

AGENCY ADMINISTRATIVE RULE IMPACT STATEMENT

Pursuant to the Administrative Procedures Act, Section 303 of Title 75 of the Oklahoma Statutes, the Oklahoma Department of Transportation (“ODOT”) hereby submits the following Rule Impact Statement for the amendment of PERMANENT rules contained in **OAC Title 730:25-3-1 – Prequalification**.

STATEMENT PURSUANT TO 75 O.S. 2021, Section 303 (as amended by SB1024 [2025])

75 O.S. 2021, Section 303(D)(2)

a. A brief description of the purpose of the proposed rule.

The Open Records Act reference contained in Title 51 of the Oklahoma Statutes was amended. The proposed rule change updates the statutory reference in 730:25-3-1(a) to comply with current statute.

b. A description of the classes of persons who most likely will be affected by the proposed rule, including classes that will bear the costs of the proposed rule, and any information on cost impacts received by the agency from any private or public entities.

No classes of persons will likely bear the costs of the proposed rule changes because the proposed rule change updates the accuracy of the already existing rule.

c. A description of the classes of persons who will benefit from the proposed rule.

The reader or researcher will likely benefit from the updated referenced statutory citation.

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

The proposed rule will not affect any political subdivisions and does not contain any fee changes. The intended purpose of the rule is to bring it into compliance with current and/or revised statutory language.

e. The probable costs and benefits to the agency and to any other agency of the implementation and enforcement of the proposed rule, the source of revenue to be used for implementation and enforcement of the proposed rule, and any anticipated effect on state revenues, including a projected net loss or gain in such revenues if it can be projected by the agency.

The adoption of the proposed rule change will benefit the Agency by having the rules comply with current statutory citations. There are no probable costs relating to the implementation and enforcement of the proposed rule.

- f. A determination of whether implementation of the proposed rule will have an economic impact on any political subdivisions or require their cooperation in implementing or enforcing the rule.**

The proposed rule change was reviewed, and it was determined that the proposed rule changes being implemented do not have any fiscal or economic impact.

- g. A determination of whether implementation of the proposed rule may have an adverse economic effect on small businesses as provided by the Oklahoma Small Business Regulatory Flexibility Act.**

The proposed rule change was reviewed, and a determination was made that the proposed rule change being implemented does not have any economic impact on small businesses as provided by the Oklahoma Small Business Regulatory Flexibility Act.

- h. An explanation of the measures the agency has taken to minimize compliance costs and a determination of whether there are less costly or nonregulatory methods or less intrusive methods for achieving the purpose of the proposed rule.**

A determination was made that the proposed rule change does not require any compliance costs; therefore, there are no non-regulatory methods or less-intrusive methods for achieving the purpose of the proposed rule.

- i. 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 proposed rule change was reviewed, and a determination was made that the proposed rule will not affect public health, safety, and the environment.

- j. A determination of any detrimental effect on the public health, safety, and environment if the proposed rule is not implemented.**

The proposed rule change was reviewed, and a determination was made that if not implemented, the proposed rule would have a detrimental effect on public health, safety, and the environment because the statutory reference would be out of compliance with current law.

k. The date the rule impact statement was prepared and, if modified, the date modified.

This impact statement was prepared on September 30, 2025, and was amended on November 25, 2025.

l. An analysis of alternatives to adopting the rule.

The purpose of the proposed rule change is to comply with current statutory references referenced in OAC Title 730; therefore, there is no alternative to adopting the amendment to this rule.

m. Estimates of the amount of time that would be spent by state employees to develop the rule and of the amount of other resources that would be utilized to develop the rule.

The proposed rule change imposed an insignificant amount of time on state employees to develop, and it required the use of only the current statute to make the amendments.

n. A summary and preliminary comparison of any existing or proposed federal regulations that are intended to address the activities to be regulated by the proposed rule.

The Open Records Act is a portion of the Oklahoma Statutes that is not referenced and is not included in existing or proposed regulations.

