply Ohio Revised Code section 119.14 (waiver of fines and penalties for paperwork violations and first-time offenders) into implementation of the regulation?

ORC Section 119.14 does not apply as there are no penalties for paperwork violations, and Motorcycle Ohio does not have the ability fine.

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

The Motorcycle Ohio staff is available to assist providers, instructors and students upon request. The Motorcycle Ohio website is also regularly updated with relevant information.



Common Sense Initiative

Mike DeWine, Governor
Jon Husted, Lt. Governor

Sean McCullough, Director

MEMORANDUM

TO: Joseph Kirk, Ohio Department of Public Safety

FROM: Sean McCullough, Business Advocate

DATE: March 15, 2022

RE: **CSI Review – Motorcycle Safety and Education (OAC 4501-53-01 to 4501-53-16)**

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

Analysis

This rule package consists of 14 amended and two no-change rules proposed by the Ohio Department of Public Safety (Department). This rule package was submitted to the CSI Office on February 14, 2022, and the public comment period was held open through February 28, 2022. Unless otherwise noted below, this recommendation reflects the version of the proposed rules filed with the CSI Office on February 14, 2022.

The rules in this package outline the requirements of motorcycle training and instruction in this state. The rules include course and curriculum requirements, student to instructor ratios, instructor credentials and certification requirements, course provider inspections, instructor and provider certification renewal, insurance requirements, among others. All 16 are being filed pursuant to the five-year rule review requirement.

The Department provided the draft rules to course providers and instructors in this state for purposes of early stakeholder outreach. The Department received two comments. The first stated that instructors should be required to ride the provider courses before providing instruction. The Department responded that this would require additional and undue burden on the Department and

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the instructors, and that current credentialing and certification requirements provide for proper training. The second required that the rules be amended to align with national standards. The Department responded by removing unnecessary references and reinforming the commenter that the relevant national standards remain incorporated by reference. The remaining update and clarify language. No comments were received during the CSI comment period.

The business community affected by the rules include providers and instructors. Adverse impacts include the fees associated with background checks (\$45-69), and the instructor prep class fee (\$100). Other impacts include limitations on student to instructor ratios, CPR credentialing, curriculum standards, instructor certification, records maintenance, and insurance requirements. The Department states that the adverse impacts of these rules are justified as they reduce the motorcycle crash rates in this state while using the most minimal impactful methods to businesses.

Recommendations

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

Conclusion

The CSI Office concludes that the Ohio Department of Public Safety should proceed in filing the proposed rules with the Joint Committee on Agency Rule Review.



**Department of
Public Safety**

Mike DeWine, Governor
Jon Husted, Lt. Governor

Thomas J. Stickrath, Director
Robin McGuire Rose, Chief Legal Counsel

March 21, 2022

Sean McCullough, Director
Office of Lt. Governor Jon Husted
Common Sense Initiative Office
77 South High Street, 30th Floor
Columbus, OH 43215

Dear Mr. McCullough,

Thank you for your review of the business impact analysis for the proposed revisions to Ohio Administrative Code Chapter 4501-53 (Motorcycle Ohio.) The Ohio Department of Public Safety, has received and read your review recommendations and conclusions. The Department understands that CSI has no additional recommendations.

The Department intends to formally file Chapter 4501-53, and all required materials, with the Joint Committee on Agency Rule Review, the Legislative Service Commission, and the Secretary of State by the end of March 2022

Sincerely,

Joseph A. Kirk
Rules Coordinator

cc: Michele Piko, State Administrator Driver Education and Training.
Ashleigh Henry, Legal Counsel

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 4501-53-02
Rule Type: Amendment
Rule Title/Tagline: Basic riding skills.
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?** 4/1/2022
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?** 4508.08
5. **What statute(s) does the rule implement or amplify?** 4508.08
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 establishes training standards for entry level motorcycle operation in the basic riding skills class (BRS). The rule has general clean up base on current practice.

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?** Yes

This rule, in and of itself does not require prior authorization to engage in or operate a line of business; however, it is part of a filing package that does, as some provisions in Chapter 4501 of the Revised Code require private providers of motorcycle training to obtain and maintain the appropriate certification prior to engaging in motorcycle training.

- 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?** 1
- Paragraph (K)- "The provider 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.**

4501-53-02

Basic riding skills (BRS).

[Comment: For dates and availability of material incorporated by reference in this rule, see rule 4501-53-16 of the Administrative Code.]

- (A) The basic riding skills (BRS) curriculum and sequence shall be validated by motorcycle Ohio and approved by the director and shall, at a minimum ~~meet~~ include instruction based upon the national standards for entry level motorcycle operation, and instill in the student, the knowledge, attitudes and skills necessary for the safe operation of a motorcycle on the roadway, ~~and include instructions relating to rider responsibility, the use of protective gear, distractions, and the effects and dangers of alcohol and other drugs on the operation of motorcycles.~~
- (B) The content and organization of the ~~basic riding skills BRS~~ course shall be based upon the national standards ~~documented research that have been shown to be effective in providing safety training in accordance with the "Model National Standards for Entry-Level Motorcycle Rider Training."~~ The ~~and the~~ course curriculum and requirements will be formalized in the motorcycle Ohio policy and procedure manual.
- (C) The course shall include a ~~knowledge test~~ rider review and an on-cycle skills test approved by the director ~~and administered by the motorcycle Ohio coordinator.~~
- (D) The BRS shall have the following instructor to student ratio:
- (1) Classroom - one instructor may teach a maximum of twenty-four registered students;
 - (2) Range - one instructor may instruct no fewer than two students nor more than six students on motorcycles. Two instructors shall instruct no more than twelve students on motorcycles;
 - (3) The maximum capacity for on-cycle instruction is twelve students.
- (E) Students shall have a valid TIPIC ~~temporary instruction motorcycle identification card (TIPIC)~~, a motorcycle endorsement, or a motorcycle-only license prior to participating in range instruction.
- (F) Unless otherwise approved by the department, the BRS shall use training motorcycles provided by the provider with one hundred cc to five hundred cc engine displacement.
- (G) Each student shall be assigned their own motorcycle for the purpose of range exercises.
- (H) Every student participating in the BRS range instruction must wear proper riding gear, ~~which includes helmet and eye protection that is in compliance with Chapter 4501-17~~

~~of the Administrative Code, sturdy over-the-ankle footwear, long-sleeved shirt or jacket, sturdy full-length pants without holes or tears, and full-fingered gloves.~~

- (I) Students successfully completing the BRS shall be issued a completion certificate~~card~~ as referenced in rule ~~4501-53-01~~ of the Administrative Code for the purpose of course verification.
- (J) Upon completion of the BRS, the provider shall submit, electronically, to the department, ~~a student report form and any other~~ course paperwork as requested by the department including a properly signed course waiver, and retained on file for three years.
- (K) ~~The provider shall obtain a properly signed course waiver (MOP #0036) from each course participant and retain the waiver on file for three years.~~

Effective:

Five Year Review (FYR) Dates: 4/1/2022

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 4508.08
Rule Amplifies: 4508.08
Prior Effective Dates: 09/26/2003 (Emer.), 12/26/2003, 02/02/2006,
04/21/2011, 05/01/2016

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 4501-53-03

Rule Type: Amendment

Rule Title/Tagline: Instructor qualifications for certification to teach.

