

# Motor Carrier Safety Rules Handbook



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Ted Strickland, Governor

Alan R. Schriber, Chairman

**[www.PUCO.ohio.gov](http://www.PUCO.ohio.gov)**

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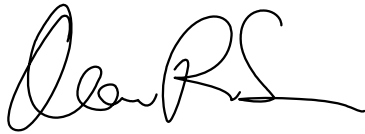
## From the Chairman

Dear Motor Carrier:

The PUCO has prepared this handbook to assist you in your efforts to understand and comply with the state and federal motor carrier safety regulations. Like you, we place a very high priority on commercial motor vehicle safety and the protection of Ohio's motoring public. Compliance with the safety and hazardous materials regulations is a considerable responsibility.

If you have questions about the regulations or how they are enforced in Ohio, please contact the PUCO at (800) 686-8277.

Sincerely,

A handwritten signature in black ink, appearing to read 'Alan R. Schriber', with a long horizontal flourish extending to the right.

Alan R Schriber, Chairman  
Public Utilities Commission of Ohio

## Table of Contents

<b>Motor Carriers Operating in Ohio.....</b>	<b>1</b>
Points of Contact.....	2
Acronyms and Abbreviations Used in this Document.....	3
<b>Does Your Operation Fall Under the PUCO Regulations? .....</b>	<b>4</b>
Operating a truck for commercial or business purposes .....	4
Operating a Commercial Motor Vehicle.....	4
Intrastate and Interstate Carriers .....	4
Private Carriers and For-Hire Carriers.....	5
Transporting Hazardous Materials Requiring Placards .....	5
Household Goods Carriers .....	5
<b>Do the PUCO Safety Regulations Apply?.....</b>	<b>5</b>
Applicability of the Ohio Safety Rules – Motor Carriers of Passengers .....	6
Private Motor Carriers of Passengers .....	7
<b>Intrastate Carriers Exempt from PUCO Regulations.....</b>	<b>7</b>
Intrastate For-Hire Carriers – Exempt Situations/Conditions.....	7
Intrastate Private Carriers – Exempt Situations/Conditions .....	8
Intrastate Private Carriers of Certain Construction Materials and Equipment .....	8
<b>PUCO Carrier Registration and Proof of Insurance Requirements .....</b>	<b>9</b>
Carrier Registration Requirements .....	9
<b>Insurance Requirements .....</b>	<b>13</b>
Levels of Insurance .....	13
Proof of Insurance – Intrastate Carriers .....	13
Proof of Insurance – Interstate Carriers .....	13
<b>Household Goods Carriers.....</b>	<b>14</b>
<b>Marking of Vehicles – Intrastate Operations.....</b>	<b>15</b>
Vehicle Marking Exemptions – Intrastate Operations.....	15
<b>Marking of Vehicles – Interstate Operations .....</b>	<b>15</b>
<b>Enforcement by US DOT .....</b>	<b>16</b>
<b>The Regulations – Frequently Asked Questions .....</b>	<b>20</b>
<b>Drug and Alcohol Use and Testing.....</b>	<b>20</b>
Controlled Substances and Alcohol Use and Testing Regulations.....	21
Controlled Substances Tested For .....	21
Alcohol and Drug Use by Drivers .....	21
Alcohol and Controlled Substance Testing.....	21
Record Retention – Alcohol and Controlled Substance Tests .....	22
Alcohol and Controlled Substance Testing Records .....	22
Drug and Alcohol Information for Drivers.....	22
Supervisor Training .....	22
<b>The Commercial Driver’s License.....</b>	<b>23</b>
Getting a CDL.....	24
<b>CDL Testing and Licensing Procedures .....</b>	<b>24</b>

Security Requirements – CDL Hazardous Materials Endorsement.....	24
Notification Requirements – Driver Convictions for Traffic Violations.....	25
Notification Requirements – Drivers License Suspension .....	25
Notifying Previous Employers – Driving Record.....	25
Employer’s Responsibilities – Using Drivers with Invalid CDL .....	26
Implied Consent for Alcohol Testing .....	26
<b>Driver Disqualifications and Penalties.....</b>	<b>26</b>
Major Offenses.....	27
Serious Traffic Offenses .....	27
Highway-Rail Grade Crossing Offenses.....	27
Violating Out-of-Service Orders.....	28
US DOT Safety Fitness Procedures.....	28
Compliance Reviews .....	28
Safety Ratings .....	29
Administrative Review .....	30
Corrective Actions .....	30
Carrier Shut-Down Requirements.....	30
New Entrant Carriers .....	30
Qualifications of Drivers.....	32
Driver Requirements and Qualifications – Interstate Carriers.....	32
Driver Requirements and Qualifications – Intrastate Carriers.....	32
Driver Disqualifications.....	32
Disqualification for Criminal Offenses.....	33
Disqualification for Violations of Out-of-Service Orders .....	33
<b>Driver’s Applications for Employment.....</b>	<b>34</b>
Carrier Investigation of Driver’s Application and Background .....	34
Inquiries to State Licensing Agencies.....	35
Annual Inquiry and Review of Driving Records .....	35
Driver’s Record of Violations.....	35
Road Test .....	36
Road Test Certificate .....	36
Conditions Where A Road Test Is Not Required.....	36
<b>Driver Physical Qualifications and Exams.....</b>	<b>37</b>
Medical Examination Requirements.....	37
Who Must Be Examined .....	37
General Physical Standards for Drivers.....	37
Who Can Perform the Medical Exam.....	38
Intrastate Medical Waiver (Ohio only) .....	38
Driver’s Qualifications Records .....	39
Drivers Qualification Files – Records Retention .....	39
Exemptions from the Driver Qualification Regulations .....	39
<b>Driving of CMVs.....</b>	<b>40</b>
Forbidden Activities.....	40
Safe Operation .....	40
<b>Vehicle Parts and Accessories.....</b>	<b>42</b>
CMV Mechanical Equipment and Lighting Devices.....	42
Cargo Securement.....	42

PUCO Equipment Requirements .....	42
<b>Driver Hours of Service.....</b>	<b>43</b>
Driver On-Duty Time .....	43
Property-Carriers.....	44
Passenger-Carriers .....	44
CMV Drivers with More Than One Job .....	45
The 100 Air-Mile Driver Exception .....	45
Filing the Drivers Record of Duty Status (Driver’s Logbook) .....	45
Retention of Records of Duty Status .....	46
Automatic On-Board Recording Devices .....	46
<b>Vehicle Inspection, Repair, and Maintenance.....</b>	<b>46</b>
Required Vehicle Maintenance and Lubrication .....	46
Required Vehicle Inspections – CMV Drivers .....	46
Required Annual Vehicle Inspection .....	47
Maintenance and Repair Records .....	47
<b>Transporting Hazardous Materials .....</b>	<b>48</b>
Hazardous Materials .....	48
Hazardous Waste .....	48
The US DOT Hazardous Materials Regulations.....	48
US DOT Transportation of Hazardous Materials: Driving and Parking Rules .....	49
<b>Hazardous Materials Registration and Permit Requirements .....</b>	<b>49</b>
PHMSA – Hazardous Materials Registration .....	49
FMCSA Hazardous Materials Safety Permits .....	50
State of Ohio Hazardous Materials and Hazardous Waste Registration Requirements .....	51
<b>PUCO Registration Forms .....</b>	<b>52</b>
Intrastate For-Hire Carriers.....	52
Interstate Carriers Brokers, Freight Forwarders, and Leasing Companies .....	52
<b>Ohio Revised Code.....</b>	<b>63</b>
Chapter 4905 Public Utilities Commission - General Powers.....	63
<b>Ohio Revised Code.....</b>	<b>72</b>
Chapter 4919 Public Utilities Commission - Interstate Operating Authority .....	72
<b>Ohio Revised Code.....</b>	<b>75</b>
Chapter 4921 Public Utilities Commission - Motor Transportation Companies.....	75
Household Goods Moving Companies .....	85
<b>Ohio Revised Code.....</b>	<b>88</b>
Chapter 4923 - Private Motor Carriers .....	88
<b>Ohio Administrative Code .....</b>	<b>96</b>
Chapter 4901:2-1 Motor Carrier Tax Payment Annual Reports, Records.....	96
<b>Ohio Administrative Code .....</b>	<b>97</b>
Chapter 4901:2-3 Augmenting and Interchanging Equipment.....	97
<b>Ohio Administrative Code .....</b>	<b>98</b>
Chapter 4901:2-5; Safety Standards .....	98

<b>Ohio Administrative Code .....</b>	<b>105</b>
Chapter 4901:2-6 Hazardous Materials Carriers Registration.....	105
<b>Ohio Administrative Code .....</b>	<b>115</b>
Chapter 4901:2-7 Forfeitures and Compliance Orders .....	115
<b>Ohio Administrative Code .....</b>	<b>122</b>
Chapter 4901:2-8 Highway Routing of Non-Radioactive Hazardous Materials .....	122
<b>Ohio Administrative Code .....</b>	<b>124</b>
Chapter 4901:2-13 Insurance .....	124
<b>Ohio Administrative Code .....</b>	<b>125</b>
Chapter 4901:2-15 Registration of Motor Carriers Operating Under Authority Issued by the Interstate Commerce Commission .....	125
<b>Ohio Administrative Code .....</b>	<b>128</b>
Chapter 4901:2-17 Registration of Motor Carriers Exempt from the Authority of the Interstate Commerce Commission .....	128
<b>Ohio Administrative Code .....</b>	<b>132</b>
Chapter 4901:2-19 Common Carriers Engaged in the Transportation of Household Goods .....	132
<b>Ohio Administrative Code .....</b>	<b>141</b>
Chapter 4901:2-21 Registration of Intrastate Motor Carriers.....	141
<b>US Department of Transportation Regulations – Title 49 CFR.....</b>	<b>145</b>
Insurance Requirements.....	145

# Motor Carriers Operating in Ohio

This document is intended to help motor carriers operating in Ohio understand and follow the rules, regulations, and laws of the Public Utilities Commission of Ohio (PUCO) related to commercial vehicle registration and safety. The regulations contained within this document apply to drivers and vehicles used by private and for-hire carriers transporting person and property in commerce as well as the offering and transport of hazardous materials. In addition, the regulations also address both interstate and intrastate operations and provide information to assist carriers in determining which rules apply to their specific type of business.

In Ohio, commercial vehicle safety regulations are enforced by a variety of state and federal agencies. The PUCO and the Ohio State Highway Patrol (OSHP) handle enforcement on behalf of the state while the Federal Motor Carrier Safety Administration (FMCSA) handles enforcement from the federal government's perspective. A number of factors contribute to who has regulatory jurisdiction over a carrier and each is discussed within this document.

PUCO regulatory authority extends over a broad spectrum of property, goods, equipment, and passengers in commerce. These regulations apply to both intrastate operations (only within Ohio) and interstate (between states) operations. The state laws that address commercial vehicle regulations are found in the Ohio Revised Code (ORC) and the specific rules that have been enacted to enforce these laws can be found in the Ohio Administrative Code (OAC).

In most cases, the state of Ohio has adopted the U.S. Department of Transportation (US DOT) Federal Motor Carrier Safety Regulations (FMCSRs) and Hazardous Materials Regulations (HMRs). When these regulations change, the state normally also seeks to change its rules to ensure that it continues to match those of the federal government. Specifically, the state of Ohio has adopted regulations in Title 49 Code of Federal Regulations (CFR) Parts 40, 382, 383, 385, 387, 390 through 397, and 171 through 180. The specific rule that adopts these regulations can be found in OAC section 4901:2-5-02.

As such, the following parts of Title 49 CFR are enforced as state requirements.

- **US DOT Federal Motor Carrier Safety Regulations (FMCSRs)**
  - Part 40 – Procedures for Transportation Workplace Drug and Alcohol Testing Programs
  - Part 382 – Controlled Substances and Alcohol Use and Testing
  - Part 383 – Commercial Driver's License Standards; Requirements and Penalties
  - Part 385 – Safety Fitness Procedures
  - Part 387 – Minimum Levels of Financial Responsibility for Motor Carriers
  - Part 390 – Rulemaking Procedures, Federal Motor Carrier Safety Regulations
  - Part 391 – Qualifications of Drivers
  - Part 392 – Driving of Commercial Motor Vehicles
  - Part 393 – Parts and Accessories Necessary for Safe Operation
  - Part 395 – Hours of Service of Drivers
  - Part 396 – Inspection, Repair, and Maintenance
  - Part 397 – Transportation of Hazardous Materials; Driving and Parking Rules
- **US DOT Hazardous Materials Regulations (HMRs)**
  - Part 171 – General Information Regulations and Definitions
  - Part 172 – Hazardous Materials Table, Special Provisions, Hazardous Materials Communications, Emergency Response Information, and Training Requirements
  - Part 173 – Shipper – General Requirements for Shipments and Packagings
  - Part 174 – Carriage by Rail
  - Part 175 – Carriage by Aircraft
  - Part 176 – Carriage by Vessel



- Part 177 – Carriage by Highway
- Part 178 – Specifications for Packagings
- Part 179 – Specifications for Tank Cars
- Part 180 – Continuing Qualification and Maintenance of Packagings

Along with the state-adopted federal regulations, there are specific laws and rules that pertain to carriers operating only within Ohio (intrastate carriers). These rules are also found in the ORC and OAC and include safety, insurance, and carrier registration requirements. In addition, there are some specific state rules that pertain to interstate carriers that are not found in either the FMCSRs or the HMRs.

The safety rules referred to in this handbook do not include state of Ohio rules such as these that involve fuel taxes, driver moving violations, vehicle oversize and overweight, or special operating permits. The table below provides contacts for each of these areas. However, if you have questions regarding the application of the Safety Rules described in this manual, contact the PUCO Transportation Department's Enforcement Division at (614) 466-0369.

The US DOT has jurisdiction over the interstate and intrastate offering (shipping) and transport of hazardous materials. Therefore, in some situations both the PUCO and the FMCSA may have jurisdiction over the intrastate offering and transport of hazardous materials. In situations where a PUCO exemption restricts state jurisdiction over an intrastate movement of hazardous materials, the US DOT may continue to have jurisdiction and can enforce the applicable FMCSRs and HMRs.

**(Refer to 49 CFR §171.1(a)(1) and 49 CFR §171.2(a))**

### ***Points of Contact***

The PUCO is available to assist motor carriers with information on the Ohio and US DOT rules and regulations. Carrier representatives, drivers, or others with questions, concerns, or complaints about motor carrier safety matters or requirements can contact the PUCO Transportation department at (800) 686-8277 or (614) 644-5218, or visit the PUCO Web site at [www.PUCO.ohio.gov](http://www.PUCO.ohio.gov).

### **PUCO Transportation Department – Divisions and Service Areas**

- Transportation Administrative Systems Division
  - Office Systems - Registration (614) 466-3392
  - Carrier Registrations/Permits/Fees
  - Intrastate For-Hire Carriers
  - Interstate For-Hire/FMCSA Exempt Carriers
  - Hazardous Materials and Hazardous Waste Carriers
  - Household Goods Carriers
  - Insurance Requirements
  - Data Management (614) 995-7086
  - Copies of Inspection Reports
- Enforcement Division (614) 466-0369
  - Safety and Hazardous Materials Regulations
  - New Entrant Carrier Safety Audits
  - Compliance Reviews
  - PUCO Driver/Vehicle Inspections
  - Complaints

- Compliance Division  
Civil Forfeitures (fines and penalties)

(614) 466-0351

### Other Involved Agencies

There are several other state and federal agencies involved with the regulation of intrastate and interstate motor carrier operations. Please contact the following agencies if you have questions about issues that fall outside of the PUCO's jurisdiction.

Issue	Responsible Agency	Phone Number and Web site
Fuel Taxes/IFTA	Ohio Department of Taxation	(614) 466-3921 www.tax.ohio.gov
Drivers Licensing Commercial Driver's License Examinations International Registration Plan License Plates	Ohio Bureau of Motor Vehicles	(614) 752-7500 www.ohiobmrv.com
Commercial Driver License Commercial Vehicle Enforcement Driver Moving Violations	Ohio State Highway Patrol	(614) 466-4056 www.statepatrol.ohio.gov
Over Size/Over Weight	Ohio Department of Transportation	(614) 351-2300 www.dot.state.oh.us
Federal Regulations	FMCSA, Ohio Division Office	(614) 280-5657 www.fmcsa.dot.gov
Federal Regulations	FMCSA, Midwest Resource Center	(708) 283-3577 www.fmcsa.dot.gov

### Acronyms and Abbreviations Used in this Document

CFR	Code of Federal Regulations
CR	Compliance Review
Div.	Hazard Division (hazardous materials)
FHWA	Federal Highway Administration
FMCSA	Federal Motor Carrier Safety Administration
FMCSR	Federal Motor Carrier Safety Regulations
GCVW	Gross Combination Vehicle Weight
GVCWR	Gross Vehicle Combination Weight Rating
GVW	Gross Vehicle Weight
GVWR	Gross Vehicle Weight Rating
Hazmat	Hazardous Materials
Haz. Sub.	Hazardous Substance (hazardous materials)
HMR	Hazardous Materials Regulations
OAC	Ohio Administrative Code
ODOT	Ohio Department of Transportation
Ohio DPS	Ohio Department of Public Safety
ORC	Ohio Revised Code
ORM	Other Regulated Materials (hazardous materials)
OSHP	Ohio State Highway Patrol
PHMSA	Pipeline and Hazardous Materials Safety Administration
PIH	Poison Inhalation Hazard (hazardous materials)
PMCP	Private Motor Carrier of Passengers
PUCO	Public Utilities Commission of Ohio
SA	Safety Audit (New Entrant Motor Carriers)
U.S. DOT	United States Department of Transportation

# Does Your Operation Fall Under the PUCO Regulations?

This section will help you determine if the PUCO regulations apply to your operations. To do this you need to look at the vehicles you use, the materials/property you haul, and the origin and destination of your load. Once you have done this, you will have a better idea of if and how your use of trucks fits into the PUCO regulations.

## ***Operating a truck for commercial or business purposes***

If you are, will be, or may be compensated (make money or benefit monetarily) for hauling something (property or passengers), the PUCO Safety Rules apply to you. This includes hauling something for someone else or your own business.

## ***Operating a Commercial Motor Vehicle***

If you are operating a commercial motor vehicle (CMV), the PUCO safety regulations may apply to your operation. The actual weight or manufacturer's gross vehicle weight rating of a truck (or combination of truck/tractor and trailer) is used to determine if you are operating a commercial motor vehicle for business or commercial purposes. The regulations use the weight classifications below to describe trucks or truck trailer combinations for the regulations.

- **Gross Vehicle Weight Rating (GVWR):** The FMCSRs define gross vehicle weight rating (GVWR) as the value specified by the manufacturer as the loaded weight of a single motor vehicle.
- **Gross Combination Vehicle Weight Rating (GCVWR):** The FMCSRs define gross combination vehicle weight rating (GCVWR) as the value specified by the manufacturer as the loaded weight of a combination (articulated) motor vehicle. In the absence of a value specified by the manufacturer, GCWR will be determined by adding the GVWR of the power unit and the total weight of the towed unit and any load thereon.
- **Gross Weight (GW):** The actual weight of a vehicle or the actual weight of a vehicle and its cargo.
- **Gross Combined Weight (GCW):** The actual loaded weight of a combination (articulated) motor vehicle. This includes truck/trailer and tractor/trailer combinations.

## ***Intrastate and Interstate Carriers***

The origin and destination of the freight you haul determines whether you are an intrastate or interstate carrier.

- When you operate a commercial motor vehicle hauling freight with the origin and destination entirely within the state of Ohio, you are an intrastate carrier.
- When you operate a commercial motor vehicle hauling freight with either the origin or destination outside the state of Ohio you are an interstate carrier.
- When you operate a commercial motor vehicle with the origin and destination of the freight entirely within the state of Ohio, but haul through another state, you are an interstate carrier.

Note that a company may operate as both an intrastate and an interstate carrier.

## ***Private Carriers and For-Hire Carriers***

- If you transport your own property, equipment, or personnel, you are a private carrier.
- If you transport property, equipment, or if you transport passengers and receive compensation, you are a for-hire carrier. A for-hire carrier is also referred to as a common motor carrier.

Based on business activities, a company may have both private and for-hire carrier operations.

## ***Transporting Hazardous Materials Requiring Placards***

In many cases, transport of hazardous materials in a quantity that requires placards adds additional state and federal regulatory requirements. If you transport any quantity of hazardous materials check these sections to determine if the regulations apply. If you are unsure, contact the PUCO Transportation Department Enforcement Division at (614) 466-0369 for assistance.

(Refer to 49 CFR Parts 100-185)

## ***Household Goods Carriers***

Household goods carriers are regulated in the same way as other for-hire carriers. A household goods carrier engages in the business of transporting household goods over a public highway in the state of Ohio.

(Refer to ORC 4921.36)

## **Do the PUCO Safety Regulations Apply?**

Now, use Table 1 below to determine if the PUCO safety regulations apply to your use of trucks to transport property, materials, or equipment. Carriers of passengers are addressed in Table 2 on the next page.

**Table 1**  
**PUCO Carrier Regulated Status (Does Not Include Motor Carriers of Passengers)**

Inter or Intra State	Private or For-Hire	Vehicle Weight: GVWR, GCVR, GW, or GCW	Placards Required Under US DOT Hazmat Regulations (49 CFR 172.504)	Do PUCO Safety Regulations Apply?
Intrastate	Private	26,000 lbs. or less	No	No
Intrastate	Private	26,001 lbs. or more *	No	Yes
Intrastate	Private	Any	Yes	Yes
Intrastate	For-Hire	10,000 lbs. or less	No	No **
Intrastate	For-Hire	10,001 lbs. or more	No	Yes
Intrastate	For-Hire	Any	Yes	Yes
Intrastate Household Goods	For-Hire	Any	N/A	Yes
Interstate	Private and For-Hire	10,000 lbs. or less	No	No
Interstate	Private and For-Hire	10,001 lbs. or more	No	Yes
Interstate	Private and For-Hire	Any	Yes	Yes

\* Private intrastate operations – GCWR includes a towed unit with a GVWR of 10,001 lbs. or more.

\*\* Limited safety rules in OAC 4901:2-5-03 applicable.

## Applicability of the Ohio Safety Rules – Motor Carriers of Passengers

The state safety regulations apply to carriers using a commercial vehicle to transport passengers in the following operations:

- For-hire carriers of passengers
- Business private motor carriers of passengers (Business PCMPs) defined as a private motor carrier engaged in the interstate transportation of passengers which is provided in the furtherance of a commercial enterprise and is not available to the public at large.
- Non-business private carriers of passengers (Non-Business PCMPs) defined as a private motor carrier involved in the interstate transportation of passengers that does not otherwise meet the definition of a private motor carrier of passengers (business).

**Table 2**  
**Applicability of PUCO Safety Rules – Motor Carriers of Passengers**

Type of Carrier	Description	Private or For-Hire	Number of Passengers Vehicle is Designed or Used to Transport (Including Driver)	Do PUCO Regulations Apply?
Intrastate or Interstate For-Hire Carrier of Passengers	Transports passengers for compensation over regular routes or charter service within the state of Ohio.	For-Hire	Designed or used to transport fewer than eight passengers (including the driver) for compensation	No
Intrastate or Interstate For-Hire Carrier of Passengers	Transports passengers for compensation over regular routes or charter service.	For-Hire	Designed or used to transport more than eight passengers (including the driver) for compensation.	Yes
Intrastate or Interstate Business PMCP	Provide private transportation of passengers in the furtherance of a commercial enterprise and is not available to the general public. Includes intrastate and interstate movements. <b>Examples:</b> <ul style="list-style-type: none"> <li>• Companies that use buses to transport their own employees</li> <li>• Professional musicians who use buses for concert tours.</li> </ul>	Private	Designed or used to transport more than eight passengers (including the driver) for compensation.	Yes
Intrastate or Interstate Non-Business PMCP	Provide private transportation of passengers that is not in the furtherance of a commercial enterprise. Includes intrastate and interstate movements. <b>Examples:</b> Churches, private schools, scout groups, and other organizations that may purchase or lease buses for the private transportation of their respective groups.	Private	Designed or used to transport fewer than 15 passengers (including the driver) and is not used to transport passengers for compensation.	No
Intrastate or Interstate Non-Business PMCP	Provide private transportation of passengers that is not in the furtherance of a commercial enterprise. Includes intrastate and interstate movements. <b>Examples:</b> Churches, private schools, scout groups, and other organizations that may purchase or lease buses for the private transportation of their respective groups.	Private	Designed or used to transport more than 15 passengers (including the driver) and is not used to transport passengers for compensation.	Yes

## ***Private Motor Carriers of Passengers***

Certain parts of the state-adopted FMCSRs do not apply or only partially apply to PMCPs. Table 3 below summarizes the applicability of the safety regulations to Business PMCPs and Non-Business PMCPs. Where partial applicability is indicated, refer to the “Applicability” section of the FMCSR sections cited.

**Table 3**  
**Applicability of Safety Regulations**  
**Business Private Motor Carriers of Passengers and**  
**Non-Business Private Motor Carriers of Passengers**

<b>FMCSRs</b>	<b>Topic</b>	<b>Business PMCPs</b>	<b>Non-Business PMCPs</b>
382	Controlled Substances and Alcohol Use and Testing	Yes	Yes
383	Commercial Drivers License	Yes	Yes
387	Financial Responsibility (Insurance/Surety)	No	No
390	General Applicability and Definitions	Yes	Partial 49 CFR §390.3(f)
391	Qualification of Drivers	Partial 49 CFR §391.69	Partial 49 CFR §391.68
392	Driving of Commercial Motor Vehicles	Yes	Yes
393	Parts and Accessories	Yes	Yes
395	Driver’s Hours of Service	Yes	Partial 49 CFR §395.8
396	Inspection, Repair, and Maintenance	Yes	Partial 49 CFR §396.11(d) 49 CFR §396.3(b)

## **Intrastate Carriers Exempt from PUCO Regulations**

In some situations, the use of CMV is unregulated or exempt from the PUCO commercial vehicle safety and the hazardous materials requirements. These exemptions apply to intrastate operations only. PUCO regulations may not apply to your company’s intrastate use of a CMV if it fits one of these situations. These exemptions are outlined below. Contact the PUCO Transportation Department at (614) 466-3392 for assistance in determining if you are operating or plan to operate in an exempt, intrastate situation.

**(Refer to ORC 4921.02(A) and 4923.02(A))**

### ***Intrastate For-Hire Carriers – Exempt Situations/Conditions***

- Operations entirely within the confines of a municipality or the directly contiguous borders of the city you operate within
- Taxicabs
- Transporting pupils in school buses
- Transport of farm supplies to the farm, or farm products to market or food processing plants
- Distributing newspapers
- Transport of crude petroleum, incidental to gathering from wells and delivery to destination pipeline
- Transport of injured, ill, or deceased persons by hearse or ambulance
- Transporting bulk shipments of compost or shredded bark mulch
- Ridesharing arrangements

**(Refer to ORC 4921.02(A))**

### ***Intrastate Private Carriers – Exempt Situations/Conditions***

- Intra-city not-for-hire transport of persons in church buses and/or intra-city not-for-hire transport of property
- Transporting pupils in school buses
- Transport of farm supplies to the farm or farm products from farm to market
- Operating motor vehicles for contractors on public road work
- Transport of newspapers
- Transport of crude petroleum incidental to gathering from wells and delivery to destination by pipeline
- Towing disabled or wrecked motor vehicles
- Transport of injured, ill, or deceased persons by hearse or ambulance
- Transporting bulk shipments of compost or shredded bark mulch
- Ridesharing arrangements

(Refer to ORC 4923.02(A))

### ***Intrastate Private Carriers of Certain Construction Materials and Equipment***

There are limited exemptions to the hours of service requirements for intrastate private carriers that transport construction materials and equipment. Transportation of construction materials and equipment is generally defined as “the transportation of construction and pavement materials, construction equipment, and construction maintenance vehicles, by a driver to or from an active construction site (a construction site between mobilization of equipment and materials to the site to the final completion of the construction project) within a 50 air mile radius of the normal work reporting location of the driver.”

Drivers that work for these carriers may not drive:

- For more than 12 hours after eight consecutive hours off duty; or
- For any period after being on duty 16 hours following eight consecutive hours off duty.

A motor carrier engaged in the intrastate transport of construction materials and equipment may not permit or require a driver to drive a commercial motor vehicle for any period after:

- 70 hours on duty in any seven consecutive days if the carrier does not operate commercial motor vehicles every day of the week; or
- 80 hours on duty in any eight consecutive days if the carrier operates commercial motor vehicle every day of the week.

Driver Status & Company Operating Schedule	Standard Operations	Construction Exempt Operations
Driving	11 Hours	12 Hours
On-Duty	14 Hours	16 Hours
7-Days	60 Hours	70 Hours
8-Days	70 Hours	80 Hours

(Refer to OAC 4901:2-5-02(E) and (F))

# **PUCO Carrier Registration and Proof of Insurance Requirements**

Most of the for-hire and some private carriers regulated by the PUCO are required to register with the PUCO. As part of the registration requirements, these carriers must complete registration forms, pay registration fees, provide proof of insurance, and in some cases submit additional supporting documents to the PUCO. PUCO carrier registration functions are performed by the Transportation Department, Motor Carrier Registration Division.

(Refer to OAC 4901:2-1-02)

## ***Carrier Registration Requirements***

Carriers or their agents must complete and submit the required registration forms specific to the type of carrier registration sought. These forms are outlined in Table 4 below, and are included in this publication. Forms can also be obtained in person, by mail from the PUCO Transportation Department, or through the PUCO Web site at **[www.PUCO.ohio.gov](http://www.PUCO.ohio.gov)**. The Motor Carrier Registration staff at (614) 466-3392 is also available to address questions regarding the PUCO carrier registration. Keep in mind that a power of attorney must be provided if an agent is used to complete forms and file registration materials for a carrier.

Registration fees vary depending upon the carrier operation involved. See Table 4 for more info about the fees required for your operation.



**Table 4**  
**Registration Forms, Fees, and Renewal Periods for Regulated Carriers**

Type of Carrier	Description of Operations	Forms Required	Fees	Renewal	Other PUCO Requirements
<b>Intrastate For-Hire Carriers (No Passengers)</b>	Operate solely within the state of Ohio.	PUCO Application for Registration of Motor Carriers Operating Intrastate For Hire in Ohio	Annual Tax Fees per Vehicle \$30.00 each for: <ul style="list-style-type: none"> <li>• Tractor or truck tractor pulling a trailer</li> <li>• Tow Truck</li> <li>• Bus</li> </ul> \$20.00 Each for: <ul style="list-style-type: none"> <li>• Straight truck, van , car, etc.</li> </ul>	Annual By July 1	
<b>Intrastate Household Goods Carriers</b>	Transport someone else's household goods (furniture, clothing, appliances, etc.) within, into, through, or out of the state of Ohio for compensation.	PUCO Application for Registration of Motor Carriers Operating Intrastate For Hire in Ohio	Annual Tax Fees per Vehicle \$30.00 each for: <ul style="list-style-type: none"> <li>• Tractor or truck tractor pulling a trailer</li> <li>• Tow Truck</li> <li>• Bus</li> </ul> \$20.00 each for: <ul style="list-style-type: none"> <li>• Straight truck, van, car, etc.</li> </ul> Household Goods Carrier Fee based on carrier gross annual revenue: \$0 - \$74,999 = \$100.00 \$75,000 -149,999 = \$200.00 \$150,000 or more = \$300.00	Annual By July 1	Must File Tariff: Establish and maintain rates for the transport of household goods and associated services.
<b>Intrastate For-Hire Motor Carriers of Passengers</b>	For-hire motor carriers that transport passengers and operate solely within the state of Ohio.	PUCO Application for Registration of Motor Carriers Operating Intrastate For Hire in Ohio	Annual Tax Fees per Vehicle \$30.00 each for: <ul style="list-style-type: none"> <li>• Tractor or truck tractor pulling a trailer</li> <li>• Tow Truck</li> <li>• Bus</li> </ul> \$20.00 each for: <ul style="list-style-type: none"> <li>• Straight truck, van, car, etc.</li> </ul>	Annual By July 1	

**Table 4**  
**Registration Forms, Fees, and Renewal Periods for Regulated Motor Carriers**  
**(Continued)**

Type of Carrier	Description of Operations	Forms Required	Fees	Renewal	Other PUCO Requirements
<b>Interstate Property Carriers</b>  <b>For-Hire</b>  <b>FMCSA Regulated</b>	Interstate for-hire motor carriers regulated by FMCSA that operate in participating Unified Carrier Registration (UCR) states.	Unified Carrier Registration (UCR) Form	UCR fees depend on fleet size.	Annual: Sept. 1 to Dec. 31	
<b>Interstate Property Carriers</b>  <b>Private</b>  <b>FMCSA Regulated</b>	Interstate private motor carriers regulated by FMCSA that operate in participating Unified Carrier Registration (UCR) states.	Unified Carrier Registration (UCR) Form	UCR fees depend on fleet size.	Annual: Sept. 1 to Dec. 31	
<b>Interstate Passenger Carriers</b>  <b>For-Hire</b>  <b>FMCSA Regulated</b>	Interstate for-hire motor carriers of passengers regulated by FMCSA that operate in participating Unified Carrier Registration (UCR) states.	Unified Carrier Registration (UCR) Form	UCR fees depend on fleet size.	Annual: Sept. 1 to Dec. 31	
<b>Interstate Passenger Carriers</b>  <b>Private</b>  <b>FMCSA Regulated</b>	Interstate private motor carriers of passengers regulated by FMCSA that operate in participating Unified Carrier Registration (UCR) states.	Interstate private motor carriers of passengers are <u>not</u> required to register with the UCR.			

**Table 4**  
**Registration Forms, Fees, and Renewal Periods for Regulated Motor Carriers**  
**(Continued)**

Type of Carrier	Description	Forms Required *	Fees	Renewal	Other PUCO Requirements
<b>Interstate and Intrastate:</b> <ul style="list-style-type: none"> <li><b>Hazardous Materials Carriers</b></li> <li><b>Hazardous Waste Transporters</b></li> </ul> <b>NOTE:</b> This registration and permit is required in addition to: <ul style="list-style-type: none"> <li>- Any other applicable PUCO interstate or intrastate carrier registration requirements; and</li> <li>- The US DOT (PHMSA) hazardous materials permit.</li> </ul>	Interstate and Intrastate carriers that transport: <ul style="list-style-type: none"> <li>• Hazardous materials of a type and amount that requires the vehicle (truck or trailer) to be placarded; or</li> <li>• Hazardous substances and/or marine pollutants transported in bulk packagings; or</li> <li>• Hazardous wastes subject to the Uniform Hazardous Waste Manifest; or</li> <li>• Low-level radioactive waste.</li> </ul>	<ul style="list-style-type: none"> <li>• Uniform Program Registration and Permit Application:</li> <li>• Parts I and Part II: All hazardous materials and hazardous waste carriers</li> <li>• Part III: Hazardous waste transporters only</li> </ul>	Fees depend on: <ul style="list-style-type: none"> <li>• No. of carrier power units</li> <li>• Carrier's activity as hazardous materials or hazardous waste (by percent of total activity)</li> <li>• International Registration Plan (IRP) activity in participating states</li> <li>• Applicable per vehicle registration fee for hazardous waste transporters</li> <li>• Applicable permit processing fee for Carrier's Uniform Program "Base State"</li> </ul>	Registration: Must be renewed annually  Permit: Must be renewed every three years  Carriers are notified 90 days before expiration of registration and permit.	Uniform Program permit is recognized by other states of the Hazmat Alliance: Illinois, Michigan, Oklahoma, West Virginia, Minnesota, and Nevada

\* Power of Attorney required if an agent is used to complete/file forms

# Insurance Requirements

## ***Levels of Insurance***

Intrastate and interstate motor carriers regulated by the PUCO are required to maintain prescribed levels of bodily injury, cargo, and property damage liability insurance.

## ***Proof of Insurance – Intrastate Carriers***

Without recognized proof of insurance, intrastate for-hire carriers may not operate in the state of Ohio.

Intrastate carriers and their insurance carriers must provide the PUCO Transportation Department, Motor Carrier Registration Division with specific documents as proof of adequate insurance coverage. Depending on the type of carrier operation involved, a representative of the carrier's insurance company is required to submit an ICC Form E, Form H, Form G, or Form J as proof of insurance (see Table 5).

The PUCO will recognize self-insurance for carriers who have a self-insurance plan approved by the FMCSA. Carriers must provide copies of the FMCSA Decision Order and the letter from the FMCSA establishing the date the company's plan will be activated. In addition, self-insurance for interstate and intrastate for-hire carriers may be accepted if the PUCO has approved an order for self-insurance.

(Refer to OAC 4901:2-13-02)

## ***Proof of Insurance – Interstate Carriers***

Insurance requirements for carriers operating in interstate commerce (between states) are described in the FMCSRs. Requirements for proof of insurance for interstate carriers are indicated in Table 5.

(Refer to OAC 4901:2-13-02 for intrastate; 49CFR, Part 397 for interstate)

**Table 5**  
**PUCO Motor Carrier Insurance Requirements**

Type of Carrier	Description	Minimum Insurance Required	Insurance Forms Required
<b>Intrastate For-Hire Carriers (No Passengers)</b>	For-hire motor carriers that operate solely within the state of Ohio.	\$350,000 bodily injury and property damage liability insurance. (Refer to OAC 4901:2-13-01 and 4901:2-13-01)	Properly completed Form E (Uniform Motor Carrier Bodily Injury and Property Damage Certificate of Insurance) submitted by insurance provider
<b>Intrastate Household Goods Carriers</b>	Movement of any residential household goods (furniture, clothing, appliances, etc.) beginning and ending within Ohio for compensation.	\$350,000 bodily injury and property damage liability insurance and \$20,000 cargo insurance for each straight truck or each combination used for the transportation of household goods. (Refer to OAC 4901:2-13-01 and 4901:2-13-01)	Properly completed Form E (Uniform Motor Carrier Bodily Injury and Property Damage Certificate of Insurance) submitted by insurance provider  Properly executed Form H (Uniform Motor Carrier Cargo Certificate of Insurance) submitted by insurance provider

**Table 5**  
**PUCO Motor Carrier Insurance Requirements**  
**(Continued)**

Type of Carrier	Description	Minimum Insurance Required	Insurance Forms Required
<b>Intrastate For-Hire Motor Carriers of Passengers</b>	For-hire motor carriers that transport passengers and operate solely within the state of Ohio.	Insurance for bodily injury and property damage liability insurance based on seating capacity of vehicle(s) used. (Refer to OAC 4901:2-13-01 and 4901:2-13-01)	Properly completed Form E, (Uniform Motor Carrier Bodily Injury and Property Damage Certificate of Insurance) submitted by insurance provider
<b>Interstate Property Carriers – Exempt from FMCSA Regulation</b>	For-hire carriers exempt from the FMCSA operating authority requirements.	\$750,000 insurance for bodily injury and property damage liability insurance. (Refer to 49 CFR §387.9)	Properly completed Form E, (Uniform Motor Carrier Bodily Injury and Property Damage Certificate of Insurance) submitted by insurance provider
<b>Interstate Property Carriers – FMCSA Regulated</b>	Interstate for-hire motor carriers covered by FMCSA operating authority requirements.	\$750,000 - bodily injury and property damage liability insurance. (Refer to 49 CFR §387.9)	Properly completed Form BMC91, BMC-91X or PUCO order approving self-insurance submitted by insurance provider
<b>Interstate Passenger Carriers/Regular Route – FMCSA Regulated</b>	Interstate for-hire motor carriers of passengers operating over regular routes that require FMCSA registration.	Determined by the seating capacity of the vehicle(s) used. (Refer to 49 CFR §387.33)	Properly completed Form BMC91, BMC-91X or PUCO order approving self-insurance submitted by insurance provider
<b>Interstate Passenger/Charter Carriers – FMCSA Regulated</b>	Interstate for-hire motor carriers of passengers operating as a charter carrier that require FMCSA registration.	Determined by the seating capacity of the vehicle(s) used. (Refer to 49 CFR §387.33)	Properly completed Form BMC91, BMC-91X or PUCO order approving self-insurance submitted by insurance provider
<b>Interstate and Intrastate</b> <ul style="list-style-type: none"> <li><b>Hazardous Materials Carriers and</b></li> <li><b>Hazardous Waste Transporters</b></li> </ul>	Interstate and Intrastate carriers that transport: <ul style="list-style-type: none"> <li>Hazardous materials of a type and amount that requires the vehicle (truck or trailer) to be placarded;</li> <li>Hazardous substances and/or marine pollutants transported in bulk packaging;</li> <li>Hazardous wastes subject to the Uniform Hazardous Waste Manifest; or</li> <li>Low-level radioactive waste.</li> </ul>	Minimum levels of insurance depend on the hazardous material(s) being transported and the weight/type of the vehicle(s) used. (Refer to OAC 4901:2-13-02(C) and 49 CFR §387.9)	Properly completed US DOT Form MCS-90

## Household Goods Carriers

The transportation of residential household goods, such as furniture, clothing, and appliances, in Ohio falls within the PUCO's jurisdiction. You are considered a regulated household goods carrier if you use a motor vehicle to move someone's household goods within, into, through or out of the state of Ohio and perform these services for compensation. As a regulated household goods carrier you must comply with PUCO regulations that address vehicle safety requirements, company registration, insurance, advertising, and pricing/estimates.

(Refer to ORC 4921.35; OAC 4901:2-21-08)

## Marking of Vehicles – Intrastate Operations

Vehicles of for-hire and private carriers subject to PUCO regulations operating in intrastate commerce must display the following on both sides of the vehicle:

- Company name;
- The identification number issued by the PUCO preceded by the letters PUCO or the identification number issued by the US DOT preceded by the letters USDOT;

The markings must appear on both sides of the vehicle and be;

- In letters that contrast sharply in color with their background;
- Legible from 50 feet (15.24 meters) while the vehicle is stationary; and
- Maintained so they are legible at all times.

