

RULE IMPACT STATEMENT

Pursuant to the Administrative Procedures Act, Section 303(D) of Title 75 of the Oklahoma Statutes, the Oklahoma Department of Transportation (“ODOT”) hereby submits the following Rule Impact Statement for the new PERMANENT rule contained in **OAC Title 730:25-5-7. Highway Construction Materials Technician Certification.**

Brief Description of the Purpose of the Proposed Rules:

In 2022 the Legislature passed SB 1229, which repealed most of the Highway Construction Materials Technician Certification Board and likewise transferred authority to ODOT to appropriate all monies accruing in the Highway Construction Material Certification Revolving Fund to be budgeted and expended by ODOT to conduct training or certification of individuals seeking to register as a Highway Construction Materials Technician.

When the Highway Construction Materials Technician Certification Board was disestablished, the fees which were meant to accrue in the revolving fund, pursuant to 69 O.S. § 1963, were not reestablished. The proposed new amendment would reestablish the fees paid into the revolving fund to enable ODOT to conduct training and certification of Highway Construction Materials Technicians.

Description of the classes of persons who most likely will bear the costs of the proposed rule, and any information on cost impacts received by the Agency from any private or public entities:

ODOT does not foresee any applicable impact to classes of persons who would bear costs due to the proposed rule nor any cost impact to private or public entities. See sentence below. The proposed rule will allow ODOT to accrue required certification fees in that revolving fund for applicants seeking certification as a construction materials technician. The same fees are required under the new proposed rule as under the previous rule, thus there is no change in impact to any classes of persons.

The proposed rule will reestablish the fee schedule which was mistakenly revoked when the Highway Construction Materials Technician Certification Board rules were revoked after being disestablished by SB 1229.

Description of the classes of persons who will benefit from the proposed rule:

ODOT and individuals seeking certification as a construction materials technician will benefit from this rule. The establishment of a revolving fund for fees which are required for Highway Construction Materials Technician Certification will allow ODOT to administer the testing and certification in lieu of the disestablished Highway Construction Materials Technician Certification Board.

Description of the probable economic impact of the proposed rule upon affected classes of persons or political subdivisions, including a listing for all fee changes and, whenever possible, separate justification for each fee change:

ODOT does not foresee any applicable economic impact upon classes of persons or political subdivisions. The proposed addition to the rule allows ODOT to facilitate Certification under the authority pursuant to 69 O.S. § 1963. Since the fees are the same which were previously required, there is no economic impact on persons or political subdivisions.

A determination of whether implementation of the proposed rule will have an economic impact on any political subdivision or require their cooperation in implementing or enforcing the rule:

ODOT does not foresee the necessity of cooperation by any political subdivision to implement or enforce the proposed rule because it is solely within the jurisdiction of ODOT. The authority to administer the revolving fund and accrue required fees was transferred from the Highway Construction Materials Technician Certification Board (disestablished in 2022) to the Department.

A determination of whether implementation of the proposed rule may have an adverse economic effect on small business as provided by the Oklahoma Small Business Regulatory Flexibility Act:

ODOT does not foresee any adverse economic effect on small businesses due to the implementation of the proposed rule. The required fees for Certification are the same which were previously required by the Highway Construction Materials Technician Certification.

A determination of the effect of the proposed rule on the public health, safety, and environment and, if the proposed rule is designed to reduce significant risks to the public health, safety and environment, an explanation of the nature of the risk and to what extent the proposed rule will reduce the risk:

The public will benefit from the proposed addition to the rule. The rule will address the costs of Certification process and will ensure individuals are qualified to facilitate the infrastructure of Oklahoma's highways.

A determination of any detrimental effect on the public health, safety and environment if the proposed rules are not implemented:

ODOT does not foresee any detrimental effect on public health, safety, or the environment because the rule will allow the Department to continue the Certification process to the benefit of public health, safety, and environment.

Date the rule impact statement was prepared, and the date modified:

Prepared: November 29, 2023

Modified: N/A

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