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? 4/1/2022**
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 - Koehler**
3. **What statute is this rule being promulgated under? 119.03**
4. **What statute(s) grant rule writing authority? 4508.08**
5. **What statute(s) does the rule implement or amplify? 4508.08**
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 instructor qualification for certificate to teach. The rule is generally updated to current terminology and practice. Additionally, changes have been made

throughout due to the enactment of House Bill 263 of the 133rd General Assembly dealing with bars to licensure based on criminal convictions.

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 4501-53-16 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 cost of the instructor preparation class is \$100, and the the cost of of the Ohio BCI and FBI background check run approximately \$45-60.

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 fee provides for materials and staff time to conduct the courses.

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

The rule deals with the authorization for the Department to certify an individual to teach the Basic Riding Skills motorcycle training class.

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 meet the rule criteria or respond to background checks will result in the denial of certificate.

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

Those applying must complete the candidate questionnaire. The cost of the instructor preparation class is \$100, and the the cost of of the Ohio BCI and FBI background check run approximately \$45-60.

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

(A)(6) second sentence - " No applicant shall..."

B. How many existing regulatory restrictions do you propose removing from this rule? 2

Stem (A)(8)(b) - "(A) An applicant shall..... (8): (b)..."

Stem (A)(8)(c) - "(A) An applicant shall....: (8) ...: (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.**

4501-53-03

Instructor qualifications for certification to teach.

[Comment: For dates and availability of material incorporated by reference in this rule, see rule 4501-53-16 of the Administrative Code.]

(A) ~~The department~~An applicant shall meet the following conditions to be certified~~certify an individual to teach the BRS if the individual meets the following conditions:~~

- (1) Submits a completed ~~"Motorcycle Ohio Instructor Candidate Application"~~"Instructor Candidate Questionnaire" to the department. No applicant shall submit an ~~application~~instructor candidate questionnaire that contains false or misleading information;
- (2) Possesses a high school diploma or GED;
- (3) ~~Possesses~~Upon certification possess a current first aid card, a current adult CPR card or equivalent, and an evaluation of skills performance as formalized in the motorcycle policy and procedure manual;
- (4) Is currently an experienced motorcycle operator, licensed for at least three years preceding the date of the ~~application~~instructor candidate questionnaire with a valid motorcycle endorsement, and currently rides a motorcycle on a regular basis;
- (5) Has 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 equivalent convictions from another jurisdiction, within the three years preceding the date of application;
 - (c) An accumulation of six or more points under Chapter 4510. of the Revised Code, or equivalent action from another jurisdiction, within the three years preceding the date of application;
 - (d) A twelve-point administrative action under section 4510.037 of the Revised Code, or equivalent action from another jurisdiction, within the ten years preceding the date of application;
 - (e) A suspension and/or conviction under section 4511.19 of the Revised Code, or equivalent conviction from another jurisdiction, within ~~ten~~five years preceding the date of application.

- (6) ~~Successfully completes~~ After successful completion of an instructor preparation course approved by the director and conducted by motorcycle Ohio, the candidate completes and submits an instructor candidate application. No applicant shall submit an application that contains false or misleading information;
- (7) Upon request, submits a request to the bureau of criminal identification and investigation to conduct a criminal records check and requests the bureau of criminal identification and investigation obtain information from the federal bureau of investigation as part of the criminal records check. The criminal records check shall not be dated more than ~~forty-five~~ninety days from the request;
- (8) Has not been convicted of, pled guilty to, had a judicial finding of guilt for, or had a judicial finding of eligibility for treatment in lieu of conviction for a disqualifying offense, ~~any of the following:~~
- (a) ~~Any felony, unless the felony conviction occurred more than ten years preceding the date of application and the felony conviction is not reasonably related to a person's ability to serve safely and honestly in connection with a motorcycle training course;~~
 - (b) ~~A misdemeanor of the first or second degree, unless the misdemeanor conviction occurred more than five years preceding the date of application, and the misdemeanor conviction is not reasonably related to a person's ability to serve safely and honestly in connection with a motorcycle training course;~~
 - (c) ~~Any act committed in another state or jurisdiction that, if committed in Ohio, would constitute a violation set forth in this paragraph.~~
- (9) Has not been adjudicated mentally incompetent, or been found not guilty by reason of ~~insanity~~insanity by a court of law;
- (10) Does not engage in the illegal use of controlled substances, alcohol, or other habit-forming drugs or chemical substances while performing the duties of a motorcycle instructor;
- (11) Has not committed fraud or material deception in applying for, or obtaining, certification to teach under this chapter;
- (12) Upon request, provides an original signed statement from the applicant's physician, on the physician's letterhead, or completion of the instructor physical

examination form provided by motorcycle Ohio, certifying that the applicant is mentally and physically capable of providing motorcycle safety instruction; and

- (13) The individual meets all standards set forth in rule 4501-53-04 of the Administrative Code.
- (B) In addition to meeting the requirements in paragraphs (A)(1) to (A)(6) and (A)(8) to (A)(13) of this rule, motorcycle instructors certified by another state or military motorcycle safety program whose basic rider training curriculum has been shown to be in accordance with the national standards set forth in rule 4501-53-16 of the Administrative Code, shall successfully complete a special ~~MO~~motorcycle Ohio training session conducted by an ~~MO~~motorcycle Ohio chief instructor.
- (C) The department may access or request an applicant's driving record to verify that the applicant meets the requirements of this rule.
- (D) The department may observe and evaluate all aspects of the conduct of any course.
- (E) An individual's certification to teach shall expire on ~~November thirtieth~~December thirty-first of the year of certification, and may be renewed annually upon application to the department pursuant to rule 4501-53-05 of the Administrative Code.
- (F) The department may certify an individual to teach curricula approved by the director~~the BRS, BRS-2, BRS-RR, and/or ARS~~ if the individual meets the conditions of paragraphs (A)(1) to (A)(6) and (A)(8) to (A)(13) of this rule and the individual attends and successfully completes a course specific workshop or training course provided by the department.