(Refer to OAC 4901:2-5-10)

### ***Vehicle Marking Exemptions – Intrastate Operations***

In certain situations, intrastate carriers may not be required to comply with the vehicle marking requirements described above. These exemptions are described below.

The Director of the PUCO transportation Department may grant an exemption to the intrastate vehicle marking requirement if:

- Prior to January 1, 1987, the carrier marked its vehicles with an alternative system that adequately identified the owner and identity of the equipment; and
- Display of the required information would pose a security risk to the vehicle, its contents or occupants.

For additional information regarding this exemption, call the PUCO Transportation Department at (614) 466-3191.

The intrastate marking requirements do not apply to a leased vehicle if the vehicle has been leased without a driver and –

- The lease is for a period not in excess of 30 calendar days;
- The lessor remains responsible for routine maintenance of the vehicle;
- The vehicle is marked with the name of the lessor; and
- A signed copy or summary of the lease (showing name, city and state of lessee, duration of the lease, and party responsible for the lease) is carried aboard the vehicle.

(Refer to OAC 4901:2-5-10)

## Marking of Vehicles – Interstate Operations

The requirements for marking of CMVs operating in interstate commerce cover both for-hire and private carrier operations. In general, these vehicles must be marked on both sides with:

- The legal name or single trade name of the motor carrier
- The US DOT motor carrier identification number issued by the FMCSA
- These markings must appear on both sides of the CMV in letters that sharply contrast with their background, be legible from 50 feet (vehicle stationary), and be kept legible

(Refer to 49 CFR 390.21)

## Enforcement by US DOT

As mentioned previously, the US DOT Federal Motor Carrier Safety Administration (FMCSA) has jurisdiction over the operation of many motor carriers operating in, out of, and through the state of Ohio. This includes for-hire and private carriers. To determine compliance with its regulations, the FMCSA conducts new entrant carrier safety audits, carrier compliance reviews, and commercial vehicle inspections in Ohio. Individuals and companies under FMCSA jurisdiction are subject to civil penalties (fines) for violations of the FMCSRs and the HMRs. In general, the federal safety rules apply and are enforced by the FMCSA when a trip's origin or destination is out-of-state and the motor vehicle in question:

- Has a gross vehicle weight rating or gross combination weight rating, or gross vehicle weight or gross combination weight, of 4,536 kg (10,001 pounds) or more, whichever is greater; or;
- Is designed or used to transport more than 8 passengers (including the driver) for compensation; or
- Is designed or used to transport more than 15 passengers, including the driver, and is not used to transport passengers for compensation; or
- Is used in transporting material found by the Secretary of Transportation to be hazardous under 49 U.S.C. 5103 and transported in a quantity requiring placarding under regulations prescribed by the Secretary of Transportation under 49 CFR, Subtitle B, Chapter I, Subchapter C.

The next two tables (Table 7 and Table 8) indicate US DOT's jurisdiction to over various types of motor carriers. Table 7 addresses carriers of property and Table 8 addresses motor carriers of passengers.

**Table 7**  
**US DOT Jurisdiction (Does Not Include Motor Carriers of Passengers)**

Inter or Intra State	Private or For-Hire	Vehicle Weight: GVWR, GCWR, GW, or GCW	Placards Required Under US DOT Hazmat Regulations (see 49CFR 172.504)	Does US DOT Jurisdiction Apply?
Intrastate	Private	Any	Yes	Yes
Intrastate	For-Hire	Any	Yes	Yes
Interstate	Private and For-Hire	10,000 lbs. or less	No	No *
Interstate	Private and For-Hire	10,001 lbs. or more	No	Yes
Interstate	Private and For-Hire	Any	Yes	Yes

\* Registration applies to interstate vehicles hauling for-hire with a GVWR of less than 10,000 lbs.

**Table 8**  
**Applicability of US DOT Safety Rules – Motor Carriers of Passengers**

Type of Carrier	Description	Private or For-Hire	Number of Passengers Vehicle is Designed or Used to Transport (Including Driver)	Do US DOT Regulations Apply?
<b>Interstate For-Hire Carrier of Passengers</b>	Transports passengers for compensation over regular routes or charter service between states.	For-Hire	Designed or used to transport <b>more than 8 passengers</b> (including the driver) for compensation.	<b>Yes</b>
<b>Interstate Business Private Motor Carrier of Passengers</b>	Provide private interstate transportation of passengers in the furtherance of a commercial enterprise and is not available to the general public.  Examples: <ul style="list-style-type: none"> <li>Companies that use buses to transport their own employees; and</li> <li>Professional musicians who use buses for concert tours.</li> </ul>	Private	Designed or used to transport <b>more than 15 passengers</b> (including the driver) for compensation.	<b>Yes</b>
<b>Interstate Non-Business Private Motor Carrier of Passengers</b>	Provide private interstate transportation of passengers that is not in the furtherance of a commercial enterprise.  <b>Examples:</b> Churches, private schools, scout groups, and other organizations that may purchase or lease buses for the private transportation of their respective groups.	Private	Designed or used to transport <b>fewer than 15 passengers</b> (including the driver) and is not used to transport passengers for compensation.	<b>No</b>
<b>Interstate Non-Business Private Motor Carrier of Passengers</b>	Provide private transportation of passengers that is not in the furtherance of a commercial enterprise.  <b>Examples:</b> Churches, private schools, scout groups, and other organizations that may purchase or lease buses for the private transportation of their respective groups.	Private	Designed or used to transport <b>more than 15 passengers</b> (including the driver) and is not used to transport passengers for compensation.	<b>Yes</b>



Table 9 indicates how the different parts of the FMCSRs (drug and alcohol testing, commercial driver's license, driver qualifications, etc.) and the Ohio Administrative Code apply to intrastate motor carriers.

**Table 9**  
**Applicability of Truck Safety Rules to Intrastate Motor Carrier Operations**

<b>Safety Requirements</b>	<b>Intrastate For- Hire</b>	<b>Intrastate Private</b>
Drug and Alcohol Testing (Refer to 49 CFR Part 382)	Yes When operating CMV (Refer to 49 CFR §382.107)	Yes When operating CMV (Refer to 49 CFR §382.107)
Commercial Driver's License (Refer to 49 CFR Part 383)	Yes When operating CMV (Refer to 49 CFR §383.5)	Yes When operating CMV (Refer to 49 CFR §383.5)
Carrier Insurance (Refer to OAC §4901:2-13 and 49 CFR Part 387 as needed)	Yes When operating CMV (Refer to definition of CMV in 49 CFR §390.5)	<p>Yes When hauling:</p> <ul style="list-style-type: none"> <li>• Hazmat in quantities that require placarding as per the US DOT HMRs, 49 CFR; or</li> <li>• Passengers as per OAC §4901:2-13</li> </ul> <p>(49 CFR Parts 391, 392, 393, 395, 396, and 397 only apply to vehicles with a GVWR or GCWR of 26,001 or more, 16 or more passengers, including the driver or hazardous in quantity requiring placards)</p>
Driver Qualifications (Refer to 49 CRR Part 391)		
Safe Driving and Operation of CMVs (Refer to 49 CFR Part 392)		
Required Vehicle Parts and Accessories (Refer to 49 CFR Part 393)		
Hours of Service and Logbooks (Refer to 49 CFR Part 395)		
Vehicle Maintenance and Repair (Refer to 49 CFR Part 396)		
Hazmat – Driving and Parking Rules (Refer to 49 CFR Part 397)	Yes When hauling hazmat in quantities that require placarding or marking as per US DOT HMRs	Yes When hauling hazmat in quantities that require placarding or marking as per US DOT HMRs

Table 10 indicates how the different parts of the FMCSRs (drug and alcohol testing, commercial driver's license, driver qualifications, etc.) and the Ohio Administrative Code apply to interstate motor carriers.

**Table 10**  
**Applicability of Truck Safety Rules to Interstate Motor Carrier Operations**

<b>Safety Requirements</b>	<b>Interstate For-Hire</b>	<b>Interstate Private</b>
Drug and Alcohol Testing (Refer to 49 CFR Part 382)	Yes When operating CMV (Refer to 49 CFR §382.107)	Yes When operating CMV (Refer to 49 CFR §382.107)
Commercial Driver's License (Refer to 49 CFR Part 383)	Yes When operating CMV (Refer to 49 CFR §383.5)	Yes When operating CMV (Refer to 49 CFR §383.5)
Carrier Insurance (Refer to OAC §4901:2-13 and 49 CFR Part 387)	Yes When operating CMV (Refer to definition of CMV in 49 CFR §390.5)	Yes FMCSA requires proof of insurance (FMCSA Form MCS-90B) at motor carrier's principal place of business
Driver Qualifications (Refer to 49 CRR Part 391)	Yes  When operating CMV (Refer to definition of CMV in 49 CFR §390.5)	Yes  When operating CMV (Refer to definition of CMV in 49 CFR §390.5)
Safe Driving and Operation of CMVs (Refer to 49 CFR Part 392)		
Required Vehicle Parts and Accessories (49 CFR Part 393)		
Hours of Service and Logbooks (Refer to 49 CFR Part 395)		
Vehicle Maintenance and Repair (Refer to 49 CFR Part 396)		
Hazmat – Driving and Parking Rules (Refer to 49 CFR Part 397)	Yes When hauling hazmat in quantities that require placarding or marking as per US DOT HMRs	Yes When hauling hazmat in quantities that require placarding or marking as per US DOT HMRs

## The Regulations – Frequently Asked Questions

The following section outlines parts of the PUCO and US DOT regulations that affect motor carriers and generate the most questions by companies trying to comply. All of the federal and state regulations that apply to motor carriers operating in or through the state of Ohio are not covered below. Drivers and carriers are required to be aware of and comply with the US DOT and Ohio requirements applicable to their operations. The categories of rules covered include:

- Drug and Alcohol Use and Testing
- The Commercial Driver's License (CDL)
- Qualifications of Drivers
- Driving of Commercial Motor Vehicles
- Vehicle Parts and Accessories
- Drivers Hours of Service
- Vehicle Inspection, Repair, and Maintenance
- Hazardous Materials Registration and Permit Requirements

In addition, the following section indicates the applicability of the regulations to PUCO regulated interstate private, interstate for-hire, intrastate for-hire, and intrastate private carriers. The boxes listed below are used to indicate when carriers regulated by the PUCO are required to comply.

Inter Private YES	- Requirement applies to PUCO regulated Interstate Private Motor Carriers
Inter For-Hire YES	- Requirement applies to PUCO regulated Interstate For-Hire Motor Carriers
Intra For-Hire YES	- Requirement applies to PUCO regulated Intrastate For-Hire Motor Carriers
Intra Private YES	- Requirement applies to PUCO regulated Intrastate Private Motor Carriers

At the end of each section, the applicable section or part of the US DOT and PUCO regulations that apply to the topic are listed.

### Drug and Alcohol Use and Testing

Inter Private YES	Inter For-Hire YES	Intra For-Hire YES	Intra Private YES
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As a regulated motor carrier, you and your drivers may be required to follow the US DOT requirements on the prohibition of, and testing for, controlled substances (drugs) and alcohol.

**(Refer to 49 CFR Part 40, 49 CFR Part 382)**

## ***Controlled Substances and Alcohol Use and Testing Regulations***

The drug and alcohol regulations in the FMCSRs apply to drivers that are required to have a CDL. In other words, if a driver operates a CMV that requires a CDL, the carrier and the driver must follow the controlled substances and alcohol regulations.

### ***Controlled Substances Tested For***

The drugs or classes of drugs tested for are marijuana, cocaine, amphetamines, opiates, and phencyclidine (PCP).

### ***Alcohol and Drug Use by Drivers***

In general, CMV drivers may not use controlled substances or alcohol. In particular the rules single out a CMV driver's blood-alcohol concentration (BAC), on-duty use of alcohol, pre-duty use of alcohol, use of alcohol following an accident, and general use of controlled substances.

### ***Alcohol and Controlled Substance Testing***

The regulations specify five different types of alcohol and drug tests. Some are required for all drivers and others are limited to those who have been in an accident or are returning to work after drug or alcohol abuse treatment.

- Pre-Employment – required before a driver performs any “safety sensitive functions,” including driving a CMV. Pre-employment testing may not be required if a driver has been part of another carrier's program and has been tested for drugs in the last six months or has participated in another employer's random controlled substances testing program for the previous 30 days.
- Post-Accident – a carrier must test a CMV driver for alcohol “as soon as practicable” after an accident. An accident qualifies for the testing requirement if it involves a loss of human life, the driver receives a citation for a moving violation within eight hours of the accident, bodily injury to any person that requires medical treatment away from the accident scene, or one or more of the vehicles involved in the accident is towed or transported away from the accident scene.
- Random – carriers must randomly test drivers for alcohol and drugs. The company must randomly select and test 10 percent of its drivers for alcohol and 50 percent of its drivers for controlled substances each calendar year.
- Reasonable Suspicion – carriers must require the testing of drivers that it suspects of violating the drug and alcohol regulations. A supervisor or company official must have a “reasonable suspicion” that is backed up by observations of the driver's behavior.
- Return-to-Duty and Follow-up – these tests are performed after a driver has completed a drug or alcohol abuse treatment program and a substance abuse professional has determined that the driver may return to work. A carrier is not required to provide abuse and rehabilitation programs for drivers that violate the controlled substance and alcohol regulations.

## ***Record Retention – Alcohol and Controlled Substance Tests***

Carriers must keep alcohol and controlled substance testing results for five years, two years, one year, or indefinitely. Below are the specific requirements.

- Five Years
  - Alcohol test results indicating a BAC of 0.02 or greater
  - Verified positive drug test results
  - Refusals to submit to required alcohol and drug tests
  - Driver evaluations and referrals
  - Required calibration of Evidential Breath Testing (EBT) devices
  - A copy of each calendar year summary
- Two Years
  - Records related to the collection process
- One Year
  - Negative and canceled controlled substance test results
  - Alcohol test results indicating a BAC of less than 0.02
- Indefinitely
  - Education and training records

## ***Alcohol and Controlled Substance Testing Records***

Testing records must be stored securely with limited access. Drivers, the FMCSA, the National Transportation Safety Board (NTSB), the PUCO, and subsequent employers may have access to these records. Carriers should consult the FMCSRs when determining if and how the records can be released.

## ***Drug and Alcohol Information for Drivers***

Motor carriers must provide CMV drivers with educational materials explaining the requirements of the regulations and the carrier's policies on alcohol misuse and controlled substances abuse to each driver prior to the start of testing. At a minimum, the material should include information on:

- The identity of the company representative designated to answer drug and alcohol questions.
- Which drivers are subject to these requirements, what is prohibited, and a clarification of what is a "safety sensitive function" covered by these regulations.
- Circumstances when a driver will be tested and the procedures that will be used.
- Explanation of the requirement that a driver must submit to the testing and what constitutes a driver's refusal to submit to testing.
- Consequences for drivers who violate the testing requirements.
- Information on the effects of alcohol misuse and controlled substances abuse on health, work, and personal life.

## ***Supervisor Training***

Supervisors must be trained to identify the physical, behavioral, speech, and performance indicators that point to probable abuse of controlled substances and alcohol.

**(Refer To 49 CFR Part 40 and Part 382, OAC 4901:2-5-02)**

# The Commercial Driver's License

Inter Private  
YES

Inter For-Hire  
YES

Intra For-Hire  
YES

Intra Private  
YES

The Commercial Driver's License (CDL) have been adopted by the state of Ohio, and require many drivers who operate trucks to have a CDL.

A CDL is a state license issued under federal guidelines. A CDL is required in interstate and intrastate commerce and accepted anywhere in North America if there are no restrictions imposed by the issuing state. The type and size of a vehicle determines if a CDL is required and the appropriate class designation. The table below summarizes the types of vehicles and required CDL class designation:

CDL Class	Vehicle Type/Size
Class A	A combination vehicle with a combined gross vehicle weight rating of 26,001 pounds or more if the vehicle or trailer towed is in excess of 10,000 pounds.
Class B	A single unit vehicle with a gross vehicle weight rating of 26,001 or more pounds or any such vehicle towing a vehicle not in excess of 10,000 pounds.
Class C	Any single unit vehicle that is not a Class A or Class B vehicle but is either designed to transport 16 or more passengers including the driver, or hauling an amount of hazardous materials requiring the display of placards, or a school bus with a gross vehicle weight rating less than 26,001 pounds designed to transport fewer than 16 passengers, including the driver.
Class D	A vehicle other than a commercial motor vehicle.

Restrictions might also be noted on a CDL to indicate types of vehicles or equipment that the driver is not permitted to operate. The tables below summarize the Ohio CDL endorsements and restrictions.

CDL Endorsements	
H	Authorizes the driver to drive a vehicle transporting hazardous materials.
L	Restricts the driver to vehicles not equipped with air brakes (If a driver fails the air brake section of the knowledge test, or performs the skills test in a vehicle not equipped with air brakes, the CDL, if issued, will indicate that the license holder may not operate any CMV equipped with air brakes).
T	Authorizes the driver to drive double and triple trailers.
P	Authorizes the driver to drive vehicles carrying passengers.
P1	Authorizes the driver to drive class A vehicles with fewer than 15 passengers and all lesser classes of vehicles without restriction as to the number of passengers.
P2	Authorizes the driver to drive class A or B vehicles with fewer than 15 passengers and all lesser classes of vehicles without restriction as to the number of passengers.
N	Authorizes the driver to drive tank vehicles.
S	Authorizes the driver to drive school buses.
X	Authorizes the driver to drive tank vehicles transporting hazardous materials.

<b>CDL Restrictions</b>	
K	Restricts the driver to only intrastate operation (Drivers between 18 and 21 years of age may drive a CMV in intrastate commerce with the “K” license restriction).
L	Restricts the driver to vehicles not equipped with air brakes (If a driver fails the air brake section of the knowledge test, or performs the skills test in a vehicle not equipped with air brakes, the CDL, if issued, will indicate that the license holder may not operate any CMV equipped with air brakes).
P3	Restricts the driver to driving class B school buses.
P4	Restricts the driver to driving class C school buses designed to transport fewer than 16 passengers including the driver.
W	Restricts the driver to the operation of commercial motor vehicles in accordance with a waiver for farm related service industries as described in ORC 4506.24.

(Refer to 49 CFR Part 383, ORC 4506.24, & OAC 4901:2-5-04)

## ***Getting a CDL***

In the state of Ohio, the CDL program is administered by the Ohio Department of Public Safety, Bureau of Motor Vehicles (BMV). For more information on how to get or maintain a CDL please contact the BMV, a local BMV deputy registrar, or the Ohio State Highway Patrol, Office of Licensing and Commercial Standards (LCS).

- Ohio Bureau of Motor Vehicles (614) 752-7600  
<http://ohiobmv.com>
- State Highway Patrol, LCS (614) 466-4056

## **CDL Testing and Licensing Procedures**

The BMV administers the CDL testing and licensing program in Ohio. To obtain a CDL, drivers must pass general knowledge and skills tests.

A driver’s knowledge is tested in the following areas:

- Safe operation regulations
- Commercial motor vehicle safety control systems
- Safe vehicle control
- Relationship of cargo to vehicle control
- Vehicle inspections
- Hazardous materials
- Air brakes (air brake systems and combination vehicles)

A driver’s skills are tested for proficiency in the following areas:

- Basic vehicle control skills
- Safe driving skills
- Air brake skills
- Pre-trip inspection skills

## ***Security Requirements – CDL Hazardous Materials Endorsement***

Beginning in 2005, applicants for a new or renewal of a CDL hazardous materials endorsement will undergo additional security review before the endorsement is issued. The state may not “issue, renew, upgrade, or transfer a hazardous materials endorsement for a CDL to any individual authorizing that individual to operate a commercial motor vehicle transporting a

hazardous material in commerce unless the Transportation Security Administration (TSA) has determined that the individual does not pose a security risk warranting denial of the endorsement.”

Drivers that hold the hazardous materials endorsement will be notified 180 days prior to the expiration of a CDL or hazardous materials endorsement that they must pass a TSA security screening as part of the application process. Drivers should file a renewal application at least 90 days from the expiration of the endorsement.

### ***Notification Requirements – Driver Convictions for Traffic Violations***

If a driver holding a CDL is convicted of any state or local traffic violation (other than a parking violation) in any type of motor vehicle, the driver must notify his/her employer(s) within 30 days. This notification must be in writing and must include the following information:

- Driver’s full name
- Driver’s license number
- Date of conviction
- Details about the offense, including any resulting suspension, revocation, or cancellation of driving privileges
- Indication of whether the violation happened in a CMV
- Location of offense
- Driver’s signature

The driver must also notify the state that issued his or her CDL if the violation occurred in another state. This notification must also be made in writing within 30 days of the date of conviction and must include the information listed above. In Ohio drivers must notify the BMV CDL/Out of State Processing Unit, in writing, of all out-of-state traffic convictions within 30 days of the conviction.

In Ohio, the term “conviction” includes PUCO civil forfeiture cases where the driver has been found in violation and the case has not been dismissed or the violation has not been deleted from an inspection or compliance review.

### ***Notification Requirements – Drivers License Suspension***

A CMV driver who has his/her driver’s license suspended, revoked, or canceled by a state or other jurisdiction (city, county, etc.), or who loses the right to operate a CMV in a particular state or jurisdiction, for any period must notify his or her current employer of the suspension, revocation, cancellation, lost privilege, or disqualification. The notification must be made before the end of the business day following the day the suspension, revocation, cancellation, lost privilege, or disqualification is effective or a ruling is made.

### ***Notifying Previous Employers – Driving Record***

When a driver applies for job that includes driving a CMV, he or she must provide their prospective employer information on their employment history as a CMV driver. In addition, employers must also request this information from prospective employees at the time they apply for a position covered by this requirement. The applicant must certify that all information furnished is true and complete. This employment history information must include the 10 years preceding the date of application and must include:



- A list of the names and addresses of the applicant's previous employers for which the applicant was an operator of a commercial motor vehicle;
- The dates the applicant was employed by these employers; and
- The reason for leaving such employment.

An employer may require an applicant to provide additional information and may use the information to check the applicant's employment history.

### ***Employer's Responsibilities – Using Drivers with Invalid CDL***

An employer may not knowingly allow, permit, or authorize a driver with a CDL to operate a commercial motor vehicle:

- When the driver has had a CDL suspended, revoked, or canceled by a state;
- During any period in which the driver has a CMV driver's license suspended, revoked, or canceled by a state, has lost the right to operate a CMV in a state, or has been disqualified from operating a CMV;
- During any period in which the driver has more than one CMV driver's license;
- During any period in which the driver, the CMV he or she is driving, or the motor carrier operation is subject to an out-of-service order; or
- In violation of a federal, state, or local law or regulation pertaining to highway-rail grade crossings.

Employers and drivers who disregard these restrictions while operating in Ohio face serious penalties from the FMCSA and the PUCO.

### ***Implied Consent for Alcohol Testing***

The US DOT regulations specify that any driver holding a CDL is automatically considered to have consented to alcohol testing by any state or jurisdiction. So, if a law enforcement official requests that a CDL holder take an alcohol test, the driver must comply.

## **Driver Disqualifications and Penalties**

When a CMV driver is convicted of violating certain sections of the FMCSRs, the driver will be disqualified from operating a commercial motor vehicle for a specified length of time. The state that issues the CDL will disqualify the driver. In Ohio, this task is handled by the Bureau of Motor Vehicles. Depending on the offense, the period of disqualification can extend from 60 days to life. The severity of the penalties is increased for repeated violations of the regulations. During a disqualification, the driver may not drive a CMV. Also, an employer may not knowingly allow, require, or authorize a driver to operate a CMV during a period of disqualification.

The offenses that require disqualification are categorized as: major offenses; serious traffic violations; railroad-highway grade crossing offenses; and violations of out-of-service orders. The specific offenses involved in each of these categories are listed below.

**(Refer to 49 CFR Part 383, Subpart D)**

## ***Major Offenses***

The following are designated as “major” and may require a one year to life disqualification for CDL holders.

- Being under the influence of alcohol as prescribed by state law.
- Being under the influence of a controlled substance.
- Having BAC of 0.04 or greater while operating a CMV.
- Refusing to take an alcohol test as required by a state or jurisdiction under its implied consent laws or regulations.
- Leaving the scene of an accident.
- Using the vehicle to commit a felony, other than manufacturing, distributing, or dispensing a controlled substance.
- Driving a CMV when, as a result of prior violations committed operating a CMV, the driver’s CDL is revoked, suspended, or canceled or the driver is disqualified from operating a CMV.
- Causing a fatality through the negligent operation of a CMV, including but not limited to the crimes of motor vehicle manslaughter, homicide by motor vehicle, or negligent homicide.
- Using a CMV in the commission of a felony involving manufacturing, distributing, or dispensing a controlled substance.

## ***Serious Traffic Offenses***

The following are designated as “serious” and may require a 60 day or 120 day disqualification for CDL holders.

- Speeding excessively – any speed of 15 mph or more above the posted speed limit.
- Driving recklessly, as defined by state or local law or regulation, including, but not limited to, offenses of driving a motor vehicle in willful or wanton disregard for the safety of persons or property.
- Making improper or erratic traffic lane changes.
- Following the vehicle ahead too closely.
- Violating state or local law relating to motor vehicle traffic control (other than a parking violation) in connection with a fatal accident.
- Driving a CMV without obtaining a CDL.
- Driving a CMV without a CDL in the driver’s possession.
- Driving a CMV without the proper class of CDL and/or endorsements for the specific vehicle group being operated or for the passengers or type of cargo being transported.

## ***Highway-Rail Grade Crossing Offenses***

The following offenses occur at railroad grade crossings and may require a disqualification between 60 days and one year.

- The driver is not required to always stop, but fails to slow down and check that tracks are clear of an approaching train.
- The driver is not required to always stop, but fails to stop before reaching the crossing, if the tracks are not clear.
- The driver is always required to stop, but fails to stop before driving onto the crossing.
- The driver fails to have sufficient space to drive completely through the crossing without stopping.

- The driver fails to obey a traffic control device or the directions of an enforcement official at the crossing.
- The driver fails to negotiate a crossing because of insufficient undercarriage clearance.

### ***Violating Out-of-Service Orders***

A driver that violates an out-of-service order faces disqualification from 180 days to five years for the following offenses:

- Violating a driver or vehicle out-of-service order while transporting non-hazardous materials.
- Violating a driver or vehicle out-of-service order while transporting hazardous materials required to be placarded under the HMRs, or while operating a vehicle designed to transport 16 or more passengers, including the driver.

### ***US DOT Safety Fitness Procedures***

Interstate motor carriers are required to maintain adequate basic safety management controls. FMCSA uses a system to determine motor carrier safety ratings and what is required of carriers that are found to be unsatisfactory in the agency's rating process. The FMCSA also contains regulations for new entrant motor carriers that intend to begin operations as an interstate carrier.

(Refer to 49 CFR Part 385, Subpart A)

### ***Compliance Reviews***

To determine an interstate carrier's compliance with the FMCSRs, agents of the FMCSA go to the carrier's offices and conduct a compliance review. The compliance review is an on-site examination of motor carrier operations, such as drivers' hours of service, maintenance and inspection, driver qualification, CDL requirements, financial responsibility, accidents, hazardous materials, and other safety and transportation records to determine whether a motor carrier meets the safety fitness standard. A compliance review may be conducted in response to a request to change a safety rating, to investigate potential violations of safety regulations by motor carriers, or to investigate complaints or other evidence of safety violations. The compliance review may result in the initiation of an enforcement action.

(Refer to 49 CFR §385.3)

To determine a carrier's safety rating, the following factors are considered:

- Adequacy of safety management controls. The adequacy of controls may be questioned if their degree of formalization, automation, etc., is found to be substantially below the norm for similar carriers. Violations, accidents or incidents substantially above the norm for similar carriers will be strong evidence that management controls are either inadequate or not functioning properly.
- Frequency and severity of regulatory violations.
- Frequency and severity of driver/vehicle violations identified in roadside inspections.
- Number and frequency of out-of-service driver/vehicle violations.
- Increase or decrease in similar types of regulatory violations discovered during safety or compliance reviews.
- Frequency of accidents, hazardous materials incidents, accident rate per million miles, preventable accident rate per million miles, and other accident indicators, and whether these accident and incident indicators have improved or deteriorated over time.

- The number and severity of violations of state safety rules, regulations, standards, and orders applicable to CMV and motor carrier safety that are compatible with federal rules, regulations, standards, and orders.

**(Refer to 49 CFR §385.7)**

### ***Safety Ratings***

A compliance review will result in a rating of satisfactory, conditional, or unsatisfactory.

Within 30 days of a compliance review, a motor carrier will be notified of the safety rating resulting from the review. This written notification will come from the FMCSA. If the rating is satisfactory, the rating becomes final on the date of the FMCSA notice. If the proposed safety rating is either conditional or unsatisfactory, the rating becomes final within:

- 45 days if the carrier is transporting hazardous materials that requires placards or if transporting passengers; or
- 60 days for other carriers (if the carrier is transporting other property or materials).

**(Refer to 49 CFR §385.11)**

## ***Administrative Review***

Carriers that receive either a conditional or an unsatisfactory rating may appeal the proposed safety rating through administrative review if the carrier believes that the FMCSA has “committed an error in assigning its proposed or final safety rating.” Decisions in motor carrier safety rating appeals are made by the FMCSA in Washington D.C.

**(Refer to 49 CFR §385.15)**

## ***Corrective Actions***

Carriers may also request a change to a safety rating based on corrective actions made as a result of the compliance review. The carrier must make this request in writing within a specified time frame. The FMCSA state director of the division in which the compliance review was conducted will determine if the rating will be changed as a result of the corrective actions made by the carrier. The FMCSA Ohio Division is located at 200 North High Street, Room 609 Columbus, OH 43215; Phone: (614) 280-5657 and Fax: (614) 280-6875.

**(Refer to 49 CFR §385.17(b))**

## ***Carrier Shut-Down Requirements***

An interstate motor carrier that receives a notice of an unsatisfactory safety rating that is not improved by either administrative review, corrective actions, or other appeal will be required to cease interstate operations:

- On day 46 after receiving a notice of proposed unsatisfactory safety rating if transporting HM that requires placards or if transporting passengers; or
- On day 61 after receiving a notice of proposed unsatisfactory safety rating for carriers transporting other property or materials.

**(Refer to 49 CFR §385.13)**

## ***New Entrant Carriers***

Before a motor carrier can transport property or passengers in interstate commerce, the carrier must register with the FMCSA and obtain a US DOT number. For-hire interstate carriers must also obtain operating authority from the FMCSA.

**(Refer to 49 CFR 365, Subpart D)**

To register with the US DOT, carriers must complete and submit an application package consisting of form MCS-150 and form MCS-150A to the FMCSA. The application may be completed online at [www.usdotnumberregistration.com](http://www.usdotnumberregistration.com), or by contacting the FMCSA headquarters office at (800) 832-5660 and requesting an application by mail. For-hire motor carriers must complete the US DOT form OP-1, form OP-1(P), form BOC-3, and pay a \$300.00 filing fee. Private and exempt for-hire carriers are not required to pay this fee. Once the new entrant application package is completed, the carrier will be granted new entrant registration including a US DOT number.

For 18 months following registration with the FMCSA, a new entrant motor carrier is subject to monitoring and a safety audit. The new entrant safety audit is intended to provide educational

and technical assistance to the carrier and gather information to determine if the new entrant has adequate safety management controls in place. During the audit, the following materials will be reviewed:

- Driver qualification
- Driver duty status
- Vehicle maintenance
- Accident register
- Controlled substance and alcohol use and testing requirements

In Ohio, new entrant safety audits may be conducted by personnel from the FMCSA or the PUCO.

The safety audit does not result in a safety rating like a compliance review. If the carrier passes the safety audit, it will receive written notice from the FMCSA no later than 45 days after the audit. If the FMCSA determines that the carrier's safety management controls are not adequate, then it will notify the carrier that its new entrant registration will be revoked and its interstate operations placed out-of-service unless the carrier takes steps to remedy the problems raised by the safety audit. The out-of-service notice will take effect in 45 days if the carrier is transporting hazardous materials that require placards or transporting passengers, or within 60 days if the carrier is transporting other property or materials.

If a new entrant carrier has received and passed a safety audit during the 18 month safety monitoring period, the carrier will receive written notification from the FMCSA that its new entrant designation will be removed and that its registration has become permanent. New entrant carriers that have remedied problems discovered during a safety audit will also receive a permanent motor carrier registration.

Carriers that have had a new entrant carrier revoked and their operations placed out-of-service may reapply for new entrant status after 30 days. New entrant motor carriers motor carriers that have had their US DOT number revoked and their operations placed out-of-service may reapply for new entrant status after 30 days.

**(Refer to 49 CFR Part 383 & 49 CFR §385.333)**

## **Qualifications of Drivers**

### **Driver Requirements and Qualifications – Interstate Carriers**

Inter Private  
YES

Inter For-Hire  
YES

The FMCSA regulations specify that only qualified persons may operate a CMV in interstate commerce. In general, a driver is considered qualified if he or she:

- Is at least 21 years old;
- Can read and speak the English language sufficiently to converse with the general public, to understand highway traffic signs and signals in the English language, to respond to official inquiries, and to make entries on reports and records;
- Can, by reason of experience, training, or both, safely operate the type of CMV he/she drives;
- Is physically qualified to drive a CMV;
- Has a currently valid CMV operator's license issued only by one state or jurisdiction;
- Has prepared and furnished the motor carrier that employs him/her with the list of violations or the certificate;
- Is not disqualified to drive a CMV under the rules in; and
- Has successfully completed a driver's road test and has been issued a certificate of driver's road test, or has presented an operator's license or a certificate of road test which the motor carrier that employs him/her has accepted as equivalent to a road test.

(Refer to 49 CFR Part 391 Subpart E, 49 CFR §391.27, 49 CFR §391.15, 49 CFR §391.31, & 49 CFR §391.33)

### **Driver Requirements and Qualifications – Intrastate Carriers**

Intra For-Hire  
YES

Intra Private  
YES

The PUCO driver requirements/qualifications for intrastate carriers are the similar to those for interstate carriers (above) with the exception that intrastate CMV drivers must be at least 18 year old.

(Refer to OAC 4901:2-5-04(A))

### **Driver Disqualifications**

Inter Private  
YES

Inter For-Hire  
YES

Intra For-Hire  
YES

Intra Private  
YES

In general, a driver that has been disqualified as the result of committing certain violations detailed in the FMCSRs may not operate a CMV in interstate commerce. In addition, a driver's employer may not require or permit a disqualified driver to operate a CMV.

Drivers that are notified that their license, permit, or privileges have been revoked, suspended, withdrawn, or denied must notify the carrier they work for before the end of the business day following the action. The state that issues the CDL will disqualify the driver. In Ohio, this task is handled by the Bureau of Motor Vehicles.

(Refer to 49 CFR §383.33)

## ***Disqualification for Criminal Offenses***

A driver may be disqualified for criminal or other offenses. A driver convicted of a disqualifying criminal or other offense is disqualified if:

- The offense was committed during on-duty time; and
- The driver is employed by a motor carrier or is engaged in activities that are in furtherance of a commercial enterprise in interstate, intrastate, or foreign commerce.

The disqualifying offenses are:

- Driving a CMV while under the influence of alcohol, including:
  - Driving a CMV while the person's alcohol concentration is 0.04 percent or more,
  - Driving under the influence of alcohol, as prescribed by state law, and/or
  - Refusal to undergo testing as is required by any state or jurisdiction.
- Driving a CMV under the influence of a Schedule I identified controlled substance, an amphetamine, a narcotic drug, a formulation of an amphetamine, or a derivative of a narcotic drug;
- Transport, possession, or unlawful use of a Schedule I identified controlled substance, amphetamines, narcotic drugs, formulations of an amphetamine, or derivatives of narcotic drugs while the driver is on duty;
- Leaving the scene of an accident while operating a CMV; or
- Committing a felony involving the use of a CMV.

Penalties for first offenders:

- **One year** if the driver has not been convicted (or forfeited bond or collateral) of a disqualifying charge within the preceding three years.
- **Six months** if the conviction is for the transport or possession of substances found in 21 CFR 1308.11 Schedule I.
- **Three years** after the date of his/her conviction (or forfeiture of bond or collateral) if the individual has not been convicted of a disqualifying charge within the preceding three years.

(Refer to 49 CFR §383.51)

## ***Disqualification for Violations of Out-of-Service Orders***

The FMCSRs specify disqualification penalties for drivers that violate a US DOT out-of-service order. The duration of these disqualifications are specific to the number of times the driver has violated an out-of-service order:

- First Violation – 180 days to one year
- Second Violation – two years to five years
- Third Violation – three years to five years

Violations while transporting hazardous materials and passengers:

- First Violation – 180 days to two years
- Subsequent Violations – three to five years (during a 10 year period)

(Refer to 49 CFR §383.51)



## Driver's Applications for Employment

Inter Private YES	Inter For-Hire YES	Intra For-Hire YES	Intra Private YES
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A CMV driver's application for employment with a motor carrier is required to contain specific items of information. The application is to be provided by the potential carrier/employer and must be signed by the driver/applicant using the certification found in 49 CFR 391.21(b)(12) which includes:

- The name and address of the employing motor carrier;
- The applicant's name, address, date of birth, and Social Security Number;
- The addresses at which the applicant has resided during the three years preceding the date on which the application is submitted;
- The date on which the application is submitted;
- The issuing state, number, and expiration date of each unexpired CMV operator's license or permit that has been issued to the applicant;
- The nature and extent of the applicant's experience in the operation of motor vehicles, including the type of equipment (such as buses, trucks, truck tractors, semitrailers, full trailers, and pole trailers) which he/she has operated;
- A list of all motor vehicle accidents in which the applicant was involved during the three years preceding the date the application is submitted, specifying the date and nature of each accident and any fatalities or personal injuries it caused;
- A list of all violations of motor vehicle laws or ordinances (other than violations involving only parking) of which the applicant was convicted or forfeited bond or collateral during the three years preceding the date the application is submitted;
- A statement setting forth in detail the facts and circumstances of any denial, revocation, or suspension of any license, permit, or privilege to operate a motor vehicle that has been issued to the applicant, or a statement that no such denial, revocation, or suspension has occurred;
- A list of the names and addresses of the applicant's employers during the three years preceding the date the application is submitted, and the dates he/she was employed by that employer;
- The reason for leaving the employment of that employer;
- After October 29, 2004, whether the:
  - Applicant was subject to the FMCSRs while employed by that previous employer;
  - Job was designated as a safety sensitive function in any DOT regulated mode subject to alcohol and controlled substances testing requirements; and
  - For those drivers applying to operate a CMV, a list of the names and addresses of the applicant's employers during the seven year period preceding the three years contained in paragraph (b)(10) of this section for which the applicant was an operator of a CMV, together with the dates of employment and the reasons for leaving such employment.

(Refer to 49 CFR Part 40, 49 CF Part 383)

### ***Carrier Investigation of Driver's Application and Background***

Motor carriers are required to investigate a driver applicant's background and driving records. The investigation must include:

- An inquiry into the driver's driving record during the preceding three years to appropriate agencies of every state in which the driver held a motor vehicle operator's license or permit during those three years; and

- An investigation of the driver's employment record during the preceding three years. The investigation must take place within 30 days of when the driver's employment begins. An investigation may consist of personal interviews, telephone interviews, letters, or any other method for investigating that the carrier deems appropriate.

The motor carrier must make a written record when it contacts a previous employer, or has made a good faith effort to do so. The record must include the previous employer's name and address, the date the previous employer was contacted or the attempts made, and the information received about the driver from the previous employer. The carrier must document failures to contact a previous employer, or if they do not provide the required safety performance history information.

When a carrier receives a reply from a previous employer, the results of the must be filed in the driver's investigation history file within 30 days of its receipt. If applicable, the file must also include a note that the driver doesn't have a driving history for three years preceding the application.

### ***Inquiries to State Licensing Agencies***

A copy of the driver record(s) obtained in response to the inquiry or inquiries to each state driver record agency must be placed in the driver qualification file within 30 days of the date the driver's employment begins and be retained. If inquiries determine that no driving record exists, the motor carrier must document a good faith effort to obtain the information, and certify that no record exists for that driver in that state.

**(Refer to 49 CFR 391.23(b)(1))**

### ***Annual Inquiry and Review of Driving Records***

Every 12 months a motor carrier must make an inquiry to the appropriate agency in every state in which the driver held a CMV operator's license during the period under review. Motor carriers must also review each drivers driving record to determine whether a driver meets minimum requirements for safe driving or is disqualified to drive a CMV. In particular, the carrier must look out for violations of the FMCSRs, accident records, speeding, reckless operation, and operating while under the influence of alcohol or drugs.

Driver qualification files must contain the responses received from state licensing agencies described above. The file must also contain a note identifying who conducted the driver's annual review and when it was done.

**(Refer to 49 CFR §391.25)**

### ***Driver's Record of Violations***

At least every 12 months, carriers must require each of it's drivers to provide a list of all violations of motor vehicle traffic laws and ordinances (other than parking violations) that the drivers has been convicted of during the preceding 12 months. The driver must certify by his/her signature that no convictions have occurred. The carrier must maintain the lists or certificates in the employee's driver qualification files.

**(Refer to 49 CFR §391.27)**

## ***Road Test***

Driver's must successfully complete a road test and be issued a certificate of driver's road test before driving a CMV. The test must be conducted by the carrier or a party designated by the carrier. Owner/operators must be given the test by another party. The driver must use a vehicle of the type that will be assigned to them to take the test and must cover the following operations:

- The pre-trip inspection;
- Coupling and uncoupling of combination units if applicable;
- Placing the CMV in operation;
- Use of the CMV's controls and emergency equipment;
- Operating the CMV in traffic and while passing other motor vehicles;
- Turning the CMV;
- Braking and slowing the CMV by means other than braking; and
- Backing and parking the CMV.