STATEMENT PURSUANT TO 75 O.S. 2021, Section 303 (as amended by HB2728 [2025])

75 O.S. 2021, Section 303(D)(3)

a. A statement of the need for the rule and legal basis supporting it.

The proposed rule change updates the statutory reference in 730:25-3-1(a) to comply with current statute. The legal authority for the proposed rule is 69 O.S. §§ 30, 301, 304; 75 O.S. §§ 302, 309 et seq.

b. A classification of the rule as major or nonmajor, with a justification for the classification, including an estimate of the total annual implementation and compliance costs that are reasonably expected to be incurred by or passed along to businesses, state or local government units, or individuals and a determination of whether those costs will exceed One Million Dollars (\$1,000,000.00) over the initial five-year period following the promulgation of the proposed rule. Provided, if the costs exceed One Million Dollars (\$1,000,000.00), the agency shall classify the rule as a major rule.

The proposed rule is a non-major rule because its implementation and adoption imposed no fiscal impact or incurred costs.

c. A description of the purpose of the proposed rule, including a determination of whether the proposed rule is mandated by federal law, or as a requirement for participation in or implementation of a federally subsidized or assisted program, and whether the proposed rule exceeds the requirements of the applicable federal law.

The Open Records Act reference contained in Title 51 of the Oklahoma Statutes was amended. The proposed rule change is not mandated (or referenced) by federal law but by State law. There is no requirement for participation or implementation of a federally subsidized or assisted program.

d. A description of the classes of persons who most likely will be affected by the proposed rule, including classes that will bear the costs of the proposed rule, and any information on cost impacts received by the agency from any private or public entities.

Since the proposed rule change updates a statutory reference, no classes of persons will incur any costs to implement the proposed rule. The Agency received no cost impacts from private or public entities.

e. A description of the classes of persons who will benefit from the proposed rule.

The reader or researcher will likely be affected and will benefit from the updated referenced statutory citation.

f. A comprehensive analysis of the rule's economic impact, including any anticipated impacts on the full-time-employee count of the agency, any costs or benefits, and a detailed quantification of implementation and compliance costs on the affected businesses, business sectors, public utility ratepayers, individuals, state or local government units, and on the state economy as a whole. The analysis shall include a listing of all fee changes and, whenever possible, a separate justification for each fee change.

The proposed rule does not impose an economic impact. The rule change will not impact the FTE count of the agency or any costs. The Agency's employees will benefit from the corrected citation.

g. A detailed explanation of the methodology and assumptions used to determine the economic impact, including the dollar amounts calculated.

Since the proposed rule does not impose an economic impact, a methodology and assumption for a calculation analysis were unnecessary.

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

The proposed rule will not affect any political subdivisions and does not contain any fee changes. The intended purpose of the rule is to bring it into compliance with current and/or revised statutory language.

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

The proposed rule change was reviewed, and a determination was made that the proposed rule change being implemented does not have any economic impact on small businesses as provided by the Oklahoma Small Business Regulatory Flexibility Act.

j. Any measures taken by the agency to minimize the cost and impact of the proposed rule on business and economic development in this state, local government units of this state, and individuals.

Since the proposed rule does not impose an economic impact, there was no need for the Agency to take measures to minimize the cost if adopting the proposed rule.

- k. 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 proposed rule change was reviewed, and a determination was made that the proposed rule will not affect public health, safety, and the environment.

- l. A determination of any detrimental effect on the public health, safety, and environment if the proposed rule is not implemented.**

The proposed rule change was reviewed, and a determination was made that if not implemented, the proposed rule would have a detrimental effect on public health, safety, and the environment because the statutory reference would be out of compliance with current law.

- m. The date the rule impact statement was prepared and, if modified, the date modified.**

This impact statement was prepared on September 30, 2025, and was amended on November 25, 2025.

Prepared: September 30, 2025

Modified: November 25, 2025

Prepared by:

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