Effective:

Five Year Review (FYR) Dates: 4/1/2022

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 4508.08
Rule Amplifies: 4508.08
Prior Effective Dates: 09/26/2003 (Emer.), 12/26/2003, 02/02/2006,
04/21/2011, 05/01/2016

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 4501-53-04

Rule Type: Amendment

Rule Title/Tagline: Instructor professional standards.

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?** 4/1/2022
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?** 4508.08
5. **What statute(s) does the rule implement or amplify?** 4508.08
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 professional standards for instructors. General changes to terms and current practices have been made.

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

Failure to meet the rule criteria may result in administrative adjudication up to and including revocation of teaching certificate.

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

The rule establishes professional standards that instructors must meet. Upon request of Motorcycle Ohio, instructors may be required to show proof of adherence to standards.

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

4501-53-04

Instructor professional standards.

[Comment: For dates and availability of material incorporated by reference in this rule, see rule 4501-53-16 of the Administrative Code.]

Each instructor certified to teach pursuant to this chapter shall maintain and convey the following professional standards:

- (A) Provide training that conforms to standards of the current curriculum approved by the director;
- (B) Wear proper riding gear while traveling to, from, and during teaching ~~MO~~ motorcycle Ohio courses, attending ~~MO~~ motorcycle Ohio functions, or whenever any ~~MO~~ motorcycle Ohio logo clothing is worn. ~~Proper riding gear includes helmet and eye protection that is in compliance with Chapter 4501-17 of the Administrative Code, sturdy over-the-ankle footwear, long-sleeved shirt or jacket, sturdy full-length pants without holes or tears, and full-fingered gloves;~~
- (C) Maintain an alcohol-free and drug-free course environment;
- (D) Conduct themselves in a professional manner in the provision of motorcycle training, including appearance and behavior;
- (E) Shall comply with all applicable state and federal laws that prohibit discrimination based upon race, color, religion, sex, age, handicap, disability, ancestry, or national origin;
- (F) Provide instruction within the scope of the instructor's certification to teach in accordance with this chapter;
- (G) Consistently demonstrate a standard of knowledge and competency that at least meets the minimal level required under the instructor's certification to teach;
- (H) Report to motorcycle Ohio any suspicion or knowledge of a violation of this chapter or the failure of any motorcycle training provider, or instructor to conform to the rules of this chapter;
- (I) Report to motorcycle Ohio in writing within ~~ten~~ fourteen days of the occurrence of any of the following events;
 - (1) The instructor receives a moving traffic violation;
 - (2) The instructor is involved in a chargeable crash;
 - (3) The instructor is convicted of an offense that assesses points against the instructor's driver's license;

- (4) The instructor receives any license suspension, cancellation, or revocation;
- (5) The instructor is convicted of any ~~criminal~~ disqualifying offense ~~listed in this chapter;~~
- (J) Abstain from misrepresenting the instructor's professional qualifications or credentials or committing fraud in conducting a motorcycle training course or in obtaining certification to teach;
- (K) Abstain from conducting private motorcycle training for compensation on public streets and highways;
- (L) Complete additional BRS, BRS-RR, BRS-2, or ARS or other instructor training as requested by the department, including the annual instructor workshop;
- (M) Maintain a current first aid card and a current adult CPR card as described in rule 4501-53-03 of the Administrative Code. Present valid, dated cards upon request. Sign the annual renewal application verifying the validity of first aid and adult CPR cards.
- (N) Instructors certified under this chapter shall ~~be of~~ maintain good character and reputation and an environment conducive to learning.

Effective:

Five Year Review (FYR) Dates: 4/1/2022

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 4508.08
Rule Amplifies: 4508.08
Prior Effective Dates: 09/26/2003 (Emer.), 12/26/2003, 02/02/2006,
04/21/2011, 05/01/2016

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 4501-53-05

Rule Type: Amendment

Rule Title/Tagline: Renewal of certification to teach.

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?** 4/1/2022
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?** 4508.08
5. **What statute(s) does the rule implement or amplify?** 4508.08
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 renewal of certification to teach motorcycle training.

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 4501-53-16 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?**

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.**

The rule states the requirements for renewal of instructor certification, including the application, fee; In addition, items like physician's statements and background checks may be required upon request.

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

The rule establishes requirements for renewal of an instructor certification.

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 meet the rule criteria may result in non-renewal of teaching certificate.

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

The rule states the requirements for renewal of instructor certification, including the application, fee; In addition, items like physician's statements and background checks may be required upon request.

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 apply? 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 (A) - "An instructor shall provide..."

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.

Restrictions are removed from rule 4501-53-15.

4501-53-05

Renewal of certification to teach.

[Comment: For dates and availability of material incorporated by reference in this rule, see rule 4501-53-16 of the Administrative Code.]

- (A) Each instructor seeking renewal of the instructor's certification to teach shall, within ~~thirty~~forty-five days of the expiration date of the current certification period, submit to the department a completed "Motorcycle Ohio Instructor Renewal Application."
- (B) Renewal applications received more than ~~thirty~~forty-five days after the expiration date of the last certification period shall not be considered valid, and the applicant shall complete a new application in accordance with rule 4501-53-03 of the Administrative Code.
- (C) The application for renewal shall be signed, dated, and shall contain a statement affirming that the applicant meets the requirements for certification to teach set forth in this chapter.
- (D) ~~The department~~An instructor shall meet the following to renew a certification to teach issued under this chapter for any instructor who meets the following:
- (1) Satisfies the requirements for certification to teach as set forth in rules 4501-53-03 and 4501-53-04 of the Administrative Code;
 - (2) Has taught in Ohio and specifically for the ~~MO~~motorcycle Ohio program for a public provider, a minimum of two BRS motorcycle safety courses during the most recent certification period. This requirement may be waived or modified for good cause upon approval of the department.
 - (3) Upon request, and within ~~forty-five~~ninety days of the request, submits to the bureau of criminal identification and investigation a request to conduct a criminal records check and request the bureau of criminal identification and investigation obtain information from the federal bureau of investigation as part of the criminal records check.
- (E) In addition to the requirements listed in paragraph (D) of this rule, a BRS -2 or BRS-RR instructor shall also, within the past three years, have taught at least ~~one~~two BRS-2 or BRS-RR or attended a BRS-2 or BRS-RR update provided by the department.
- (F) To be eligible for ARS recertification, an instructor must maintain BRS certification and have conducted at least one ARS in the two-year period of ARS certification.
- (G) Upon request, ~~provides an instructor shall provide~~ an original signed statement from the ~~applicant's~~instructor's physician, on the physician's letterhead or completion of the "Instructor Physical Examination" form provided by motorcycle Ohio, certifying that

the ~~applicant~~instructor is mentally and physically capable of providing motorcycle safety instruction.