(Refer to 49 CFR §391.31)

## ***Road Test Certificate***

Drivers that successfully pass the road test will receive a copy of the certificate of driver's road test. In the drivers qualification file, the carrier must maintain the original signed road test form and the original certificate of driver's road test.

(Refer to 49 CFR §391.31)

## ***Conditions Where A Road Test Is Not Required***

A driver need not be given a road test if:

- The driver has a valid CDL, issued by a state that licenses drivers to operate specific types of motor vehicles.
- The driver has a valid certificate of driver's road test for the types of vehicles to be operated which was issued within the three years preceding his/her most recent date of hire.

The carrier must retain a copy of a license or certificate that it accepts as the equivalent to a road test in the appropriate driver's qualification file.

A motor carrier may require someone who presents a license or certificate as an equivalent to a road test to take a road test or any other skills test as a condition of employment.

(Refer to 49 CFR §391.33)

# Driver Physical Qualifications and Exams

Inter Private YES	Inter For-Hire YES	Intra For-Hire YES	Intra Private YES
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## ***Medical Examination Requirements***

Drivers of CMVs must undergo a medical examination at least once every two years by a licensed medical examiner. The examination is designed to uncover diseases or conditions which might hinder a driver's ability to operate a vehicle safely. If a driver passes the examination, the health care professional must complete a medical examiner's certificate and furnish one copy to the driver and one copy to the driver's employer. The driver must carry his copy when operating a commercial vehicle.

(Refer to 49 CFR §391.41)

## ***Who Must Be Examined***

With a few exceptions, the following persons must be medically examined and certified:

- Any person who has not been medically examined and certified as physically qualified to operate a CMV;
- Any driver who has not been medically examined and certified as qualified to operate a CMV during the preceding 24 months;
- Any driver authorized to operate a CMV an exempt intra-city zone, or only by operation of the exemption in if such driver has not been medically examined and certified as qualified to drive in such zone during the preceding 12 months; or
- Any driver whose ability to perform his/her normal duties has been impaired by a physical or mental injury or disease.

(Refer to 49 CFR §391.62, 49 CFR §391.64)

## ***General Physical Standards for Drivers***

The FMCSRs consider a person to be qualified to drive a CMV if the person:

- Has no loss of a foot, a leg, a hand, or an arm, or has been granted a skill performance evaluation certificate;
- Has no impairment of:
  - A hand or finger which interferes with prehension or power grasping; or
  - An arm, foot, or leg which interferes with the ability to perform normal tasks associated with operating a CMV, or any other significant limb defect or limitation which interferes with the ability to perform normal tasks associated with operating a CMV or has been granted a skill performance evaluation certificate;
- Has no established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control;
- Has no current clinical diagnosis of myocardial infarction, angina pectoris, coronary insufficiency, thrombosis, or any other cardiovascular disease of a variety known to be accompanied by syncope, dyspnea, collapse, or congestive cardiac failure;

- Has no established medical history or clinical diagnosis of a respiratory dysfunction likely to interfere with his/her ability to control and drive a CMV safely;
- Has no current clinical diagnosis of high blood pressure likely to interfere with his/her ability to operate a CMV safely;
- Has no established medical history or clinical diagnosis of rheumatic, arthritic, orthopedic, muscular, neuromuscular, or vascular disease which interferes with his/her ability to control and operate a CMV safely;
- Has no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause loss of consciousness or any loss of ability to control a CMV;
- Has distant visual acuity of at least 20/40 (Snellen) in each eye without corrective lenses or visual acuity separately corrected to 20/40 (Snellen) or better with corrective lenses, distant binocular acuity of at least 20/40 (Snellen) in both eyes with or without corrective lenses, field of vision of at least 70° in the horizontal Meridian in each eye, and the ability to recognize the colors of traffic signals and devices showing standard red, green, and amber;
- First perceives a forced whispered voice in the better ear at not less than five feet with or without the use of a hearing aid or, if tested by use of an audiometric device, does not have an average hearing loss in the better ear greater than 40 decibels at 500 Hz, 1,000 Hz, and 2,000 Hz with or without a hearing aid when the audiometric device is calibrated to American National Standard (formerly ASA Standard) Z24.5 – 1951;
- Does not use a controlled substance, an amphetamine, a narcotic, or any other habit-forming drug. A driver may use such a substance or drug, if the substance or drug is prescribed by a licensed medical practitioner who:
  - Is familiar with the driver's medical history and assigned duties;
  - Has advised the driver that the prescribed substance or drug will not adversely affect the driver's ability to safely operate a CMV; and
  - Has no current clinical diagnosis of alcoholism.

(Refer to 49 CFR §341.49, 21 CFR 1308.11 Schedule I)

### ***Who Can Perform the Medical Exam***

A driver's medical examination must be performed by a medical examiner. The FMCSRs define medical examiner as "a person who is licensed, certified, and/or registered, in accordance with applicable state laws and regulations, to perform physical examinations. This includes (but is not limited to) doctors of medicine, doctors of osteopathy, physician assistants, advanced practice nurses, and doctors of chiropractic."

The medical examiner must also be "knowledgeable of the specific physical and mental demands associated with operating a CMV and the requirements of this subpart, including the medical regulatory criteria prepared by the FHWA as guidelines to aid the medical examiner in making the qualification determination; and be proficient in the use of and use the medical protocols necessary to adequately perform the medical examination" required by the FMCSRs.

### ***Intrastate Medical Waiver (Ohio only)***

Intra For-Hire YES
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Intra Private YES
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Persons who, on or before December 7, 1988, were employed or self-employed in occupations requiring the operation of CMVs, and who cannot otherwise meet the medical requirements (except disqualification for drug or alcohol use), may be eligible for provisional medical certification. A provisional medical certification will not qualify a driver to operate in interstate commerce, to carry passengers for-hire, or carry hazardous materials which require placarding. It is valid only for intrastate transportation of non-hazardous property.

A provisional medical certification may be granted only by the examining doctor of medicine (M.D.) or osteopathy (D.O.), in light of the physical condition of the driver and information about

the driver's job provided by the driver and his employer. The examining M.D. or D.O. may prescribe limits within which the driver can safely operate a vehicle. Provisional medical certification must be renewed once a year, or more often if required by the examining M.D. or D.O. A doctor of chiropractic, physician assistant, or advanced practice nurse cannot grant a provisional medical certification.

A person desiring provisional medical certification should contact the PUCO Transportation Department, Enforcement Division at (614) 466-0369 for forms and instructions. The PUCO will also recognize a waiver granted by the US DOT.

(Refer to OAC §4901:2-5-04)

### ***Driver's Qualifications Records***

Inter Private  
YES

Inter For-Hire  
YES

Intra For-Hire  
YES

Intra Private  
YES

Carriers must keep a driver qualification file for each driver they employ. The driver's qualification file must contain the following documents:

- Employment application
- Notes of investigations and inquiries regarding employment history and driving record, including all responses by state agencies regarding driving records
- Annual list of driving violations supplied by the driver
- Notes of the annual review of the driver's driving record
- Copy of the certificate of road test or equivalent
- Copy of the medical examiner's certificate and medical examiner's provisional certificate (medical waiver), if granted
- Information concerning drug and alcohol testing, if required
- Other documents or information relating to the driver's safety

### ***Drivers Qualification Files – Records Retention***

Inter Private  
YES

Inter For-Hire  
YES

Intra For-Hire  
YES

Intra Private  
YES

In general, driver's qualifications files must be kept as long as the driver is employed by the carrier and then for three years after the driver leaves the carrier.

The following records may be removed for driver qualifications files after three years:

- The response of each state agency to the annual driver record inquiry
- The note relating to the annual review of the driver's driving record
- The list or certificate relating to violations of motor vehicle laws and ordinances

The PUCO Transportation Department, Enforcement Division is available to assist carriers in establishing efficient record-keeping systems which comply with the rules at (614) 466-0369.

### ***Exemptions from the Driver Qualification Regulations***

Inter Private  
YES

Inter For-Hire  
YES

Intra For-Hire  
YES

Intra Private  
YES

The FMCSRs include several limited exemptions from the driver qualification requirements described above. The exemptions cover a few very specific driver situations. These exemptions include:

- Drivers who were regularly employed before January 1, 1971

- Limited exemptions for intra-city zone drivers
- Multiple-employer drivers
- Grandfathering for certain drivers participating in vision and diabetes waiver study programs
- Drivers furnished by other motor carriers
- Farm vehicle drivers of articulated CMVs
- Non-business PMCP
- Business PMCP

(Refer to 49 CFR Part 391, OAC 4901:2-5-02, 4901:2-5-04)

## Driving of CMVs

### ***Forbidden Activities***

Inter Private YES	Inter For-Hire YES	Intra For-Hire YES	Intra Private YES
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The FMCSRs forbid drivers from several activities that impair their abilities to safely operate a CMV.

#### Illness or Fatigue

No CMV driver is permitted to operate a motor vehicle when his/her ability and/or alertness is impaired by:

- Fatigue
- Illness
- Any other cause that makes it unsafe to begin or to continue driving a CMV

#### Drugs

No CMV driver may be on duty and possess, be under the influence of, or use:

- Any drug or other substance listed in the CFR
- Any amphetamine or formulation of an amphetamine
- Narcotics or derivatives
- Any other substance that makes driving unsafe

(Refer to 49 CFR Part 392 Subpart A and 21 CFR §1308.11 Schedule I)

#### Alcohol

Drivers may not consume or be under the influence of alcohol within four hours of going on duty, while on duty, or while driving. This includes any measured alcohol concentration or the detected presence of alcohol. Drivers may not possess alcoholic beverages while on duty, unless it is a manifested part of a shipment.

(Refer to 49 CFR §392.5)

### ***Safe Operation***

Inter For-Hire YES	Inter Private YES	Intra For-Hire YES	Intra Private YES
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#### Loading Cargo

A driver may not drive a CMV unless the cargo is properly loaded and secured. Also, a motor carrier or other party cannot allow or require anyone to drive a CMV unless the cargo is properly loaded and secured.

### Stopping at Railroad Crossings

Motor vehicles transporting hazardous materials, and most buses transporting passengers, may not cross railroad tracks without first stopping and looking both ways (the driver may not shift gears while crossing the track).

### Seat Belts

If a CMV is equipped with seat belts, the driver must be properly restrained with the seat belt assembly.

**(Refer to 49 CFR §392.16)**

### Emergency Signals

If a CMV is stopped on a highway or the highway shoulder, the driver must activate the vehicle's hazard warning flashers immediately and leave them on until other warning devices are activated. Hazard flashers must also be used while the warning devices are being picked up before the vehicle moves on.

Warning devices, such as reflective triangles or flares, must be set as follows:

- One warning device must be placed on the traffic side of the vehicle, within ten feet, in the direction of approaching traffic.
- A second device must be placed facing approaching traffic approximately 100 feet away in the center of the lane or shoulder where the vehicle is stopped.
- A third device must be placed about 100 feet away from the stopped vehicle, in the direction away from approaching traffic.

### Radar Detectors

Use of radar detectors in CMV is prohibited.

- CMV drivers may not use detectors in a CMV.
- Drivers may not operate a CMV equipped with a radar detector.
- Motor carriers may not require or permit drivers to violate the radar detector provisions.

### Unauthorized Passengers in a CMV

Drivers may not transport another person in a CMV unless authorized in writing by the motor carrier. The authorization must include the name of the person to be transported, origin and destination points, and the expiration date of the authorization. Written authorization is not required for:

- Employees or others assigned to a CMV by the motor carrier;
- Any person transported when aid is being rendered in case of an accident or other emergency; or
- An attendant delegated to care for livestock.

This does not include the operation of CMVs controlled and operated by a farmer and used to transport agricultural commodities or products from their farm or the transport of supplies to their farm.

**(Refer to 49 CFR Part 392, OAC 4901:2-5-02)**



## Vehicle Parts and Accessories

### ***CMV Mechanical Equipment and Lighting Devices***

Inter Private  
YES

Inter For-Hire  
YES

Intra For-Hire  
YES

Intra Private  
YES

The FMCSRs specify the lighting devices and mechanical equipment required on CMVs. This includes details for:

- Lighting devices, reflectors, and electrical equipment
- Brakes
- Glazing and window construction
- Fuel systems
- Coupling devices and towing methods
- Miscellaneous parts and accessories:
  - Tires
  - Sleeper berths
  - Heaters
  - Windshield wipers
  - Defrosting device
  - Rear-vision mirrors
  - Horn
  - Speedometer
  - Exhaust systems
  - Floors
  - Rear impact guards and rear end protection
  - Flags on projecting loads
  - Television receivers
  - Bus driveshaft protection
  - Bus standee line or bar
  - Bus aisle seats (prohibited)
  - Buses marking emergency doors
  - Seats, seat belt assemblies and seat belt assembly anchorages
  - Vehicle interior noise levels
- Emergency equipment
- Protection against shifting or falling cargo
- Frames, cab and body components, wheels, steering, and suspension systems

### ***Cargo Securement***

Inter Private  
YES

Inter For-Hire  
YES

Intra For-Hire  
YES

Intra Private  
YES

The FMCSRs detail the requirements for loading and securing cargo so that it does not leak, spill, blow, or fall from the vehicle. In addition, cargo must be contained, immobilized or secured to prevent shifting on or in the vehicle. The regulations specify working load limits (WLL) for chain, synthetic webbing, wire rope, manila rope, polypropylene fiber rope, polyester fiber rope, nylon rope, double stranded nylon rope, and steel strapping. Specific securement requirements are provided for logs, dressed lumber, metal coils, paper rolls, concrete pipes, intermodal containers, automobiles, light trucks, vans, heavy vehicles, heavy equipment/machinery, flattened/crushed vehicles, roll-on/roll-off containers, hook lift containers, and large boulders.

### ***PUCO Equipment Requirements***

#### Front Wheel Brakes

Intra For-Hire  
YES

Front wheel brakes are required on trucks and truck-tractors operated by intrastate for-hire carriers.

### Mud Flaps

Intra For-Hire  
YES

Intra Private  
YES

Mud flaps are required for the rearmost wheels of any commercial truck, truck tractor, or trailer having a GVW exceeding three tons, unless the vehicle's fenders and body construction prevent, as much as possible, the throwing of dirt, water, and other materials on the windshields of following vehicles. The mud flaps must have a ground clearance of not more than 1/3 of the distance from the center of the rearmost axle to the center of the flaps under any conditions of loading of the vehicle, and they shall be at least as wide as the tires they are protecting.

(Refer to 49 CFR Part 393; OAC 4901:2-5-02, 4901:2-5-06, 4901:2-5-07)

## Driver Hours of Service

Inter Private  
YES

Inter For-Hire  
YES

Intra For-Hire  
YES

Intra Private  
YES

The hours of service regulations specify the amount of time that drivers of CMVs can drive and perform other on-duty tasks associated with operating a CMV. In the state of Ohio, regulated interstate and intrastate for-hire carriers must comply with these regulations.

### ***Driver On-Duty Time***

The FMCSRs regulate a CMV driver's on-duty time. On-duty time is known as all time from the time a driver begins to work or is required to be in readiness to work until the time the driver is relieved from work and all responsibility for performing work. On-duty time includes:

- All time at a plant, terminal, facility, or other property of a motor carrier or shipper, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the motor carrier;
- All time inspecting, servicing, or conditioning any CMV at any time;
- All driving time as defined in the term driving time;
- All time, other than driving time, in or upon any CMV except time spent resting in a sleeper berth;
- All time loading or unloading a CMV, supervising, or assisting in the loading or unloading, attending a CMV being loaded or unloaded, remaining in readiness to operate the CMV, or in giving or receiving receipts for shipments loaded or unloaded;
- All time repairing, obtaining assistance, or remaining in attendance upon a disabled CMV;
- All time spent providing a breath sample or urine specimen, including travel time to and from the collection site, in order to comply with the random, reasonable suspicion, post-accident, or follow-up testing when directed by a motor carrier;
- Performing any other work in the capacity, employ, or service of a motor carrier; and
- Performing any compensated work for a person who is not a motor carrier.

(Refer to 49 CFR §395.2)

Note that as described above, on-duty time includes any compensated work, even if the work is not for a motor carrier. So, any time working for **any employer** (for pay) must be accounted for in the driver's log book.

## ***Property-Carriers***

- **11-hour rule** – Motor carriers cannot permit or require a driver to drive, and drivers are not allowed to drive, for more than 11 cumulative hours following 10 consecutive hours off duty.
- **14-hour rule** – A motor carrier cannot permit or require a driver to drive, and drivers are not allowed to drive, after the 14<sup>th</sup> hour after coming on duty following 10 consecutive hours off duty, except when complying with 49 CFR §395.1(o) or §395.1(e)(2).
- CMV drivers using the sleeper berth provision in 49 CFR §395.1(o) must take at least 8 consecutive hours in the sleeper berth, plus 2 consecutive hours either in the sleeper berth, off duty, or any combination of the two.
- **16-hour exception in 49 CFR §395.1(o)** – A property-carrying CMV driver may extend the 14-hour on-duty period by two additional hours once every seven days if:
  - The driver has been released from duty at their normal work reporting location for the previous five duty tours;
  - The driver has returned to, and is released from duty at their normal work reporting location within 16 hours after coming on duty following 10 consecutive hours off duty; and
  - The driver has not taken this exemption within the previous six consecutive days, except following a 34-hour restart of a seven or eight-day period.
- **60 and 70-hour rules** – A motor carrier must not permit or require a driver to drive and a driver may not drive after a total of:
  - 60 hours on duty in seven consecutive days (carrier does not operate CMVs every day of the week), **or**
  - 70 hours on duty in eight consecutive days (carrier operates CMVs every day of the week), **and**
  - An off duty period of 34 or more consecutive hours may restart a driver's seven or eight consecutive day period.
- **Short Haul Provision** – Drivers of property-carrying CMVs which do not require a Commercial Driver's License for operation and who operate within a 150 air-mile radius of their normal work reporting location:
  - May drive a maximum of 11 hours after coming on duty following 10 or more consecutive hours off duty.
  - Are not required to keep records-of-duty status (logbook).
  - May not drive after the 14<sup>th</sup> hour after coming on duty 5 days a week or after the 16<sup>th</sup> hour after coming on duty 2 days a week.
- **The employer must** maintain and retain accurate time records for a period of 6 months showing the time the duty period began, ended, and total hours on duty each day in place of logbook.

(Refer to 49 CFR §395.3)

## ***Passenger-Carriers***

- **10-hour rule** - Drivers are allowed to drive for 10 hours following eight consecutive hours off duty.
- **15-hour rule** - A motor carrier cannot permit or require a driver to drive after 15 hours are spent on duty following eight consecutive hours off duty.
- **60 and 70-hour rules** - A motor carrier must not permit or require a driver to drive after a total of:
  - 60 hours on duty in seven consecutive days (carrier does not operate CMVs every day of the week); or

- 70 hours on duty in eight consecutive days (carrier operates CMVs every day of the week).

(Refer to 49 CFR §395.5)

### ***CMV Drivers with More Than One Job***

If a driver works more than one job of any kind while driving a CMV, all of that driver's work hours must also be included in the driver's record of duty states as "On-Duty Time."

(Refer to 49 CFR §395.2)

### ***The 100 Air-Mile Driver Exception***

There are several exceptions to the requirement for drivers to maintain records of duty status but the one most commonly used is "100 air-mile radius driver." If a carrier and its drivers intend to use the 100 air-mile radius driver exception, they must be sure to follow all of the conditions outlined in the regulations.

A 100 air-mile radius driver is excepted from the requirement to maintain records of duty status can be used **if all of the following are true:**

- The driver operates within a 100 air-mile radius of the normal work reporting location.
- The driver returns to the work reporting location and is released from work within 12 consecutive hours.
- Each 12 hours on duty are separated by at least:
  - 10 consecutive hours off duty for property-carrying drivers; or
  - Eight consecutive hours off duty for passenger-carrying drivers.
- The driver does not exceed a maximum of:
  - 11 hours driving time following 10 consecutive hours off duty for property-carrying drivers; or
  - 10 hours driving time following eight consecutive hours off duty for passenger-carrying drivers.
- The motor carrier that employs the driver must maintain and retain true and accurate time records for a period of six months that show:
  - The time the driver reports for duty each day;
  - The total number of hours the driver is on duty each day;
  - The time the driver is released from duty each day; and
  - The total time for the preceding seven days for first-time or intermittent drivers.

(Refer to 49 CFR 395.1(e))

### ***Filing the Drivers Record of Duty Status (Driver's Logbook)***

Except as described above, the FMCSRs require that a motor carrier must require its drivers to keep a record of the driver's "duty status" for each 24-hour period. The FMCSRs describe in detail when and how a driver is to fill out a log book.

The driver is responsible for filing records of duty status with the carrier or carriers they are working for. The driver must submit or forward (by mail) each record of duty status to the carrier within 13 days of completion. Drivers working for more than one carrier must submit records of duty status to each motor carrier by which they are employed.

(Refer to 49 CFR §395.8)

### ***Retention of Records of Duty Status***

Motor carriers are required to keep records of duty status and supporting documentation for six months from the date of receipt from the driver. Drivers must keep a copy of each records of duty status for the previous seven consecutive days. These log books must be available for inspection while the driver is on duty.

(Refer to 49 CFR §395.8)

### ***Automatic On-Board Recording Devices***

Drivers and carriers may use automatic on-board recording devices instead of a paper log books.

(Refer to 49 CFR §395.8)

## **Vehicle Inspection, Repair, and Maintenance**

Inter Private YES	Inter For-Hire YES	Intra For-Hire YES	Intra Private YES
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### ***Required Vehicle Maintenance and Lubrication***

The FMCSA regulations require that vehicles be systematically inspected, repaired, and maintained so that all parts and accessories described in regulations are in safe and proper operating condition. Vehicles must be properly lubricated and free of oil and grease leaks.

### ***Required Vehicle Inspections – CMV Drivers***

At the end of each day's work, drivers must inspect the CMV and complete a written report on the condition of his/her vehicle, and note any defect that would affect the vehicle's safety. The inspection must include:

- Service brakes including trailer brake connections
- Parking (hand) brake
- Steering mechanism
- Lighting devices and reflectors
- Tires
- Horn
- Windshield wipers
- Rear vision mirrors
- Coupling devices
- Wheels and rims
- Emergency equipment

The carrier must repair the vehicle defects noted by the driver or certify that repairs were unnecessary before the vehicle may be used again.

Before operating a CMV, the driver must inspect it to make sure that it is in safe operating condition. The driver must also review the most recent driver inspection report and sign it if the defects noted on the report were repaired.

**(Refer to 49 CFR §396.11)**

### ***Required Annual Vehicle Inspection***

An annual or “periodic” vehicle inspection is required for all vehicles base-plated in Ohio (and most other states) which are subject to these safety regulations. The “critical items” to be inspected are listed in Appendix G of 49 CFR 396. Items found to be deficient must be promptly repaired.

The annual inspection may be performed by the carrier’s own mechanics or those from a private garage, if the mechanic has at least one year related experience and is familiar with the regulations. An inspection conducted by an authorized state inspector will also meet the requirements for annual inspection. In those cases where the inspection is not conducted by an authorized state inspector, the carrier must retain a record of the mechanic’s qualifications.

A copy of the annual inspection must be retained where the vehicle is normally housed or maintained for 14 months following the inspection. A second copy of the annual inspection must be carried on the vehicle. Instead of a copy of the annual inspection, the carrier may affix a decal or sticker on the vehicle, with the date of inspection, name and address where the inspection is on file, vehicle identification information, and certification that the vehicle passed the annual inspection.

**(Refer to 49 CFR §396.17)**

### ***Maintenance and Repair Records***

A carrier must maintain the following records for all vehicles that it has controlled for 30 days or more:

- Maintenance Records –
  - Vehicle identification information (company ID number, make, serial number, year, and tire size), including lessor information, if applicable.
  - Schedule of vehicle inspections (type and date).
  - Inspection, repair, and maintenance receipts.
  - Tests on push out windows for buses.
  - Retention – The above records must be retained by the carrier for one year and then for six months after the vehicle leaves the carrier’s controls.
- Driver Post-Trip Vehicle Inspection Reports – All drivers’ post trip vehicle condition reports.
  - Retention – The carrier must retain these records for three months.
- Annual Vehicle Inspection Reports – Carrier or other entity responsible for inspection.
  - Retention – The carrier must retain these records for 14 months.

**(Refer to 49 CFR §396.3, §396.11, & §396.21)**

Examples of the forms described in the FMCSA requirements in Part 396 can be found at the FMCSA’s Web site at [www.fmcsa.dot.gov](http://www.fmcsa.dot.gov).

# Transporting Hazardous Materials

Inter Private YES	Inter For-Hire YES	Intra For-Hire YES	Intra Private YES
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## ***Hazardous Materials***

Hazardous materials include combustible, corrosive, explosive, flammable, oxidizing, poisonous, pressurized, radioactive, and hazardous substances listed in the US DOT HMRs. Carriers and their employees should be familiar with the US DOT HMRs in order to identify materials offered for shipment which may be subject to the rules for transportation of hazardous materials.

The HMRs are available on line from the US DOT Pipeline and Hazardous Materials Safety Administration (PHMSA) <http://hazmat.dot.gov/>. Also, the FMCSA provides “How to Comply with the Federal Hazardous Materials Regulations” at: [www.fmcsa.dot.gov/safetyprogs/hm/complyhmregs.htm](http://www.fmcsa.dot.gov/safetyprogs/hm/complyhmregs.htm).

## ***Hazardous Waste***

For the purposes of motor carrier transportation, “hazardous waste” means any material that is subject to the hazardous waste manifest requirements of the U.S. Environmental Protection Agency. Hazardous wastes are also regulated under the HMRs.

(Refer to 49 CFR §171.8)

## ***The US DOT Hazardous Materials Regulations***

In general, the regulations for hazardous materials and hazardous waste transportation cover the following basic areas:

- Identification of hazardous materials:
  - Shipping papers
  - Marking
  - Labeling of packages
  - Marking of packages
  - Placarding and marking of vehicles
- Preparation and packaging of hazardous materials
- Shipping container specifications
- Routing of hazardous materials shipment
- Special driving and parking rules for hazardous materials transportation
- Loading, unloading, and storage of hazardous materials
- Accidents and accident reports
- Training for employees involved in handling and transporting hazardous materials
- Security plans for shippers and carriers of hazardous materials

(Refer to 49 CFR Parts 171, 172, 173, 177, 178, & 180)

## ***US DOT Transportation of Hazardous Materials: Driving and Parking Rules***

The FMCSRs include regulations specific to the transport of hazardous materials. These requirements apply to vehicles transporting hazardous materials that are required to be marked or placarded by the HMRs. In particular, company supervisors and operators of commercial vehicles transporting marked or placarded vehicles are responsible for making sure that compliance with the HMRs is assured.

These regulations address:

- Compliance with the FMCSRs
- Compliance with state and local laws, ordinances, and regulations
- Attendance and surveillance of motor vehicles transporting HM
- Parking of vehicles transporting HM
- Fires near vehicles transporting HM
- Smoking prohibited in, on, or around vehicles transporting HM
- Fueling vehicles transporting HM
- Checking tires on vehicles transporting HM
- Instructions to drivers and required documents for vehicles transporting explosives
- Routing of vehicles transporting non-radioactive hazardous materials
- Routing of vehicles transporting radioactive (Class 7) materials

(Refer to 49 CFR Part 397)

## **Hazardous Materials Registration and Permit Requirements**

Motor carriers transporting hazardous materials into, out of, or within the state of Ohio may be required to register or obtain permits from:

- US DOT, PHMSA
- US DOT, FMCSA
- PUCO Transportation Department

Many motor carriers transporting hazardous materials will be required to obtain and maintain one or more of these registrations/permits. Be sure to check the requirements for each of the registration and permit programs described below.

### ***PHMSA – Hazardous Materials Registration***

Inter Private YES	Inter For-Hire YES	Intra For-Hire YES	Intra Private YES
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The US DOT HMRs require persons who transport certain quantities of hazardous materials, and persons who offer (ship) certain quantities hazardous materials for transportation in commerce, to register with PHMSA.

The PHMSA registration is required if you offer (ship) for transportation or transport (haul), in foreign, interstate or intrastate commerce any of the following:

- Highway route-controlled quantity of a Class 7 (radioactive) material;



- More than 25 kg (55 pounds) of a Division 1.1, 1.2, or 1.3 (explosive) material in a motor vehicle, rail car or freight container;
- More than 1 L (1.06 quarts) per package of a material extremely toxic by inhalation (i.e., “material poisonous by inhalation,” that meets the criteria for “hazard zone A;”
- A shipment of a quantity of hazardous materials in a bulk packaging having a capacity equal to or greater than 13,248 L (3,500 gallons) for liquids or gases or more than 13.24 cubic meters (468 cubic feet) for solids;
- A shipment in other than a bulk packaging of 2,268 kg (5,000 pounds) gross weight or more of one class of hazardous materials for which placarding of a vehicle, rail car, or freight container is required for that US DOT hazard class; or
- A quantity of hazardous material that requires placarding, under provisions of HMRs (does not apply to certain farm operations).

Contact PHMSA’s Office of Hazardous Materials Planning and Analysis at (202) 366-4109 or visit <http://hazmat.dot.gov/regs/register/register.htm> for more information.

(Refer to 49 CFR Part 107 Subpart G)

### ***FMCSA Hazardous Materials Safety Permits***

Inter Private YES	Inter For-Hire YES	Intra For-Hire YES	Intra Private YES
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As of January 1, 2005, carriers of certain hazardous materials must obtain a Hazardous Materials Safety Permit from the FMCSA. Note that this requirement includes intrastate and interstate motor carriers transporting the materials.

Motor carriers required to file a Motor Carrier Identification Report Form (MCS-150) with the FMCSA may not transport any of the specified categories of hazardous materials unless they hold an FMCSA HM Safety Permit. Transport of the following categories of HM will require the motor carrier to obtain the FMCSA HM Safety Permit:

- Radioactive Materials (Class 7)
  - A highway route-controlled quantity of a Class 7 (radioactive) material
- Explosives (Class 1)
  - More than 25 kg (55 pounds) of a Division 1.1, 1.2, or 1.3 (explosive) material or an amount of a Division 1.5 (explosive) material requiring placarding under the HMRs
- Materials Poisonous By Inhalation
  - More than 1 liter (1.08 quarts) per package of a “material poisonous by inhalation,” as defined in §171.8 of this title, that meets the criteria for “hazard zone A”
  - A “material poisonous by inhalation” that meets the criteria for “hazard zone B,” in a bulk packaging (a capacity greater than 450 L or 119 gallons)
  - A “material poisonous by inhalation” that meets the criteria for “hazard zone C” or “hazard zone D” in a packaging having a capacity equal to or greater than 13,248 L (3,500) gallons
- Methane
  - A shipment of compressed or refrigerated liquefied methane or liquefied natural gas or other liquefied gas with a methane content of at least 85 percent in a bulk packaging having a capacity equal to or greater than 13,248 L (3,500 gallons) for liquids or gases

(Refer to 49 CFR 385.403, 49 CFR 390.19)

To apply for an FMCSA HM Safety Permit, a carrier submits an FMCSA form MCS-150B. Carriers that have previously submitted an MCS-150 must complete and submit the MCS-150B. Carriers that have not already submitted an MCS-150, will submit only a completed form MCS-150B. These forms are available at the FMCSA Web site at [www.fmcsa.dot.gov](http://www.fmcsa.dot.gov), the FMCSA Service Centers and Division offices nationwide, or by calling (800) 832-5660. Completed forms may be submitted electronically according to instructions found at the FMCSA Web site or to Federal Motor Carrier Safety Administration, Data Analysis and Information Systems, MC-RIS, 400 Seventh Street, SW, Washington, D.C., 20590.

To obtain and keep an FMCSA HM Safety Permit, motor carriers will be required to:

- Maintain a “satisfactory” safety rating in order to obtain and hold a safety permit;
- Maintain a crash rating, and driver, vehicle, hazardous materials or out-of service rating so they are not in the worst 30 percent of the national average as indicated in FMCSA’s Motor Carrier Management Information System;
- As specified in the HMRs, have a satisfactory security program and associated training in place;
- Maintain registration with PHMSA;
- Develop a system of communication that will enable the vehicle operator to contact the motor carrier during the course of transportation and maintain records of these communications;
- Have written route plan required for radioactive materials as currently required by the FMCSRs; and
- Perform a pre-trip inspection (North American Standard Level VI Inspection Program for Radioactive Shipments) for shipments containing highway route controlled Class 7 (radioactive) materials.

(Refer to 49 CFR §385.407)

### ***State of Ohio Hazardous Materials and Hazardous Waste Registration Requirements***

Inter Private YES	Inter For-Hire YES	Intra For-Hire YES	Intra Private YES
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Ohio regulations require for-hire and private carriers to register with PUCO if the carrier’s “base state” is Ohio and if the carrier hauls:

- Hazardous materials of a type or in an amount that requires the vehicle to be placarded;
- Hazardous substances or marine pollutants in bulk packages; or
- Hazardous waste of a type or in an amount requiring a hazardous waste manifest.

Contact the PUCO Motor Carrier Registration Division at (614) 466-3392 for registration information or visit [www.PUCO.ohio.gov](http://www.PUCO.ohio.gov).

(Refer to 49 CFR Part 171, 172, 173, 177, 397; ORC 4905.80; OAC 4901:2-5-02, OAC 4901:2-6, OAC 4901:2-6-01, OAC 4901:2-6-03)

# **PUCO Registration Forms**

Table 4 of this document specifies the forms that carriers must complete to register with the PUCO and the state of Ohio. The form identification numbers are located in the bottom-left corner of the printed forms.

The carrier registration forms are listed below by carrier/movement type. Printed examples of the form are found on the pages 56 - 65. PUCO motor carrier registration forms are available from the PUCO Web site at [www.PUCO.ohio.gov](http://www.PUCO.ohio.gov) in the transportation section.

## ***Intrastate For-Hire Carriers***

- Public Utilities Commission of Ohio, Application for Registration of Motor Carriers Operating Intrastate For-Hire In Ohio
- Instructions for Registration of Motor Carriers Operating Intrastate For-Hire In Ohio
- Supplemental Application for Registration of Motor Carriers Operating Intrastate For-Hire in Ohio
- Instructions for Supplemental Application for Registration of Motor Carriers Operating Intrastate For-Hire in Ohio

## ***Interstate Carriers Brokers, Freight Forwarders, and Leasing Companies***

- Unified Carrier Registration Form
- Instruction Sheet for Unified Carrier Registration



## Application for Registration of Motor Carriers Operating Intrastate For Hire in Ohio

For registration period July 16<sup>th</sup> current year through July 15<sup>th</sup> the following year  
Permits expire each year on July 15<sup>th</sup>

Year: \_\_\_\_\_

### A. Carrier Information

1. Application Type: (Check one box)

☐ New Applicant with Equipment and Drivers  
☐ Amended Application

☐ New Applicant without Equipment and Drivers  
☐ Renewal

2. Name of Motor Carrier

3. Trade or D.B.A. (Doing Business As) Name

#### PRINCIPLE ADDRESS

4. Street Address/ Route Number

5. City

6. County

7. State

8. Zip + 4

9. Country

#### MAILING ADDRESS (Check here if same as above. ☐)

10. Street Address/ Route Number

11. City

12. County

13. State

14. Zip + 4

15. Country

16. Principal Phone Number

17. Principal Fax Number

18. E-Mail Address

19. Contact Name

20. Contact Phone Number

21. PUCO No.

22. USDOT NO.

23. MC or MX No.

24. IRS/Tax ID# (Provide one)

FEIN#

SSN#

25. Type of Business: (Check one box)

☐ Individual

☐ Partnership

☐ Corporation (including LLC)

26. U.S. DOT Rating (Check one box)

☐ Satisfactory

☐ Conditional

☐ Unsatisfactory

☐ Unrated

Date Last Rated: \_\_\_\_\_

27. Operation Classification (Check all that apply)

☐ Authorized For Hire

☐ Exempt For Hire

28. Intrastate Carrier Operation (Check all that apply)

☐ Non-Hazardous Materials

☐ Hazardous Materials

☐ Household Goods

☐ Passengers

☐ Towing

29. CARGO CLASSIFICATIONS (Check all that apply)

☐ General Freight

☐ Household Goods

☐ Metal: Sheets, Coils, Rolls

☐ Motor Vehicles

☐ Drive Away/ Towaway

☐ Logs, Poles, Beams, Lumber

☐ Building materials

☐ Mobile Homes

☐ Machinery, large Objects

☐ Fresh Produce

☐ Liquids/ Gases

☐ Intermodal Containers

☐ Passengers

☐ Oil Field Equipment

☐ Livestock

☐ Grain, Feed, Hay

☐ Coal/ Coke

☐ Meat

☐ Garbage, Refuse and Trash

☐ U.S. Mail

☐ Chemicals

☐ Commodities Dry Bulk

☐ Refrigerated Foods

☐ Beverages

☐ Paper Products

☐ Utility

☐ Farm Supplies

☐ Sand and Gravel

☐ Water Well

☐ Other:

30. Carrier Mileage (to nearest 10,000 miles for Last Calendar Year)

31. Number of years Applicant has  
operated as a motor carrier

32. DRIVER INFORMATION

#### DRIVERS

Total All Drivers \_\_\_\_\_

Total CDL Drivers \_\_\_\_\_

#### INTERSTATE DRIVERS

100 Mile Radius \_\_\_\_\_

Beyond 100 Mile Radius \_\_\_\_\_

#### INTRASTATE DRIVERS

100 Mile Radius \_\_\_\_\_

Beyond 100 Mile Radius \_\_\_\_\_

33. LIST OF TERMINALS:

Does the applicant have terminals located in Ohio? ☐ YES ☐ NO (If yes, please list below. Add attachment if necessary.)

<b>B. Proof of Public Liability Security</b>		<b>YES</b>	<b>NO</b>
1.	Has the applicant's insurance company filed a copy of its proof of public liability security with the Public Utilities Commission of Ohio, and does the insurance coverage as stated on that form remain in effect?	<input type="checkbox"/>	<input type="checkbox"/>
2.	Does the applicant have an approved self-insurance plan with the FHA and wishes to self-insure for Ohio? (If yes, please attach copies of the FHA order approving the plan and the letter establishing the company's activation date.)	<input type="checkbox"/>	<input type="checkbox"/>

OPERATIONS MAY NOT BEGIN UNTIL REQUIRED PROOF OF INSURANCE HAS BEEN FILED WITH THE COMMISSION AND YOU HAVE RECEIVED THE "LETTER OF ACKNOWLEDGEMENT".

IF YOU HAVE ANY QUESTIONS, PLEASE CALL (614)995-4354

<b>C. Hazardous Materials</b>		<b>YES</b>	<b>NO</b>
1.	Will the applicant haul hazardous materials in any quantity?	<input type="checkbox"/>	<input type="checkbox"/>
2.	Will the applicant haul hazardous materials in <u>less than placardable quantities</u> in vehicles with a gross vehicle weight rating of less than 10,000 pounds GVWR and maintain at least \$350,000 liability insurance as per O.A.C. 4901:2-13-02.	<input type="checkbox"/>	<input type="checkbox"/>
3.	Will the applicant haul hazardous materials in <u>placardable quantities</u> in vehicles with a gross vehicle weight rating of less than 10,000 pounds GVWR and maintain at least \$350,000 liability insurance as per O.A.C. 4901:2-13-02.	<input type="checkbox"/>	<input type="checkbox"/>
4.	Will the applicant haul hazardous materials requiring \$1 million in Public Liability and Property Damage Insurance in accordance with 49 CFR. 387.9 ?	<input type="checkbox"/>	<input type="checkbox"/>
5.	Will the applicant haul hazardous materials requiring \$5 million in Public Liability and Property Damage Insurance in accordance with 49 CFR 387.9 ?	<input type="checkbox"/>	<input type="checkbox"/>

IF APPLICANT INTENDS TO HAUL HAZARDOUS MATERIALS IN PLACARDABLE QUANTITIES, ADDITIONAL HAZARDOUS MATERIALS REGISTRATION IS REQUIRED.

IF YOU HAVE ANY QUESTIONS, PLEASE CALL (614)995-4354

<b>D. Household Goods</b>		<b>YES</b>	<b>NO</b>
1.	Will the applicant be transporting household goods?	<input type="checkbox"/>	<input type="checkbox"/>
2.	Has the applicant filed a TARIFF as prescribed by the Public Utilities Commission of Ohio?	<input type="checkbox"/>	<input type="checkbox"/>
3.	Has the applicant's insurance company filed a copy of its proof of cargo insurance with the Public Utilities Commission of Ohio, and does the insurance coverage as stated on that form remain in effect?	<input type="checkbox"/>	<input type="checkbox"/>
4.	Customer Service Representative: _____ Telephone Number: _____		

IF APPLICANT INTENDS TO HAUL HOUSEHOLD GOODS, ADDITIONAL INSURANCE COVERAGE IS REQUIRED.

IF YOU HAVE ANY QUESTIONS, PLEASE CALL (614)995-4354

## E. CERTIFICATIONS

Each certification **must** be separately initialed in the box to the right of the certification by the appropriate official of the applicant company. All information in the permit, including the certifications, is subject to a background check and future audits. If all information is not found to be true and accurate, this will be grounds for withholding, suspending, or revoking the permit.

If the applicant is a new start-up company without drivers and equipment, please skip to certification #11.

