

**MEMORANDUM**

TO: Michael Greene, Ohio Board of Motor Vehicle Repair

FROM: Cory Bailey, Regulatory Policy Advocate, Lt. Governor's Office

DATE: December 22, 2015

RE: **CSI Review – CRB Change and No-Change Rules (OAC § 4775-1-01; 4775-2-01; 4775-2-02; 4775-2-03; 4775-2-04; 4775-2-07; 4775-2-08; 4775-2-09; 4775-3-01; 4775-3-02; 4775-3-03; 4775-3-04; 4775-3-06; 4775-3-07; 4775-3-08; 4775-3-09; 4775-3-10; 4775-3-11; 4775-4-01; 4775-4-02; 4775-4-03; 4775-4-04; 4775-5-01; 4775-5-02; 4775-5-03; 4775-5-04; 4775-5-05; 4775-5-06)**

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

Analysis

On November 27, 2015, the Ohio Board of Motor Vehicle Repair (Board) submitted a draft rule package consisting of 28 rules, 15 of which are amended and 13 of which are no-change, to the CSI Office as part of the five-year rule review requirement contained in Ohio statute. The rules were submitted in two rule packages; however, this recommendation addresses all of the rules given the similarities in content. The official public comment period closed on December 11, 2015 with one comment submitted.

The draft rules regulate motor vehicle repair businesses, particularly those that perform repair for collision, auto glass, airbags, and paintless dents as well as those that install window tint. The rules lay out the requirements for registration applications, maintenance of records, certificate suspension, hearing notices, meeting procedures, and the handling of confidential information. Amendments are included in order to comply with legislative changes that add window tint installation to auto repair registration and eliminate the words "collision" and "registration" from the name of the Board.

The adverse impacts to business resulting from the draft rules include the time committed to filing applications, application fees, annual registration fees, and potential penalties for non-compliance. One comment was submitted during the CSI comment period suggesting that “tint” be omitted from “window tint installations” under the definition of “motor vehicle repair business.” The concern is that the definition does not clearly include auto glass replacement and repair businesses. However, those businesses are included under the definition of “collision repair.” Additionally, the inclusion of window tint installation is a statutory requirement.

Many of the rules are specific to the operations of the Board and do not include an adverse impact to business. For the rules that do affect business, the adverse impact is minimal and justified by the Board’s statutory obligation to regulate the industry. As a result, following review of the draft rules, BIA, and stakeholder outreach, it has been determined that the standards espoused by the CSI Office have been met, and the adverse impacts of the draft rules and amendments are justified.

Recommendations

For the reasons discussed above, the CSI Office does not have any recommendations for this rule package.

Conclusion

Based on the above comments, the CSI Office concludes that the Ohio Board of Motor Vehicle Repair should proceed with the formal filing of this rule package with the Joint Committee on Agency Rule Review.