- (H) If the instructor was decertified due to an administrative procedure process of section 119.01 of the Revised Code, the instructor must wait a period of one year from the date of decertification in order to reapply.

Effective:

Five Year Review (FYR) Dates: 4/1/2022

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 4508.08
Rule Amplifies: 4508.08
Prior Effective Dates: 09/26/2003 (Emer.), 12/26/2003, 03/24/2006,
04/21/2011, 05/01/2016

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 4501-53-06

Rule Type: Amendment

Rule Title/Tagline: Private provider qualifications for certification of approval.

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?** 4/1/2022
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
- Koehler
3. **What statute is this rule being promulgated under?** 119.03
4. **What statute(s) grant rule writing authority?** 4508.08
5. **What statute(s) does the rule implement or amplify?** 4508.08
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 private provider qualification for certification approval. General changes have been made throughout based on current practice and terms. Additionally, changes have been made throughout due to the enactment of House Bill

263 of the 133rd General Assembly dealing with bars to licensure based on criminal convictions.

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 4501-53-16 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 cost of the instructor preparation class is \$100, and the the cost of of the Ohio BCI and FBI background check run approximately \$45-60.

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 fee provides for materials and staff time to conduct the courses.

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

The rule establishes requirements to be a private provider of motorcycle instruction.

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 meet the rule criteria may result in denial of certification of approval.

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

The rule requires the completion of the approval as a private provider of motorcycle education, payment of the application fee, and office/range space which will vary from provider to provider.

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

Though the business may have to pay to become certified, they will then increase their revenue by being able to provide private instruction.

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? 1

Paragraph (C)(2)(b) stem - "(C)(2) ... shall be denied if...(a)

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

4501-53-06

Private provider qualifications for certification of approval.

[Comment: For dates and availability of material incorporated by reference in this rule, see rule 4501-53-16 of the Administrative Code.]

- (A) All motorcycle training courses taught pursuant to section 4508.08 of the Revised Code shall be taught through an approved provider by an instructor certified to teach under this chapter.
- (B) Any person connected in any manner with a private provider, including but not limited to an owner, partner, site coordinator, instructor, or ~~authorized~~authorizing official, shall maintain a~~be of~~ good character and reputation and an environment conducive to learning.
- (C) A private agency, corporation, or organization seeking to become an approved private provider shall submit a completed "Motorcycle Ohio Private Provider Application" to the department, ~~that~~which demonstrates compliance with this rule.
- (1) No authorizing official shall submit an application that contains false or misleading information;
- (2) The site coordinator shall submit with the application a criminal records check from the bureau of criminal identification and investigation and request that the bureau of criminal identification and investigation obtain information from the federal bureau of investigation as part of the criminal records check. The criminal records check shall not be dated more than ~~sixty~~ninety days prior to the date the director received the application. The application shall be denied if the site coordinator has been convicted of a disqualifying offense.
- ~~(a) Any felony, unless the felony conviction occurred more than ten years preceding the date of application, and the conviction is not reasonably related to a person's ability to serve safely and honestly in connection with a motorcycle training course.~~
- ~~(b) Any misdemeanor of the first or second degree, unless the conviction occurred more than five years preceding the date of application, and the conviction is not reasonably related to a person's ability to serve safely and honestly in connection with a motorcycle training course.~~
- (3) If there is no designated site coordinator, the authorizing official must submit such criminal records check.
- (D) ~~The department~~An applicant shall ~~issue~~meet the following requirements to receive a private provider certification of approval ~~to~~for any ~~applicant who demonstrates~~

~~that the motorcycle training course for which it seeks approval meets the following requirements:~~

- (1) The established place of business is owned, leased, or rented by the private provider;
- (2) A private provider maintains at least one fixed geographic location in which a training site is operated and where training is conducted, at least one office in a fixed geographic location where records are maintained, and at least one classroom where students are instructed:
 - (a) The use of a mobile or modular structure as a training facility is prohibited unless the structure is installed on a permanent foundation;
 - (b) Neither a private provider nor its office shall consist of a house trailer, tent, temporary stand, post office box, rooming house, or apartment;
 - (c) Neither a private provider nor its office shall be located within a residence or a room in a hotel or motel;
 - (d) No private provider may share any office or classroom with any other provider unless the same person owns both.
 - (e) All private provider offices, classrooms and ranges shall be located within the state of Ohio.
- (3) The private provider's office meets the following standards:
 - (a) Has access to a computer with internet, printer, and e-mail.
 - ~~(a)(b)~~ Has adequate space ~~and computer systems~~ to securely maintain the required records for four years;
 - ~~(b)(c)~~ Has a permanent wall of sufficient construction to prevent distractions and noise in the classroom. If no permanent wall exists, the office shall remain closed for business during classroom instruction;
 - ~~(e)(d)~~ Is located in the same county as, or in a county adjacent to, the provider for which student records are being stored.
- (4) The private provider's classroom meets the following standards:
 - (a) Comfortably accommodates at least twelve students and two instructors, and has sufficient space to contain tables and chairs or desks for all students;

- (b) Is equipped with a variety of audio and visual training aids that support the approved course curriculum;
 - (c) Is reasonably free of visible and audible distractions and presents an atmosphere adequate for learning;
 - (d) Has a clean and functional restroom that is available for student use within its facility;
 - (e) Conforms to all federal, state, and local fire, building, and safety regulations; ~~including having a fire extinguisher and first aid kit available on the riding range during exercises.~~
- (5) Range instruction occurs on a suitable riding range, owned or leased by the provider, which shall consist of the following:
- (a) A surface of asphalt or concrete approximately two hundred feet by three hundred feet in size, which is free from obstructions, loose gravel and debris, is capable of being blocked off from all vehicular and pedestrian traffic, and is marked to provide a clear path of travel for the students and visible cone positions for the instructor and includes having a fire extinguisher and first aid kit available n the riding range during exercises..
 - (b) All ranges must be approved by motorcycle Ohio and in no case shall provide less than fifty-six linear feet per student.
- (6) The private provider assumes responsibility, or designates such responsibility to a site coordinator, for the following:
- (a) Administration and operation of the motorcycle training course;
 - (b) Ongoing review and evaluation of the course content, instructors, and student performance;
 - (c) Assignment of instructors and scheduling of program courses;
 - (d) Preparation or approval of all documents required or requested to be submitted to the department;
 - (e) Assuring the adequacy of all course training materials.
 - (f) Assuring the safe operating condition of all motorcycles used by students in the BRS, BRS-2, BRS-RR, ARS and any other curriculum approved by the director.