1. "I certify that, to the best of my knowledge, all of the applicant's drivers subject to 49 CFR 383 have a current, valid commercial driver's license, including endorsements for hazardous materials, cargo tankers if carrier is hauling hazardous materials."	<i>Initial Here</i>
2. "I certify that, to the best of my knowledge, all of the applicant's drivers subject to 49 CFR 391 have completed medical examinations and meet the medical requirements contained in 49 CFR 391.41, or have a provisional medical certificate issued in accordance with OAC 4901:2-5-04."	<i>Initial Here</i>
3. "I certify that, to the best of my knowledge, the applicant is in compliance with the drug and alcohol testing and employee assistance program requirements as required by 49 CFR 382 and 391."	<i>Initial Here</i>
4. "I certify that, to the best of my knowledge, all applicant-owned and operated vehicles have passed a periodic inspection within the past year with the requirements contained in 49 CFR 397.17."	<i>Initial Here</i>
5. "I certify that, to the best of my knowledge, all hours of service records required by 49 CFR 395.8 are maintained by the applicant, and are in compliance with the hours of service regulations in 49 CFR 395."	<i>Initial Here</i>
6. "I certify that, to the best of my knowledge, the applicant properly maintains driver qualification files in accordance with 49 CFR 391.51 for all drivers to which this section applies."	<i>Initial Here</i>
7. "I certify that, to the best of my knowledge, the applicant maintains required vehicle maintenance and inspection records in accordance with 49 CFR 396.3, 396.11, and 396.17."	<i>Initial Here</i>
8. "I certify that, to the best of my knowledge, the applicant is knowledgeable of, and complies with, all other applicable requirements of the federal motor carrier safety regulations (49 CFR 390-399) and federal hazardous materials regulations (49 CFR 171-180) if hauling hazmat."	<i>Initial Here</i>

### HOUSEHOLD GOODS MOVER ONLY

9. "I certify that, to the best of my knowledge, the applicant maintains Worker's Compensation coverage pursuant to Chapter 4123 of the Ohio Revised Code."	<i>Initial Here</i>
10. "I certify that, to the best of my knowledge, the applicant maintains Unemployment Compensation coverage pursuant to Chapter 4141 of the Ohio Revised Code."	<i>Initial Here</i>

### NEW START-UP COMPANY (without drivers and equipment)

11. "I certify that I am aware of the foregoing CFR regulations, and will comply with all applicable regulations when operations commence."	<i>Initial Here</i>
---	-------------------------

### CERTIFICATION OF STATEMENT (to be completed by an authorized official)

12. I, _____, certify that I am familiar with the Federal Motor Carrier Safety Regulations and/or the Federal Hazardous Materials Regulations. Under penalties of perjury, I declare that the information entered on this report is, to the best of my knowledge and belief, true, correct, and complete.	
Signature: _____	Date: _____
Title: _____	Phone: (_____) _____

**\*\*False statements may violate 18 U.S.C. 1001, may incur state penalties, and may violate the registration form\*\***

## F. INTRASTATE EQUIPMENT

1. Please use the table below to list the quantity of vehicles that are used by the applicant for Ohio intrastate commerce:

	Qty. Straight Trucks	Qty. Truck Tractors	Qty. Trailers	Qty. HazMat Cargo Tank Trailers	Qty. HazMat Cargo Tank Trucks	PASSENGER VEHICLES			
						Qty. Motor Coach	Qty. School Bus	Qty. Minibus/Van	Qty. Limousine
OWNED									
TERM LEASED									
TRIP LEASED									

2. Will applicant be using freight vehicles with a gross vehicle rating of 10,000 pounds or more? ☐ Yes ☐ No

## G. FEES SCHEDULE

The following fees apply to ALL CARRIERS. Please do not submit applications for lower rates until beginning of that quarter. Applications received before a new quarter begins must be for the rate in effect at that time. You may pay tax and receive receipts for as many vehicles as you wish. However, no refunds or credits will be made for unused receipts.

FEE Prorated Quarterly				
Vehicles in Service on:	Jul 1 (Full year)	Oct 1 (3/4 year)	Jan 1 (1/2 year)	Apr 1 (1/4 year)
Each Tractor or Truck pulling trailer , Tow truck (including rollback with towbar) <b>or</b> Bus (any size vehicle used to transport passengers)	30.00	22.50	15.00	7.50
Each Straight Truck, Van, Car, etc.	20.00	15.00	10.00	5.00

The following annual fees apply to HOUSEHOLD GOODS MOVERS only:

GROSS ANNUAL REVENUE	ANNUAL FEE (check the appropriate fee and enter the amount below in Section H – line 3)
\$0 - 74,999	\$100.00 <input type="checkbox"/>
\$75,000 - 149,999	\$200.00 <input type="checkbox"/>
\$150,000. or more	\$300.00 <input type="checkbox"/>

## H. PERMITS

Permits must be displayed for all vehicles used for Ohio intrastate for-hire transportation. Please indicate the quantity of permits that you require. Use the tables above to determine the appropriate fees, then enter the totals in the boxes provided.

	QTY	FEE	TOTAL
1. Each Tractor or Truck pulling trailer , Tow truck (including rollback with towbar) <b>or</b> Bus (any size vehicle used to transport passengers)		\$	\$
2. Each Straight Truck, Van, Car, etc.		\$	\$
3. Household Goods Mover Annual Registration Fee		\$	\$
<b>MAKE CHECK PAYABLE TO: TREASURER, STATE OF OHIO</b>			<b>TOTAL FEE DUE</b>
			\$

MAIL PAYMENT AND APPLICATION TO:  
PUBLIC UTILITIES COMMISSION OF OHIO  
MOTOR CARRIER REGISTRATION DIVISION  
180 EAST BROAD STREET, 14TH FLOOR  
COLUMBUS OH 43215-3793



## Instructions for Registration of Motor Carriers Operating Intrastate for Hire in Ohio

### A. CARRIER INFORMATION

#### Items

- 1 Indicate the type of application being filed. If this is the first registration the applicant is filing in Ohio, mark "New Application". If the applicant is filing a registration to indicate changes in information filed in an original application, mark "Amended Application". If the registration is being completed with tax receipts renewal, mark "RENEWAL".
- 2-3 Provide the applicant's full legal name. If the applicant is using a DBA, provide this in Item 2.
- 4-15 Provide the complete street, city and state for the mailing address where the company wishes to receive all mailings having to do with registration. If the mailing address is something other than a street address, provide the actual location of the company where the mail is being processed in Items 10-15. If the main office of the company is different from this street address, please indicate the principal place of business in Item 4-9.
- 16-20 Provide the telephone number, fax number and email address of the business. Also provide the name and telephone number of the individual who can be contacted about the information on this registration.
- 21 Provide the applicant's lowest PUCO authority number.
- 22 Provide the applicant's U.S. DOT number. All carriers operating in interstate trucking should have a number from the U.S. Department of Transportation. If the applicant has applied for a number from the U.S. DOT but not received it, mark "Applied For" and give the date the application was filed. Carriers operating on a strictly intrastate basis will not have a number from the U.S. DOT. These applicants should mark "Not Applicable".
- 23 Provide the applicant's MC number issued by the ICC/Federal Highway Administration, IF APPLICABLE.
- 24 Provide the applicant's Federal tax I.D. number. If the company is a single proprietorship, without a FEIN, provide the individual's Social Security number.
- 25 Indicate the legal entity of the applicant: Individual ownership, Partnership ownership, or a Corporation.
- 26 Interstate carriers should indicate the carrier's safety rating with the U.S. Department of Transportation (U.S. DOT). Indicate the date the applicant received the rating. Carriers operating only in Ohio should mark "Not Applicable".
- 27 Indicate operation classifications. Check all that apply.
- 28 Indicate the type of operation or property transported. Please check all that apply.
- 29 Indicate cargo classifications. Check all that apply.
- 30-31 If the applicant has been operating as a motor carrier, indicate last year's mileage. If the applicant has not been operating as a motor carrier, show "0" in items 30 and 31.
- 32 The applicant should provide the average number of drivers dispatched by the company which meet each type of driver classification.
- 33 Provide a complete listing of the addresses, county of location, and phone numbers for each terminal location in Ohio. A terminal is defined as:
  - A facility owned, leased, or operated by the applicant where:
    - Applicant's motor vehicles are loaded, unloaded, or dispatched incidental to transportation;
    - Applicant's motor vehicles are cleaned, maintained, or inspected;
    - Applicant's motor vehicles are fueled or repowered;
    - Applicant stores goods incidental to transportation;
    - Applicant maintains records related to transportation including vehicle maintenance files and hours-of-service records.
    - Applicant's motor vehicles are parked when not in use.





## The Public Utilities Commission of Ohio

### B. PROOF OF PUBLIC LIABILITY SECURITY

Ohio intrastate motor carriers are required to have a minimum of \$350,000 bodily injury and property damage liability insurance. Indicate whether the applicant's insurance company has already filed, or will file, the Form E, Uniform Motor Carrier Bodily Injury and Property Damage Certificate of Insurance as evidence of this insurance.

The PUCO will consider a self-insurance program for applicants who have an approved self-insurance plan with the Federal Highway Administration. Attach copies of the FHWA Decision Order and the letter from the FHWA establishing the date the company's plan will be activated.

### C. HAZARDOUS MATERIALS

The applicant should indicate whether it will or will not haul hazardous materials in the course of doing business. If the applicant has checked Items 3, 4, or 5 under this section, the company needs to contact the PUCO's Hazardous materials Division to secure the additional Hazardous Materials Registration. Applicants expecting to haul hazardous materials must arrange for the appropriate level of liability insurance.

### D. HOUSEHOLD GOODS

- 2 Ohio intrastate household goods carriers are required to establish and maintain rates for the transportation of household goods and associated services related to the transportation of household goods. Indicate whether the applicant has already filed or will file the required tariff.
- 3 Ohio intrastate household goods carriers are required to have a minimum of \$20,000 cargo coverage. Indicate whether the applicant's insurance company has already filed or will file the Form H, Uniform Motor Carrier Cargo Certificate of Insurance as evidence of this insurance.
- 4 Provide the name and phone number of the person to be contacted to handle any questions or problems relative to a household goods move by the carrier.

### E. CERTIFICATIONS

Ohio has adopted and enforces the Federal Motor Carrier Safety Regulations (FMCSR) for motor carriers operating intrastate in this state. Applicants may be subject to the various safety requirements from the FMCSR noted in the certifications section. **Each certification MUST be separately initialed** by the appropriate official of the applicant company to indicate understanding of, and compliance with, that portion of the FMCSR. If a specific certification does not apply to the applicant's operations, note "N.A."

If the applicant is a new start-up company without drivers and equipment, please skip to certification #11.

The certifications regarding the requirement that the carrier maintains Worker's Compensation and Unemployment Compensation coverage must each be separately initialed by the appropriate official of the applicant company to indicate compliance with the requirement.

The registration must be signed by the owner, a partner, or a primary officer of the company.

Please note: false statements may violate 18 U.S.C. 1001, may incur state penalties, and may invalidate the registration form.

### F. INTRASTATE EQUIPMENT

The applicant must provide the average number of each type of equipment used by the company.

### H. PERMITS

Permits must be displayed for all vehicles used for Ohio intrastate for-hire transportation. Please indicate the quantity of permits that you require. Use the tables in Section G to determine the appropriate fees, then enter the totals in the boxes provided.

The annual registration fee for Household Goods Movers is based on the Gross Annual Revenue of the previous year. Please check the appropriate annual fee amount and enter this fee in Section H – line 3.



## Supplemental Application for Registration of Motor Carriers Operating Intrastate for Hire in Ohio

For registration period July 16<sup>th</sup> current year through July 15<sup>th</sup> the following year.  
Permits expire each year on July 15<sup>th</sup>

YEAR: \_\_\_\_\_

A. Carrier Information				
1. Name of Motor Carrier				
2. Trade or D.B.A. (Doing Business As) Name				
<b>PRINCIPLE ADDRESS</b>				
3. Street Address/ Route Number				
4. City		5. County		6. State
7. Zip + 4		8. Country		
<b>MAILING ADDRESS</b> (Check here if same as above. <input type="checkbox"/> )				
9. Street Address/ Route Number				
10. City		11. County		12. State
13. Zip + 4		14. Country		
15. PUCO No.		16. USDOT NO.		17. MC or MX No.
18. IRS/Tax ID# (Provide one)		FEIN#		SSN#

### B. FEES SCHEDULE

The following fees apply to ALL CARRIERS. Please do not submit applications for lower rates until beginning of that quarter. Applications received before a new quarter begins must be for the rate in effect at that time. You may pay tax and receive receipts for as many vehicles as you wish. However, no refunds or credits will be made for unused receipts.

FEE Prorated Quarterly				
Vehicles in Service on:	Jul 1 (Full year)	Oct 1 (3/4 year)	Jan 1 (1/2 year)	Apr 1 (1/4 year)
Each Tractor or Truck pulling trailer , Tow truck (including rollback with towbar) <b>or</b> Bus (any size vehicle used to transport passengers)	30.00	22.50	15.00	7.50
Each Straight Truck, Van, Car, etc.	20.00	15.00	10.00	5.00

### C. PERMITS

Permits must be displayed for all vehicles used for Ohio intrastate for-hire transportation. Please indicate the quantity of permits that you require. Use the tables above to determine the appropriate fees, then enter the totals in the boxes provided.

	QTY	FEE	TOTAL
1. Each Tractor or Truck pulling trailer , Tow truck (including rollback with towbar) <b>or</b> Bus (any size vehicle used to transport passengers)		\$	\$
2. Each Straight Truck, Van, Car, etc.		\$	\$
<b>MAKE CHECK PAYABLE TO: TREASURER, STATE OF OHIO</b>			<b>TOTAL FEE DUE</b>
			\$

MAIL PAYMENT AND APPLICATION TO:  
PUBLIC UTILITIES COMMISSION OF OHIO  
MOTOR CARRIER REGISTRATION DIVISION  
180 EAST BROAD STREET, 14TH FLOOR  
COLUMBUS OH 43215-3793



## Instruction for Supplemental Registration of Motor Carriers Operating Intrastate for Hire in Ohio

### A. CARRIER INFORMATION

#### Items

- 1-2 Provide the applicant's full legal name. If the applicant is using a DBA, provide this in Item 2.
- 3-14 Provide the complete street, city and state for the mailing address where the company wishes to receive all mailings having to do with registration. If the mailing address is something other than a street address, provide the actual location of the company where the mail is being processed in Items 10-15. If the main office of the company is different from this street address, please indicate the principal place of business in Item 4-9.
- 15 Provide the applicant's lowest PUCO authority number.
- 16 Provide the applicant's U.S. DOT number. All carriers operating in interstate trucking should have a number from the U.S. Department of Transportation. If the applicant has applied for a number from the U.S. DOT but not received it, mark "Applied For" and give the date the application was filed. Carriers operating on a strictly intrastate basis will not have a number from the U.S. DOT. These applicants should mark "Not Applicable".
- 17 Provide the applicant's MC number issued by the ICC/Federal Highway Administration, IF APPLICABLE.
- 18 Provide the applicant's Federal tax I.D. number. If the company is a single proprietorship, without a FEIN, provide the individual's Social Security number.

### C. PERMITS

Permits must be displayed for all vehicles used for Ohio intrastate for-hire transportation. Please indicate the quantity of permits that you require. Use the tables in Section B to determine the appropriate fees, then enter the totals in the boxes provided.

The annual registration fee for Household Goods Movers is based on the Gross Annual Revenue of the previous year. Please check the appropriate annual fee amount and enter this fee in Section C – line 3.



## UNIFIED CARRIER REGISTRATION

### SECTION 1. GENERAL INFORMATION

USDOT Number	MC or MX Number	FF Number	Telephone Number	Fax Number
Legal Name			E-Mail Address	
Doing Business Under The Following Name (DBA)				
Principle Place Of Business Street Address				
Principle Business City		Principle Business State		Zip Code
Mailing Street Address				
Mailing City		Mailing State		Mailing Zip Code

### SECTION 2. CLASSIFICATION – Check All That Apply

☐ Motor Carrier
 ☐ Motor Private Carrier
 ☐ Broker
 ☐ Leasing Company
 ☐ Freight Forwarder

### SECTION 3. FEES DUE-BROKERS, FREIGHT FORWARDERS AND LEASING COMPANIES ONLY

*Note: If your company is also a motor carrier or motor private carrier, skip this section and go to section 4.*

Brokers, freight forwarders and leasing companies (not a motor carrier combination), please submit the amount due of \$ 39.00 in the form of a Check or Money Order payable to “Ohio Treasurer Richard Cordray” and go to Section 7.

### SECTION 4. NO. OF MOTOR VEHICLES– MOTOR CARRIER & MOTOR PRIVATE CARRIER

Check only one box:

- ☐ The number of vehicles shown below have been taken from section 26 of your last reported MCS-150 form.  
☐ The number of vehicles shown below is the total number owned and operated for the 12-month period ending June 30.

NUMBER OF STRAIGHT TRUCKS AND TRACTORS (COLUMN A)	NUMBER OF TRAILERS (COLUMN B)	NUMBER OF MOTOR COACHES, SCHOOL BUSES, MINI-BUSES, VANS AND LIMOUSINES (COLUMN C)	TOTAL (COLUMN D)

1. (Optional) Under this program you may delete any vehicles in Column A or B above that you have reported on your MCS 150 form that are used only in intrastate commerce. (See instructions.) ..... ( )

2. (Optional) You may add vehicles that (a) have not been shown on the MCS 150 form that are defined as commercial motor vehicles operating solely in intrastate commerce; and/or (b) other self-propelled motor vehicles operating in intrastate or interstate commerce that:

- Have a gross vehicle weight rating or gross vehicle weight of 10,000 lbs or less, or a passenger capacity of 10 or less, including the driver;
- Are used on the highways in commerce; and
- To transport passengers or property for compensation. (See instructions for definition of commercial motor vehicle) .....

3. Total Number of Vehicles (TOTAL (COLUMN D) minus LINE 1 plus LINE 2). ....

### SECTION 5. FEE TABLE

Number of Vehicles	Amount Due	Number of Vehicles	Amount Due	Number of Vehicles	Amount Due
0-2	\$39.00	6-20	\$231.00	101-1000	\$3,840.00
3-5	\$116.00	21-100	\$806.00	1001 or more	\$37,500.00

### SECTION 6. FEES DUE – MOTOR CARRIER & MOTOR PRIVATE CARRIER

Using the number of vehicles in Section 4, Line 3 above, enter the Amount Due from the table above.

*Note: Payment can be made in the form of Check or Money Order. Make checks payable to: “Ohio Treasurer Richard Cordray”.*

\$

### SECTION 7. CERTIFICATION

I, the undersigned, under penalty for false statement, certify that the above information is true and correct and that I am authorized to execute and file this document on behalf of the applicant. (Penalty provisions subject to the laws of the registration state.)

Name Of Owner Or Authorized Representative (Printed)		Date
Signature		Title

# Instruction Sheet for Unified Carrier Registration

## Section 1. – General Information

- Enter all identifying information for your company. The owner and DBA name should be identical to what is on file for your USDOT number (See <http://safer.fmcsa.dot.gov/CompanySnapshot.aspx>). Enter the principle place of business address that serves as your headquarters and where your operational records are maintained or can be made available.

## Section 2. – Classification (Definitions)

- “Motor carrier” means a person providing motor vehicle transportation for compensation.
- “Motor private carrier” means a person who provides interstate transportation of property or passengers in order to support its primary line of business.
- “Broker” means a person, other than a motor carrier, who sells or arranges for transportation by a motor carrier for compensation.
- “Freight forwarder” means a person that arranges for truck transportation of cargo belonging to others, utilizing for-hire carriers to provide the actual truck transportation, and also performs or provides for assembling, consolidating, break-bulk and distribution of shipments and assumes responsibility for transportation from place of receipt to destination.
- “Leasing company” means a person or company engaged in the business of leasing or renting for compensation motor vehicles they own without drivers to a motor carrier, motor private carrier, or freight forwarder.

## Section 3. - Fees Due-Brokers, Freight Forwarders and Leasing Companies

- Brokers, freight forwarders and leasing companies pay the lowest fee tier. If your company is also a motor carrier (whether private or for-hire) you will skip this section of the application.

## Section 4. - No. Of Motor Vehicles– Motor Carrier & Motor Private Carrier

- Check the appropriate box indicating where you obtained the vehicle count for the numbers you entered into the table in this section.
- In the table, enter the number of commercial motor vehicles you reported on your last MCS-150 form or the total number of commercial motor vehicles owned and operated for the 12-month period ending June 30 of the year immediately prior to the year for which the UCR registration is made. This table includes owned and leased vehicles (term of lease for more than 30 days). Any vehicle designed to transport more than 8 passengers including the driver and 10 or less passengers including the driver is not defined as a commercial motor vehicle for purpose of payment of fees under this program. None of these vehicles should be counted in column D of the table.
- Option 1. You may subtract the number of property carrying vehicle used solely in intrastate commerce that you included in Section 4, Columns A or B. You may not enter on this line the number of passenger carrying vehicles included in Column C that were used solely in intrastate commerce.
- Option 2. You may add the number of owned commercial motor vehicles (straight trucks, tractors, trailers, motor coaches, school buses, mini-buses, vans or limousines) that were used only in intrastate commerce if they were not included in Columns A, B or C above. You may also include on this line the number of other self propelled vehicles (not trailers) used in interstate or intrastate commerce to transport passengers or property for compensation that are not defined as a commercial motor vehicle that have a gross vehicle weight rating or gross vehicle weight of 10,000 lbs or less or a passenger capacity of 10 or less, including the driver.
- Line 3, Total Number of Vehicles. Add the number of vehicles shown in Column D, subtract any vehicles you reported in Option 1 and add any vehicles you reported under Option 2 and show the total on Line 3. Use this total number of vehicles and go to the fee table in Section 5. Pay the amount due for your total number of vehicles.
- Definition - “Commercial motor vehicle” (as defined under 49 USC Section 31101) means a self-propelled or towed vehicle used on the highways in commerce principally to transport passengers or cargo, if the vehicle: (1) Has a gross vehicle weight rating or gross vehicle weight of at least 10,001 pounds, whichever is greater; (2) Is designed to transport more than 10 passengers including the driver; or (3) Is used in transporting material found by the Secretary of Transportation to be hazardous under section 5103 of this title and transported in a quantity requiring placarding under regulations prescribed by the Secretary under section 5103.”

## Section 5. – Fee Table for Motor Carrier & Motor Private Carrier

- This table is the approved UCR fees you will pay dependent upon the number of vehicles reported in Section 4. This fee may change from year to year. Contact your base state if you do not have the fee table for the correct registration period.

## Section 6. – Fee Due for Motor Carrier & Motor Private Carrier

- Enter the amount due for the total number of vehicles calculated in Section 4.

## Section 7. – Certification

- The owner or an individual who has a power of attorney to sign on behalf of the owner or owners must sign this form. This certification indicates that the information is correct under penalty of perjury.

# Ohio Revised Code

## Chapter 4905

### Public Utilities Commission - General Powers

#### §4905.01. Definitions.

As used in this chapter:

- (A) "Railroad" has the meaning set forth in section 4907.02 of the Revised Code.
- (B) "Motor transportation company" has the meaning set forth in sections 4905.03 and 4921.02 of the Revised Code.
- (C) "Trailer," "public highway," "fixed termini," "regular route," and "irregular route" have the meanings set forth in section 4921.02 of the Revised Code.
- (D) "Private motor carrier," "contract carrier by motor vehicle," "motor vehicle," and "charter party trip" have the meanings set forth in section 4923.02 of the Revised Code.
- (E) "Ohio coal research and development costs" means all reasonable costs associated with a facility or project undertaken by a public utility for which a recommendation to allow the recovery of costs associated therewith has been made under division (B)(7) of section 1551.33 of the Revised Code, including, but not limited to, capital costs, such as costs of debt and equity; construction and operation costs; termination and retirement costs; costs of feasibility and marketing studies associated with the project; and the acquisition and delivery costs of Ohio coal used in the project, less any expenditures of grant moneys.

HISTORY: Bureau of Code Revision, 10-1-53; 136 v H 579 (Effective 12-21-75); 138 v H 21 (Effective 7-2-80); 141 v H 750 (Effective 4-5-86); 144 v S 143 (Effective 7-10-91); 148 v H 640, §1 (Effective 9-14-2000); 148 v S 3, §3 (Effective 1-1-2001); 148 v H 640, §3. Effective 1-1-2001.

#### §4905.02. "Public utility" defined.

As used in this chapter, "public utility" includes every corporation, company, copartnership, person, or association, their lessees, trustees, or receivers, defined in section 4905.03 of the Revised Code, including all public utilities that operate their utilities not for profit, except the following:

- (A) Electric light companies that operate their utilities not for profit;
- (B) Public utilities, other than telephone companies, that are owned and operated exclusively by and solely for the utilities' customers, including any consumer or group of consumers purchasing, delivering, storing, or transporting, or seeking to purchase, deliver, store, or transport, natural gas exclusively by and solely for the consumer's or consumers' own intended use as the end user or end users and not for profit;
- (C) Public utilities that are owned or operated by any municipal corporation;
- (D) Railroads as defined in sections 4907.02 and 4907.03 of the Revised Code.

HISTORY: GC §614-2a; 102 v 549, §4; 111 v 514; 113 v 482; 124 v 405; Bureau of Code Revision, 10-1-53; 136 v H 579 (Effective 12-21-75); 138 v H 21 (Effective 7-2-80); 142 v S 337 (Effective 3-29-88); 146 v H 476. Effective 9-17-96.

#### §4905.03. Definitions.

As used in this chapter:

- (A) Any person, firm, copartnership, voluntary association, joint-stock association, company, or corporation, wherever organized or incorporated, is:
  - (1) A telegraph company, when engaged in the business of transmitting telegraphic messages to, from, through, or in this state;
  - (2) A telephone company, when engaged in the business of transmitting telephonic messages to, from, through, or in this state and as such is a common carrier;
  - (3) A motor transportation company, when engaged in the business of carrying and transporting persons or property or the business of providing or furnishing such transportation service, for hire, in or by motor-propelled vehicles of any kind,

including trailers, for the public in general, over any public street, road, or highway in this state, except as provided in section 4921.02 of the Revised Code;

(4) An electric light company, when engaged in the business of supplying electricity for light, heat, or power purposes to consumers within this state, including supplying electric transmission service for electricity delivered to consumers in this state, but excluding a regional transmission organization approved by the federal energy regulatory commission;

(5) A gas company, when engaged in the business of supplying artificial gas for lighting, power, or heating purposes to consumers within this state or when engaged in the business of supplying artificial gas to gas companies or to natural gas companies within this state, but a producer engaged in supplying to one or more gas or natural gas companies, only such artificial gas as is manufactured by that producer as a by-product of some other process in which the producer is primarily engaged within this state is not thereby a gas company. All rates, rentals, tolls, schedules, charges of any kind, or agreements between any gas company and any other gas company or any natural gas company providing for the supplying of artificial gas and for compensation for the same are subject to the jurisdiction of the public utilities commission.

(6) A natural gas company, when engaged in the business of supplying natural gas for lighting, power, or heating purposes to consumers within this state. Notwithstanding the above, neither the delivery nor sale of Ohio-produced natural gas by a producer or gatherer under a public utilities commission-ordered exemption, adopted before, as to producers, or after, as to producers or gatherers, January 1, 1996, or the delivery or sale of Ohio-produced natural gas by a producer or gatherer of Ohio-produced natural gas, either to a lessor under an oil and gas lease of the land on which the producer's drilling unit is located, or the grantor incident to a right-of-way or easement to the producer or gatherer, shall cause the producer or gatherer to be a natural gas company for the purposes of this section.

All rates, rentals, tolls, schedules, charges of any kind, or agreements between a natural gas company and other natural gas companies or gas companies providing for the supply of natural gas and for compensation for the same are subject to the jurisdiction of the public utilities commission. The commission, upon application made to it, may relieve any producer or gatherer of natural gas, defined in this section as a gas company or a natural gas company, of compliance with the obligations imposed by this chapter and Chapters 4901., 4903., 4907., 4909., 4921., and 4923. of the Revised Code, so long as the producer or gatherer is not affiliated with or under the control of a gas company or a natural gas company engaged in the transportation or distribution of natural gas, or so long as the producer or gatherer does not engage in the distribution of natural gas to consumers.

Nothing in division (A)(6) of this section limits the authority of the commission to enforce sections 4905.90 to 4905.96 of the Revised Code.

(7) A pipe-line company, when engaged in the business of transporting natural gas, oil, or coal or its derivatives through pipes or tubing, either wholly or partly within this state;

(8) A water-works company, when engaged in the business of supplying water through pipes or tubing, or in a similar manner, to consumers within this state;

(9) A heating or cooling company, when engaged in the business of supplying water, steam, or air through pipes or tubing to consumers within this state for heating or cooling purposes;

(10) A messenger company, when engaged in the business of supplying messengers for any purpose;

(11) A street railway company, when engaged in the business of operating as a common carrier, a railway, wholly or partly within this state, with one or more tracks upon, along, above, or below any public road, street, alleyway, or ground, within any municipal corporation, operated by any motive power other than steam and not a part of an interurban railroad, whether the railway is termed street, inclined-plane, elevated, or underground railway;

(12) A suburban railroad company, when engaged in the business of operating as a common carrier, whether wholly or partially within this state, a part of a street railway constructed or extended beyond the limits of a municipal corporation, and not a part of an interurban railroad;

(13) An interurban railroad company, when engaged in the business of operating a railroad, wholly or partially within this state, with one or more tracks from one municipal corporation or point in this state to another municipal corporation or point in this state, whether constructed upon the public highways or upon private rights-of-way, outside of municipal corporations, using electricity or other motive power than steam power for the transportation of passengers, packages, express matter, United States mail, baggage, and freight. Such an interurban railroad company is included in the term "railroad" as used in section 4907.02 of the Revised Code.

(14) A sewage disposal system company, when engaged in the business of sewage disposal services through pipes or tubing, and treatment works, or in a similar manner, within this state.

(B) “Motor-propelled vehicle” means any automobile, automobile truck, motor bus, or any other self-propelled vehicle not operated or driven upon fixed rails or tracks.

HISTORY: GC §614-2; 102 v 549, §3; 109 v 301; 110 v 211; 111 v 513; 113 v 482; 115 v 180; 116 v PtII, 309; 119 v 83; 124 v 166; Bureau of Code Revision, 10-1-53; 129 v 501 (Effective 9-19-61); 130 v 1159 (Effective 1-23-63); 136 v H 579 (Effective 12-21-75); 138 v H 21 (Effective 7-2-80); 142 v S 337 (Effective 3-29-88); 147 v S 187 (Effective 3-18-99); 148 v S 3. Effective 1-1-2001.

#### **§4905.04. Power to regulate public utilities and railroads.**

(A) The public utilities commission is hereby vested with the power and jurisdiction to supervise and regulate public utilities and railroads, to require all public utilities to furnish their products and render all services exacted by the commission or by law, and to promulgate and enforce all orders relating to the protection, welfare, and safety of railroad employees and the traveling public, including the apportionment between railroads and the state and its political subdivisions of the cost of constructing protective devices at railroad grade crossings.

(B) Division (A) of this section includes such power and jurisdiction as is reasonably necessary for the commission to perform the acts of a state commission pursuant to the “Telecommunications Act of 1996,” Pub. L. No. 104-104, 110 Stat. 56.

HISTORY: GC §614-3; 102 v 549, §5; 113 v 256; Bureau of Code Revision, 10-1-53; 129 v 313 (Effective 9-21-61); 146 v S 306. Effective 6-18-96.

#### **§4905.05. Scope of jurisdiction.**

The jurisdiction, supervision, powers, and duties of the public utilities commission extend to every public utility and railroad, the plant or property of which lies wholly within this state and when the property of a public utility or railroad lies partly within and partly without this state to that part of such plant or property which lies within this state; to the persons or companies owning, leasing, or operating such public utilities and railroads; to the records and accounts of the business thereof done within this state; and to the records and accounts of any companies which are part of an electric utility holding company system exempt under section 3(a)(1) or (2) of the “Public Utility Holding Company Act of 1935,” 49 Stat. 803, 15 U.S.C. 79c, and the rules and regulations promulgated thereunder, insofar as such records and accounts may in any way affect or relate to the costs associated with the provision of electric utility service by any public utility operating in this state and part of such holding company system.

Nothing in this section, or section 4905.06 or 4905.46 of the Revised Code pertaining to regulation of holding companies, grants the public utilities commission authority to regulate a holding company or its subsidiaries which are organized under the laws of another state, render no public utility service in the state of Ohio, and are regulated as a public utility by the public utilities commission of another state or primarily by a federal regulatory commission, nor do these grants of authority apply to public utilities that are excepted from the definition of “public utility” under divisions (A) to (C) of section 4905.02 of the Revised Code.

HISTORY: GC §614-4; 102 v 549, §6; Bureau of Code Revision, 10-1-53; 141 v H 821 (Effective 9-3-86); 142 v S 337. Effective 3-29-88.

#### **§4905.06. General supervision**

The public utilities commission has general supervision over all public utilities within its jurisdiction as defined in section 4905.05 of the Revised Code, and may examine such public utilities and keep informed as to their general condition, capitalization, and franchises, and as to the manner in which their properties are leased, operated, managed, and conducted with respect to the adequacy or accommodation afforded by their service, the safety and security of the public and their employees, and their compliance with all laws, orders of the commission, franchises, and charter requirements. The commission has general supervision over all other companies referred to in section 4905.05 of the Revised Code to the extent of its jurisdiction as defined in that section, and may examine such companies and keep informed as to their general condition and capitalization, and as to the manner in which their properties are leased, operated, managed, and conducted with respect to the adequacy or accommodation afforded by their service, and their compliance with all laws and orders of the commission, insofar as any of such matters may relate to the costs associated with the provision of electric utility service by public utilities in this state which are affiliated or associated with such companies. The commission, through the public utilities commissioners or inspectors or employees of the commission authorized by it, may enter in or upon, for purposes of inspection, any property, equipment, building, plant, factory, office, apparatus, machinery, device, and lines of any public utility. The power to inspect includes the power to prescribe any rule or order that the commission finds necessary for protection of the public safety. In order to assist the commission in the performance of its duties under this chapter, authorized employees of the commercial motor vehicle safety enforcement unit, division of state highway patrol, of the department of public safety may enter in or upon, for inspection purposes, any motor vehicle of any motor transportation company or private motor carrier as defined in section 4923.02 of the Revised Code.



In order to inspect motor vehicles owned or operated by a motor transportation company engaged in the transportation of persons, authorized employees of the commercial motor vehicle safety enforcement unit, division of state highway patrol, of the department of public safety may enter in or upon any property of any motor transportation company, as defined in section 4913.02 of the Revised Code, engaged in the intrastate transportation of persons.

HISTORY: GC §614-8; 102 v 549, §10; Bureau of Code Revision, 10-1-53; 136 v H 1297 (Effective 1-11-77); 141 v H 821 (Effective 9-3-86); 142 v S 337 (Effective 3-29-88); 144 v H 365 (Effective 4-16-93); 146 v S 162 (Effective 10-29-95); 148 v H 600. Effective 9-1-2000.

**§4905.07. Information and records to be public.**

Except as provided in section 149.43 of the Revised Code and as consistent with the purposes of Title XLIX [49] of the Revised Code, all facts and information in the possession of the public utilities commission shall be public, and all reports, records, files, books, accounts, papers, and memorandums of every nature in its possession shall be open to inspection by interested parties or their attorneys.

HISTORY: GC §614-38; 102 v 549(560), §40; Bureau of Code Revision, 10-1-53; 125 v 613 (Effective 10- 26-53); 146 v H 476. Effective 9-17-96.

**§4905.54. Compliance with orders.**

Every public utility or railroad and every officer of a public utility or railroad shall comply with every order, direction, and requirement of the public utilities commission made under authority of this chapter and Chapters 4901., 4903., 4907., 4909., 4921., and 4923. of the Revised Code, so long as they remain in force. Except as otherwise specifically provided in sections 4905.83, 4905.95, 4919.99, 4921.99, and 4923.99 of the Revised Code, a public utility or railroad that violates a provision of those chapters or that after due notice fails to comply with an order, direction, or requirement of the commission that was officially promulgated shall forfeit to the state not more than one thousand dollars for each such violation or failure. Each day's continuance of the violation or failure is a separate offense.

HISTORY: GC §614-64; 102 v 549(570), §67; Bureau of Code Revision, 10-1-53; 142 v H 428 (Effective 9-26-88); 144 v H 365 (Effective 4-16-93); 146 v H 117. Effective 9-29-95.

**§4905.80. Rules for uniform registration and permitting of persons engaging in highway transportation of hazardous materials; hazardous materials transportation fund.**

As used in sections 4905.80 to 4905.83 of the Revised Code:

(1) "Uniform registration" has the same meaning as "registration" as used in the final report submitted to the United States secretary of transportation, pursuant to subsection (c) of section 22 of the "Hazardous Materials Transportation Uniform Safety Act of 1990," 104 Stat. 3244, 49 U.S.C.A. App. 1819.

(2) "Uniform permit" has the same meaning as "permit" as used in the final report submitted to the United States secretary of transportation, pursuant to subsection (c) of section 22 of the "Hazardous Materials Transportation Uniform Safety Act of 1990," 104 Stat. 3244, 49 U.S.C.A. App. 1819.

(B) (1) The public utilities commission may adopt rules applicable to the uniform registration and uniform permitting of persons engaged in the highway transportation of hazardous materials into, through, or within this state. The rules shall include rules staggering the registration date for carriers and reducing or extending, by no more than one year, the permit renewal period for carriers.

(2) For the purpose of minimizing filing requirements regarding any background investigation required for the issuance of a uniform permit as a carrier of hazardous wastes, the commission shall accept from any applicant for such a permit any refiling of information the applicant has filed with the office of the attorney general under section 3734.42 of the Revised Code or any reference to such information, if the refiled or referenced information is on file with the office of the attorney general, is accurate and timely for the commission's purposes under this section, and is supplemented by any additional information the commission requires. The office of the attorney general, as necessary for any such background investigation, shall make accessible to the commission any such information referenced or refiled in an application for a uniform permit as a carrier of hazardous wastes that the attorney general determines may be disclosed in accordance with section 3734.42 of the Revised Code. Nothing in sections 4905.80 to 4905.83 of the Revised

Code affects any limitations under section 3734.42 of the Revised Code on the disclosure of that information.

(1) The fees for uniform registration and a uniform permit as a carrier of hazardous materials shall consist of the following:

A processing fee of fifty dollars;

An apportioned per-truck registration fee, which shall be calculated by multiplying the percentage of a registrant's activity in this state times the percentage of the registrant's business that is hazardous-materials-related, times the number of vehicles owned or operated by the registrant, times a per-truck fee determined by order of the commission following public notice and an opportunity for comment.

However, the total revenue from the apportioned per-truck registration fee shall not exceed the appropriation of the general assembly for the hazardous materials registration fund created under division (C)(3) of this section. In determining the per-truck fee, the commission shall calculate the difference between the appropriation from the fund for the current fiscal year and the net total of the processing fees collected in the previous registration year under division (C)(1)(a) of this section, fees collected under division (C)(2) of this section, refunds to carriers from overpayments of fees collected under this section, and fees paid to other states under division (D) of this section, and shall divide that calculated amount by the total number of apportioned trucks determined on the basis of information submitted by all registrants in the previous registration year. If the calculated amount is zero or less, the fee shall be zero. Any interested party, in accordance with division (H) of this section, may appeal to the court of appeals of Franklin county an order of the commission establishing the apportioned per-truck registration fee.

The percentage of a registrant's activity in this state shall be calculated by dividing the number of miles that the registrant travels in this state under the international registration plan, pursuant to section 4503.61 of the Revised Code, by the number of miles that the registrant travels nationwide under the international registration plan. Registrants that operate solely within this state shall use one hundred per cent as their percentage of activity. Registrants that do not register their vehicles through the international registration plan shall calculate activity in the state in the same manner as that required by the international registration plan.

The percentage of a registrant's business that is hazardous-materials-related shall be calculated, for less-than-truckload shipments, by dividing the weight of all the registrant's hazardous materials shipments by the total weight of all shipments in the previous year. The percentage of a registrant's business that is hazardous-materials-related shall be calculated, for truckload shipments, by dividing the number of shipments for which placarding, marking of the vehicle, or manifesting, as appropriate, was required by regulations adopted under sections 4 to 6 of the "Hazardous Materials Transportation Uniform Safety Act of 1990," 104 Stat. 3244, 49 U.S.C.A. App. 1804, by the total number of the registrant's shipments that transported any kind of goods in the previous year. A registrant that transports both less-than-truckload and truckload shipments of hazardous materials shall calculate the percentage of business that is hazardous-materials-related on a proportional basis.

A registrant may utilize fiscal year, or calendar year, or other current company accounting data, or other publicly available information, in calculating the percentages required by divisions (C)(1)(b)(i) and (ii) of this section.

(2) The commission, after notice and opportunity for a hearing, may assess each carrier a fee for any background investigation required for the issuance, for the purpose of section 3734.15 of the Revised Code, of a uniform permit as a carrier of hazardous wastes and fees related to investigations and proceedings for the denial, suspension, or revocation of a uniform permit as a carrier of hazardous materials. The fees shall not exceed the reasonable costs of the investigations and proceedings. The fee for a background investigation for a uniform permit as a carrier of hazardous wastes shall be six hundred dollars plus the costs of obtaining any necessary information not included in the permit application, to be calculated at the rate of thirty dollars per hour, not exceeding six hundred dollars, plus any fees payable to obtain necessary information.

(3) All fees collected under division (C)(1) of this section and all background investigation and permit denial, suspension, and revocation investigation and proceeding fees collected under division (C)(2) of this section shall be credited to the hazardous materials registration fund, which is hereby created in the state treasury. Moneys in that fund shall be used by the commission to administer and enforce sections 4905.80 to 4905.83 of the Revised Code.

