



Common Sense Initiative

Mike DeWine, Governor
Jon Husted, Lt. Governor

Joseph Baker, Director

MEMORANDUM

TO: Paige Beavin, Ohio Board of Motor Vehicle Repair

FROM: Caleb White, Business Advocate

DATE: August 31, 2023

RE: CSI Review – CRB BIA N.C. – (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, 4775-2-09, 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, and 4775-5-06)

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 Board as provided for in ORC 107.54.

Analysis

This rule package consists of twenty-five no-change and three amended rules proposed by the Motor Vehicle Repair Board (Board) as part of the statutory five-year review process. This rule package was submitted to the CSI Office on May 19, 2023, and the public comment period was held open through June 2, 2023. Unless otherwise noted below, this recommendation reflects the version of the proposed rules filed with the CSI Office on May 19, 2023. All twenty-eight rules in this package were originally proposed as no change rules. However, following discussions with CSI regarding potential rule updates, the Board resubmitted three rules in this package as amended on July 31, 2023.

The rules contained in this package govern the regulation of motor vehicle repair businesses in Ohio including those that deal with auto collision, auto glass, airbags, paintless dents, and window tinting. These rules outline the requirements surrounding the registration and certification of motor vehicle repair businesses, adjudication hearing notices and procedures for licensing or registration, Board

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meeting procedures, the maintenance of records, and the handling of confidential information. Originally, all twenty-eight rules in this package were filed as no-change rules but the Board later decided to amend OAC 4775-2-07, 4775-4-02, and 4775-4-03 in response to questions from the CSI Office, to allow repair operators to submit compliance narratives electronically, to allow members of the news media to request notice of special Board meetings electronically, to remove a requirement that self-addressed envelopes to be mailed to the Board for a person to receive Board meeting notifications, and to instead allow for Board meeting notifications to be requested electronically.

During early stakeholder outreach, the Board, which is comprised of four owners of collision repair shops and one owner of a mechanical repair shop, involved the Autobody & Service Repair Association of Ohio, the Ohio Attorney General's Office, and current registrants in the development of this rule package. The stakeholders agreed that the rules in this package should be filed as no-change rules. No comments were received during the CSI public comment period.

The business community impacted by the rules includes Ohio auto repairers that specifically perform collision repair, auto glass repair and replacement, airbag repair or replacement, paintless dent repair and window tint installation. The adverse impacts created by the rules include registration fees (\$225 per year), the time to fill out applications, the requirement to maintain a certificate of insurance verifying Garage Keepers coverage and general liability, and the possibility of civil action being taken for a failure to comply with the Board's rules. The Board states that the adverse impacts to business are justified to protect Ohio consumers from fraud and deceitful business practices.

Recommendations

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

Conclusion

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