- (7) The course meets the curriculum requirements as set forth in this chapter;
- (8) The private provider has a sufficient number of motorcycle Ohio certified ~~BRS, BRS-2, BRS-RR, and ARS~~ instructors to ensure that instructor-to-student ratios for all courses, taught at their facility, comply with this chapter;
- (9) The private provider submits written course policies and procedures for the director's approval, including all of the following:
 - (a) Curriculum listed by topics;
 - (b) Instructor requirements;
 - (c) Student/teacher ratio;
 - (d) Insurance provider and limits in compliance with rule 4501-53-13 of the Administrative Code.
 - (e) Attendance requirements;
 - (i) Tardiness;
 - (ii) Course completion;
 - (iii) Make-up.
 - (f) American with ~~Disabiles~~Disabilities Act of 1990 policy administration;
 - (g) Registration;
 - (i) Refund;
 - (ii) Walk-in.
 - (h) Use of student-owned motorcycles in the BRS BRS-RR, BRS-2, and ARS and any other curriculum approved by the director;
 - (i) Record keeping;
 - (j) Course evaluation;
 - (k) Student eligibility requirements;
 - (l) Harassment and discrimination policies;

(m) Complaint procedures;

(n) Private provider instructor code of conduct.

(E) A certificate of approval issued under this rule shall expire on December thirty-first of the year the certificate is issued and may be renewed annually upon application to the department pursuant to rule 4501-53-09 of the Administrative Code.

Effective:

Five Year Review (FYR) Dates: 4/1/2022

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 4508.08
Rule Amplifies: 4508.08
Prior Effective Dates: 09/26/2003 (Emer.), 12/26/2003, 02/02/2006,
04/21/2011, 05/01/2016

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 4501-53-07

Rule Type: Amendment

Rule Title/Tagline: Public provider qualifications for certification of approval.

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?** 4/1/2022
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?** 4508.08
5. **What statute(s) does the rule implement or amplify?** 4508.08
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 required information for provider qualification for certification of approval. Changes are made for continuity with the rest of the chapter.

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?**

Background check costs are estimated at \$45-69.

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 meets the rule criteria may result denial of public provider certificate of approval.

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

A public provider must submit with their grant application as well as a criminal background check.

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

4501-53-07

Public provider qualifications for certification of approval.

[Comment: For dates and availability of material incorporated by reference in this rule, see rule 4501-53-16 of the Administrative Code.]

- (A) All motorcycle training courses taught pursuant to section 4508.08 of the Revised Code must be taught through an approved provider by an instructor certified to teach under Chapter 4501-53 of the Administrative Code.
- (B) Any person connected in any manner with a public provider, including but not limited to an owner, partner, site coordinator, instructor, or authorized official, shall ~~be~~maintain ~~a~~of good character and reputation and an environment conducive to learning.
- (C) To become an eligible public provider, a public agency or recognized training facility must follow state procurement procedures, including grant application procedures, as administered by the department.
- (1) No authorizing official shall submit a grant application that contains false or misleading information;
- (2) The authorizing official shall submit upon request, ~~with the grant application~~ a criminal records check from the bureau of criminal identification and investigation and request the bureau of criminal identification and investigation obtain information from the federal bureau of investigation as part of the criminal records check. The criminal records check shall not be dated more than ~~sixty~~ninety days ~~prior to the date the director receives from the request~~grant application.
- (D) All public provider offices, classrooms and ranges shall be located within the state of Ohio.
- (E) A certification of approval issued under this rule shall expire on December thirty-first of the calendar year in which the grant was approved.

Effective:

Five Year Review (FYR) Dates: 4/1/2022

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 4508.08
Rule Amplifies: 4508.08
Prior Effective Dates: 02/02/2006, 04/21/2011, 05/01/2016

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 4501-53-08

Rule Type: Amendment

Rule Title/Tagline: Provider inspections.

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?** 4/1/2022
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?** 4508.08
5. **What statute(s) does the rule implement or amplify?** 4508.08
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 provider inspections by the Department.

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

Failure to meets the rule criteria in this chapter may result in administrative action as set forth in Chapter 119 of the Revised Code and rule 4501-53-10.

- 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

4501-53-08

Provider inspections.

[Comment: For dates and availability of material incorporated by reference in this rule, see rule 4501-53-16 of the Administrative Code.]

- (A) All provider facilities may be inspected at any reasonable time by the department for compliance with the rules set forth in this chapter. The provider's authorizing official or site coordinator shall make any records accessible to the department for ~~inspection~~inspection or copying.
- (B) Providers found to be in non-compliance with any rule of this chapter are subject to administrative action as set forth in Chapter 119. of the Revised Code and rule 4501-53-10 of the Administrative Code.
- (C) The ~~director~~state coordinator, or an individual designated by the ~~director~~state coordinator, may observe and evaluate courses of instruction at any time to ensure compliance with the rules set forth in this chapter.

Effective:

Five Year Review (FYR) Dates: 4/1/2022

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 4508.08
Rule Amplifies: 4508.08
Prior Effective Dates: 09/26/2003 (Emer.), 12/26/2003, 02/02/2006,
05/01/2016

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 4501-53-09

Rule Type: Amendment

Rule Title/Tagline: Renewal of private provider certification of approval.

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?** 4/1/2022
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?** 4508.08
5. **What statute(s) does the rule implement or amplify?** 4508.08
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 private provider certification of approval.

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 4501-53-16 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 cost of the Ohio BCI and FBI background check run approximately \$45-60.

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

Failure to meet the rule criteria may result denial of public provider certificate of approval.

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

A public provider must submit their grant application as well as a criminal background check.

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? 1

Paragraph (D)(3)(b) stem " (D)(3) The application shall be...: (b)..."

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

4501-53-09

Renewal of private provider certification of approval.

[Comment: For dates and availability of material incorporated by reference in this rule, see rule 4501-53-16 of the Administrative Code.]