The commission, as necessary to implement the rules adopted under division (B) of this section, may enter into agreements, contracts, arrangements, or declarations with other states and with the national repository, established pursuant to the final report submitted to the United States secretary of transportation, pursuant to subsection (c) of section 22 of the "Hazardous Materials Transportation Uniform Safety Act of 1990," 104 Stat. 3244, 49 U.S.C.A. App. 1819. The agreements, contracts, arrangements, or declarations shall include, but not be limited to, the determination of a base state, the collection of uniform registration fees, the frequency of distribution of uniform registration fees, procedures for dispute resolution, and protection of trade secrets and confidential business information.

The first eight hundred thousand dollars of forfeitures collected under section 4905.83 of the Revised Code during each fiscal year shall be credited to the hazardous materials transportation fund, which is hereby created in the state treasury. Any forfeitures in excess of that amount collected during each fiscal year shall be credited to the general revenue fund. In each fiscal year, the commission shall distribute moneys credited to the hazardous materials transportation fund under this division for the purposes of emergency response planning and the training of safety, enforcement, and emergency services personnel in proper techniques for the management of hazardous materials releases that occur during transportation or otherwise. For these purposes, fifty per cent

of all such moneys credited to the fund shall be distributed to Cleveland state university, forty-five per cent shall be distributed to other educational institutions, state agencies, regional planning commissions, and political subdivisions, and five per cent shall be retained by the commission for the administration of this section and for training employees. However, if, in any such period, moneys credited to the fund under this division equal an amount less than four hundred thousand dollars, the commission shall distribute, to the extent of the fund, two hundred thousand dollars to Cleveland state university and the remainder to other educational institutions, state agencies, regional planning commissions, and political subdivisions.

(1) No person shall violate or fail to perform a duty imposed by this section or a rule adopted under it.

(2) No person shall knowingly falsify or fail to submit any data, reports, records, or other information required to be submitted to the commission pursuant to this section or a rule adopted under it. For purposes of division (F)(2) of this section, a person acts knowingly if either of the following applies:

The person has actual knowledge of the facts giving rise to the violation.

A reasonable person acting in the circumstances and exercising due care would have such knowledge.

After notice and opportunity for a hearing, the commission, pursuant to criteria set forth in rules adopted under division (B) of this section, may suspend, revoke, or deny the uniform permit as a carrier of hazardous materials of any carrier that has obtained or applied for such a uniform permit from the commission pursuant to rules adopted under that division, or the commission may order the suspension of the transportation of hazardous materials into, through, or within this state by a carrier that has obtained a uniform permit from another state that has a reciprocity agreement with the commission pursuant to division (D) of this section.

(1) The proceedings specified in division (G) of this section are subject to and governed by Chapter 4903. of the Revised Code, except as otherwise provided in this section. The court of appeals of Franklin county has exclusive original jurisdiction to review, modify, or vacate any order of the commission suspending, revoking, or denying a uniform permit as a carrier of hazardous materials of any carrier that has obtained or applied for a uniform permit from the commission pursuant to rules adopted under division (B) of this section, or any order of the commission suspending the transportation of hazardous materials into, through, or within this state by a carrier that has obtained a uniform permit from another state that has a reciprocity agreement with the commission under division (D) of this section. The court of appeals shall hear and determine those appeals in the same manner and under the same standards as the Ohio supreme court hears and determines appeals under Chapter 4903. of the Revised Code.

The judgment of the court of appeals is final and conclusive unless reversed, vacated, or modified on appeal. Such appeals may be taken either by the commission or the person to whom the order was issued and shall proceed as in the case of appeals in civil actions as provided in Chapter 2505. of the Revised Code.

(2) Section 4903.11 of the Revised Code does not apply to appeals of any order of the commission suspending, revoking, or denying a uniform permit of a carrier that has obtained or applied for a uniform permit from the commission pursuant to rules adopted under division (B) of this section, or of any order of the commission suspending the transportation of hazardous materials into, through, or within this state by a carrier that has obtained a uniform permit from another state that has a reciprocity agreement with the commission pursuant to division (D) of this section. Any person to whom such an order is issued who wishes to contest the order shall file, within sixty days after the entry of the order upon the journal of the commission, a notice of appeal, setting forth the order appealed from and the errors complained of. The notice of appeal shall be served, unless waived, upon the chairperson of the commission or, in the event of the chairperson's absence, upon any public utilities commissioner, or by leaving a copy at the office of the commission at Columbus. On appeal, the court shall reverse, vacate, or modify the order if, upon consideration of the record, the court is of the opinion that the order was unlawful or unreasonable.

HISTORY: 145 v H 647 (Effective 7-22-94); 147 v H 215 (Effective 6-30-97); 148 v H 283. Effective 9-29-99.

#### **§4905.81. Rules for highway routing of hazardous materials; advisory panel.**

The public utilities commission may adopt rules applicable to the highway routing of hazardous materials into, through, or within this state. Rules adopted under this division shall be consistent with, and equivalent in scope, coverage, and content to, subsection (b) of section 4 of the "Hazardous Materials Transportation Uniform Safety Act of 1990," 104 Stat. 3244, 49 U.S.C.A. App. 1804, and regulations adopted under that section.

Rules adopted or amended under this division on or after November 17, 2000, shall be adopted or amended in accordance with Chapter 119. of the Revised Code.

No person shall violate or fail to perform a duty imposed by a rule adopted under this section or an order of the commission issued to secure compliance with such a rule or this section.

To achieve the purposes of this title, the commission, through its inspectors or other authorized employees, may enter at reasonable times upon the premises, and may enter upon and inspect at any time motor vehicles, of any person who transports or offers for transportation hazardous materials subject to the safety rules prescribed in this title, to examine any records or documents that relate to the transportation and the offering for transportation of hazardous materials. The commission or its authorized employees may apply for, and any judge of a court of record of competent jurisdiction may issue, an appropriate search warrant to achieve the purposes of this title.

To achieve the purposes of this title and to assist the commission in the performance of any of its powers or duties, the commission, either through the public utilities commissioners or employees authorized by it, may examine under oath, at the offices of the commission, any officer, agent, or employee of any person who transports or offers for transportation hazardous materials subject to the safety rules prescribed in this title in relation to the transportation and offering for transportation of hazardous materials. The commission, by subpoena, also may compel the attendance of such a witness for the purpose of the examination and, by subpoena duces tecum, may compel the production of all books, contracts, records, and documents that relate to the transportation and offering for transportation of hazardous materials.

(1) There is hereby created the hazardous materials advisory panel to carry out the purposes of divisions (E)(2) and (3) of this section. The panel shall consist of the following nine members: three representatives of common carriers of hazardous materials, three representatives of private carriers of hazardous materials, and one representative of shippers of hazardous materials, each appointed by the chairperson of the public utilities commission; one member of the house of representatives appointed by the speaker of the house of representatives; and one member of the senate appointed by the president of the senate. The speaker of the house, president of the senate, and chairperson of the commission shall make their initial appointments to the panel within thirty days after July 22, 1994. Of the initial appointments, each shall be for a term ending two years after the date of the initial appointment. Subsequent appointments shall be for two-year terms, with each term ending on the same day of the same month as the term it succeeds. Panel members shall receive no compensation or expenses in the performance of panel duties.

Each panel member shall serve on the panel from the date of appointment until the end of the term for which the member was appointed. Any member of the general assembly shall remain as a member of the panel only so long as the person is a member of the general assembly. Panel members may be reappointed. Vacancies shall be filled in the manner provided for original appointments. Any member appointed to fill a vacancy occurring prior to the expiration date of the term for which the member's predecessor was appointed shall serve as a member for the remainder of that term. A member shall continue to serve after the expiration date of the member's term until the member's successor commences service on the panel or until a period of sixty days has elapsed, whichever occurs first.

(2) At least thirty days before issuing an order for notice of and the opportunity for comment on any proposed rules under division (B) of section 4905.80 of the Revised Code or division (A) of this section, the commission shall distribute the proposed rules to each member of the panel for consultation and advice. The commission shall convene a meeting of the panel to prepare a report on the proposed rules, which shall be submitted to the commission and contain the panel's recommendations, comments, and other advice regarding all matters it considers pertinent to the issuance and implementation of the proposed rules. Upon the request of the panel, the commission may hold a hearing to receive testimony from panel members regarding any issue of fact or law in the report. The commission shall consider the report before it issues any order for notice of and the opportunity for comment on any proposed rules under division (B) of section 4905.80 of the Revised Code or division (A) of this section.

In any such order, the commission shall address any recommendations, comments, and other advice contained in the panel's report, including matters with which the commission concludes it cannot agree. After the commission issues any such order for notice and opportunity for comment, it shall transmit to each member of the panel copies of any comments it receives and shall provide panel members with an opportunity to respond to those comments either in writing or before the commission, or both. The commission shall notify the panel of any hearings or meetings regarding the proposed rules. Any panel member may participate in the same manner as any interested party in any hearings held regarding the proposed rules.

(3) One year after July 22, 1994, and annually after that date until November 17, 2000, the commission and the panel shall present at a public hearing and transmit to the speaker of the house of representatives and the president of the senate, or committees of the house of representatives and senate of the general assembly respectively designated by the speaker and the senate president, an annual report on the status of sections 4905.80 and 4905.81 of the Revised Code, which shall address all of the following:

Any barriers to the implementation of the forms and procedures for the uniform registration and uniform permitting of carriers of hazardous materials pursuant to section 4905.80 of the Revised Code and the implementation of routing designations pursuant to section 4905.81 of the Revised Code;

Any costs to the state and to carriers and shippers of hazardous materials resulting from the implementation of sections 4905.80 and 4905.81 of the Revised Code;

(1) The effectiveness of reciprocity with other states in the implementation of sections 4905.80 and 4905.81 of the Revised Code;

Whether the implementation of sections 4905.80 and 4905.81 of the Revised Code reduces the administrative burden on carriers and shippers of hazardous materials and on the state;

Whether the implementation of sections 4905.80 and 4905.81 of the Revised Code enhances the protection of the public health and safety and the environment;

The impact of federal law on the implementation of sections 4905.80 and 4905.81 of the Revised Code and any recommendations the state should make to federal authorities regarding changes to such federal law or its administration and enforcement.

(4) The hazardous materials advisory panel shall cease to exist on November 17, 2000.

HISTORY: 145 v H 647 (Effective 7-22-94); 147 v H 215. Effective 9-29-97.

**§4905.82. Disclosure of information.**

Information submitted to the public utilities commission as part of a uniform registration application, pursuant to rules adopted under division (B) of section 4905.80 of the Revised Code, is a public record and is subject to section 149.43 of the Revised Code.

Except for information related to corporate structure and personnel, information that is submitted to the commission as part of a uniform permit application, pursuant to rules adopted under division (B) of section 4905.80 of the Revised Code, is a public record and is subject to section 149.43 of the Revised Code. Information that is related to corporate structure and personnel that is submitted to the commission as part of a uniform permit application, pursuant to rules adopted under division (B) of section 4905.80 of the Revised Code, is not a public record and is not subject to section 149.43 of the Revised Code. Except as provided in division (D) of this section, the commission shall not disclose to any person any information that is related to corporate structure and personnel that is submitted as part of a uniform permit application.

Information that is submitted for any background investigation for an application for a uniform permit as a carrier of hazardous wastes is not a public record and is not subject to section 149.43 of the Revised Code. Except as provided in division (D) of this section, the commission shall not disclose to any person any information submitted for any background investigation for such an application.

The commission may disclose to its authorized employees and to any federal agencies, state agencies of this state or another state, local government agencies of this state or another state, or the national repository established pursuant to the final report submitted to the United States secretary of transportation, pursuant to subsection (c) of section 22 of the "Hazardous Materials Transportation Uniform Safety Act of 1990," 104 Stat. 3244, 49 U.S.C.A. App. 1819, any information submitted to the commission as part of a uniform permit application that is related to corporate structure and personnel or submitted for any background investigation for an application for a uniform permit as a carrier of hazardous wastes if all of the following conditions are met:

The commission enters into a confidentiality agreement with the employee, agency, or national repository under which that employee or entity agrees not to disclose to any third party any information related to corporate structure or personnel or any information submitted as part of a background investigation unless the third party enters into a confidentiality agreement with the commission consistent with this division.

The employee, agency, or national repository certifies to the commission that it is not required by any state or federal law to disclose any information related to corporate structure or personnel or any information submitted as part of a background investigation.

The federal agency, state or local government agency of another state, or national repository irrevocably consents in writing to the jurisdiction of the courts of this state and service of process in this state, including, without limitation, summonses and subpoenas, for any civil proceeding arising out of an intentional disclosure of information in violation of this division.

Any person who intentionally discloses information in violation of division (D) of this section is liable to the owner of the information for civil damages caused by the disclosure.

HISTORY: 145 v H 647. Effective 7-22-94.

**§4905.83. Forfeiture for violations; enforcement actions.**

(A)(1) Whoever violates division (F) of section 4905.80, division (B) of section 4905.81, or division (E) of section 4923.20 of the Revised Code, or a rule adopted under division (C) of section 4919.79, division (D) or (E) of section 4921.04, division (B) or (C) of section 4923.03, or division (B) or (C) of section 4923.20 of the Revised Code, or an order of the public utilities commission issued to secure compliance with any such statutory provision or rule, when transporting hazardous materials or offering hazardous materials for transportation, is liable to the state for a forfeiture of not more than ten thousand dollars for each day of each violation. Only for such violations that constitute violations of the “Hazardous Materials Transportation Uniform Safety Act of 1990,” 104 Stat. 3244, 49 U.S.C.A. App. 1804 and 1805, or regulations adopted under the act, the commission, in determining liability, shall use the same standard of culpability for civil forfeitures under this section as that set forth for civil penalties under section 12 of the “Hazardous Materials Transportation Uniform Safety Act of 1990,” 104 Stat. 3244, 49 U.S.C.A. App. 1809. The commission, after providing reasonable notice and the opportunity for a hearing in accordance with the procedural rules adopted under section 4901.13 of the Revised Code, shall assess, by order, a forfeiture upon a person who the commission determines committed the violation. In determining the amount of the forfeiture, the commission shall consider the assessment considerations for civil penalties specified in regulations adopted under the “Hazardous Materials Transportation Act,” 88 Stat. 2156 (1975), 49 U.S.C.A. 1801.

The attorney general, upon the written request of the commission, shall bring a civil action in the court of common pleas of Franklin county to collect a forfeiture assessed under this section.

(2) The attorney general, upon the written request of the commission, shall bring an action for injunctive relief in the court of common pleas of Franklin county against any person who has violated or is violating any order issued by the commission to secure compliance with any statutory provision or rule enumerated in division (A)(1) of this section. The court of common pleas of Franklin county has jurisdiction to and may grant preliminary and permanent injunctive relief upon a showing that the person against whom the action is brought has violated or is violating any such order. The court shall give precedence to such an action over all other cases.

In addition to the enforcement remedies provided in this chapter, whenever the commission has good cause to believe that it has discovered a violation involving the transportation or offering for transportation of hazardous waste, as defined in section 3734.01 of the Revised Code, it may refer the matter to the attorney general to initiate enforcement action as the attorney general considers appropriate under sections 3734.10 and 3734.13 of the Revised Code.

Nothing in this chapter limits or in any way restricts any enforcement action taken under Chapter 3734. of the Revised Code.

The amount of any forfeiture may be compromised at any time prior to the referral of the case to the attorney general for collection of the forfeiture. The commission shall adopt rules governing the manner in which the amount of a forfeiture may be established by agreement prior to the hearing on the forfeiture before the commission.

The proceedings of the commission specified in division (A) of this section are subject to and governed by Chapter 4903. of the Revised Code, except as otherwise specifically provided in this section. The court of appeals of Franklin county has exclusive, original jurisdiction to review, modify, or vacate an order of the commission issued to secure compliance with any statutory provision or rule enumerated in division (A)(1) of this section and an order issued under division (A)(1) of this section assessing a forfeiture. The court of appeals shall hear and determine those appeals in the same manner, and under the same standards, as the supreme court hears and determines appeals under that chapter.

The judgment of the court of appeals is final and conclusive unless reversed, vacated, or modified on appeal. Such appeals may be taken either by the commission or the person to whom the compliance order or forfeiture assessment was issued and shall proceed as in the case of appeals in civil actions as provided in the Rules of Appellate Procedure and Chapter 2505. of the Revised Code.

Section 4903.11 of the Revised Code does not apply to an appeal of an order issued to secure compliance with any statutory provision or rule enumerated in division (A)(1) of this section or an order issued under division (A)(1) of this section assessing a forfeiture. Any person to whom any such order is issued who wishes to contest a compliance order, the fact of the violation, or the amount of the forfeiture shall file a notice of appeal, setting forth the order appealed from and the errors complained of, within sixty days after the entry of the order upon the journal of the commission. The notice of appeal shall be served, unless waived, upon the chairman of the commission or, in the event of his absence, upon any public utilities commissioner, or by leaving a copy at the office of the commission at Columbus. An order issued by the commission to secure compliance with any statutory provision or rule enumerated in division (A)(1) of this section or an order issued under division (A)(1) of this section assessing a forfeiture shall be reversed, vacated, or modified on appeal if, upon consideration of the record, the court is of the opinion that the order was unlawful or unreasonable.

HISTORY: 142 v H 428 (Effective 9-26-88); 145 v H 647 (Effective 7-22-94); 146 v H 117. Effective 9-29-95.

# Ohio Revised Code

## **Chapter 4919**

### **Public Utilities Commission - Interstate Operating Authority**

#### **§4919.75. Definitions.**

As used in sections 4919.75 to 4919.79 of the Revised Code:

“Public highway” means any public street, road, highway, or thoroughfare in this state, whether within or without the corporate limits of a municipal corporation.

“Motor carrier” includes both a common carrier of property or passengers by motor vehicle and a contract carrier of property or passengers by motor vehicle.

“Motor vehicle” means any truck or tractor, including any other self-propelled or motor driven vehicle, that is operated upon any public highway of this state for the purpose of transporting property or passengers for hire.

“Common carrier by motor vehicle” or “common carrier” includes every corporation, company, association, joint-stock association, person, firm, or copartnership, and their lessees, legal or personal representatives, trustees, and receivers or trustees appointed by any court, when engaged or proposing to engage in the business of transporting property or passengers, or the business of providing or furnishing such transportation service, for hire, whether directly or by lease or other arrangement, for the public in general, in or by motor-propelled vehicles of any kind, including trailers, over any public highway in this state.

“Contract carrier by motor vehicle” or “contract carrier” includes every corporation, company, association, joint-stock association, person, firm, or copartnership, their lessees, legal or personal representatives, trustees, or receivers or trustees appointed by any court, not included in the definition under division (D) of this section, when engaged in the business of private carriage of property or passengers, or providing or furnishing such transportation service, for hire, in or by motor-propelled vehicles of any kind, including trailers, over any public highway in this state.

HISTORY: 135 v H 822 (Effective 2-1-75); 145 v H 152. Effective 7-1-93.

#### **§4919.76. Rules under single state insurance registration program.**

The public utilities commission of Ohio shall adopt rules applicable to motor carrier registration under the single state insurance registration program. The rules shall be consistent with and equivalent in scope, coverage, and content to the registration rules specified by the interstate commerce commission in accordance with the “Intermodal Surface Transportation Efficiency Act of 1991,” 105 Stat. 2146, 49 U.S.C.A. 11506.

HISTORY: 145 v H 152. Effective 7-1-93.

#### **§4919.77. Filing of proof of insurance by for hire carriers operating under ICC exemption.**

The public utilities commission of Ohio shall adopt rules requiring the filing of a liability insurance certificate, policy, or bond by any for hire interstate motor carrier operating under an exemption from the interstate commerce commission.

The commission may require payment of a fee when a motor carrier files a certificate, policy, or bond under division (A) of this section and may adopt rules creating an insurance registration program for those carriers that is comparable to the program established under section 4919.76 of the Revised Code.

HISTORY: 145 v H 152. Effective 7-1-93.

#### **§4919.78. Liability insurance certificate; surety bond.**

No motor carrier required to register under section 4919.77 of the Revised Code shall engage in interstate or foreign commerce within the borders of this state until the motor carrier has filed with the public utilities commission of Ohio a currently Effective liability insurance certificate from an insurance company, or a surety bond sufficient to protect against death, bodily injury, and property damage in such sum and with such provisions as the commission considers necessary to adequately protect the interests of the public. The liability insurance certificate, policy, or bond shall insure the motor carrier against loss sustained by reason of the death of, or injuries to, persons and for loss of, or damage to, property resulting from the negligence of the motor carrier.

Motor carriers shall comply with requirements of the commission as to amounts of liability insurance.

Each liability insurance certificate or surety bond shall provide that prior to cancellation thirty days notice in writing shall be given by the insurer or surety to the commission and the motor carrier. The commission shall prescribe the form and regulations pertaining to the liability insurance certificates or surety bonds.

HISTORY: RC §4919.81, 135 v H 822 (Effective 2-1-75); RC §4919.78, 145 v H 152. Effective 7-1-93.

**§4919.79. Rules for transportation of hazardous materials in interstate commerce; cooperation with federal agencies.**

The public utilities commission may adopt safety rules applicable to the highway transportation and offering for transportation of hazardous materials in interstate commerce, which highway transportation takes place into or through this state.

The commission may adopt safety rules applicable to the highway transportation of persons or property in interstate commerce, which transportation takes place into or through this state.

Rules adopted under divisions (A) and (B) of this section shall be consistent with, and equivalent in scope, coverage, and content to, the "Hazardous Materials Transportation Act," 88 Stat. 2156 (1975), 49 U.S.C.A. 1801, as amended, and regulations adopted under it, and the "Motor Carrier Safety Act of 1984," 98 Stat. 2832, 49 U.S.C.A. 2501, and regulations adopted under it, respectively. No person shall violate a rule adopted under division (A) or (B) of this section or any order of the commission issued to secure compliance with any such rule.

The commission shall cooperate with, and permit the use of, the services, records, and facilities of the commission as fully as practicable by appropriate officers of the interstate commerce commission, the United States department of transportation, and other federal agencies or commissions and appropriate commissions of other states in the enforcement and administration of state and federal laws relating to highway transportation by motor vehicles. The commission may enter into cooperative agreements with the interstate commerce commission, the United States department of transportation, and any other federal agency or commission to enforce the economic and safety laws and rules of this state and of the United States concerning highway transportation by motor vehicles. All grants-in-aid, cash, and reimbursements received by the commission pursuant to those cooperative agreements shall be deposited to the credit of the motor carrier safety fund, which is hereby created in the state treasury, to be used by the commission for the purpose of carrying out this section.

To achieve the purposes of this section, the commission may, through its inspectors or other authorized employees, inspect any vehicles of carriers of persons or property in interstate commerce subject to the safety rules prescribed by this section and may enter upon the premises and vehicles of such carriers to examine any of the carriers' records or documents that relate to the safety of operation of such carriers. In order to assist the commission in the performance of its duties under this section, authorized employees of the commercial motor vehicle safety enforcement unit, division of state highway patrol, of the department of public safety may enter in or upon, for purposes of inspection, any vehicle of any such carrier.

In order to inspect motor vehicles owned or operated by private motor carriers of persons, authorized employees of the commercial motor vehicle safety enforcement unit, division of state highway patrol, of the department of public safety may enter in or upon the premises of any private carrier of persons in interstate commerce, subject to the safety rules prescribed by this section.

HISTORY: RC §4919.85, 135 v H 822 (Effective 2-1-75); 142 v H 428 (Effective 9-26-88); RC §4919.79, 145 v H 152 (Effective 7-1-93); 146 v S 162 (Effective 10-29-95); 148 v H 600. Effective 9-1-2000; 150 v H 95, §1, Effective. 6-26-03.

**§4919.99. Forfeitures for violations; injunctions; compliance orders.**

(1) Except for those violations for which a forfeiture is provided in section 4905.83 of the Revised Code, whoever violates a provision of this chapter is liable to the state for a forfeiture of not more than ten thousand dollars for each day of each violation. The public utilities commission, after providing reasonable notice and the opportunity for a hearing in accordance with the procedural rules adopted under section 4901.13 of the Revised Code, shall assess, by order, a forfeiture upon a person who the commission determines, by a preponderance of the evidence, committed the recommended fine or violation. In determining the amount of the forfeiture for a violation discovered during a roadside inspection, the commission shall be consistent with the recommended fine or penalty schedule and recommended civil penalty procedure adopted by the commercial vehicle safety alliance, but shall not exceed one thousand dollars. In determining the amount of the forfeiture for a violation discovered during a compliance review of fixed facilities, the commission shall be consistent with the civil penalty guidelines adopted by the United States department of transportation's federal highway administration, but shall not exceed ten thousand dollars.

The attorney general, upon the written request of the commission, shall bring a civil action in the court of common pleas of Franklin county to collect a forfeiture assessed under this section. The commission shall account for the forfeitures collected under this section and pay them to the treasurer of state pursuant to section 4923.12 of the Revised Code.



(2) The attorney general, upon the written request of the commission, shall bring an action for injunctive relief in the court of common pleas of Franklin county against any person who has violated or is violating any order issued by the commission to secure compliance with a provision of this chapter. The court of common pleas of Franklin county has jurisdiction to and may grant preliminary and permanent injunctive relief upon a showing that the person against whom the action is brought has violated or is violating any order issued by the commission to secure compliance with this chapter. The court shall give precedence to such an action over all other cases.

The amount of any forfeiture may be compromised at any time prior to collection of the forfeiture. The commission shall adopt rules governing the manner in which the amount of forfeiture may be established by agreement prior to the hearing on the forfeiture before the commission.

The proceedings of the commission specified in division (A) of this section are subject to and governed by Chapter 4903. of the Revised Code, except as otherwise specifically provided in this section. The court of appeals of Franklin county has exclusive, original jurisdiction to review, modify, or vacate an order of the commission issued to secure compliance with a provision of this chapter and an order issued under division (A)(1) of this section assessing a forfeiture. The court of appeals shall hear and determine those appeals in the same manner, and under the same standards, as the supreme court hears and determines appeals under Chapter 4903 of the Revised Code.

The judgment of the court of appeals is final and conclusive unless reversed, vacated, or modified on appeal. Such appeals may be taken either by the commission or the person to whom the compliance order or forfeiture assessment was issued and shall proceed as in the case of appeals in civil actions as provided in the Rules of Appellate Procedure and Chapter 2505. of the Revised Code.

Section 4903.11 of the Revised Code does not apply to an appeal of an order issued to secure compliance with this chapter or an order issued under division (A)(1) of this section assessing a forfeiture. Any person to whom any such order is issued who wishes to contest the compliance order, the fact of the violation, or the amount of the forfeiture shall file a notice of appeal, setting forth the order appealed from and the errors complained of, within sixty days after the entry of the order upon the journal of the commission. The notice of appeal shall be served, unless waived, upon the chairman of the commission or, in the event of his absence, upon any public utilities commissioner, or by leaving a copy at the office of the commission at Columbus. An order issued by the commission to secure compliance with a provision of this chapter or an order issued under division (A)(1) of this section assessing a forfeiture shall be reversed, vacated, or modified on appeal if, upon consideration of the record, the court is of the opinion that the order was unlawful or unreasonable.

HISTORY: 135 v H 822 (Effective 2-1-75); 142 v H 428 (Effective 9-26-88); 145 v H 152 (Effective 7-1-93); 146 v H 117. Effective 9-29-95.

# Ohio Revised Code

## **Chapter 4921**

### ***Public Utilities Commission - Motor Transportation Companies***

#### **§4921.01. Definitions.**

As used in sections 4921.01 to 4921.32, inclusive, of the Revised Code:

- (A) "Public utility" has the meaning set forth in section 4905.02 of the Revised Code.
- (B) "Telegraph company," "telephone company," "electric light company," "gas company," "natural gas company," "pipe-line company," "water-works company," "sewage disposal system company," "heating or cooling company," "messenger company," "street railway company," "suburban railroad company," "interurban railroad company," and "motor-propelled vehicle" have the meaning set forth in section 4905.03 of the Revised Code.
- (C) "Railroad" has the meaning set forth in section 4907.02 of the Revised Code.
- (D) "Motor transportation company" has the meaning set forth in sections 4905.03 and 4921.02 of the Revised Code.
- (E) "Private motor carrier," "contract carrier by motor vehicle," "motor vehicle," and "charter party trip" have the meaning set forth in section 4923.02 of the Revised Code.

HISTORY: Bureau of Code Revision, 10-1-53; 129 v 501. Effective 9-19-61.

#### **§4921.02. Definitions.**

As used in sections 4921.01 to 4921.32 of the Revised Code:

(A) "Motor transportation company," or "common carrier by motor vehicle," includes every corporation, company, association, joint-stock association, person, firm, or copartnership, and their lessees, legal or personal representatives, trustees, and receivers or trustees appointed by any court, when engaged or proposing to engage in the business of transporting persons or property, or the business of providing or furnishing such transportation service, for hire, whether directly or by lease or other arrangement, for the public in general, in or by motor-propelled vehicles of any kind, including trailers, over any public highway in this state. All laws regulating the business of motor transportation, their context notwithstanding, apply to such motor transportation company or common carrier by motor vehicle. "Motor transportation company," as so used, does not include any person, firm, copartnership, voluntary association, joint-stock association, company, or corporation, wherever organized or incorporated:

- (1) Engaged or proposing to engage as a private motor carrier as defined by section 4923.02 of the Revised Code;
- (2) Insofar as they own, control, operate, or manage motor vehicles used for the transportation of property, operated exclusively within the territorial limits of a municipal corporation, or within such limits and the territorial limits of municipal corporations immediately contiguous to such municipal corporation;
- (3) Insofar as they are engaged in the transportation of persons in taxicabs in the usual taxicab service;
- (4) Engaged in the transportation of pupils in school busses operating to or from school sessions or school events;
- (5) Engaged in the transportation of farm supplies to the farm or farm products from farm to market or to food fabricating plants;
- (6) Engaged in the distribution of newspapers;
- (7) Engaged in the transportation of crude petroleum incidental to gathering from wells and delivery to destination by pipe line;
- (8) Engaged in the transportation of injured, ill, or deceased persons by hearse or ambulance;
- (9) Engaged in the transportation of compost (a combination of manure and sand or shredded bark mulch) or shredded bark mulch;
- (10) Engaged in the transportation of persons in a ridesharing arrangement when any fee charged each person so transported is in such amount as to recover only the person's share of the costs of operating the motor vehicle for such purpose.

(B) “Trailer” means any vehicle without motive power designed or used for carrying property or persons and for being drawn by a separate motor-propelled vehicle, including any vehicle of the trailer type, whether designed or used for carrying property or persons wholly on its own structure, or so designed or used that a part of its own weight or the weight of its load rests upon and is carried by such motor-propelled vehicle.

(C) “Public highway” means any public street, road, or highway in this state, whether within or without the corporate limits of a municipal corporation.

(D) “Fixed termini” refers to the points between which any motor transportation company usually or ordinarily operates, provides, or proposes to operate or provide motor transportation service.

(E) “Regular route” refers to that portion of the public highway over which any motor transportation company usually or ordinarily operates, provides, or proposes to operate or provide motor transportation service.

(F) “Irregular route” refers to that portion of the public highway over which is conducted or provided any other operation of any motor vehicle by a motor transportation company transporting property.

(G) “Ridesharing arrangement” means the transportation of persons in a motor vehicle where such transportation is incidental to another purpose of a volunteer driver, and includes ridesharing arrangements known as carpools, vanpools, and buspools.

Whether or not any motor-propelled vehicle is operated or such transportation service is provided or furnished by such motor transportation company, between fixed termini or over a regular route, or over an irregular route, or whether or not a corporation, company, association, joint-stock association, person, firm, or copartnership, or their lessees, trustees, or receivers or trustees appointed by any court, is engaged as a motor transportation company, are questions of fact. The finding of the public utilities commission on such questions is a final order which may be reviewed as provided in section 4921.17 of the Revised Code. The commission has jurisdiction to receive, hear, and determine such questions upon complaint of any party, or upon its own motion, upon not less than fifteen days’ notice of the time and place of such hearing and of the matter to be heard.

HISTORY: GC §614-84; 110 v 211; 111 v 19, 515; 113 v 482; 117 v 349; 118 v 277; 118 v 407; Bureau of Code Revision, 10-1-53; 129 v 1706 (Effective 9-5-61); 135 v H 941 (Effective 11-22-73); 139 v H 53 (Effective 7-1-82); 148 v H 600. Effective 9-1-2000; 150 v H 87, §1, Effective. 6-30-03.

#### **§4921.03. Policy.**

The policy of this state is to:

(A) Regulate transportation by common and contract carriers by motor vehicle in such manner as to recognize and preserve the inherent advantages of, and foster sound economic conditions in, such transportation and among such carriers in the public interest;

(B) Promote adequate, economical, and efficient service by such motor carriers, and reasonable charges therefore, without unjust discriminations, undue preferences or advantages, and unfair or destructive competitive practices;

(C) Improve the relations between, and co-ordinate transportation by and regulation of, such motor carriers and other carriers;

(D) Develop and preserve a highway transportation system properly adapted to the needs of commerce and the state;

(E) Co-operate with the federal government and the several states, and the authorized officials thereof, and with any organization of motor carriers in the administration and enforcement of Chapters 4901., 4903., 4905., 4907., 4909., 4921., 4923., and 4905. of the Revised Code.

HISTORY: GC §614-83; 117 v 349; Bureau of Code Revision. Effective 10-1-53.

#### **§4921.04. Powers of public utilities commission.**

The public utilities commission shall:

(A) Supervise and regulate each motor transportation company;

(B) Fix, alter, and regulate rates;

(C) Regulate the service and safety of operation of each motor transportation company;

(D) Prescribe safety rules and designate stops for service and safety on established routes;

(E) Prescribe safety rules applicable to the transportation and offering for transportation of hazardous materials in intrastate commerce within this state by motor transportation companies. The rules shall be consistent with, and equivalent in scope, coverage, and content to, the "Hazardous Materials Transportation Act," 88 Stat. 2156 (1975), 49 U.S.C. 1801, as amended, and regulations adopted under it. No person shall violate a rule adopted under this division or any order of the commission issued to secure compliance with any such rule.

(F) Require the filing of annual and other reports and of other data by motor transportation companies;

(G) Provide uniform accounting systems;

(H) Supervise and regulate motor transportation companies in all other matters affecting the relationship between such companies and the public to the exclusion of all local authorities, except as provided in this section and section 4921.05 of the Revised Code.

The commission, in the exercise of the jurisdiction conferred upon it by this chapter and Chapters 4901., 4903., 4905., 4907., 4909., and 4923. of the Revised Code, may prescribe rules affecting motor transportation companies, notwithstanding the provisions of any ordinance, resolution, license, or permit enacted, adopted, or granted by any township, municipal corporation, municipal corporation and county, or county. In case of conflict between any such ordinance, resolution, license, or permit, the order or rule of the commission shall prevail.

Local subdivisions may make reasonable local police rules within their respective boundaries not inconsistent with those chapters and rules adopted under them.

HISTORY: GC §614-86; 110 v 211; 111 v 20; Bureau of Code Revision, 10-1-53; 142 v H 428 (Effective 9-26-88); 144 v H 77. Effective 9-17-91.

**§4921.05. Passengers within municipal corporation.**

No motor transportation company operating under a certificate of convenience and necessity shall carry persons whose complete ride is wholly within the territorial limits of a municipal corporation, or within such limits and the territorial limits of municipal corporations immediately contiguous to it, except with the consent of such municipal corporations.

HISTORY: GC §614-86; 110 v 211; 111 v 20; Bureau of Code Revision. Effective 10-1-53.

**§4921.06. May file combined report.**

Any motor transportation company owning two or more certificates may file, under section 4921.04 of the Revised Code, a combined report in lieu of separate reports under each such certificate.

HISTORY: GC §614-86a; 113 v 482; Bureau of Code Revision. Effective 10-1-53.

**§4921.07. Consent to operate must be first secured.**

Except as provided in section 4921.02 of the Revised Code, no corporation or person, their lessees, trustees, or receivers or trustees appointed by any court, shall operate any automobile, jitney, bus, truck, stage, auto stage, or rent-for-hire car for the transportation of persons or property, for compensation, over any public street, road, or highway in this state between fixed termini or over a regular or irregular route, over which any motor transportation company is operating under a certificate of convenience and necessity issued by the public utilities commission, until such corporation or person, their lessees, trustees, or receivers or trustees appointed by any court have secured a certificate of public convenience and necessity or permission from the commission to so operate, and then only in strict accordance with such rules as the commission prescribes for such operation.

HISTORY: GC §614-88; 110 v 211; Bureau of Code Revision. Effective 10-1-53.

**§4921.08. Rules governing application.**

The public utilities commission shall adopt rules prescribing the manner and form in which motor transportation companies shall apply for a certificate of public convenience and necessity, among which shall be a rule that applications shall be made in writing on the blanks furnished by the commission and shall:

(A) Show the principal office or place of business of such motor transportation company;

(B) Contain full information concerning the physical property used or to be used by the applicant;

(C) Show the complete route over which the applicant operates or desires to operate, including the number of miles of said route in each municipal corporation and county, if such operation is between fixed termini or over a regular route;

(D) Show the proposed time or service schedule of the applicant if operating or proposing to operate between fixed termini or over a regular route;

(E) Contain the schedule or tariff showing the rates to be charged between the several points if operating or proposing to operate between fixed termini or over a regular route;

(F) Contain the proposed tariff schedule showing the rates to be charged if operating or proposing to operate motor vehicles over an irregular route.

HISTORY: GC §614-90; 110 v 211; 113 v 482; Bureau of Code Revision. Effective 10-1-53.

**§4921.09. Application for certificate; notice; hearing.**

An application for an original certificate of public convenience and necessity, or for an amendment of the route authorized under such a certificate in case of a regular route, shall contain a map showing the highways and public places upon and over which the motor transportation company is to operate.

The applicant for a certificate, or for an amendment of the route authorized by such a certificate, when intrastate operations are proposed, shall give notice of the filing of such application by publication made once a week for three consecutive weeks prior to the day set for hearing such application, in a newspaper of general circulation published at the county seat of the county in this state in which the principal place of business of the applicant is located, or if no place of business of the applicant is located in this state, then in a newspaper of general circulation published at the county seat of Franklin county. Such published notice for a regular route shall state the fact that such application has been made, the route proposed to be operated, the number of motor vehicles to be used, the number of trips to be made daily for the transportation of persons, whether daily or other service for the transportation of property is to be furnished, and the name and address of the applicant. Such published notice for an irregular route shall state the fact that such application has been made, the location of the places of business from and to which the applicant proposes to operate, the number of motor vehicles to be used, the nature of the service to be rendered, and the name and address of the applicant.

Upon application for a certificate when intrastate operations are proposed, the public utilities commission shall give written notice of the filing of such application to all like motor transportation companies operating between fixed termini or over a regular route, street railways, interurban railroads, and railroads operating in this state, and upon application for a certificate to operate over an irregular route when intrastate operations are proposed, the commission shall give additional written notice of the filing of such application to all motor transportation companies holding irregular route certificates at the same location proposed by the applicant.

The commission shall, after the filing of any such application, fix a date for hearing upon it. When a date for the hearing of an application for a certificate to operate between fixed termini or over a regular route is fixed, the commission shall give the applicant, all other like motor transportation companies operating between fixed termini or over a regular route, street railways, interurban railroads, and railroads operating in this state at least ten days' notice of such hearing. When a date for the hearing of an application for a certificate to operate over an irregular route is fixed, the commission shall give the applicant, all motor transportation companies holding irregular route certificates from and to the same location proposed by the applicant, and all motor transportation companies operating over regular routes, street railways, interurban railroads, and railroads operating in this state, at least ten days' notice of such hearing. Such notices by the commission of applications or of hearings on applications may be given collectively or individually, and biweekly, weekly, or daily as it deems proper. The commission may permit the correction, amendment, modification, or alteration of any such application at or before the hearing on it when, in its opinion, the application and notice are in substantial compliance with the law. Otherwise, it shall direct the filing of a new application or the giving of a new notice, or both.

An applicant for authority to abandon all motor vehicle operation on a regular route or any portion of a regular route shall give notice of the filing of such application by publication made once a week for three consecutive weeks prior to the day set for the hearing of such application in a newspaper of general circulation published at the county seat of each county in or through which the regular route or portion proposed to be abandoned runs or extends, which notice shall describe such regular route or portion by the highways and termini or waypoints upon and between which all motor vehicle operation is to be discontinued by such applicant.

HISTORY: GC §614-91; 110 v 211; 111 v 518; 113 v 482; 117 v 349; Bureau of Code Revision. Effective 10-1-53.

**§4921.10. Issue of certificate; refusal or change of certificate.**

No motor transportation company shall commence its operation as such in this state without obtaining from the public utilities commission a certificate declaring that public convenience and necessity require such operation.

The commission may, after notice and hearing, when the applicant requests a certificate to serve in a territory already served by a motor transportation company holding a certificate of public convenience and necessity from the commission, grant a certificate only when the existing motor transportation company or companies serving such territory do not provide the service required or the particular kind of equipment necessary to furnish such service to the satisfaction of the commission. In all other cases, with or without hearing, the commission may issue or refuse to issue such certificates as prayed for, issue them for the partial exercise only of the privileges sought, or issue them for the use of certain kinds of equipment and for the handling of certain kinds of material or merchandise over such routes. The commission may attach such conditions to the exercise of the rights granted by such certificates as, in its judgment, the public convenience and necessity require.

Before granting any certificate the commission shall take into consideration other existing transportation facilities in the territory for which a certificate is sought. If it appears from the evidence that the service furnished by existing transportation facilities is reasonably adequate, the commission shall not grant such certificate.

The commission may, for good cause, and upon at least fifteen days' notice to the grantee of any certificate and after granting an opportunity to be heard, revoke, alter, or amend any certificate issued under sections 4921.02 to 4921.32 of the Revised Code.

On a finding of the commission that any motor transportation company does not give convenient and necessary service in accordance with the order of such commission, such motor transportation company shall be given a reasonable time, not less than sixty days, to provide such service before any existing certificate is cancelled.