- (A) Each private provider seeking renewal of certification of approval shall have its authorizing official submit a "Motorcycle Ohio Private Provider Application" marked "renewal" to the department.
- (B) If a renewal application is not postmarked or received by the department at least ~~thirty~~forty-five days prior to the expiration of the current approval period, the authorizing official must submit an original "Motorcycle Ohio Private Provider Application" in accordance with rule 4501-53-06 of the Administrative Code.
- (C) The renewal application shall be signed, dated, and shall contain a statement affirming that the private provider meets the requirements for a certification of approval.
- (D) ~~The department~~An application for renewal shall meet the following to renew a certification of approval ~~if all of the following apply:~~
- (1) The application for renewal is completed and submitted to the department no later than the ~~thirtieth~~forty-fifth day prior to expiration of the current approval period;
 - (2) The course remains in compliance with the requirements for approval as set forth in this chapter, and with the private provider's written policies and procedures as approved by the ~~director~~state coordinator.
 - (3) Upon request, the site coordinator submits a criminal records check from the bureau of criminal identification and investigation and request the bureau of criminal identification and investigation obtain information from the federal bureau of investigation as part of the criminal records check. The criminal records check shall not be dated more than ~~forty-five~~ninety days prior to the date of such request. If there is no designated site coordinator, the authorizing official shall submit such criminal records check. The application shall be denied if the site coordinator, or authorizing official if applicable, has been convicted of any disqualifying offense.
- ~~(a) Any felony, unless the felony conviction occurred more than ten years preceding the date of application, and the conviction is not reasonably related to a person's ability to serve safely and honestly in connection with a motorcycle training course.~~

~~(b) Any misdemeanor of the first or second degree, unless the conviction occurred more than five years preceding the date of application, and the conviction is not reasonably related to a person's ability to serve safely and honestly in connection with a motorcycle training course.~~

(E) In considering an application for renewal of certification of approval, the department may consider any information relevant to the requirements for approval as set forth in this chapter and Chapter 4508. of the Revised Code.

Effective:

Five Year Review (FYR) Dates: 4/1/2022

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 4508.08
Rule Amplifies: 4508.08
Prior Effective Dates: 09/26/2003 (Emer.), 12/26/2003, 02/02/2006,
04/21/2011, 05/01/2016

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 4501-53-11

Rule Type: Amendment

Rule Title/Tagline: Provider professional standards.

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?** 4/1/2022
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
- Koehler
3. **What statute is this rule being promulgated under?** 119.03
4. **What statute(s) grant rule writing authority?** 4508.08
5. **What statute(s) does the rule implement or amplify?** 4508.08
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 provider professional standards. General changes have been made through out based on current practice and terms. Additionally, changes have been

made throughout due to the enactment of House Bill 263 of the 133rd General Assembly dealing with bars to licensure based on criminal convictions.

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

If an authorizing or site coordinator has any felony within ten years, or a misdemeanor of the first or second degree within five years, it shall be grounds to deny issuing or renewing a certificate, or grounds for suspension of previously issued certificant

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

Suspicion or knowledge of by a provider of an instructor of violations must be reported to Motorcycle Ohio within fourteen days.

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? 1

Paragraph (D)(2) stem - "(D)... shall be grounds ...: (2)..."

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

4501-53-11

Provider professional standards.

[Comment: For dates and availability of material incorporated by reference in this rule, see rule 4501-53-16 of the Administrative Code.]

- (A) Any person connected in any manner with a provider, including but not limited to, an owner, partner, site coordinator, instructor or authorizing official, shall ~~be of~~maintain a good character and reputation and an environment conducive to learning.
- (B) An alcohol-free and drug free course environment shall be maintained at all times.
- (C) A provider's authorizing official and site coordinator, if applicable, shall report to motorcycle Ohio in writing within ~~ten~~fourteen days of any suspicion or knowledge of a violation of this chapter or failure of any instructor to conform to the rules in this chapter or Chapter 4508. of the Revised Code.
- (D) The conviction of an authorizing official or site coordinator of any ~~of the following offenses~~disqualifying offense or an equivalent offense from another jurisdiction, shall be grounds to deny issuing or renewing a certificate or grounds for suspending or revoking a previously issued certificate.†
- ~~(1) Any felony, unless the felony conviction occurred more than ten years preceding the date of application, and the conviction is not reasonably related to a person's ability to serve safely and honestly in connection with a motorcycle training course~~
- ~~(2) Any misdemeanor of the first or second degree, unless the conviction occurred more than five years preceding the date of application, and the conviction is not reasonably related to a person's ability to serve safely and honestly in connection with a motorcycle training course.~~

Effective:

Five Year Review (FYR) Dates: 4/1/2022

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 4508.08
Rule Amplifies: 4508.08
Prior Effective Dates: 09/26/2003 (Emer.), 12/26/2003, 02/02/2006,
05/01/2016

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 4501-53-12
Rule Type: Amendment
Rule Title/Tagline: Basic riding skills two.
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?** 4/1/2022
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?** 4508.08
5. **What statute(s) does the rule implement or amplify?** 4508.08
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 the basic riding skills 2 course. The rule has been updated to remove extraneous language as much of the information is now contained in rule 4501-53-01 dealing with definitions.

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 include one hour labor for testing.

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
- 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 include one hour labor for testing. The reporting of information is for materials needed to issue a certificate.

- 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 (B) - "(B)... and shall, at a minimum..."

- B. **How many existing regulatory restrictions do you propose removing from this rule?** 1

Paragraph (D) - "Such material shall not..."

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

Paragraph (B) replaces "must" with "shall". This is not a new restriction, but making the sentence grammatically correct. Additional restrictions are removed from rule 4501-53-15

4501-53-12

Basic riding skills two.

[Comment: For dates and availability of material incorporated by reference in this rule, see rule 4501-53-16 of the Administrative Code.]

- (A) The basic riding skills two (BRS-2) curriculum and sequence shall be ~~validated by motorcycle Ohio~~ and approved by the director and shall, at a minimum, include instruction based upon the national standards and instill in the student the knowledge, attitudes, habits and skills necessary for the safe operation of a motorcycle on the roadway ~~and includes instruction relating to the effects of alcohol and drugs on the operation of motorcycles.~~
- (B) ~~At a minimum, the~~ The content and organization of the BRS-2 ~~must~~ shall be based upon the national standards ~~documented research that have shown to be effective in providing safety training in accordance with sections 3, 4 and 5 of the roadway management skills of the "Model National Standards for Entry-Level Motorcycle Rider Training."~~ ~~The~~ and the course curriculum and requirements will be formalized in the motorcycle Ohio policy and procedure manual.
- (C) The course must include an on-cycle skill test approved by the director.
- ~~(D) Such material shall not be taught out of sequence or modified by instructors unless authorized by the motorcycle Ohio coordinator or there are serious weather conditions.~~
- ~~(E)~~ (D) The BRS-2 shall have the following instructor to student ratio:
- (1) One instructor may instruct no fewer than two students and no more than six students and six passengers. Two instructors shall instruct no more than twelve students and twelve passengers;
 - (2) The maximum capacity for on-cycle instruction is twelve students and twelve passengers. Only those students with a valid motorcycle endorsement or motorcycle-only license may carry a passenger.
- ~~(F)~~ (E) Students shall have a valid ~~temporary instruction motorcycle identification card (TIPIC)~~ TIPIC, motorcycle endorsement or a motorcycle-only license prior to participating in range instruction.
- ~~(G)~~ (F) Instructors and students shall use their own registered and insured motorcycles during the course. ~~Private providers may allow use of private provider motorcycles.~~
- ~~(H)~~ (G) Every student participating in the BRS-2 range instruction must wear proper riding gear, ~~which includes helmet and eye protection that is in compliance with Chapter~~

~~4501-17 of the Administrative Code, sturdy over-the-ankle footwear, long-sleeved shirt or jacket, sturdy full-length pants without holes or tears, and full-fingered gloves.~~

~~(H)~~ (H) Students successfully completing the BRS-2 shall be issued a completion card certificate.

~~(I)~~ (I) Upon completion of the BRS-2, the provider shall submit, electronically, to the department, ~~a student report form, and any other~~ course paperwork as requested by the department including a properly signed course waiver.

Effective:

Five Year Review (FYR) Dates: 4/1/2022

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 4508.08
Rule Amplifies: 4508.08
Prior Effective Dates: 02/02/2006, 04/21/2011, 06/29/2015, 05/01/2016

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 4501-53-14

Rule Type: Amendment

Rule Title/Tagline: Basic riding skills for returning rider.

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?** 4/1/2022
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?** 4508.08
5. **What statute(s) does the rule implement or amplify?** 4508.08
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 the basic rider course for returning riders. The rule has been cleaned up and extraneous information removed, as most of it has been defined in rule 4501-53-01 dealing with definitions. In paragraph (B), "must" has been replaced with "shall". This is not a new restriction; the change was made to make the sentence grammatically correct.

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 cost of the completion certification is 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? 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**

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

Providers must issue a completion certificate to all students for the purpose of verification of 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**

The cost of the certificate of completion is negligible.

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

4501-53-14

Basic riding skills for returning rider.

[Comment: For dates and availability of material incorporated by reference in this rule, see rule 4501-53-16 of the Administrative Code.]

- (A) The basic riding skills-returning rider (BRS-RR) curriculum and sequence shall be validated by motorcycle Ohio and approved by the director and shall, at a minimum, include instruction based upon the national standards and instill in the student the knowledge, attitudes, habits and skills necessary for the safe operation of a motorcycle on the roadway ~~and includes instruction relating to the effect of alcohol and drugs on the operation of motorcycles. Such material shall not be taught out of sequence or modified by instructors, unless authorized by the motorcycle Ohio coordinator.~~
- (B) The content and organization of the ~~basic rider course~~ BRS-RR shall ~~must~~ be based upon the national standards ~~documented research that has been shown to be effective in providing safety training in accordance with, at a minimum, section 4 - roadway management skills of "The Model National Standards for Entry Level Motorcycle Rider Training."~~ The ~~and the~~ course curriculum and requirements will be formalized in the motorcycle Ohio policy and procedure manual.
- (C) The course must include an on-cycle skill test approved by the director.
- (D) The BRS-RR shall have the following instructor to student ratio:
- (1) Classroom - one instructor may teach a maximum of twenty-four registered students;
 - (2) Range - one instructor may instruct no fewer than two students nor more than six students on motorcycles. Two instructors shall instruct no more than twelve students on motorcycles;
 - (3) The maximum capacity for on-cycle instruction is twelve students.
- (E) Students shall have a valid ~~temporary instruction motorcycle identification card (TIPIC)~~ TIPIC, a motorcycle endorsement, or a motorcycle-only license prior to participating in range instruction.
- (F) Unless otherwise approved by the department, the BRS-RR shall use training motorcycles provided by the provider with 100cc to 500cc engine displacement.
- (G) Every student participating in the BRS-RR range instruction must wear proper riding gear, ~~which includes helmet and eye protection that is in compliance with Chapter 4501-17 of the Administrative Code, sturdy over-the-ankle footwear, long-sleeved shirt or jacket, sturdy full-length pants without holes or tears, and full-fingered gloves.~~

- (H) Students successfully completing the BRS-RR shall be issued a completion certificate~~card for the purpose of course verification.~~
- (I) Upon completion of the BRS-RR, the provider shall submit, electronically, to the department, ~~a student report form, and any other~~ course paperwork as requested by the department including a properly signed course waiver and retained on file for three years.

Effective:

Five Year Review (FYR) Dates: 4/1/2022

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 4508.08
Rule Amplifies: 4508.08
Prior Effective Dates: 04/21/2011, 05/01/2016

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 4501-53-15
Rule Type: Amendment
Rule Title/Tagline: Advanced riding skills.
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?** 4/1/2022
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?** 4508.08
5. **What statute(s) does the rule implement or amplify?** 4508.08
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 the advanced rider course. The rule has removed extraneous information that is now contained in rule 4501-53-01 dealing with definitions, or the Motorcycle Ohio Policy and Procedures Manual, which incorporated by reference.

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 4501-53-16 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?**

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? 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? Yes**

The rule required that providers submit a student report form, electronically, upon completion of the Advanced Riding Skills course, in addition to any other course paperwork as requested by the department.

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? 12**

Paragraph (A)(1) stem - "(A)... The course curriculum and.... shall include....:
(1)..."

Paragraph (A)(1) stem - "(2)... The course curriculum and.... shall include....:
(2)..."

Paragraph (A)(1) stem - "(3)... The course curriculum and.... shall include....:
(3)..."

Paragraph (A)(1) stem - "(4)... The course curriculum and.... shall include....:
(4)..."

Paragraph (A)(5) stem - "(A)... The course curriculum and.... shall include....:
(5)..."

Paragraph (A)(6) stem - "(A)... The course curriculum and.... shall include....:
(6)..."

Paragraph (A)(7) stem - "(A)... The course curriculum and.... shall include....:
(7)..."

Paragraph (A)(8) stem - "(A)... The course curriculum and.... shall include....:
(8)..."

Paragraph Old (C) - The ARS course shall..."

Paragraph (C)(2) [Old (D)(2)] stem - "(D) shall have the following...: (2)..."

Paragraph old (D)(2) second sentence - "(2) Two instructors shall..."

Paragraph (C)(3) [Old (D)(3)] stem - "(D) shall have the following...: (3)..."