HISTORY: GC §614-87; 110 v 211; 111 v 516; 113 v 482; Bureau of Code Revision, 10-1-53; 136 v H 1317. Effective 9-1-76.

**§ 4921.10.1] § 4921.101. Qualified person entitled to certificate; rates not regulated; discontinuance of bus route; consumer protection standards.**

Notwithstanding any other provision contained in Title XLIX [49] of the Revised Code with respect to the issuance of a certificate of public convenience and necessity, the public utilities commission shall grant a certificate of public convenience and necessity to any person who, pursuant to rules adopted by the commission, files a registration application to transport passengers, for hire, within this state if such person meets the applicable insurance, service, and safety rules of the public utilities commission.

A person who is granted a certificate to transport passengers, for hire, within this state under this section is subject to, and shall operate in compliance with, all other provisions of law applicable to motor transportation companies that hold certificates of public convenience and necessity.

Notwithstanding any other provision contained in Title XLIX [49] of the Revised Code, the commission shall have no power to fix, alter, or establish rates for the transportation of passengers, for hire, within this state, nor shall the commission have the power to require or accept the filing of tariffs establishing such rates.

Notwithstanding any other provision contained in Title XLIX [49] of the Revised Code, a person holding a certificate of convenience and necessity for the transportation of passengers who has established regular route bus service may discontinue all or a portion of its regular routes, by filing a written notice with the commission thirty days prior to discontinuing such regular bus service, and within ten days after filing the notice with the commission, by publishing the notice once a day for three different days in a newspaper of general circulation published in the county seat of each county to which the service extends.

The commission, by rule, may establish standards for the consumer protection of passengers transported by persons holding a certificate of public convenience and necessity issued under this section.

For purposes of this section, "person" means persons engaged in charter bus transportation, including charter party trips as defined in section 4923.02 of the Revised Code. "Person" also includes a "motor transportation company" as defined in section 4921.02 of the Revised Code and a "private motor carrier" as defined in section 4923.02 of the Revised Code.

HISTORY: 139 v H 406 (Effective 8-20-82); 148 v H 600. Effective 9-1-2000.

**§4921.11. Liability insurance or bond.**

As used in this section, "motor transportation company" has the same meaning as in section 4921.35 of the Revised Code.

No certificate of public convenience and necessity shall be issued by the public utilities commission to any motor transportation company until it has filed with the commission a liability insurance certificate, policy, or bond satisfactory to the commission, in such sum and with such provisions as the commission deems necessary adequately to protect the interests of the public, having due regard for the number of persons and amount of property affected. Such liability insurance certificate, policy, or bond shall

insure such company against loss sustained by reason of the death of or injuries to persons and for loss of or damage to property resulting from the negligence of such company.

No such certificate of public convenience and necessity shall be issued to a company until it has filed with the commission a freight cargo insurance certificate, policy, or bond that the commission has determined to be adequate to protect the interests of the shipping public. Such freight cargo insurance certificate, policy, or bond shall insure such company against all loss, in excess of one thousand dollars and within the limits fixed in such certificate, policy, or bond, sustained by reason of any loss or damage to the property being transported.

A certificate, policy, or bond required by this section shall provide that ten days' notice in writing shall be given to the commission of intention to cancel such insurance certificate, policy, or bond.

If a certificate, policy, or bond is canceled during its term or lapses for any reason, the commission shall require the company to replace it with another certificate, policy, or bond fully complying with the requirements of this section. In default of such replacement, all operations under the certificate of public convenience and necessity shall cease immediately, and further operations shall not be conducted without the specific approval of the commission, which may be given after the motor transportation company has complied with this section. The commission shall not reinstate a certificate of public convenience and necessity until a satisfactory insurance certificate, policy, or bond has been filed.

To ensure minimum standards of protection of the consumer's household goods, the commission may adopt rules governing requirements for cargo insurance for motor transportation companies engaged, for hire, in the business of transporting household goods over a public highway in this state. As used in this division, "household goods" has the same meaning as in section 4921.35 of the Revised Code.

HISTORY: GC §614-99; 110 v 211; 111 v 519; 114 v 216; 117 v 349; Bureau of Code Revision, 10-1-53; 129 v 1601 (Effective 10-25-61); 130 v 1162 (Effective 1-23-63); 147 v S 132. Effective 9-30-98.

#### **§4921.12. Adequate service to be maintained.**

On a finding of the public utilities commission that any motor transportation company over an irregular route does not give adequate service, such company shall in like manner as provided in section 4921.10 of the Revised Code, be given a reasonable time, not less than sixty days, in which to provide such service before any existing certificate is canceled.

HISTORY: GC §614-87b; 117 v 349; Bureau of Code Revision, 10-1-53; 136 v H 1317. Effective 9-1-76.

#### **§4921.13. Death of operator; dissolution of partnership; transfer of certificate.**

Upon the death of a person operating as a motor transportation company under a certificate of public convenience and necessity, his personal representative may operate under such certificate while such certificate remains in force and, with the consent of the public utilities commission, may transfer such certificate.

Upon the dissolution of a partnership operating as a motor transportation company under a certificate of public convenience and necessity, caused by death or otherwise, if the surviving or remaining partners acquire the assets of the partnership, the partners so acquiring such assets may continue to operate under such certificate while it remains in force, and, with the consent of the commission, may transfer such certificate. Where such dissolution is caused by death, if the surviving partners do not acquire the assets of the partnership, then such surviving partners and the personal representative of the deceased partner may transfer such certificate with the consent of the commission. A receiver or trustee of a motor transportation company appointed by any court of competent jurisdiction may operate under any certificate held by such motor transportation company while such certificate remains in force, and, with the consent of the commission, may transfer such certificate.

In all other cases, a certificate of public convenience and necessity may be transferred with the consent of the commission after a public hearing.

Applications for the transfer of certificates under this section shall be made in writing and shall be in such form as the commission requires. The applicants shall give notice of the filing of such application by publication made once a week for three consecutive weeks prior to the date set for the hearing of such application in a newspaper of general circulation published at the county seat of the county in which is located the principal place of business of the applicant, or in a newspaper of general circulation published at the county seat of Franklin county when no principal place of business of the applicant is located in this state. The commission shall fix a date for the hearing of such application and shall give the applicant at least ten days' written notice of such hearing.

HISTORY: GC §614-87a; 111 v 516; 113 v 482; Bureau of Code Revision, 10-1-53; 129 v 1601. Effective 10-25-61.

**§4921.14. Operation restricted to specified routes.**

No motor transportation company shall operate in this state on any route other than the route provided for in the certificate granted by the public utilities commission. No motor transportation company shall fail to operate on the whole of the route in the manner and at the time specified in the certificate, except in case of emergency due to the act of God, to unavoidable accident or casualty, or to the route becoming impassable, or in case it becomes necessary to make temporary detours. No motor transportation company shall neglect or refuse to comply with and obey any and all regulations and orders of the commission and other statutory laws and regulations of this state governing and applying to such motor vehicles. Sections 4921.02 to 4921.32, inclusive, of the Revised Code do not prohibit a motor transportation company, not operating between fixed termini, from making casual trips over routes established under such sections.

HISTORY: GC §614-92; 110 v 211; Bureau of Code Revision. Effective 10-1-53.

**§4921.15. Record of certificates and permits issued.**

The public utilities commission may keep and publish, in such form and showing such rights as it deems necessary and convenient in the administration of Chapters 4901., 4903., 4905., 4907., 4909., 4921., 4923., and 4925. of the Revised Code, a special record of certificates and permits issued by it. Copies of such publication, record, supplements to it, and revisions of it shall be furnished to its investigators, and to other state employees and officers, for official purposes, and may also be furnished to such other persons and at such price as the commission determines. Any revenue so collected shall be paid to the treasurer of state, to the credit of the motor transportation administration fund for use as provided under section 4921.21 of the Revised Code.

HISTORY: GC §614-87c; 117 v 349; Bureau of Code Revision. Effective 10-1-53.

**§4921.16. Filing of new application.**

Any motor transportation company may, at any time after a certificate of public convenience and necessity is granted or refused, file a new application or supplement any former application for the purpose of changing, extending, or shortening the route, or doing any other thing not otherwise specifically provided for which the applicant might be permitted to do under the general statutory laws and regulations of this state.

HISTORY: GC §614-93; 110 v 211; 113 v 482; 116 v 89; 120 v 141; Bureau of Code Revision. Effective 10-1-53.

**§4921.17. Applications and complaints made and filed with commission.**

Proceedings of the public utilities commission for the assessment of forfeitures for violations of division (F) of section 4905.80 or division (B) of section 4905.81 of the Revised Code or for violations of rules adopted under division (D) or (E) of section 4921.04 of the Revised Code applicable to the transportation or offering for transportation of hazardous materials and appeals from orders of the commission assessing such forfeitures, and from orders of the commission to secure compliance with rules adopted under section 4905.80, section 4905.81, and division (D) or (E) of section 4921.04 of the Revised Code applicable to the transportation or offering for transportation of hazardous materials, are subject to and governed by section 4905.83 of the Revised Code. In all other respects in which the commission has power or authority under sections 4905.02, 4905.03, and 4921.02 to 4921.32 of the Revised Code, applications and complaints may be made and filed with the commission, processes issued, hearings held, opinions, orders, and decisions made and filed, petitions for rehearings filed and acted upon, and all proceedings before the supreme court of this state considered and disposed of by that court in the manner, under the conditions, subject to the limitations, and with the effect specified in the sections of the Revised Code governing the supervision of other public utilities by the commission.

HISTORY: GC §614-89; 110 v 211; Bureau of Code Revision, 10-1-53; 142 v H 428 (Effective 9-26-88); 145 v H 647. Effective 7-22-94.

**§4921.18. Taxes.**

(A) Every motor transportation company or common carrier by motor vehicle operating in this state shall, at the time of the issuance of a certificate of public convenience and necessity to it and annually thereafter on or between the first and the fifteenth days of July of each year, pay to the public utilities commission, for and on behalf of the treasurer of state, the following taxes:

- (1) For each motor-propelled or motor-drawn vehicle used for transporting persons, thirty dollars;
- (2) For each commercial tractor, as defined in section 4501.01 of the Revised Code, used for transporting property, thirty dollars;
- (3) For each motor truck transporting property, twenty dollars.

(B) A trailer used by a motor transportation company or common carrier by motor vehicle shall not be taxed under this section.



(C) The annual tax levied by this section does not apply in those cases where the commission finds that the movement of agricultural commodities or foodstuffs produced there from requires a

temporary and seasonal use of vehicular equipment for a period of not more than ninety days. In such event the tax on such vehicular equipment shall be twenty-five per cent of the annual tax levied by this section. If any vehicular equipment is used in excess of such ninety-day period the annual tax levied by this section shall be paid.

(D) Any motor-propelled or motor-drawn vehicle used for transporting persons, commercial tractor as defined in section 4501.01 of the Revised Code, or motor truck used for the transportation of property, with respect to which the tax imposed by this section has been paid, may be used by another motor transportation company or common carrier, or by a private motor carrier or contract carrier, without further payment of the tax imposed by this section or by section 4923.11 of the Revised Code.

(E) The commission shall account for the taxes collected pursuant to this section, and shall pay such taxes to the treasurer of state pursuant to section 4923.12 of the Revised Code on or before the fifteenth day of each month for the taxes collected in each preceding month.

(F) All taxes levied upon the issuance of a certificate to any motor transportation company or common carrier by motor vehicle shall be reckoned as from the beginning of the quarter in which such certificate is issued or the use of equipment under any existing certificate began.

HISTORY: GC §614-94; 110 v 211; 115 v 254; 116 v 478; 119 v 339; Bureau of Code Revision, 10-1-53; 125 v 1135 (Effective 1-19-54); 129 v 1601 (Effective 10-25-61); 129 v 381 (Effective 7-1-62); 130 v PtII, 238 (Effective 12-2-64); 133 v S 150 (Effective 11-5-69); 137 v H 1 (Effective 8-26-77); 139 v H 694 (Effective 11-15-81); 146 v H 670 (Effective 12-2-96); 149 v H 94. Effective 9-5-2001.

**§4921.19. Tax exemption for irregular route.**

When any motor transportation company holds a certificate for operation between fixed termini or over a regular route and also holds a certificate for operation over an irregular route, such company may operate over such irregular route and in such irregular service any motor-propelled vehicle upon which the tax for operation has been paid as required by sections 4921.02 to 4921.32, inclusive, of the Revised Code.

HISTORY: GC §614-94a; 111 v 518; Bureau of Code Revision. Effective 10-1-53.

**§4921.20. No additional tax paid by city transit company.**

A city transit company engaged principally in the transportation of persons within the territorial limits of a municipal corporation, or within municipal corporations contiguous to each other, which becomes a motor transportation company under sections 4921.02 to 4921.32, inclusive, of the Revised Code, by reason of extensions of its operations outside such municipal corporations, which transportation is incidental to and operated in connection with such municipal transportation service, may, as to any motor-propelled vehicle used in such incidental service upon which the tax imposed by section 4921.18 of the Revised Code has been paid, substitute therefore, or replace the same with, a motor-propelled vehicle seating the same or a less number of passengers without payment of an additional tax upon such vehicle during the current tax year. As used in this section, "city transit company" does not include a taxicab company or private motor carrier as defined in section 4923.02 of the Revised Code.

HISTORY: GC §614-94b; 124 v 532; Bureau of Code Revision. Effective 10-1-53.

**§4921.23. Schedule of rates.**

After a certificate of public convenience and necessity has been granted to a motor transportation company, and time, service, and rate schedules have been filed with the public utilities commission in accordance with law and the rules and regulations of the commission, such rate schedules, including schedules of joint rates, and any changes in such rate schedules, shall be governed by the laws of this state applicable to such schedules by railroads. Changes in such time or service schedules and in classification shall be made by filing new time or service schedules or classifications in the manner provided for the filing of rate schedules by railroads.

HISTORY: GC §614-93a; 113 v 482; Bureau of Code Revision. Effective 10-1-53.

**§4921.24. Changes by city transit company.**

A city transit company engaged principally in the transportation of persons within the territorial limits of a municipal corporation, or within municipal corporations contiguous to each other, which becomes a motor transportation company under sections 4921.02 to 4921.32, inclusive, of the Revised Code, by reason of extensions of its operations outside such municipal corporations, which transportation is incidental to and operated in connection with such municipal transportation service, shall

not be required to file changes in time or service schedules as provided in section 4921.23 of the Revised Code. As used in this section, "city transit company" does not include a taxicab company or private motor carrier as defined in section 4923.02 of the Revised Code.

HISTORY: GC §614-93c; 124 v 532; Bureau of Code Revision. Effective 10-1-53.

#### **§4921.25. Fees and charges.**

The fees and charges provided under section 4921.18 of the Revised Code shall be in addition to taxes, fees, and charges fixed and exacted by other sections of the Revised Code, except the assessments required by section 4905.10 of the Revised Code, but all fees, license fees, annual payments, license taxes, or taxes or other money exactions, except the general property tax, assessed, charged, fixed, or exacted by local authorities such as municipal corporations, townships, counties, or other local boards, or the officers of such subdivisions are illegal and, are superseded by sections 4503.04, 4905.03, and 4921.02 to 4921.32, inclusive, of the Revised Code. On compliance by such motor transportation company with sections 4503.04, 4905.03, and 4921.02 to 4921.32, inclusive, of the Revised Code, all local ordinances, resolutions, by laws, and rules in force shall cease to be operative as to such company, except that such local subdivisions may make reasonable local police regulations within their respective boundaries not inconsistent with such sections.

HISTORY: GC §614-98; 110 v 211; Bureau of Code Revision. Effective 10-1-53.

#### **§4921.26. Commercial zones.**

Where industrial plants or other enterprises are located in a district which is outside but commercially a part of any municipal corporation, the public utilities commission, on its own motion or on petition of any interested common carrier by motor vehicle or shipper, may, after investigation, notice, and hearing, determine and fix the limits of a zone surrounding such municipal corporation, and may include in such zone any adjacent territory, incorporated or unincorporated, which it finds commercially a part of such municipal corporation. Upon and after the Effective date of an order establishing any such commercial zone, all common carriers by motor vehicle transporting property over regular or irregular routes and authorized to serve such municipal corporation as a point of origin and destination of shipments shall, by virtue of and in accordance with such order, serve such commercial zone in the same manner and to the same extent as they are authorized by their respective certificates to serve such municipal corporation.

The commission may attach such conditions to any such order as, in its judgment, the public convenience and necessity requires. The commission shall give to all such common carriers so authorized to serve such municipal corporation at least ten days' written notice of the time and place of any hearing had under this section. The commission may prescribe appropriate forms and rules for the administration of this section.

HISTORY: GC §614-92b; 120 v 141; Bureau of Code Revision. Effective 10-1-53.

#### **§4921.27. Interchange of equipment.**

Where joint rates have been established by motor transportation companies, and also where routes of any motor transportation company connect with each other, any such company may use and operate, on its own routes, the authorized and tax-paid trailers for the transportation of property or motor vehicles for the transportation of persons, belonging to it or to any other such company for the movement of traffic, without transfer, between any points on the routes of such companies, in accordance with the restrictions of the respective certificates of each such company.

The privileges granted by this section may not be exercised by a motor transportation company operating under the authority of an irregular route certificate until it has filed an application with the public utilities commission and said commission has granted such application. The commission shall grant the privileges applied for except in those cases where there is evidence showing that such granting would be contrary to the public interest. The commission may prescribe reasonable rules and regulations governing such through operation, interchange, and use of trailers for the transportation of property or motor vehicles for the transportation of persons.

HISTORY: GC §614-92a; 117 v 349; 118 v 277; 124 v 343; Bureau of Code Revision. Effective 10-1-53.

#### **§4921.28. Change of seating or carrying capacity.**

After a certificate of public convenience and necessity has been granted to a motor transportation company and such company has paid the taxes on the equipment operated or proposed to be operated, any changes made by such motor transportation company in the number of or seating or carrying capacity of motor vehicles operated by such company shall be made in the manner prescribed by the public utilities commission and upon the payment of any additional taxes which may be due on such equipment. Sections 4921.08, 4921.09, 4921.10, and 4921.16 of the Revised Code do not apply to such change.

HISTORY: GC §614-93b; 116 v 89; 120 v 141; Bureau of Code Revision. Effective 10-1-53.

**§4921.30. Regulation of entities engaged in towing motor vehicles.**

Any person, firm, copartnership, voluntary association, joint-stock association, company, or corporation, wherever organized or incorporated, that is engaged in the towing of motor vehicles is subject to regulation by the public utilities commission as a for-hire motor carrier under this chapter. Such an entity is not subject to any ordinance, rule, or resolution of a municipal corporation, county, or township that provides for the licensing, registering, or regulation of entities that tow motor vehicles.

HISTORY: 150 v H 87, §1, 3-31-03.

**§4921.31. Operation of motor transportation must be in accordance with law.**

No motor transportation company, or its lessees, trustees, or receivers or trustees appointed by any court shall operate any motor-propelled vehicle for the transportation of persons or property or both for hire on any public highway in this state except in accordance with Chapters 4901., 4903., 4905., 4907., 4909., 4921., 4923., and 4925. of the Revised Code.

HISTORY: GC §614-85; 110 v 211; 111 v 516; Bureau of Code Revision. Effective 10-1-53.

**§4921.32. Violation of chapter prohibited.**

No motor transportation company, officer, agent, or employee of a motor transportation company, or other corporation, company, association, joint-stock association, person, firm, or copartnership, shall violate, or procure, aid, or abet the violation of sections 4921.02 to 4921.32, inclusive, of the Revised Code, or fail to comply with any order, decision, rule, or regulation of the public utilities commission, or procure, aid, or abet any motor transportation company in its failure to comply with such order, decision, rule, or regulation. Information of a conviction of a violation of this section shall be reported to the commission by the clerk of the court in which such conviction was obtained or, if there is no clerk, by the presiding officer of the court. Such report shall be made a part of the records of the commission relating to such motor transportation company.

HISTORY: GC §614-100; 110 v 211; 113 v 482; 115 v 256; Bureau of Code Revision, 10-1-53; 129 v 1601. Effective 10-25-61.

## ***Household Goods Moving Companies***

### **§4921.35. Definitions.**

As used in sections 4921.35 to 4921.40 of the Revised Code:

“Household goods” means personal effects and property used or to be used in a dwelling, excluding property moving from a factory or store.

“Motor transportation company” has the same meaning as in section 4921.02 of the Revised Code, except that it includes any person otherwise exempted under division (A)(2) of that section that is engaged, for hire, in the business of transporting household goods over a public highway in this state.

“Person” has the same meaning as in section 1.59 of the Revised Code.

HISTORY: 147 v S 132. Effective 9-30-98.

### **§4921.36. Laws applicable to household goods moving companies.**

Except as otherwise provided in sections 4921.35 to 4921.40 of the Revised Code, a motor transportation company engaged, for hire, in the business of transporting household goods over a public highway in this state:

Is subject to sections 4921.01 to 4921.32 of the Revised Code and to all other provisions of the Revised Code applicable to a motor transportation company that is subject to sections 4921.01 to 4921.32 of the Revised Code, including sections 4506.22, 4511.78, 5502.01, 5503.02, and 5503.34 of the Revised Code;

Is not a public utility as defined in section 4911.02 of the Revised Code.

HISTORY: 147 v S 132. Effective 9-30-98.

### **§4921.37. Certification system.**

Notwithstanding any provision of this chapter or Chapters 4901. to 4909. and 4923. of the Revised Code to the contrary:

Not later than six months after the Effective date of this section, the public utilities commission, in accordance with sections 4921.35 to 4921.40 of the Revised Code, shall establish by order a certification system for motor transportation companies engaged, for hire, in the business of transporting household goods over a public highway in this state.

Beginning on the Effective date of the order of the commission as initially issued under division (A) of this section, no motor transportation company shall engage, for hire, in the business of transporting household goods over a public highway in this state without first holding a valid certificate issued by the public utilities commission pursuant to sections 4921.35 to 4921.40 of the Revised Code.

No motor transportation company engaged, for hire, in the business of transporting household goods over a public highway in this state shall fail to comply with this section or the order of the commission issued under this section.

HISTORY: 147 v S 132. Effective 9-30-98.

### **§4921.38. Application for certificate; issuance; revocation.**

The public utilities commission shall approve an application for a certificate under sections 4921.35 to 4921.40 of the Revised Code and shall issue a certificate, provided the applicant submits to the commission a completed application, on a form prescribed by the commission, that is substantially the same as the application prescribed by the commission pursuant to sections 4921.08 and 4921.09 of the Revised Code, and includes a certification of all of the following by responsible officials of the applicant:

The applicant’s workers’ compensation coverage is current pursuant to Chapter 4123. of the Revised Code.

The applicant’s unemployment compensation coverage is current pursuant to Chapter 4141. of the Revised Code.

The applicant’s financial responsibility relating to cargo insurance requirements is in accordance with rules adopted by the commission under section 4921.11 of the Revised Code.

The commission shall not approve any application that does not contain the proper certifications required by this section. The commission may revoke a certificate issued under division (A) of this section if, after at least fifteen days' advance notice to the certificate holder of the basis for such action and providing the holder with an opportunity for a hearing, the commission finds that the holder is not in compliance with this chapter, or rules adopted or orders issued thereunder.

A certificate issued under division (A) of this section is valid for one year and is renewable annually.

(C) The application fee for a certificate issued under this section shall be based on the certificate holder's gross revenue, in the prior year, for the intrastate transportation of household goods. The commission shall establish, by order, ranges of gross revenue and the fee for each range. The fees established by the commission under this division shall be credited to the public utilities fund and shall be used for the purposes of administering and enforcing sections 4921.35 to 4921.40 of the Revised Code.

The application fee shall be established so that the total fees collected in fiscal year 1999 are no greater than one hundred twenty-five thousand dollars. The application fee shall be established so that the total fees collected for any other fiscal year are approximately the same as the appropriations made for that fiscal year for the administration of sections 4921.35 to 4921.40 of the Revised Code. In the event that the total fees collected for a fiscal year exceed such appropriations, the excess shall be used to reduce the amount of the fees that would otherwise be established pursuant to this section for the next fiscal year.

HISTORY: 147 v S 132. Effective 9-30-98.

#### **§4921.39. Duties of certificate holder.**

(A) Each holder of a certificate issued under sections 4921.35 to 4921.40 of the Revised Code shall do all of the following:

- (1) Make its current certificate available for public inspection during normal business hours;
- (2) Present each of its customers with information, written in plain and clear language and pursuant to a form prescribed by the commission, outlining a consumer's rights;
- (3) Include its certificate number on all advertising, written estimates, and contracts, pursuant to rules adopted by the commission.

(B) No motor transportation company engaged, for hire, in the business of transporting household goods over a public highway in this state shall violate or fail to perform a duty imposed by this chapter or rules adopted thereunder, or an order of the commission issued to secure compliance with this chapter or any rules adopted thereunder.

HISTORY: 147 v S 132. Effective 9-30-98.

#### **§4921.40. Rules.**

In accordance with section 4921.04 of the Revised Code, the public utilities commission may adopt rules:

- (A) Providing for binding estimates by motor transportation companies engaged, for hire, in the business of transporting household goods over a public highway in this state;
- (B) Providing for guaranteed-not-to-exceed estimates by such motor transportation companies;
- (C) Requiring such motor transportation companies to include their certificate number in all advertising, written estimates, and contracts related to the transportation of household goods in this state;
- (D) As are necessary and proper to carry out this chapter with respect to such motor transportation companies.

HISTORY: 147 v S 132. Effective 9-30-98.

#### **§4921.99. Forfeitures for violations; injunctions; compliance orders.**

(A) (1) Except for those violations for which a forfeiture is provided in section 4905.83 of the Revised Code, whoever violates a provision of this chapter is liable to the state for a forfeiture of not more than ten thousand dollars for each day of each violation. The public utilities commission, after providing reasonable notice and the opportunity for a hearing in accordance with the procedural rules adopted under section 4901.13 of the Revised Code, shall assess, by order, a forfeiture upon a person who the commission determines, by a preponderance of the evidence, committed the violation. In determining the amount of the forfeiture for a violation discovered during a roadside inspection, the commission shall be consistent with the recommended fine or penalty schedule and recommended civil penalty procedure adopted by the commercial vehicle safety alliance, but shall not exceed one thousand dollars. In determining the amount of the forfeiture for a violation discovered during a compliance review of fixed

facilities, the commission shall be consistent with the civil penalty guidelines adopted by the United States department of transportation's federal highway administration, but shall not exceed ten thousand dollars.

The attorney general, upon the written request of the commission, shall bring a civil action in the court of common pleas of Franklin county to collect a forfeiture assessed under this section. The commission shall account for the forfeitures collected under this section and pay them to the treasurer of state pursuant to section 4923.12 of the Revised Code.

(2) The attorney general, upon the written request of the commission, shall bring an action for injunctive relief in the court of common pleas of Franklin county against any person who has violated or is violating any order issued by the commission to secure compliance with a provision of this chapter. The court of common pleas of Franklin county has jurisdiction to and may grant preliminary and permanent injunctive relief upon a showing that the person against whom the action is brought has violated or is violating any order issued by the commission to secure compliance with this chapter. The court shall give precedence to such an action over all other cases.

(B) The amount of any forfeiture may be compromised at any time prior to collection of the forfeiture. The commission shall adopt rules governing the manner in which the amount of a forfeiture may be established by agreement prior to the hearing on the forfeiture before the commission.

(C) The proceedings of the commission specified in division (A) of this section are subject to and governed by Chapter 4903. of the Revised Code, except as otherwise specifically provided in this section. The court of appeals of Franklin county has exclusive, original jurisdiction to review, modify, or vacate an order of the commission issued to secure compliance with a provision of this chapter and an order issued under division (A)(1) of this section assessing a forfeiture. The court of appeals shall hear and determine those appeals in the same manner, and under the same standards, as the supreme court hears and determines appeals under Chapter 4903. of the Revised Code.

The judgment of the court of appeals is final and conclusive unless reversed, vacated, or modified on appeal. Such appeals may be taken either by the commission or the person to whom the compliance order or forfeiture assessment was issued and shall proceed as in the case of appeals in civil actions as provided in the Rules of Appellate Procedure and Chapter 2505. of the Revised Code.

(D) Section 4903.11 of the Revised Code does not apply to an appeal of an order issued to secure compliance with this chapter or an order issued under division (A)(1) of this section assessing a forfeiture. Any person to whom any such order is issued who wishes to contest the compliance order, the fact of the violation, or the amount of the forfeiture shall file a notice of appeal, setting forth the order appealed from and the errors complained of, within sixty days after the entry of the order upon the journal of the commission. The notice of appeal shall be served, unless waived, upon the chairman of the commission or, in the event of his absence, upon any public utilities commissioner, or by leaving a copy at the office of the commission at Columbus. An order issued by the commission to secure compliance with a provision of this chapter or an order issued under division (A)(1) of this section assessing a forfeiture shall be reversed, vacated, or modified on appeal if, upon consideration of the record, the court is of the opinion that the order was unlawful or unreasonable.

HISTORY: Bureau of Code Revision, 10-1-53; 142 v H 428 (Effective 9-26-88); 146 v H 117. Effective 9-29-95.

# Ohio Revised Code

## ***Chapter 4923 - Private Motor Carriers***

### **§4923.01. Definitions.**

“Public utility” has the meaning set forth in section 4905.02 of the Revised Code.

“Telegraph company,” “telephone company,” “electric light company,” “gas company,” “natural gas company,” “pipe-line company,” “water-works company,” “sewage disposal system company,” “heating or cooling company,” “messenger company,” “street railway company,” “suburban railroad company,” “interurban railroad company,” and “motor-propelled vehicle” have the meaning set forth in section 4905.03 of the Revised Code. (C) “Railroad” has the meaning set forth in section 4907.02 of the Revised Code.

“Railroad” has the meaning set forth in section 4907.02 of the Revised Code.” Motor transportation company” has the meaning set forth in sections 4905.03 and 4921.02 of the Revised Code.

“Motor transportation company” has the meaning set forth in sections 4905.03 and 4921.02 of the Revised Code.

“Trailer,” “public highway,” “fixed termini,” “regular route,” and “irregular route” have the meaning set forth in section 4921.02 of the Revised Code.

HISTORY: Bureau of Code Revision, 10-1-53; 129 v 501. Effective 9-19-61.

### **§ 4923.02. Definitions**

As used in sections 4923.01 to 4923.17 of the Revised Code:

(A) “Private motor carrier” or “contract carrier by motor vehicle” includes every corporation, company, association, joint-stock association, person, firm, or copartnership, their lessees, legal or personal representatives, trustees, or receivers or trustees appointed by any court, not included in the definition under section 4921.02 of the Revised Code, when engaged in the business of private carriage of persons or property, or both, or of providing or furnishing such transportation service, for hire, in or by motor-propelled vehicles of any kind, including trailers, over any public highway in this state, but does not include any corporation, company, association, joint-stock association, person, firm, or copartnership, their lessees, legal or personal representatives, trustees, or receivers or trustees appointed by any court:

- (1) Engaged or proposing to engage, directly or indirectly, as a private owner or operator of motor vehicles employed or used by a private motor carrier, or by a motor transportation company as defined in section 4921.02 of the Revised Code;
- (2) Insofar as they are engaged in the not-for-hire transportation of persons in church buses as defined in section 4503.07 of the Revised Code or the transportation of property, or both, when either transportation is performed exclusively within the territorial limits of a municipal corporation or within such limits and the territorial limits of municipal corporations immediately contiguous to such municipal corporations;
- (3) Engaged in the transportation of persons in taxicabs in the usual taxicab business;
- (4) Engaged in the transportation of pupils in school busses operating to or from school sessions or school events;
- (5) Engaged, as a motor transportation company holding a certificate of public convenience and necessity for the transportation of persons, in the carriage of persons in emergency or additional motor vehicles on charter party trips to or from any point within the county or counties in or through which such motor transportation company provides regular route scheduled service, provided that such use of such emergency or additional motor vehicle is reported and the tax paid as prescribed by the public utilities commission by general rule or temporary order;
- (6) Engaged in the transportation of farm supplies to the farm or farm products from farm to market;
- (7) Engaged in the operation of motor vehicles for contractors on public road work;
- (8) Engaged in the transportation of newspapers;
- (9) Engaged in the transportation of crude petroleum incidental to gathering from wells and delivery to destination by pipe line;

(10) Engaged in the towing of disabled or wrecked motor vehicles;

(11) Engaged in the transportation of injured, ill, or deceased persons by hearse or ambulance;

(12) Engaged in transportation of compost (a combination of manure and sand or shredded bark mulch) or shredded bark mulch;

(13) Engaged in the transportation of persons in a ridesharing arrangement when any fee charged each person so transported is in such amount as to recover only the person's share of the costs of operating the motor vehicle for such purpose.

(B) "Motor vehicle" includes any automobile, automobile truck, tractor, trailer, semitrailer, motor bus, or any other self-propelled vehicle not operated or driven upon fixed rails or tracks.

(C) "Charter party trip" means the carriage of persons in one or more motor vehicles under a special contract for the exclusive use of each such vehicle for each trip, which contract shall not provide for continuing operations between the same termini, and which operation shall in no event become regular. The limitations of section 4921.18 and any other sections of the Revised Code as to the seating capacity of such emergency or additional motor vehicles operated by a motor transportation company do not apply to charter party trips.

(D) "Ridesharing arrangement" has the same meaning as in section 4921.02 of the Revised Code.

HISTORY: GC § 614-103; 115 v 256; 115 v PtII, 96; 117 v 349; 118 v 407; 119 v 163; Bureau of Code Revision, 10-1-53; 129 v 1706 (Eff 9-5-61); 135 v H 941 (Eff 11-22-73); 139 v H 53 (Eff 7-1-82); 139 v H 406 (Eff 8-20-82); 142 v H 708 (Eff 4-19-88); 148 v H 600. Eff 9-1-2000.

#### **§4923.03. Power vested with public utilities commission; rules and regulations.**

The public utilities commission may:

- A. Supervise and regulate each private motor carrier in this state;
- B. Prescribe reasonable safety rules;
- C. Prescribe safety rules applicable to the transportation and offering for transportation of hazardous materials in intrastate commerce within this state by a private motor carrier or a contract carrier by motor vehicle. The rules shall be consistent with, and equivalent in scope, coverage, and content to, the "Hazardous Materials Transportation Act," 88 Stat. 2156 (1975), 49 U.S.C. 1801, as amended, and regulations adopted under it. No person shall violate a rule adopted under this division or an order of the commission issued to secure compliance with any such rule.
- D. Prescribe reasonable rules for the administration and enforcement of this chapter and Chapters 4901., 4903., 4905., 4907., 4909., and 4921. of the Revised Code applying to each such contract carrier by motor vehicle in this state;
- E. Require the filing of such annual and other reports as the commission prescribes;
- F. Supervise and regulate the operation of private motor carriers to the exclusion of all local authorities in this state except as provided in this section.

In the exercise of the jurisdiction conferred upon it by those chapters, the commission may prescribe rules affecting private motor carriers, notwithstanding any ordinance, resolution, license, or permit enacted, adopted, or granted by any township, municipal corporation, municipal corporation and county, or county. In case of conflict between any such ordinance, resolution, license, or permit, the order or rule of the commission shall prevail. Local subdivisions may make reasonable local police rules within their respective boundaries not inconsistent with sections 4921.18, 4921.30, 4921.32, and 4923.02 to 4923.17 of the Revised Code.

The commission has jurisdiction to receive, hear, and determine as a question of fact, upon complaint of any party or upon its own motion, and upon not less than fifteen days' notice of the time and place of the hearing and the matter to be heard, whether any corporation, company, association, joint-stock association, person, firm, or copartnership, or their lessees, legal or personal representatives, trustees, or receivers or trustees appointed by any court, is engaged as a private motor carrier. The finding of the commission on such a question is a final order that may be reviewed as provided in section 4923.10 of the Revised Code.

HISTORY: GC §614-105; 115 v 257; 118 v 277; Bureau of Code Revision, 10-1-53; 142 v H 428 (Effective 9-26-88); 143 v S 382 (Effective 12-31-90); 144 v H 77. Effective 9-17-91.



**§4923.04. Operation.**

No private motor carrier shall operate any motor vehicle for the transportation of persons or property, or both, for hire, on any public highway in this state except in accordance with Chapters 4901., 4903., 4905., 4907., 4909., 4921., 4923., and 4925. of the Revised Code. No such private motor carrier shall continue or commence its operation as such in this state without obtaining a permit from the public utilities commission as provided in sections 4923.05 to 4923.07, inclusive, of the Revised Code.

HISTORY: GC §614-104; 115 v 257; Bureau of Code Revision. Effective 10-1-53.

**§4923.05. Rules governing application for permit; contract.**

The public utilities commission shall adopt rules prescribing the manner and form in which private motor carriers shall apply for permits. Among other things, such rules shall provide that such applications shall:

- A. Be made in writing on blanks furnished by the commission;
- B. Show the principal office or place of business of such private motor carrier;
- C. Contain full information concerning the number, kind, and capacity of motor vehicles used or to be used by the applicant;
- D. Contain the names of the persons, firms or corporations, and their addresses, with whom the applicant has contracted or proposes to contract as a private motor carrier;
- E. Have attached to and made a part of such application an affidavit signed by each such person, firm, or corporation so named by and proposing to employ the applicant as its private contract carrier by motor vehicle, which affidavit shall be in the form prescribed by the commission and shall evidence that a bona fide special contract of carriage in writing has been entered into and signed by the applicant and each such employer, which contract is Effective only upon the granting by the commission of the permit sought or required;
- F. Be accompanied by such contract, or any change or modification of such contract, duly executed by the applicant and each such person, firm, or corporation employing or proposing to employ the applicant, which contract, among other things, shall be bilateral, shall specify the transportation service to be rendered for the contracting party employing such carrier provided such transportation service shall not include transportation from possession or control for the purposes of storage or transportation by the contracting party, the full compensation to be paid to the applicant for its services, and the basis upon which such rates and charges are computed, shall provide for a series of shipments during a stated period of time, and shall provide that the full compensation for the services rendered or proposed to be rendered under such contract shall be paid to such contract carrier by motor vehicle by the other contracting party.

HISTORY: GC §614-107; 115 v 258; 117 v 349; 118 v 277; Bureau of Code Revision, 10-1-53; 127 v 731. Effective 9-14-57.

**§4923.06. Notice of filing of application; amendment of application; notice.**

The applicant for a permit to operate as a private motor carrier shall give notice of the filing of such application by publication in the form prescribed by the public utilities commission made once a week for three consecutive weeks prior to hearing or granting such application, in a newspaper of general circulation published in the county in which the principal place of business of the applicant is located, or in a newspaper of general circulation published at the county seat of Franklin county when no principal place of business of the applicant is located in this state. Such notice shall state that such application has been filed, the number and capacity of vehicles to be used, and the names and addresses of those for whom the applicant proposes to operate.

The commission may permit the correction, amendment, modification, or alteration of any such application at or before its action on such application when, in its opinion, the original application and notice are in substantial compliance with the law. Otherwise, it may direct the filing of a new application or the giving of new notice, or both. The commission shall, after the filing of such application, fix a date for hearing upon it unless the commission deems such hearing unnecessary and the best interests of the public and others concerned require that said application be granted or rejected without such hearing.

HISTORY: GC §614-108; 115 v 259; Bureau of Code Revision, 10-1-53; 129 v 1601. Effective 10-25-61.

**§4923.07. Granting of permit; contract of carriage.**

Before granting any permit authorizing the operation of a private motor carrier, the public utilities commission shall consider and determine whether the applicant has complied with the law and with the rules and regulations of the commission governing private motor carriers, and whether the operation proposed by the applicant comes within the definition of a private motor carrier, and also whether such proposed operation comes within the definition of a motor transportation company as provided in section 4921.02 of the Revised Code. If the applicant has complied with the law and the rules and regulations of the commission governing private motor carriers, and the commission finds the proposed operation and contract of carriage of the applicant and

the other contracting party to be that of a private motor carrier and such contract to be in full compliance with Chapters 4901., 4903., 4905., 4907., 4909., 4921., and 4923. of the Revised Code and the rules of the commission governing the same, and if the applicant is a proper person to whom to grant a permit, and the granting of such permit, or the approval of the contract as to any change or modification of it is and will be consistent with the declared policy and purpose of the regulation of transportation by common and contract carriers by motor vehicle, as provided in such chapters, then a permit shall be granted; otherwise the application shall be denied, and any such contract, or change or modification of such contract, shall be rejected by the commission. The commission in making its decision shall not be governed solely by the matter of rates. Should the commission find that the proposed operation of the applicant is that of a motor transportation company as defined by section 4921.02 of the Revised Code, it shall forthwith dismiss such application and refuse a permit, and shall make such further order as it deems proper upon the facts presented.

Upon request of any party to the proceeding, the commission shall make, and serve on each party or his attorney of record, its findings setting forth the specific reasons for the granting, denial, approval, or rejection of any such application, or of any such contract or change or modification of such contract.

Neither the contract carrier by motor vehicle nor the other contracting party shall collect, accept, or pay, in any form, any rate, charge, fee, or compensation other than that specifically provided under the Effective contract on file with the commission.

No such contract of carriage shall be Effective unless it is duly filed with the commission, and the required permit or approval of the contract has been granted.

No corporation, company, association, joint-stock association, person, firm, or copartnership, their lessees, legal or personal representatives, or receivers or trustees appointed by any court, shall hold, operate, manage, or control more than one permit.

HISTORY: GC §614-109; 115 v 259; 118 v 277; Bureau of Code Revision, 10-1-53; 129 v 1601 (Effective 10-25-61); 130 v 1163. Effective 10-14-63.

#### **§4923.08. Liability insurance.**

No permit shall be issued by the public utilities commission to any private motor carrier until there has been filed with the commission a liability insurance certificate, policy, or bond satisfactory to the commission, in such sum and with such provisions as the commission deems necessary adequately to protect the public, having due regard for the number of persons and amount of property affected. Such certificate, policy, or bond shall insure the private motor carrier and each employer authorized in its permit against loss sustained by reason of the death of or injury to persons and the loss of or damage to property resulting from the negligence of such carrier or its agents or employees.

Such certificate, policy, or bond shall provide that ten days' notice in writing shall be given to the commission and to each such employer of such carrier of intention to cancel such certificate, policy, or bond.

If such certificate, policy, or bond is canceled during its term or lapses for any reason, the commission shall require such carrier to replace such certificate, policy, or bond with another fully complying with the requirements of this section. In default of such replacement, all operations under the permit shall cease immediately and further operations shall not be conducted without the specific approval of the commission, which may be given after the private motor carrier has complied with this section. The commission shall not reinstate such permit until satisfactory insurance certificate, policy, or bond has been filed.

HISTORY: GC §614-115; 115 v 262; 117 v 349; Bureau of Code Revision, 10-1-53; 129 v 1601 (Effective 10-25-61); 130 v 1163. Effective 1-23-63.

#### **§4923.09. Death of operator; dissolution of partnership; transfer of permit.**

Upon the death of a person operating as a private motor carrier under a permit, his personal representatives may operate under such permit while the same remains in force and, with the consent of the public utilities commission, may transfer such permit.

Upon the dissolution of a partnership operating as a private motor carrier under a permit, caused by death or otherwise, if the surviving or remaining partners acquire the assets of the partnership the partners so acquiring such assets may continue to operate under such permit while it remains in force and, with the consent of the commission, may transfer such permit. Where such dissolution is caused by death, if the surviving partners do not acquire the assets of the partnership, then such surviving partners and the personal representative of the deceased partner may transfer such permit with the consent of the commission.

A receiver or trustee of a private motor carrier appointed by any court of competent jurisdiction may operate under any permit held by such private motor carrier while such permit remains in force and, with the consent of the commission, may transfer such permit.

In all other cases, a permit may be transferred with the consent of the commission after a public hearing, unless the commission in its discretion deems such hearing unnecessary and the best interests of the public and others concerned require that any application to transfer a permit be granted or rejected without such hearing.

Applications for the transfer of permits under this section shall be in writing and shall be in such form as the commission requires. The applicant shall give notice of the filing of such application by publication made once a week for three consecutive weeks prior to hearing or granting such application, in a newspaper of general circulation published in the county in which is located the principal place of business of the applicant, or in a newspaper of general circulation published at the county seat of Franklin county when no principal place of business of the applicant is located in this state. The commission shall give such applicant or any others who may have become parties in such proceedings at least ten days' written notice of the time and place of such hearing.

If the proposed transferee of any such permit is already the holder of a permit under sections 4923.02 to 4923.17, inclusive, of the Revised Code, and the commission is of the opinion that such transfer should be approved, it shall designate the number under which such operation shall continue and shall cancel the other number.

HISTORY: GC §614-110; 115 v 260; Bureau of Code Revision, 10-1-53; 129 v 1601. Effective 10-25-61.

**§4923.10. Applications and complaints made and filed with commission.**

Proceedings of the public utilities commission for the assessment of forfeitures for violations of division (F) of section 4905.80, division (B) of section 4905.81, or division (E) of section 4923.20 of the Revised Code or for violations of rules adopted under division (B) or (C) of section 4923.03 or division (B) or (C) of section 4923.20 of the Revised Code applicable to the transportation or offering for transportation of hazardous materials and appeals from orders of the commission assessing such forfeitures, and from orders of the commission to secure compliance with rules adopted under section 4905.80, section 4905.81, division (B) or (C) of section 4923.03, and division (B) or (C) of section 4923.20 of the Revised Code applicable to the transportation or offering for transportation of hazardous materials, are subject to and governed by section 4905.83 of the Revised Code. In all other respects in which the commission has power and authority under sections 4923.02 to 4923.17 and section 4923.20 of the Revised Code, applications and complaints may be made and filed with the commission, processes may be issued, hearings may be held, opinions, orders, and decisions may be made and filed, petitions for rehearing may be filed and acted upon, and all proceedings before the supreme court of this state may be considered and disposed of by that court in the manner, under the conditions, subject to the limitations, and with the effect specified in the sections of the Revised Code governing the supervision of public utilities by the commission.

HISTORY: GC §614-106; 115 v 258; Bureau of Code Revision, 10-1-53; 142 v H 428 (Effective 9-26-88); 145 v H 647. Effective 7-22-94.

**§4923.11. Taxes.**

(A) Every private motor carrier or contract carrier by motor vehicle operating in this state shall, at the time of the issuance of its permit, and annually thereafter on or between the first and fifteenth days of July of each year, pay to the public utilities commission for and on behalf of the treasurer of state, the following taxes:

(1) For each motor-propelled or motor-drawn vehicle used for transporting persons, thirty dollars; (2) For each commercial tractor, as defined in section 4501.01 of the Revised Code, used for transporting property, thirty dollars;

(2) For each motor truck transporting property, twenty dollars.

(B) A trailer used by a private motor carrier or contract carrier by motor vehicle shall not be taxed under this section.

(C) The annual tax levied by this section does not apply in those cases where the commission finds that the movement of agricultural commodities or foodstuffs produced from agricultural commodities requires a temporary and seasonal use of vehicular equipment for a period of not more than ninety days. In that event the tax on such vehicular equipment shall be twenty-five per cent of the annual tax levied by this section. If any vehicular equipment is used in excess of such ninety-day period the annual tax levied by this section shall be paid.

(D) Any motor-propelled or motor-drawn vehicle used for transporting persons, commercial tractor as defined in section 4501.01 of the Revised Code, or motor truck used for the transportation of property, with respect to which the tax imposed by this section has been paid, may be used by a motor transportation company or common carrier, or by another private motor carrier or contract carrier, without further payment of the tax imposed by this section or by section 4921.18 of the Revised Code.

(E) The commission shall account for the taxes collected pursuant to this section, and shall pay such taxes to the treasurer of state pursuant to section 4923.12 of the Revised Code on or before the fifteenth day of each month for the taxes collected in each preceding month.

(F) All taxes levied upon the issuance of a permit to any private motor carrier or contract carrier by motor vehicle shall be reckoned as from the beginning of the quarter in which such permit is issued or the use of equipment under any existing permit began.

HISTORY: GC §614-112; 115 v 261; 116 v 478; 119 v 339; Bureau of Code Revision, 10-1-53; 125 v 1135 (Effective 1-19-54); 129 v 1601 (Effective 10-25-61); 129 v 381 (Effective 7-1-62); 130 v PtII, 241 (Effective 12-2-64); 133 v S 150 (Effective 11-5-69); 137 v H 1 (Effective 8-26-77); 139 v H 694 (Effective 11-15-81); 146 v H 670 (Effective 12-2-96); 149 v H 94. Effective 9-5-2001.

#### **§4923.12. Disposition of taxes, fees and forfeitures.**

The taxes imposed by sections 4921.18 and 4923.11 of the Revised Code shall be paid to the treasurer of state. The first received remittances of the taxes in each fiscal year shall be credited to the public utilities fund until the aggregate credit from the taxes, and from the fees collected under division (B) of this section, in a fiscal year amounts to a sum equal to the appropriation from the public utilities fund made by the general assembly for defraying all expenses incident to maintaining the nonrailroad transportation activities of the public utilities commission. Receipt of the taxes subsequent thereto, after receipt by the treasurer of state of certifications from the commissioners of the sinking fund certifying, as required by sections 5528.15 and 5528.35 of the Revised Code, that there are sufficient moneys to the credit of the highway improvement bond retirement fund created by section 5528.12 of the Revised Code to meet in full all payments of interest, principal, and charges for the retirement of bonds and other obligations issued pursuant to Section 2g of Article VIII, Ohio Constitution and sections 5528.10 and 5528.11 of the Revised Code, due and payable during the current calendar year, and that there are sufficient moneys to the credit of the highway obligations bond retirement fund created by section 5528.32 of the Revised Code to meet in full all payments of interest, principal, and charges for the retirement of highway obligations issued pursuant to Section 2i of Article VIII, Ohio Constitution and sections 5528.30 and 5528.31 of the Revised Code due and payable during the current calendar year, shall be paid into the state treasury to the credit of the state highway safety fund created by section 4501.06 of the Revised Code, and shall be subject to appropriation solely for the expense of operation and maintenance of the department of public safety.

The fees set by the commission in accordance with sections 4919.76 and 4919.77 of the Revised Code shall be credited to the public utilities fund except for those fees collected on behalf of other states participating in the single state insurance registration program, which shall be credited to the base state registration fund, which is hereby created in the state treasury.

The forfeitures imposed by sections 4919.99, 4921.99, and 4923.99 of the Revised Code shall be paid to the treasurer of state. The first received remittances of the forfeitures in each fiscal year shall be credited to the transportation enforcement fund, which is hereby created in the state treasury, until the aggregate credit in the fiscal year is equal to the appropriation in the fund for the fiscal year less any outstanding unencumbered cash balance from the previous fiscal year in the fund. All forfeitures subsequently received shall be credited to the general revenue fund. The public utilities commission shall use the transportation enforcement fund to administer the civil forfeiture program of sections 4919.99, 4921.99, and 4923.99 of the Revised Code.

If the director of budget and management determines that the balance of the public utilities fund will be less than the appropriations from the fund, the director shall transfer from the general revenue fund to the public utilities fund an amount equal to the difference between the balance of the public utilities fund and the amount needed to support the appropriations from that fund. If the director subsequently determines that the balance and revenues of the public utilities fund during the fiscal year will exceed the amount needed to support the appropriations from the fund, the director shall transfer the excess, up to the amount of the original transfer, back to the general revenue fund.

HISTORY: GC §614-113; 115 v 262; 116 v 339, §3; Bureau of Code Revision, 10-1-53; 125 v 1135 (Effective 4-19-54); 129 v 361 (Effective 7-1-62); 130 v PtII, 242 (Effective 12-2-64); 133 v S 150 (Effective 11-5-69); 137 v H 1 (Effective 8-26-77); 139 v H 694 (Effective 11-15-81); 144 v S 98 (Effective 11-12-92); 145 v H 715 (Effective 7-22-94); 146 v H 117 (Effective 9-29-95); 147 v H 215. Effective 6-30-97.

#### **§4923.13. Fees and charges; local ordinances.**

The fees and charges provided under section 4923.11 of the Revised Code shall be in addition to taxes, fees, and charges fixed and exacted by other general laws of this state, except the assessments required by section 4905.10 of the Revised Code and the taxes imposed by section 4921.18 of the Revised Code, but all fees, license fees, annual payments, license taxes, taxes, or other money exactions assessed, charged, fixed, or exacted by local authorities, such as municipal corporations, townships, counties, or other local boards, or by the officers of such subdivisions, are deemed illegal and superseded by sections 4921.18, 4921.32, and 4923.02 to 4923.17 of the Revised Code. Upon compliance by such private motor carrier with sections 4921.18, 4921.32, and 4923.02 to 4923.17 of the Revised Code, all local ordinances, resolutions, bylaws, and rules in force shall cease to be operative as

to such carrier, except that such local subdivisions may make reasonable local police regulations within their respective boundaries not inconsistent with such sections.

HISTORY: GC §614-114; 115 v 262; Bureau of Code Revision, 10-1-53; 143 v S 382. Effective 12-31-90.

**§4923.14. Notice to commission of change in carrying capacity; additional taxes; revocation or suspension of permit.**

After a permit has been issued to a private motor carrier and such carrier has paid the required taxes and complied with such permit and the order granting it, no change shall be made to substitute, increase, or decrease the number of, or seating or carrying capacity of, motor vehicles operated under such permit, or to substitute, increase, or decrease the persons, firms, or corporations with whom such carrier has contracts. No change or modification shall be made in any such contract of carriage except upon notice to the public utilities commission, the payment of any additional taxes which are due, the filing of any contract of carriage or change or modification of such contract, and the approval of it, as required by Chapters 4901., 4903., 4905., 4907., 4909., 4921., 4923., and 4925. of the Revised Code and the rules of the commission, and the furnishing of the names and addresses of all persons, firms, or corporations with whom such carrier has contracted and proposes to contract.

Such notice or application to substitute or increase the persons, firms, or corporations employing such private motor carriers shall be in the form and governed as provided in the case of an original application for a permit.

The commission may, for good cause, upon at least fifteen days' notice to the holder of any permit, and after granting an opportunity to be heard, revoke, suspend, alter, or amend any such permit.

HISTORY: GC §614-111; 115 v 261; 117 v 349; 118 v 277; Bureau of Code Revision. Effective 10-1-53

**§4923.17. Violation.**

No private motor carrier, officer, agent, or employee of a private motor carrier, or other corporation, company, association, joint-stock association, person, firm, or copartnership, shall violate, or procure, aid, or abet the violation of sections 4923.02 to 4923.17, inclusive, of the Revised Code, or fail to comply with any order, decision, rule, or regulation of the public utilities commission, or procure, aid, or abet any private motor carrier in its failure to comply with such order, decision, rule, or regulation. Information of a conviction of a violation of this section shall be reported to the commission by the clerk of the court in which such conviction was obtained or, if there is no clerk, by the presiding officer of the court. Such report shall be made a part of the records of the commission relating to such private motor carrier.

HISTORY: GC §614-118; 115 v 264; Bureau of Code Revision. Effective 10-1-53.

**§4923.20. Rules for transportation of hazardous materials by not-for-hire carriers.**

(A) As used in this section:

- (1) "Private motor carrier" has the same meaning as in section 4923.02 of the Revised Code, except that it includes only private motor carriers operating on a not-for-hire basis and excludes all private motor carriers operating on a for-hire basis.
- (2) "Commercial motor vehicle" has the same meaning as in the "Commercial Motor Vehicle Safety Act of 1986," 49 U.S.C.A. 2701, as amended, except that "commerce" means trade, traffic, and transportation solely within this state.

(B) The public utilities commission may adopt and enforce rules concerning the safety of operation of commercial motor vehicles by private motor carriers, except that the rules shall not affect any rights or duties granted to or imposed upon the operator of such a motor vehicle by Chapter 4511. of the Revised Code.

(C) The commission may adopt safety rules applicable to the transportation of hazardous materials by private motor carriers by means of commercial motor vehicles and applicable to the offering of hazardous materials for such transportation. The rules shall be consistent with, and equivalent in scope, coverage, and content to, the "Hazardous Materials Transportation Act," 88 Stat. 2156 (1975), 49 U.S.C.A. 1801, as amended, and regulations adopted under it.

(D) To achieve the purposes of this section, the commission may, through inspectors or other authorized employees, inspect any motor vehicles of such carriers and may enter upon the premises and vehicles of the carriers to examine any of the carriers' records or documents that relate to the safety of operation of private motor carriers. In order to assist the commission in performing its duties under this section, authorized employees of the commercial motor vehicle safety enforcement unit, division of state highway patrol, of the department of public safety may enter in or upon, for purposes of inspection, any motor vehicle of any such carrier.

In order to inspect motor vehicles owned or operated by private motor carriers engaged in the transportation of persons, authorized employees of the commercial motor vehicle safety enforcement unit, division of state highway patrol, of the department of public safety may enter in or upon the premises of any private motor carrier engaged in the intrastate transportation of persons.

- (E) No private motor carrier or person offering hazardous materials for transportation by private motor carrier shall fail to comply with any order, decision, or rule adopted under this section or any order of the commission issued to secure compliance with any such rule.

HISTORY: 141 v H 43 (Effective 9-4-85); 142 v S 154 (Effective 10-1-87); 142 v H 428 (Effective 9-26-88); 146 v S 162 (Effective 10-29-95); 148 v H 600. Effective 9-1-2000.

**§4923.99. Forfeiture for violations; injunctions; compliance orders.**

(A)(1) Except for those violations for which a forfeiture is provided in section 4905.83 of the Revised Code, whoever violates a provision of this chapter is liable to the state for a forfeiture of not more than ten thousand dollars for each day of each violation. The public utilities commission, after providing reasonable notice and the opportunity for a hearing in accordance with the procedural rules adopted under section 4901.13 of the Revised Code, shall assess, by order, a forfeiture upon a person who the commission determines, by a preponderance of the evidence, committed the violation. In determining the amount of the forfeiture for a violation discovered during a roadside inspection, the commission shall be consistent with the recommended fine or penalty schedule and recommended civil penalty procedure adopted by the commercial vehicle safety alliance, but shall not exceed one thousand dollars. In determining the amount of the forfeiture for a violation discovered during a compliance review of fixed facilities, the commission shall be consistent with the civil penalty guidelines adopted by the United States department of transportation's federal highway administration, but shall not exceed ten thousand dollars.

The attorney general, upon the written request of the commission, shall bring a civil action in the court of common pleas of Franklin county to collect a forfeiture assessed under this section. The commission shall account for the forfeitures collected under this section and pay them to the treasurer of state pursuant to section 4923.12 of the Revised Code.

(2) The attorney general, upon the written request of the commission, shall bring an action for injunctive relief in the court of common pleas of Franklin county against any person who has violated or is violating any order issued by the commission to secure compliance with a provision of this chapter. The court of common pleas of Franklin county has jurisdiction to and may grant preliminary and permanent injunctive relief upon a showing that the person against whom the action is brought has violated or is violating any order issued by the commission to secure compliance with this chapter. The court shall give precedence to such an action over all other cases.

(B) The amount of any forfeiture may be compromised at any time prior to collection of the forfeiture. The commission shall adopt rules governing the manner in which the amount of forfeiture may be established by agreement prior to the hearing on the forfeiture before the commission.

(C) The proceedings of the commission specified in division (A) of this section are subject to and governed by Chapter 4903. of the Revised Code, except as otherwise specifically provided in this section. The court of appeals of Franklin county has exclusive, original jurisdiction to review, modify, or vacate an order of the commission issued to secure compliance with a provision of this chapter and an order issued under division (A)(1) of this section assessing a forfeiture. The court of appeals shall hear and determine those appeals in the same manner, and under the same standards, as the supreme court hears and determines appeals under Chapter 4903. of the Revised Code.

The judgment of the court of appeals is final and conclusive unless reversed, vacated, or modified on appeal. Such appeals may be taken either by the commission or the person to whom the compliance order or forfeiture assessment was issued and shall proceed as in the case of appeals in civil actions as provided in the Rules of Appellate Procedure and Chapter 2505. of the Revised Code.

Section 4903.11 of the Revised Code does not apply to an appeal of an order issued to secure compliance with this chapter or an order issued under division (A)(1) of this section assessing a forfeiture. Any person to whom any such order is issued who wishes to contest the compliance order, the fact of the violation, or the amount of the forfeiture shall file a notice of appeal, setting forth the order appealed from and the errors complained of, within sixty days after the entry of the order upon the journal of the commission. The notice of appeal shall be served, unless waived, upon the chairman of the commission or, in the event of his absence, upon any public utilities commissioner, or by leaving a copy at the office of the commission at Columbus. An order issued by the commission to secure compliance with a provision of this chapter or an order issued under division (A)(1) of this section assessing a forfeiture shall be reversed, vacated, or modified on appeal if, upon consideration of the record, the court is of the opinion that the order was unlawful or unreasonable.

HISTORY: Bureau of Code Revision, 10-1-53; 141 v H 43 (Effective 9-4-85); 142 v H 428 (Effective 9-26-88); 146 v H 117. Effective 9-29-95.

# Ohio Administrative Code

## **Chapter 4901:2-1**

### ***Motor Carrier Tax Payment Annual Reports, Records***

#### **4901:2-1-01 Inspection.**

For the enforcement of the laws of the state of Ohio and the rules and regulations of this commission pertaining to motor transportation, any representative of the public utilities commission of Ohio is hereby authorized to inspect, examine, and copy all books, contracts, records, documents and papers of any motor carrier subject to the rules of this commission, and to have free and unobstructed access to, in, and upon any property, including motor vehicles, owned or operated by any such motor carrier.

HISTORY: Case No.87-1001-TR-ORD; Effective 1-20-63; 12-25-87

#### **4901:2-1-02 Annual Registration.**

On or before July fifteenth of each year, each motor transportation company and contract carrier conducting intrastate operations shall file with the commission an annual renewal of registration. This filing shall satisfy the requirements of division (F) of section 4921.04 and division (D) of section 4923.03 of the Revised Code. This registration shall be made on the forms specified in rule 4901:2-21-03 of the Administrative Code.

HISTORY: Effective 9-21-95

#### **4901:2-1-03 Records and accounts.**

Every motor carrier for hire, operating under a Certificate or Permit from the Public Utilities Commission, shall maintain accurate and adequate records of its business and operations. Each record, including bills of lading, freight bills, manifests, invoices, receipts and trip sheets or drivers' logs, shall be preserved for a period of three years.

HISTORY: (former 5.03) A.O No. 170 Supp. No. 1.; Effective 1-20-63

#### **4901:2-1-04 Tax Receipts.**

(A) The public utilities commission of Ohio will issue an original tax receipt as evidence that the tax assessed by sections 4921.18 and 4923.11 of The Revised Code has been paid on a particular vehicle. The receipt will specify its Effective date. All tax receipts shall expire on the fifteenth day of July of the registration year for which they were issued.

(B) The driver of a motor vehicle must present the original tax receipt for inspection by any authorized personnel of the public utilities commission or the department of public safety.

(C) The tax receipt shall not be altered or copied by the motor carrier in any way. Any authorized personnel of the public utilities commission or the department of public safety is authorized to confiscate an altered or copied receipt on sight. A motor carrier may only transfer its tax receipts from vehicles taken out-of-service to their replacement vehicles.

(D) Each motor carrier is required to retain records specifying the power unit to which each tax receipt was assigned.

HISTORY: Effective 9-21-95

# Ohio Administrative Code

## **Chapter 4901:2-3**

### ***Augmenting and Interchanging Equipment***

#### **4901:2-3-02 Definitions applicable.**

The following definitions are applicable to rules 4901:2-3-01 to 4901:2-3-09, inclusive:

“Authorized carrier” means any corporation, company, association, joint stock association, person, firm, or co-partnership, their lessees, legal or personal representatives, trustees, receivers, or trustees appointed by any court whatsoever, authorized by the public utilities commission of Ohio, to engage in transportation of property as a “motor transportation company” or “common carrier by motor vehicle” or “contract carrier by motor vehicle” under the provisions of sections 4921.01 to 4921.99 and 4923.01 to 4923.99, inclusive, of the Revised Code of Ohio.

“Equipment” means a motor vehicle, straight truck, tractor, semitrailer, full trailer, or a combination tractor and semitrailer or combination straight truck or full trailer.

“Motor vehicle” means any vehicle, machine, tractor, trailer, or semitrailer propelled or drawn by mechanical power and used upon the highways in the transportation of passengers or property, or any combination thereof determined by the Commission, but does not include any vehicle, locomotive, or car operated exclusively on a rail or rails, or a trolley bus operated by electric power derived from a fixed overhead wire, furnishing local passenger transportation similar to street-railway service.

“Own” means a carrier will be considered to “own” equipment only if the equipment is licensed and registered under state laws in the name of the carrier.

“Employee” means a person or company in the service of another under any contract of hire.

HISTORY: Effective 9-19-63; 3-28-01

#### **4901:2-3-07 Insurance.**

No authorized carrier shall enter into a lease agreement for equipment, or shall otherwise use non-owned equipment, unless and until the owners thereof shall have obtained a certificate of liability insurance protecting the public against loss sustained by reason of death of or bodily injury to persons and their loss of or damage to property resulting from the negligence of such owner or his employees. Such policy shall:

Provide coverage in amounts of twenty-five thousand dollars for bodily injury to or death of one person, one hundred thousand dollars for bodily injuries to or death of all persons injured or killed in any one accident, and ten thousand dollars for loss of or damage to property of others (except cargo) in any one accident. Any policy which grants the coverage required hereunder may also grant any lawful coverage in excess of or in addition to such coverage. Such excess of additional coverage shall not be subject to the terms and conditions of this rule.

Not provide any coverage inuring to the benefit, either directly or indirectly, of any authorized carrier while the vehicle so insured as being operated under lease to or otherwise used by such carrier; nor shall any authorized carrier be named as an insured in the policy.

Be issued by an insurance company authorized to transact business in Ohio by the Ohio department of insurance.

HISTORY: Effective 1-20-63; 6-18-88; 8-12-88 (Emer.); 10-22-88; 3-28-01



# Ohio Administrative Code

## ***Chapter 4901:2-5; Safety Standards***

### **4901:2-5-01 Definitions, knowledge of rules and regulations required.**

“Motor carrier,” as used in this chapter, includes all motor transportation companies transporting persons or property as defined in section 4921.02 of the Revised Code, and all private motor carriers or contract carriers by motor vehicle transporting persons or property as defined in section 4923.02 of the Revised Code, and all private motor carriers as defined in section 4923.20 of the Revised Code. “Motor carrier” also includes any and all carriers by motor vehicle operating in Ohio in interstate commerce which are subject to the regulations contained in Title 49, Parts 171 through 180, 383, or 390 through 397, C.F.R. Owners and drivers of motor vehicles leased to motor carriers are subject to these rules and regulations during the periods covered by such lease agreements. “Motor carrier” includes all officers, agents, representatives, and employees of carriers by motor vehicle responsible for the management, maintenance, operation, or driving of motor vehicles, or the hiring, supervision, training, assigning, or dispatching of drivers of motor vehicles.

“Motor vehicle,” as used in this chapter, means any vehicle, machine, tractor, trailer, or semitrailer propelled or drawn by mechanical power and used upon the highways in this state in the transportation of passengers or property, or any combination thereof, but does not include any vehicle, locomotive, or car operated exclusively on a rail or rails, or a trolley bus operated by electric power derives from a fixed overhead wire, furnishing local passenger transportation similar to street-railway service. Motor vehicle does not include any vehicle operated within Ohio in intrastate commerce by a private motor carrier as defined in section 4923.20 of the Revised Code, which is not a commercial motor vehicle as defined in Title 49, Part 383.5, C.F.R., as amended.

“Offeror” as used in this chapter, means any individual, firm, co-partnership, corporation, company, association or joint-stock association, or trustee, receiver, assignee, or personal representative thereof, who is subject to the regulations contained in Title 49, Parts 171 through 180, C.F.R., by reason of offering hazardous materials for transportation by motor carrier in, into or through Ohio, or by performing any of the functions assigned to an offeror of hazardous materials by those regulations.

These rules are applicable to transportation in motor vehicles by motor carriers and to offerors of hazardous materials.

Every motor carrier and offeror shall be instructed in, familiar with, and comply with the applicable rules in this chapter.

The provisions of Title 49, Part 393.61, C.F.R., shall not be Effective as applied to private

HISTORY: Effective 1-20-63; 12-25-87; 3-19-87; 12-9-88; 4-25-92; 1-19-95 (Emer.); 3-30-95; 8-30-99; 5-5-00

### **4901:2-5-02 Adoption of U.S. department of transportation safety standards.**

The commission hereby adopts the provisions of the motor carrier safety regulations of the U.S. department of transportation contained in 49 C.F.R. 40, 382, 383, 385, 387 and 390 to 397, unless specifically excluded or modified by a rule of this commission, and those portions of the hazardous materials transportation regulations contained in 49 C.F.R. 171 to 180, as are applicable to transportation or offering for transportation by motor vehicle, as Effective on March 27, 2003. All motor carriers operating in intrastate commerce within Ohio shall conduct their operations in accordance with those regulations and the provisions of this chapter. With respect to such regulations as applicable to intrastate motor carriers, any notices or requests permitted or required to be made to the U.S. department of transportation or officials thereof under 49 C.F.R. 390 to 397 shall instead be made to the director of the commission’s transportation department.

(B) All motor carriers engaged in interstate commerce in Ohio shall operate in conformity with all regulations of the U.S. department of transportation, which have been adopted by this commission. Violation of any such federal regulation by any motor carrier engaged in interstate commerce in Ohio shall constitute a violation of this commission’s rules.

(C) All offerors shall operate in conformity with all applicable regulations of the U.S. department of transportation, which have been adopted by this commission. Violation of any such federal regulation by any offeror shall constitute a violation of this commission’s rules.

(D) Enforcement of those portions of 49 C.F.R. 171 to 180 as are applicable to transportation or offering for transportation of hazardous materials by motor vehicle shall be subject to any exemptions granted by the U.S. department of transportation pursuant to 49 C.F.R. 107 and shall be consistent with interpretations issued by the research and special programs administration, U.S. department of transportation.

(E) Title 49 C.F.R. 395.3, maximum driving time, does not apply to private motor carriers engaged in the intrastate transportation of construction materials and equipment. As to such carriers, the following maximum driving time limitations apply:

No private motor carrier engaged in the intrastate transportation of construction materials and equipment shall permit or require any driver used by it to drive nor shall any such driver drive:

More than twelve hours following eight consecutive hours off duty; or

For any period after having been on duty sixteen hours following eight consecutive hours off duty.

(2) No private motor carrier engaged in the intrastate transportation of construction materials and equipment shall permit or require a driver of a commercial motor vehicle to drive, nor shall any driver drive, regardless of the number of motor carriers using the driver's services, for any period after:

(a) Having been on duty seventy hours in any seven consecutive days if the employing motor carrier does not operate commercial motor vehicles every day of the week; or

Having been on duty eighty hours in any eight consecutive days if the employing motor carrier operates commercial motor vehicles every day of the week.

For purposes of this rule, "transportation of construction materials and equipment" means the transportation of construction and pavement materials, construction equipment, and construction maintenance vehicles, by a driver to or from an active construction site (a construction site between mobilization of equipment and materials to the site to the final completion of the construction project) within a fifty air mile radius of the normal work reporting location of the driver. This definition shall not apply to the transportation of material found by the United States Secretary of Transportation to be hazardous under 49 U.S.C. 5103 in a quantity requiring placarding pursuant to 49 C.F.R. 172, subpart f.

HISTORY: Effective 10-19-63; 11-30-63; 1-23-64; 4-12-67; 5-31-64; 7-1-64; 6-12-65; 2-17-67; 11-23-70; 9-5-77; 11-11-78; 3-19-87; 12-25-87; 12-15-88; 10-28-90; 4-25-92; 7-7-97; 6-25-98; 11-18-98; 5-5-00 (Emer.); 9-27-01; 12-27-01; 11-8-02; 9-26-03

#### **4901:2-5-03 Applicability of safety standards to lightweight vehicles.**

When a motor carrier operates a vehicle under authority of the commission pursuant to section 4921.07 or 4923.04 of the Revised Code, and that vehicle is not subject to the provisions of rule 4901:2-5-02 of the Administrative Code, the motor carrier shall:

Comply with the standards for equipment and loads set forth in sections 4513.021 to 4513.17 and 4513.19 to 4513.32 of the Revised Code;

(B) Be licensed to operate a motor vehicle as required by section 4507.02 of the Revised Code;

(C) Comply with standards identical to those concerning the operation of motor vehicles set forth in Title 49 CFR sections 392.3 to 392.5; and

(D) Provided that the vehicle is designed and utilized for the transportation of passengers, comply with all hours of service and recordkeeping requirements of Title 49, CFR Part 395.

HISTORY: Replaces rule 4901:2-5-03 Case No. 92-1972-TR-ORD; Effective 1-20-63; 12-25-87; 11-18-93

#### **4901:2-5-04 Qualifications of drivers.**

(A) No motor carrier shall operate or permit the operation of a motor vehicle in intrastate commerce within Ohio by a person under the age of eighteen years.

(B) The provisions in Title 49, CFR Part 391.21 (applications for employment), Part 391.23 (investigations and inquiries), and Part 391.35 (written examinations), shall not apply to a driver operating in intrastate commerce within Ohio who has been a regularly employed driver as defined in Title 49, CFR Part 395.2(f), of a private motor carrier as defined in section 4923.20 of the Revised Code, for a continuous period which began before January 1, 1987, so long as he continues to be a regularly employed driver of that private motor carrier.

(C) Persons who on or before December 7, 1988, were employed or self-employed in occupations which required the operation of commercial motor vehicles, who cannot be medically certified under the requirements of Title 49, CFR Part 391.41, as amended, may obtain provisional medical certification for driving in intrastate commerce within Ohio under the following conditions:

(1) A driver may obtain a packet of materials prescribed by the commission's transportation department to be used by the driver, his employer, and the examining physician in conducting a physical examination for provisional medical certification. Included in the packet will be instructions to assist the physician in making his evaluation.

(2) Prior to visiting the physician, the driver and any employing carrier shall certify the conditions of the driver's employment, including date employment commenced, size and type of vehicles operated, hours operated per day, distances from normal work reporting location traveled, whether hazardous materials are transported in quantities which must be placarded, any other work activities performed in connection with or in addition to driving, accident history, and such additional information as is required by the commission's transportation department.

(3) The physician shall conduct his examination as required by Title 49, CFR Part 391.43 as amended, and shall complete the examination form prescribed by that part. If the examining physician finds that the driver cannot be certified because of a condition set forth in Title 49, CFR Parts 391.41(b)(1) through (b)(11), as amended, but that the driver can safely operate certain commercial motor vehicles under certain limited conditions, the physician may provisionally certify the driver. No driver may be provisionally be certified who uses drugs or has a clinical diagnosis of alcoholism within the meaning of Title 49, CFR Part 391.41(b)(12) or (b)(13) as amended.

(4) To provisionally certify a driver, the physician must complete the "Medical Examiner's Provisional Certificate" prescribed by the commission's transportation department, in lieu of the "Medical Examiner's Certificate" prescribed in Title 49, CFR Part 391.43 as amended. On the certificate, the physician shall indicate the limitations on the driver's activities under which the physician finds the driver can safely operate a motor vehicle, including but not limited to restrictions on the size and type of vehicle operated, hours operated per day, distances from normal work reporting location traveled, and any other work activities performed in addition to driving.

(5) One copy of the certificate shall be furnished to the driver and one copy shall be furnished to the motor carrier that employs him. An additional copy shall be mailed to the commission's transportation department within seven days of the certification by the physician. The provisional certificate shall be effective on the date of mailing to the commission's transportation department. A copy of the "Driver's and Employer's Certificate," "Examination Form, and Provisional Medical Certificate" shall be kept in the employer's driver qualification file in the same manner as the medical certificate, as required by Title 49, CFR Part 391.51 as amended.

(6) Notwithstanding the provisions of Title 49, CFR Part 391.45(b), as amended, a person who cannot meet the requirements of Title 49, CFR Part 391.41, as amended, must be medically examined and provisionally certified in accordance with this rule if that person has not been medically examined and certified or provisionally certified within the preceding twelve months, or such shorter time as the certifying physician may prescribe.

(7) Except as otherwise provided by this rule, the medical examiner's provisional certificate shall be treated as medical examiner's certificate for all purposes as provided in Title 49, CFR Parts 390 through 396 as amended.

(8) Provisional medical certification under this rule shall be in effect to qualify a driver to drive in interstate commerce, to transport hazardous materials which are required to be placarded as provided in Title 49, CFR Parts 170 through 179, as amended, to transport passengers for hire, to operate a vehicle designed to carry sixteen or more passengers including the driver, or to operate a commercial motor vehicle beyond the scope of any restrictions indicated by the examining physician.

(9) The commission may revoke the provisional medical certification issued by the physician upon its finding that continued operations by the driver constitute an unreasonable risk of harm to the public, due to the specifics of the medical condition, or the nature of the driving responsibilities in which he is engaged.

HISTORY: Effective 1-20-63; 3-19-87; 10-28-90; 5-5-00

**4901:2-5-05 Relief from regulation.**

Title 49, CFR Part 395 shall not apply to any motor carrier when transporting passengers or property in intrastate commerce within Ohio with the object of providing relief in case of earthquake, flood, fire, famine, drought, epidemic, pestilence, unusual interruption of electric, gas, telephone or pipeline service, or other calamitous visitation or disaster.

HISTORY: Replaces rule 4901:2-05 Case No. 92-1972-TR-ORD; Effective 5-31-64; 3-19-87; 10-28-90; 11-18-93

**4901:2-5-07 Out of service vehicles and drivers.**

(A) Authorized employees of the commission's transportation department, and employees of the state highway patrol designated by the superintendent to conduct commercial vehicle inspections, may declare "out of service":

(1) Any motor vehicle which by reason of its mechanical condition or loading would likely cause an accident or breakdown.

(2) Any motor vehicle which is being operated in violation of 49 C.F.R. 171 to 180, 383 or 387, as Effective on March 27, 2003, to such an extent that information regarding the presence of hazardous materials is inadequate for use of emergency responders in providing protection to the public.

(3) Any driver who meets the "out of service" criteria set forth in 49 C.F.R. 392.5 or 395.13, or is not properly licensed to operate a motor vehicle as required by section 4507.02 of the Revised Code.

(B) In determining whether a vehicle or driver shall be placed "out of service," authorized employees of the commission's transportation department and employees of the state highway patrol designated by the superintendent to conduct commercial vehicle inspections shall utilize the "out of service" criteria adopted and disseminated by the U.S. department of transportation.

(C) The following drivers and vehicles shall be considered to be out of service and under an out of service order:

(1) Those declared out of service in accordance with paragraph (A) of this rule, or under comparable laws or regulations of another federal, state, Canadian, or Mexican jurisdiction.

(2) Those declared "out of service" by the U.S. department of transportation in accordance with 49 C.F.R. 386.72, 392.5, 395.13, 396.9, as Effective on March 27, 2003, or compatible laws, or the North American standard inspection out of service criteria.

(3) Those declared out of service by an "imminent hazard" order issued in accordance with rule 4901:2-5-14 of the Administrative Code.

(D) Vehicles declared "out of service" may be marked with an appropriate sticker, which shall not be removed until the vehicle is no longer out of service. Drivers declared "out of service" shall remain out of service until such time as they are qualified to drive a commercial motor vehicle and meet all conditions established in the law, rule, or out of service order upon which their out of service status was based.

(E) No motor carrier shall operate or permit the operation of a motor vehicle by a driver who is "out of service" nor shall any driver operate such a vehicle until the period specified in paragraph (C) of this rule has elapsed. No motor carrier shall operate or permit the operation of a motor vehicle nor shall any driver operate a vehicle which is "out of service" except under the following conditions:

(1) The motor vehicle may be towed by an emergency towing vehicle equipped with a crane or hoist.

(2) The motor vehicle may be removed for storage or repair directly to a location approved by authorized employees of the commission's transportation department or employees of the state highway patrol designated by the superintendent to conduct commercial vehicle inspections.

(3) If the vehicle is located beside the traveled portion of highway, or contains hazardous materials and is located in an area where parking of hazardous materials is not permitted, it shall be escorted by authorized employees of the commission's transportation department or employees of the state highway patrol designated by the superintendent to conduct commercial vehicle inspections to the nearest safe location unless that employee determines that it would be less safe to move the vehicle.

(F) Motor carriers shall comply with any additional measures or conditions as directed by the commission's transportation department for the purpose of enforcing this rule.

(G) This rule shall not be interpreted to supersede any more stringent federal requirement adopted by the commission.

HISTORY: Effective 3-19-87; 10-28-90; 4-25-92; 11-18-93; 6-25-98; 9-26-03

**4901:2-5-08 Mud flaps**

No motor carrier shall operate a motor vehicle, the gross weight of which, with load, exceeds three tons, on the public highways in Ohio unless the rearmost wheels of the vehicle or combination of vehicles are equipped with wheel protectors as required by section 5577.11 of the Revised Code.

HISTORY: Case No. 87-1001-TR-ORD; Effective 1-1-57; 1-20-63; 3-19-87; 12-25-87

**4901:2-5-10**

(A) All motor carriers shall display the following information on both sides of all self-propelled motor vehicles operated within Ohio in intrastate commerce:

1. The legal name or a single trade name of the motor carrier operating the commercial motor vehicle.
2. The identification number issued by the PUCO preceded by the letters PUCO or the identification number issued by the United States department of transportation preceded by the letters USDOT.
3. If the name of any person other than the operating carrier appears on the commercial motor vehicle, the name of the operating carrier followed by the information required in paragraphs (A)(1) and (A)(2) of this rule and preceded by the words "operated by."
4. Other identifying information may be displayed on the vehicle if it is not inconsistent with the information required by this rule.

(B) Size, shape, location and color of markings shall be as follows:

1. The markings must appear on both sides of the self-propelled motor vehicle.
2. The markings must be in letters that contrast sharply in color with the background on which the letters are placed.
3. The markings must be readily legible during daylight hours, from a distance of fifty feet (fifteen point two four meters) while the commercial motor vehicle is stationary.
4. The markings must be kept and maintained in a manner that retains the legibility required by paragraph (B)(2) of this rule.

(C) The director of the commission's transportation department may grant a written exemption from the requirements of paragraphs (A) and (B) of this rule, based upon a written application and showing prior to January 1, 1987, the motor carrier used an alternative marking system which provided adequate notification of the ownership and identity of equipment. Based upon a written application and showing that display of the required information would pose a security hazard to the vehicle, its contents or occupants, the director of the commission's transportation department may permit display of the federal motor carrier US DOT number in lieu of company name.

(D) Paragraphs (A) and (B) of this rule shall not apply to self-propelled vehicles without drivers leased by private motor carriers from a person, co-partnership or corporation whose principal business is the leasing of equipment without drivers for compensation, when each of the following conditions apply:

1. The lease period is for a period not in excess of thirty calendar days.
2. The lessor remains responsible for routine maintenance of the vehicle.
3. The vehicle is conspicuously marked with the name of the lessor.
4. A signed copy or summary of the lease showing the name, city and state of the lessee, duration of the lease, and party responsible for routine maintenance of the vehicle, is carried aboard the vehicle.

(E) No motor carrier shall display the identification of another motor carrier or other entity with intent to deceive the public or law enforcement personnel as to the true identity of the operating motor carrier, nor shall any motor carrier transmit an electronic signal falsely identifying another motor carrier or entity.