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

4501-53-15

Advanced riding skills.

[Comment: For dates and availability of material incorporated by reference in this rule, see rule 4501-53-16 of the Administrative Code.]

(A) The advanced riding skills (ARS) curriculum and sequence shall be validated by motorcycle Ohio and approved by the director and instill in the student, the knowledge, attitudes and skills necessary for the safe operation of a motorcycle on the roadway. ~~The course curriculum and requirements will be formalized in the motorcycle Ohio policy and procedure manual and shall include, at a minimum, five hours of on-cycle range work in the following, but not limited to, topics:~~

- ~~(1) Basic control;~~
- ~~(2) Quick stops;~~
- ~~(3) Stopping demonstration;~~
- ~~(4) Curve adjustments;~~
- ~~(5) Cornering and swerving;~~
- ~~(6) Multiple curves;~~
- ~~(7) Decreasing radius curves;~~
- ~~(8) Gap analysis and safety margins.~~

(B) ~~Such material~~ The course curriculum and requirement shall be formalized in ~~not be taught out of sequence or modified by instructors, unless authorized by the motorcycle Ohio policy and procedure manual~~ coordinator.

~~(C) The ARS course shall include, at a minimum, four hours of classroom activities. Classroom activities use small group discussions and interactive activities to address personal risk management strategies; options for cornering, braking, and swerving; and strategies to improve visual perception to identify collision traps.~~

~~(D)~~ (C) The ARS shall have the following instructor to student ratio for classroom and range validated by the motorcycle Ohio policy and procedure manual.:

- ~~(1) Classroom activities — unless restricted or modified by the department, one instructor may teach a maximum of twenty-four registered students;~~

- ~~(2) Range -- unless restricted or modified by the department, one instructor may instruct no fewer than two students or more than six students on motorcycles. Two instructors shall instruct no more than twelve students on motorcycles.~~
- ~~(3) The maximum capacity for on-cycle instruction is twelve students.~~
- ~~(F)(D)~~ Students shall have a valid motorcycle endorsement or a motorcycle-only license prior to participating in range instruction.
- ~~(F)(E)~~ Instructors and students shall use their own registered and insured motorcycles during the course. ~~Private providers may allow use of private provider motorcycles. Passengers are not permitted in the ARS advanced riding skills course. The ARS can only be conducted on a standard size range.~~
- ~~(G)(F)~~ Every student participating in the ARS range instruction must wear proper riding gear, ~~which includes helmet and eye protection that is in compliance with Chapter 4501-17 of the Administrative Code, sturdy over-the-ankle footwear, long-sleeved shirt or jacket, sturdy full-length pants without holes or tears, and full-fingered gloves.~~
- ~~(H)(G)~~ Students successfully completing the ARS shall be issued a completion certificate ~~card for the purpose of course verification.~~
- ~~(H)(H)~~ Upon completion of the ARS, the provider shall submit, electronically, to the department, ~~a student report form and any other course paperwork as requested by the department~~ including a properly signed course waiver, and retain on file for three years.

Effective:

Five Year Review (FYR) Dates: 4/1/2022

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 4508.08
Rule Amplifies: 4508.08
Prior Effective Dates: 04/21/2011, 05/01/2016

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 4501-53-16

Rule Type: Amendment

Rule Title/Tagline: Materials incorporated by reference.

Agency Name: Department of Public Safety

Division:

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

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

Email: jakirk@dps.ohio.gov

I. Rule Summary

1. **Is this a five year rule review?** Yes
 - A. **What is the rule's five year review date?** 4/1/2022
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?** 4508.08
5. **What statute(s) does the rule implement or amplify?** 4508.08
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 materials incorporated by reference for Chapter 4501-53 OAC. Forms and dates have been updated, as well as new materials added.

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 provides all relevant information on materials incorporated by reference including forms, dates, and how materials may be accessed electronically. Two forms (MOP0144 and Policy and Procedure Manual) are being filed with the rule as they will not be effective and on their listed website until the rule goes into effect.

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

4501-53-16

Materials incorporated by reference.

- (A) "Motorcycle Ohio Instructor Candidate Application," or form "MOP 0044," (~~September 2015~~December 2019) may be accessed via the "Motorcycle Ohio" program website at <http://www.motorcycle.ohio.gov/instructors.stm><https://publicsafety.ohio.gov/static/mop0044.pdf>.
- (B) "Motorcycle Ohio Instructor Renewal Application," or form "MOP 0052," (~~September 2015~~April 2019) may be accessed via the "Motorcycle Ohio" program website at http://www.publicsafety.ohio.gov/links/mop0052_sample.pdf.
- (C) "Motorcycle Ohio Private Provider Application," or form "MOP 0043," (~~November 2015~~January 2021) may be accessed via the "Motorcycle Ohio" program website at http://www.motorcycle.ohio.gov/private_provider.stm.
- (D) "National Standards" is the "Model National Standards for Entry-Level Motorcycle Rider Training" (~~August 2011~~January 2021) and may be accessed via the "National Highway Traffic Safety Administration" website at <http://www.nhtsa.gov/Safety/Motorcycles>.
- (E) Fire extinguisher is a 10lb class ABC fire extinguisher OSHA 1910.157 (d) (4) maintained in good working order and may be accessed at the United States department of labor website at https://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=STANDARDS&p_id=9811.
- (F) First aid kit a Type III, class A, first aid kit or upgraded first aid kit conforming or surpassing ANSI/ISEA Z308.1-2015 or later revision and can be accessed at http://www.first-aid-product.com/ofinterest/osha_ansi.htm.
- (G) Course Waiver is "Motorcycle Safety Course Waiver & Indemnification", form "MOP 0036" (~~April 2015~~December 2020) and may be accessed at <http://www.publicsafety.ohio.gov/links/mop0036.pdf>.
- (H) "Motorcycle Ohio Policy and Procedure Manual" (~~2015~~2022) revision available at http://www.publicsafety.ohio.gov/links/mo_pp_manual.pdf.
- (I) Americans with Disabilities Act (ADA) 1990 or later revision available at <http://www.dol.gov/dol/topic/disability/ada.htm><https://www.dol.gov/general/topic/disability/ada>.
- (J) "Instructor Candidate Questionnaire", or form "MOP 0144" (January 2022), may be accessed via the "Motorcycle Ohio" program website at <https://www.motorcycle.ohio.gov/instructors.stm>.

Effective:

Five Year Review (FYR) Dates: 4/1/2022

Certification

Date

Promulgated Under:	119.03
Statutory Authority:	4508.08
Rule Amplifies:	4508.08
Prior Effective Dates:	05/01/2016