HISTORY: Effective 1-20-63; 3-19-87; 12-25-87; 10-28-90; 5-5-00

**4901:2-5-11 Inspection of vehicles; reports**

(A) No motor carrier shall knowingly, recklessly or negligently fail to submit to a vehicle inspection conducted by commission employees, nor shall any motor carrier deviate from its route for the purpose of circumventing or evading a motor vehicle inspection by commission employees.

(B) The driver of any motor vehicle receiving an inspection report shall deliver it to the motor carrier operating the motor vehicle within twenty-four hours. If the driver is not scheduled to arrive at a terminal or facility of the motor carrier operating the vehicle within twenty-four hours, the driver shall immediately mail the report to the motor carrier.

(C) Each motor carrier shall examine each report of an inspection of any motor vehicle operated by the motor carrier, and shall correct any violations or defects noted within fifteen days following the inspection. Within fifteen days following the inspection, the motor carrier shall certify that all violations noted have been corrected by completing the appropriate portion of the inspection form and returning it to the enforcement section of the commission's transportation department. No motor carrier shall falsely certify that repairs have been completed.

**HISTORY:** Replaces rule 4901:2-5-11 Case No. 89-1041-TR-ORD; Effective 1-20-63; 8-25-77; 3-19-87; 10-28-90

**4901:2-5-12 Safety-net reports.**

Upon written request to the commission's transportation department and payment of a fee established by the commission, a "Safety-Net Report" will be supplied by the commission. The "Safety-Net Report" shall consist of a summary of motor vehicle inspection results for a single carrier for the previous three years, not including the current or the preceding quarter. A "Safety-Net Report" will not include results of inspections which occurred prior to February 1, 1987. There will be no charge to supply a carrier with a copy of its own "Safety-Net Report".

**HISTORY:** Case No. 91-353-TR-ORD; Effective 10-28-90

**4901:2-5-13 Inspection program.**

(A) For the purpose of enforcing the provisions of Chapters 4901:2-1, 4901:2-3, 4901:2-15, and 4901:2-17 of the Administrative Code, and Chapters 4919, 4921, and 4923 of the Revised Code, authorized employees of the commission's transportation department may:

(1) Enter the premises and motor vehicles of any offeror or motor carrier to inspect documents required by the rules and statutes listed in paragraph (A) of this rule, and inspect motor vehicles, including cargo, operating under the rules and statutes in paragraph (A) of this rule; and

(2) Enter the premises and motor vehicles of any offeror or motor carrier to interview employees of the offeror or motor carrier.

(B) Documents, motor vehicles, cargo, and employees are subject to inspection or interview when required by or operated under the rules and statutes listed in paragraph (A) of this rule, and when located:

(1) On premises owned or controlled by an offeror or motor carrier;

(2) Upon any public roadway, public property, or private property open to the public; or

(3) On any other premises if the inspection is conducted with permission of the owner or person in control of the property.

(C) Authorized employees of the commission's transportation department shall utilize the following criteria in determining which documents, motor vehicles, and cargo to inspect and which employees of an offeror or motor carrier to interview:

(1) Complaints received and processed by the commission's transportation department headquarters staff and issued to field employees;

(2) Observed possible violations of any rules and statutes listed in paragraph (A) of this rule;

(3) Knowledge that the motor vehicle was recently inspected and had serious safety defects at the time of inspection;

(4) Motor vehicles, motor carriers, and offerors designated by the headquarters staff of the commission's transportation department as "special interest";

(5) Any uniform statistical selection procedure, such as every fifth motor vehicle or every motor vehicle entering an inspection site; or

(6) Any inspection selection system developed by the federal highway administration and utilizing a carrier or driver's safety performance record as a factor.

(D) The content and extent of inspections may include but not be limited to examination of the employee's age (if employee is a driver), license to operate the motor vehicle, physical condition (drug or alcohol influence, illness, fatigue), medical examiner's certificate or medical examiner's provisional certificate, record of duty status and hours of service, and possession of controlled substances or alcohol, passenger authorization, vehicle inspection reports, seat belt, brake system, steering mechanism, wheels,

tires, coupling devices, suspension, frame, fuel system, exhaust system, windshield and windshield wipers, lighting devices, safety devices, electrical system; cargo securement and authorization; hazardous materials requirements; and any other component, equipment, or device covered by the rules and statutes listed in paragraph (A) of this rule.

(E) When inspecting documents, motor vehicles, and cargo as provided by this rule, and when interviewing employees of an offeror or motor carrier, employees of the commission's transportation department may enter in and upon any area of a motor vehicle as necessary to complete their duties (except for knowingly entering portions of the cab used exclusively for the personal possessions of the driver), and enter any cargo area or compartment, whether locked, unlocked, sealed, or unsealed.

(F) Offerors and motor carriers shall provide employees of the commission's transportation department with reasonably expeditious access to documents, employees, motor vehicles, and cargo. If cargo areas of motor vehicles are locked or sealed, the offeror or motor carrier shall provide immediate access to the cargo area. When the offeror or motor carrier is unable to provide immediate access to a locked or sealed cargo area, the commission employee may use the necessary force to enter the cargo area. Any breakage of a lock or seal shall be annotated on the inspection report. A lock or seal that is broken by a commission employee shall be replaced with a numbered seal.

(G) Employees of the state highway patrol designated by the superintendent to conduct inspections under the federal motor carrier safety assistance program shall follow applicable provisions of this rule while conducting motor vehicle inspections under that program.

HISTORY: Effective 1-20-63; 3-19-87; 10-28-90; 4-25-92; 11-18-93; 5-5-00

**4901:2-5-14 Imminent hazard.**

(A) Whenever it is determined that a violation of this chapter poses an imminent hazard to safety, the commission may order a carrier to cease all or part of the carrier's commercial motor vehicle operations in this state. In making any such order, no restrictions shall be imposed on any driver or carrier beyond that required to abate the hazard. In this rule, "imminent hazard" means any condition of vehicle, driver, or commercial motor vehicle operations which is likely to result in serious injury or death if not discontinued immediately.

(B) Upon the issuance of an order under this rule, the carrier or driver shall comply immediately with such order. An order to a carrier to cease all or part of its operations shall not prevent vehicles in transit at the time the order is served from proceeding to their immediate destination, unless any such vehicle or driver is specifically ordered out of service forthwith. However, vehicles and drivers proceeding to their immediate destination shall be subject to compliance upon arrival.

(C) For purposes of this rule, the term "immediate destination" is the next scheduled stop of the vehicle already in motion where the cargo on board can be safely secured.

(D) The commission may, prior to issuing an order under this rule, order a carrier to show cause why the commission should not issue an order requiring that a carrier cease all or part of the carrier's commercial motor vehicle operations; or the commission may issue an order under this rule without a prior hearing, provided that the carrier may request a hearing within thirty days after the issuance of such order. The commission shall schedule a hearing requested under this rule no less than seven days and no more than fifteen days following the request for hearing. A hearing under this rule may consist of written stipulations, oral testimony, or such other evidence which is admitted. All hearings shall be conducted in accordance with Chapter 4901:1-11 of the Administrative Code.

HISTORY: Effective 6-25-98

**4901:2-5-15 Planting and harvesting season.**

For the purposes of Title 49 CFR Part 395.1(L), the "planting and harvesting season" in the state of Ohio shall be March first through November thirtieth of each year.

HISTORY: Effective 6-25-98

# Ohio Administrative Code

## ***Chapter 4901:2-6 Hazardous Materials Carriers Registration***

### **4901:2-6-01 Purpose and scope.**

This chapter governs procedures for the uniform registration and uniform permitting of carriers of hazardous materials.

### **4901:2-6-02 Definitions.**

(A) "Applicant" means any carrier who submits a uniform registration and permit application to the commission.

(B) "Carrier" means any carrier subject to rules adopted under section 4919.85 of the Revised Code, motor transportation company as defined in section 4921.02 of the Revised Code, contract carrier by motor vehicle as defined in section 4923.02 of the Revised Code, or private motor carrier as defined in section 4923.20 of the Revised Code, which transports the following in commerce into, within, or through this state:

(1) Hazardous materials of a type and amount that requires the transport vehicle to be placarded pursuant to 49 C.F.R. 172, as effective on November 30, 2002.

(2) Hazardous substances or marine pollutants when transported in bulk packagings as defined by 49 C.F.R. 171.8, as effective on November 30, 2002

(3) Hazardous waste of a type and amount that requires the shipment to be accompanied by a uniform hazardous waste manifest pursuant to 40 C.F.R. 262, as effective on November 30, 2002, including state designated hazardous wastes.

(C) "Hazardous material" means a substance or material, including a hazardous substance, which has been determined by the United States secretary of transportation to be capable of posing an unreasonable risk to health, safety, and property when transported in commerce and which has been so designated in 49 C.F.R. 171 to 180, as effective on November 30, 2002.

(D) "Hazardous waste" means any material that is subject to the hazardous waste manifest requirements of the United States environmental protection agency specified in 40, C.F.R. 262, as effective on November 30, 2002, or its state equivalents.

(E) "Knowingly" means a person acts knowingly if either of the following applies:

(1) The person has actual knowledge of the facts giving rise to a violation.

(2) A reasonable person acting in the circumstances and exercising due care would have such knowledge.

(F) "Reciprocity state" means a jurisdiction with which the commission has entered a reciprocity agreement regarding the uniform registration and uniform permitting of carriers of hazardous materials or which has uniform registration and uniform permitting of motor carriers that is in compliance with the uniform standards established by the USDOT.

(G) "Staff" means those employees of the commission to whom responsibility has been delegated for administering the provisions of section 4905.80 of the Revised Code and, for purposes of part III of the uniform permit and disclosure form described in rule 4901:2-6-06 of the Administrative Code, employees of the environmental background investigation unit of the Ohio attorney general.

(H) "Terminal" means a facility owned, leased or operated by the applicant where:



- (1) Applicant's motor vehicles used to transport hazardous materials are loaded, unloaded or dispatched incidental to transportation;
- (2) Applicant's motor vehicles used to transport hazardous materials are cleaned, maintained or inspected;
- (3) Applicant's motor vehicles used to transport hazardous materials are fueled or repowered;
- (4) Applicant stores hazardous materials incidental to transportation; or
- (5) Applicant maintains records related to the transport of hazardous materials including vehicle maintenance files and hours-of-service records.

HISTORY: Eff 7-10-89; 11-29-90; 7-22-94; 10-13-94; 3-1-03

***4901:2-6-03 Determination of base state.***

(A) Each applicant shall determine its base state pursuant to the following priority:

- (1) Any state designated by the "Board of Governors of the National Repository" pursuant to a petition by the applicant;
- (2) The state of Ohio, if the applicant maintains its principal place of business within the state of Ohio;
- (3) The reciprocity state in which the applicant maintains its principal place of business, if the applicant maintains its principal place of business in a reciprocity state and if the reciprocity state issues uniform permits;
- (4) The state of Ohio, if the applicant has a greater percentage of its mileage in the state of Ohio under the "International Registration Plan" than any reciprocity state; or
- (5) The reciprocity state in which the applicant has the greatest percentage of its mileage under the "International Registration Plan" and which issues uniform permits.

(B) Each applicant shall register with and apply for a permit from its base state as determined by this rule. If the base state of the applicant is the state of Ohio, the applicant shall register with and apply for a permit from the commission.

R.C. 119.032 review dates: 12/02/2002 and 11/30/2007

Promulgated Under: 111.15

Statutory Authority: 4905.80

Rule Amplifies: 4905.80

Prior Effective Dates: 7/10/89, 7/22/94, 10/13/94

**4901:2-6-04 Part I registration application.**

A carrier shall register with the commission by completing and submitting a uniform registration application form promulgated by the commission, containing the following information:

- (A) Applicant's name, d/b/a name as it appears on form MCS-150, if applicable and employer ID number.

(B) Applicant's mailing address.

(C) Applicant's street address, if the location where records are kept is different from mailing address and whether this address is new in the preceding twelve months.

(D) Name, title, telephone number, facsimile transmission number and e-mail address of person to whom communications regarding the application should be directed.

(E) United States department of transportation (USDOT) motor carrier number.

(F) Interstate commerce commission motor carrier number, if assigned, and/or state identification number, if applicable.

(G) The certificate number of the certificate of public convenience and necessity issued by the commission, if applicable.

(H) Whether the applicant's motor vehicles display its USDOT motor carrier number, interstate commerce commission number, or certificate number.

(I) United States department of transportation hazardous materials registration number, if applicable.

(J) Federal environmental protection agency transporter identification number(s), if the applicant is required to have such number in accordance with 40 C.F.R. 263.11, as effective on November 30, 2002.

(K) Whether the applicant transports hazardous waste of a type and amount that requires the shipment to be accompanied by a "uniform hazardous waste manifest" pursuant to 40 C.F.R. 262, as effective on November 30, 2002, or equivalent state law.

(1) Whether the applicant anticipates transporting hazardous waste in any of the following states: Illinois, Michigan, Minnesota, Nevada, Oklahoma, Ohio, or West Virginia.

(2) Whether the applicant anticipates transporting radioactive waste in Nevada.

(L) A telephone number to contact in case of an emergency involving a motor vehicle owned or operated by the applicant.

(M) The international registration plan (IRP) percentages for every state in which the applicant operated in the previous international registration plan year and whether the information provided for in the IRP covers the previous twelve-month calendar year or some other twelve-month period.

(N) The percentage of total transportation activity that involves hazardous materials and hazardous waste for the twelve-month period identified in paragraph (M) of this rule and the applicant's IRP account number.

(O) The class and division of each hazardous material that the applicant transported in the previous calendar year or expects to transport in the present calendar year.

(P) The average number of cargo tanks, owned, operated, or leased, during the twelve-month period indicated in paragraph (M) of this rule with capacities above and/or below thirty-five hundred gallons.

(Q) The average number of power units owned, leased or operated by the applicant for the twelve-month period identified in paragraph (M) of this rule.

(R) The registration fee submitted by the applicant to the commission.

**4901:2-6-05 Part II permit application.**

A carrier shall apply for a permit to transport hazardous materials from the commission by completing and submitting a uniform permit application form promulgated by the commission, containing the following information:

(A) Whether the applicant is a private carrier, a for-hire carrier, or otherwise.

(B) Whether the applicant is a corporation, sole proprietorship, partnership, joint venture, or otherwise.

(C) The number of years the applicant has been transporting general freight, hazardous materials and/or hazardous waste.

(D) A list of any hazardous materials transportation and/or hazardous waste registrations, permits, licenses, or other similar authorizations held by the applicant which have been withdrawn, denied, suspended, or revoked, or otherwise withdrawn, including by any state, local, or federal agency in the last three years:

- (1) The action taken.
- (2) The date of the action.
- (3) The jurisdiction taking the action.
- (4) Whether such registration, permit or license was reinstated.

(E) The current safety rating issued to the applicant by the USDOT.

(F) Whether the applicant has been assessed any fines or penalties relating to hazardous materials transportation over one thousand dollars for any state or federal violations in the last three years. Such list shall include violations for which the applicant has entered a settlement agreement with the commission or the staff pursuant to rule 4901:2-7-11 of the Administrative Code in which the applicant agreed to pay a civil forfeiture of over one thousand dollars for any violation. Such list shall include:

- (1) The date of the assessment.
- (2) The issuing agency.
- (3) The type of violation.
- (4) The type of hazardous material involved.
- (5) The final assessment by the agency.

(G) Whether the parent company, any subsidiary, or corporate officer, director, or control person, as defined by the United States securities exchange commission, of the parent or any subsidiary of the applicant has been convicted, assessed paid or otherwise found culpable in legal proceedings relating to hazardous materials transportation with penalties over one thousand dollars in the last three years. Such list shall include:

- (1) The date of the action.
- (2) The fines, penalties, and/or judgments levied.
- (3) The nature of the violation.
- (4) The cause or reason for the action.
- (5) The remedial action taken to mitigate the situation, if any.

(H) Whether the applicant has been fined or convicted in the last three years for transporting hazardous materials without a required hazardous materials transportation registration, permit, license or other similar authorization, and a list of all such violations, including:

- (1) The date of the fine or conviction,
- (2) The issuing agency,
- (3) The type of violation,
- (4) The type of hazardous material involved,

(I) Within the last three years, has the applicant been involved in a hazardous materials incident that was required to be reported under 49 C.F.R. 171.15(A)(1), as Effective on November 30, 2002. The reporting guidelines cover incidents that involve, as a direct result of the hazardous material(s).

- (1) A person is killed.
- (2) A person receives injuries requiring hospitalization.
- (3) Estimated carrier or other property damage exceeds fifty thousand dollars.
- (4) An evacuation of the general public occurs lasting one or more hours.
- (5) One or more major transportation arteries or facilities are closed or shut down for one hour or more.
- (6) The operational flight pattern or routine of an aircraft is altered.

(J) For each incident please provide the date, location, cause of incident, details of the remediation process and the agency that supervised the remediation.

(K) The number and address of all terminals owned, leased or operated by the applicant.

(L) A certification, initialed by a responsible official of the applicant, who is authorized to certify applications for registrations and permits on behalf of the applicant, containing the following statement, "I certify that, to the best of my knowledge, all applicant owned and operated vehicles have received a periodic inspection within the past year under the requirements detailed in 49 C.F.R. 396.17, as Effective on November 30, 2002."

(M) A certification, initialed by a responsible official of the applicant who is authorized to certify applications for registrations and permits on behalf of the applicant, containing the following statement, "I certify that, to the best of my knowledge, the applicant has a properly executed USDOT form MCS 82 or 90, and has in effect and will maintain the minimum level of financial responsibility as required by 49 C.F.R 387, as Effective on November 30, 2002, or required coverage for intrastate carriers, if applicable.". This form is located at: \_\_\_\_ (complete street address, city, state, zip code)" including, for each policy:

- (1) The insurance/surety company.
- (2) The insurance/surety company telephone number.
- (3) The policy number.
- (4) Amount of coverage.
- (5) The expiration date.

(N) A certification, initialed by a responsible official of the applicant who is authorized to certify applications for registrations and permits on behalf of the applicant, containing the following statement, "I certify that, to the best of my knowledge, all of the applicant's drivers subject to 49 C.F.R. 383, as Effective on November 30, 2002, have a current commercial drivers license, including all applicable endorsements for hazardous materials and cargo tankers."

(O) A certification, initialed by a responsible official of the applicant who is authorized to certify applications for registrations and permits on behalf of the applicant, containing the following statement, "I certify that, to the best of my knowledge, the applicant complies with all applicable USDOT bulk packaging requirements as required by 49 C.F.R. 100 to 180, as Effective on November 30, 2002."

(P) A certification, initialed by a responsible official of the applicant who is authorized to certify applications for registrations and permits on behalf of the applicant, containing the following statement, "I certify that, to the best of my knowledge, the applicant is in compliance with 29 C.F.R. 1910.120(q), as Effective on November 30, 2002, regulations pertaining to an emergency response plan."

(Q) A certification, initialed by a responsible official of the applicant who is authorized to certify applications for registrations and permits on behalf of the applicant, containing the following statement, "I certify that, to the best of my knowledge, the applicant is aware of, and will observe, all state designated routing requirements as required by 49 C.F.R. 397, as Effective on November 30, 2002, and will so instruct its drivers."

(R) A certification, initialed by a responsible official of the applicant who is authorized to certify applications for registrations and permits on behalf of the applicant, containing the following statement, "I certify that, to the best of my knowledge, the applicant is in compliance with 29 C.F.R. 1910.1200 and 49 C.F.R. 172, and 49 C.F.R. 177.800, as Effective on November 30, 2002, dealing with training requirements for hazardous materials employees."

(S) A certification, initialed by a responsible official of the applicant who is authorized to certify applications for registrations and permits on behalf of the applicant, containing the following statement, "I certify that, to the best of my knowledge, the applicant retains its shipping papers, or an electronic image thereof, for a period of one year in conformance with 49 U.S.C. 5110(e)."

(T) A certification, initialed by a responsible official of the applicant who is authorized to certify applications for registrations and permits on behalf of the applicant, containing the following statement, "I certify that, to the best of my knowledge, the applicant maintains all hours of service records as required under 49 C.F.R. 395.8, as Effective on November 30, 2002, and is in compliance with the hours of service regulations in 49 C.F.R. 395, as Effective on November 30, 2002."

(U) A certification, initialed by a responsible official of the applicant who is authorized to certify applications for registrations and permits on behalf of the applicant, containing the following statement, "I certify that, to the best of my knowledge, the applicant meets the motor carrier safety requirements found in 49 C.F.R. 100 to 180, as Effective on November 30, 2002."

HISTORY: Effective 7-10-89; 11-29-90; 7-22-94; 10-13-94; 3-1-03

**4901:2-6-06 Part III disclosure form.**

Carriers that transport hazardous waste shall complete and submit a "Uniform Permit Disclosure Form" promulgated by the commission, containing the following information:

(A) The date and place of incorporation of the applicant, if the applicant is incorporated.

(B) The applicant shall provide a table of organization showing the applicant's position in relationship to parent and subsidiary firms and an organization chart for key management personnel.

(C) List the name, business address, EPA or state ID number (as applicable), and principal type of business of all North American facilities which currently are, or have been in the last three years, owned, operated or leased by the applicant and which during that time have been engaged in any of the activities described below. For each facility, also list all federal, state and local agencies which have regulated the facility's activities listed in paragraphs (C)(1) to (C)(4) of this rule, and list all permits, licenses and registrations applied for or held during that time by the applicant's firm for such activity. (Do not duplicate those listed in paragraph (K) of rule 4901:2-6-05 of the Administrative Code.

(1) RCRA or non-RCRA hazardous waste transportation, generation, treatment, storage, transfer, disposal, recycling, or other handling.

(2) Biohazardous (infectious or medical) waste transportation, treatment, or disposal.

(3) Septic or industrial wastewater transportation, treatment, or disposal.

(4) Solid waste transportation, disposal, or other handling.

(D) A list of all "key management personnel", which shall include the full name, date of birth, driver's license number, all aliases used for individuals who hold, or have held in the last three years, the following key management positions (as applicable) in the applicant's firm:

(1) All individuals holding or controlling ten per cent or more of the equity, including stock, in, or debt liability of, the applicant, either directly or through another individual, excluding commercial lending institutions.

(2) All directors.

(3) All corporate officers, including but not limited to the president, vice-president, secretary, and chief financial officer.

(4) All managers of environmental regulator compliance.

(5) All first-line supervisors who manage a facility at which the applicant transports, transfers, or stores hazardous waste.

For the purposes of this rule, "key management personnel" means any individual having positions of discretionary responsibility, control, or influence over the applicant's environmental, waste management, or transportation operations.

(E) If the initial background investigation of any key management personnel raises questions as to the identity of the person(s) for which information is provided, the commission may request fingerprinting cards for the person(s) whose identity is in question.

(F) A list of all state hazardous materials transportation registrations, permits, licenses or similar types of credentials held in the last three years which includes the jurisdiction current or recent permit or registration number, years of held, type of material.

(G) A list of all persons which hold, or have held in the last three years, either directly or through another person, ten per cent or more of the equity in, or debt liability of, the applicant, excluding commercial lending institutions. Such list shall include all names and addresses used by such persons in the last three years;

(H) A list of all North American affiliates and subsidiaries in which the applicant, or any of its key management personnel, holds, or has held in the last three years, ten per cent or more of the equity or debt liability.

(I) A list of all contractors and brokers that account for ten per cent or more of the applicant's contracted work in the last three years with which the applicant has contracted for any of the activities enumerated in paragraph (C) of this rule.

(J) A list of all persons which accounted for ten per cent or more of the work performed by the applicant in the last three calendar years.

(K) A list and explanation of all legal proceedings against the applicant, its key management personnel, or any North American parent, affiliate, or subsidiary of the applicant, including the following crimes:

(1) Murder, kidnapping, gambling, robbery, bribery, extortion, criminal usury, arson, burglary, theft and related crimes, forgery and fraudulent practice, racketeering, perjury or false swearing, felony assault, felony drug offenses, fraud in the offering, sale, or purchase of securities, alteration of motor vehicle identification numbers, unlawful possession or use of destructive devices or explosives, or any purposeful, knowing, willful, or reckless violation of the criminal provisions of any federal or state environmental protection laws, rules, or regulations; and

(2) All permit or license denials, suspensions, and revocations pertaining to environment and public health laws, including all judgments, settlements, charges, and convictions associated with such actions.

For the purposes of this rule, "legal proceedings" shall be defined as any federal, state, or local enforcement action, whether administrative, civil, or criminal, pending or adjudicated in the last three years.

(L) The applicant shall report to the commission in writing, within ninety days, any changes in majority ownership or convictions against the applicant or the applicant's key management personnel for any crime covered under this rule.

HISTORY: Effective 7-10-89; 11-29-90; 7-22-94; 10-13-94; 3-1-03

#### **4901:2-6-07 Part IV certification.**

(A) For all applicants each uniform registration and uniform permit application shall contain a certification by a responsible official of the applicant who is authorized to certify applications for registrations and permits on behalf of the applicant. Such certification shall contain the following statement, "I certify that, to the best of my knowledge and after due investigation, the information contained in this application is true, accurate, and complete and I understand that any information contained in this application may be verified through either a desk audit or on-site audit" and shall contain the name, title, and telephone number of the official certifying the application. Such certification must be signed and dated by the official certifying the application.

(B) For all renewal applicants each uniform registration and uniform permit application shall contain a certification by a responsible official of the applicant who is authorized to certify applications for registrations and permits on behalf of the applicant. Such certification shall have checked all of the following certifications that are applicable.

(1) "I certify that no changes have been made in the past year to the applicant's: Permit status (part II B), safety rating (part II C), and disclosure status, part III G (if applicable)".

(2) I certify that there have been no changes in the applicant's operations that would require the applicant to obtain a higher level of credential under the uniform program. (Example: A motor carrier with a part II hazardous materials permit begins transporting hazardous waste in a state that requires the part III disclosure.)"

(3) "All changes to items A and B above are listed as attachment IV.C to this application."

HISTORY: Effective 7-10-89; 11-29-90; 7-22-94; 10-13-94; 3-1-03

**4901:2-6-08 Supplementation of information.**

(A) Upon a written request from the staff, each applicant shall provide any additional information related to information requested in the uniform registration and/or uniform permit application necessary for the processing of a uniform registration and/or uniform permit application within fifteen days, unless otherwise agreed to by the applicant and the staff. (B) Each applicant shall notify the commission of any change in the applicant's safety rating issued by the USDOT and if any insurance policy, reported to the commission pursuant to paragraph (E) of rule 4901:2-6-05 of the Administrative Code is cancelled without being replaced by similar or higher coverage.

(B) Each applicant shall notify the commission of any change in the applicant's safety rating issued by the USDOT and if any insurance policy, reported to the commission pursuant to paragraph (E) of rule 4901:2-6-05 of the Administrative Code is cancelled without being replaced by similar or higher coverage.

(C) Each applicant shall report to the commission, in writing, any additions or other changes to the information disclosed on the part III disclosure form in accordance with rule 4901:2-6-06 of the Administrative Code, within ninety days after the date of such addition or change.

HISTORY: Effective 7-10-89; 12-15-90; 7-22-94; 10-13-94; 9-21-95; 3-1-03

**4901:2-6-09 Fees.**

(A) The processing fee for a uniform registration and/or uniform permit application shall be fifty dollars.

(B) Each applicant shall submit an apportioned per vehicle registration fee. This fee shall be calculated by rounding up to the nearest whole number the product of the number of power units reported by the applicant times the Ohio international registration plan percentage reported by the applicant times the percentage of hazardous materials activity reported by the applicant times the registration fee of twenty dollars per vehicle.

(C) The fee to submit a part III disclosure form in accordance with rule 4901:2-6-06 of the Administrative Code shall be six hundred dollars

(D) In the event that an applicant submits an inaccurate or incomplete part III disclosure form which requires additional investigation by the staff, the commission may, after notice and an opportunity for a hearing pursuant to Chapter 4901-1 of the Administrative Code, assess a fee for such additional investigation, to be calculated at the rate of thirty dollars per hour for each hour of additional investigation by the staff, but not to exceed six hundred dollars.

(E) Each applicant shall submit the registration fee for each reciprocity state in which the applicant operated in the previous calendar year. The commission shall distribute fees collected on behalf of reciprocity states to the appropriate reciprocity state and pay any fees required by the repository of the hazardous materials alliance.

HISTORY: Effective 12-15-90; 7-22-94; 9-21-95; 3-1-03

**4901:2-6-10 Term of uniform registration and uniform permit.**

(A) Each carrier shall file a part I registration application described in rule 4901:2-6-04 of the Administrative Code on an annual basis.

(B) The term of the uniform permit to transport hazardous materials shall be for three years from the registration date established by this rule.

HISTORY: Effective 11-29-90; 7-22-94; 10-13-94; 3-1-03

**4901:2-6-11 Standards for the suspension, revocation or denial of a uniform permit.**

The commission may, after notice and an opportunity for hearing pursuant to rule 4901:2-6-12 of the Administrative Code, suspend, revoke or deny the uniform permit of a carrier, or order the suspension of the transportation of hazardous materials into, within or through this state by a carrier issued a uniform permit by a reciprocity state, if the commission determines that:

- (A) Such carrier has been issued an “unsatisfactory” safety rating by the USDOT federal highway administration, pursuant to 49 C.F.R. 385, as Effective on November 30, 2002.
- (B) Such carrier has knowingly falsified a material fact in a uniform registration or uniform permit application.
- (C) Such carrier has violated the hazardous materials regulations, 49, C.F.R. 171 to 180, the federal motor carrier safety regulations, 49, C.F.R. 383, 387, 390 to 397, or its state equivalents, or any order of the commission issued to secure compliance with any such division or rule when transporting hazardous materials or offering hazardous materials for transportation, and such violation poses an imminent hazard to the public or the environment.
- (D) Such carrier has exhibited reckless disregard for the public and the environment, pursuant to the following factors:
  - (1) Whether such carrier has engaged in a pattern of violations of the hazardous materials regulations, 49, C.F.R. 171 to 180, the federal motor carrier safety regulations, 49, C.F.R. 40, 382, 383, 387, 390 to 397, or its state equivalents, an order of the commission issued to secure compliance with the hazardous materials regulations or the federal motor carrier safety regulations when transporting hazardous materials or offering hazardous materials for transportation, or of regulations for the management of hazardous waste issued pursuant to the Resource Conservation and Recovery Act, as amended, or its state equivalents, including consideration of the number of truck-miles such carrier transports hazardous materials within the state and the number of vehicles in such carriers fleet.
  - (2) The actual or potential level of environmental damage resulting from any incident or finding of violation of the provisions enumerated above.
  - (3) The response by the carrier to any incident or findings of violation of the provisions enumerated above.
  - (4) Such carrier’s history of violations for the past three years.
  - (5) Any mitigating factors such carrier chooses to present at a hearing before the commission.
  - (6) Such other matters as justice requires.
- (E) The federal hazardous materials regulations, 49 C.F.R. 171 to 180 and the federal motor carrier safety regulations, 49 C.F.R. 40, 382, 383, 387, and 390 to 397, as effective on November 30, 2002.

HISTORY: Effective 11-29-90; 7-22-94; 10-13-94; 13-1-03

**4901:2-6-12 Proceedings related to the suspension, revocation or denial of a uniform permit.**

- (A) Proceeding for the suspension, revocation, or denial of the uniform permit of a carrier shall be initiated by the filing of a staff report recommending the suspension, revocation, or denial of the uniform permit of such carrier. This staff report shall be served upon the carrier by ordinary United States mail.
- (B) Upon the filing of a staff report, the commission shall issue an order in the proceeding ordering the carrier to show cause why its uniform permit should not be suspended, revoked or denied. This order shall be served upon the carrier by certified mail, return receipt requested.
- (C) A carrier which has been served with an order pursuant to paragraph (B) of this rule may file a response within fifteen days of service of the order. This response shall be in writing and may include a detailed statement why the actions proposed to be taken by staff may be unjustified, mitigating circumstances regarding the proposed action, including subsequent remedial measures undertaken by the carrier to address any issues raised in the notice, and any other information relevant to the proposed action and/or a request for an evidentiary hearing.
- (D) Within fifteen days, but no earlier than seven days, after the filing of a response under paragraph (C) of this rule, the commission shall hold an evidentiary hearing. The evidentiary hearing may consist of written stipulations, oral testimony, or such other evidence which is admitted.



(E) A final commission order suspending, revoking, or denying the uniform permit of the carrier shall be issued within ninety days after the conclusion of the evidentiary hearing, unless otherwise ordered by the commission.

(F) Except as otherwise provided by this rule, all proceedings under this rule shall be conducted in accordance with Chapter 4901-1 of the Administrative Code.

HISTORY: Effective 10-13-94

**4901:2-6-13 Notices of intent to suspend, revoke or deny.**

(A) The staff may issue a "Notice of Intent to Suspend", "Notice of Intent to Revoke" or "Notice of Intent to Deny" to a carrier before it files a staff report recommending to the commission the suspension, revocation or denial of a uniform permit. The notice shall contain the action proposed to be taken by the staff, a brief statement of the basis for such action, and instructions regarding the manner in which the carrier may serve a response upon the staff.

(B) A carrier to whom a "Notice of Intent to Suspend", "Notice of Intent to Revoke" or "Notice of Intent to Deny" has been served may serve a response upon the staff. The response shall be in writing and shall contain a detailed statement why the actions proposed to be taken by staff may be unjustified, mitigating circumstances regarding the proposed action, including subsequent remedial measures undertaken by the carrier to address any issues raised in the notice, and any other information relevant to the proposed action.

(C) A "Notice of Intent to Suspend", a "Notice of Intent to Revoke", a "Notice of Intent to Deny" or a response to any such notice may be served by ordinary United States mail or by facsimile transmission. Service by ordinary United States mail is complete upon mailing, and service by facsimile transmission is complete upon transmission.

(D) No information contained in a "Notice of Intent to Suspend", a "Notice of Intent to Revoke", a "Notice of Intent to Deny" or a response to any such notice served upon the staff shall be admissible in any subsequent administrative hearing regarding the subject matter of such a notice or response.

(E) The purpose of this rule is to provide an alternative dispute resolution process in order to avoid litigation. A determination by the staff to issue or not to issue a "Notice of Intent to Suspend", "Notice of Intent to Revoke" or "Notice of Intent to Deny" shall not in any way prejudice the right of the commission to suspend, revoke or deny the uniform permit of any carrier.

HISTORY: Effective 10-13-94

**4901:2-6-14 Prohibitions.**

(A) No carrier may transport hazardous materials, in commerce, into, within, or through this state unless such carriers has registered with, and received a uniform permit from, the commission or a reciprocity state.

(B) No carrier may transport hazardous waste, in commerce, into, within, or through this state unless such carrier has submitted a "Part III Disclosure Form" described in rule 4901:2-6-06 of the Administrative Code with its uniform permit application and has received a uniform permit from the commission or a reciprocity state.

(C) No carrier may transport hazardous materials, in commerce, into, within, or through this state if the commission, or a reciprocity state, has suspended, revoked or denied the uniform permit of such carrier. No carrier which has been issued a uniform permit by a reciprocity state may transport hazardous materials, in commerce, into, within, or through this state if the commission has ordered the suspension of the transportation of hazardous materials into, within, or through this state by such carrier. (C) No carrier may transport hazardous materials, in commerce, into, within, or through this state if the commission, or a reciprocity state, has suspended, revoked or denied the uniform permit of such carrier. No carrier which has been issued a uniform permit by a reciprocity state may transport hazardous materials, in commerce, into, within, or through this state if the commission has ordered the suspension of the transportation of hazardous materials into, within, or through this state by such carrier.

(D) No person shall knowingly falsify or fail to submit to the commission any data, reports, records, or other information required to be submitted under this chapter.

HISTORY: Effective 10-13-94

# Ohio Administrative Code

## **Chapter 4901:2-7** **Forfeitures and Compliance Orders**

### **4901:2-7-01 Purpose and scope.**

This chapter governs all proceedings of the commission to assess forfeitures and make compliance orders as authorized by section 4905.83 of the Revised Code and all proceedings of the commission to assess forfeitures and make compliance orders as authorized by sections 4919.99, 4921.99 and 4923.99 of the Revised Code.

HISTORY: Effective 9-28-88 (Emer.); 12-23-88; 12-14-95

### **4901:2-7-02 Definitions.**

As used in this chapter:

(A) "Days," when used to compute any period of time prescribed or allowed by these rules, shall not include the date of the act or event from which the designated period of time begins to run. The last day of the period so computed shall be included, unless it is a Saturday, a Sunday, or a legal holiday, in which event the period runs until the end of the next day which is not a Saturday, a Sunday, or a legal holiday.

(B) "Director" means the director of the commission's transportation department or his designee.

(C) "Filing" means delivery to the commission's docketing division in accordance with rule 4901-1-02 of the Administrative Code.

(D) "Hearing proceeding" means all proceedings before the commission involving a violation, commencing with the filing of a request for administration hearing and concluding with the issuance of a final order of the commission.

(E) "Notice" means a notice of apparent violation as defined in rule 4901:2-7-05 of the Administrative Code; a notice of intent to assess forfeiture as defined in rule 4901:2-7-07 of the Administrative Code; or a notice of intent to make compliance order as defined in rule 4901:2-7-08 of the Administrative Code; or a notice of preliminary determination as defined in rule 4901:2-7-12 of the Administrative Code.

(F) "Parties" means staff and a respondent, and any persons permitted to intervene after commencement of a hearing proceeding.

(G) "Remedy" means any monetary civil forfeiture or compliance order set forth in a notice.

(H) "Report of Violation" means the information provided to staff in accordance with rule 4901:2-7-04 of the Administrative Code.

(I) "Respondent" means the shipper, carrier, individual, or several such persons, which the staff has determined may be responsible for a violation.

(J) "Staff" means those employees of the commission's transportation department to whom responsibility has been delegated for administering the provisions of section 4905.83 of the Revised Code and those employees of the commission's transportation department to whom responsibility has been delegated for administering provisions of sections 4919.99, 4921.99, and 4923.99 of the Revised Code, as applicable.

(K) "Violation" means any conduct, act, or failure to act prohibited by statute or commission rule or order, for which a forfeiture may be assessed pursuant to section 4905.83 of the Revised Code, or for which a forfeiture may be assessed pursuant to sections 4919.99, 4921.99 and 4923.99 of the Revised Code.

HISTORY: Effective 9-28-88 (Emer); 12-23-88; 10-28-90; 12-14-95; 4-12-02

**4901:2-7-03 Service.**

In proceedings governed by this chapter:

(A) Unless provided otherwise by this chapter, service upon staff, may be made by ordinary or certified United States mail, by courier service, by facsimile transmission or by personal service in the offices designated as the hazardous materials division. Service upon staff shall be made to:

Civil Forfeiture Division  
Transportation Department  
Public Utilities Commission of Ohio  
180 East Broad Street, Fifth Floor  
Columbus, Ohio 43215-3793"

Service is effective upon receipt except that service by United States mail is complete upon mailing and service by facsimile transmission is complete upon transmission.

(B) Service upon a respondent shall be made by ordinary or certified United States mail, by courier service, by facsimile transmission or by personal service except that service upon a domestic respondent of a notice of intent to assess forfeiture or a notice of intent to make compliance order shall be made by certified United States mail. Service upon a foreign respondent of a notice of intent to assess forfeiture or a notice of intent to make compliance order shall be by ordinary United States mail. Service is Effective upon receipt by any person, except that service by ordinary or certified United States mail is Effective upon mailing and service by facsimile transmission is complete upon transmission. Service upon a respondent shall be made at any of the following, in order of priority.

(1) If the respondent is a natural person:

- (a) The address listed on the report of the violation or
- (b) The address listed on the respondent's operator's license; or

(2) If the respondent is other than a natural person:

- (a) If the respondent has filed a request for conference or otherwise appeared, itself or through an authorized representative, at the address indicated in the appearance or other communication; or
- (b) If the respondent is a carrier, at the address designated by the respondent, in writing, with the staff:
- (c) If the respondent is a carrier, shipper or other business entity at the address disclosed on the shipping papers or other shipping documents, if any; or
- (d) If the respondent is a carrier, shipper or other business entity and whose address is not disclosed by the shipping papers, at any business address of the respondent.

(C) Failure to observe the prescribed priority of service will not constitute a failure of service,

(D) If the service envelope is returned with an endorsement showing failure of delivery or if no receipt of delivery is returned, then service may be made by ordinary United States mail and is Effective upon mailing.

(E) Once a respondent has served a request for administrative hearing in accordance with rule 4901:2-7-13 of the Administrative Code, any further service shall be made in accordance with Chapter 4901-1 of the Administrative Code.

HISTORY: Effective 9-28-88 (Emer); 12-23-88; 10-28-90; 12-14-95; 4-12-02

**4901:2-7-04 Investigation and reports of violations.**

(A) The commission, any commissioner, the legal director, the deputy legal director, or any attorney examiner, may issue subpoenas, upon the request of the staff, when the staff has cause to believe that a violation for which a forfeiture may be assessed has been committed. A subpoena shall command the person to whom it is directed to attend and give testimony at the time and place specified therein. A subpoena may also command such person to produce the papers, documents, or other tangible things described therein. A subpoena issued under this rule shall be served upon the respondent by personal service or by certified United States mail and is effective upon receipt.

(B) The commission, any commissioner, the legal director, the deputy legal director, or the attorney examiner may, upon their own motion or upon motion of the person to whom the subpoena is directed, quash a subpoena if it is unlawful, unreasonable or oppressive.

(C) Any person having statutory authority to take enforcement action regarding a violation may transmit a report of the violation to staff. The report shall be made on forms prescribed by the director, or shall contain substantially the same information called for on such forms. The report shall include the name, address, and telephone number of the person making the report. Whenever practicable, the report should include any documentary, photographic or other evidence which has been collected regarding the violation.

HISTORY: Effective 9-28-88 (Emer); 12-23-88; 12-14-95; 4-12-02

**4901:2-7-05 Notice of apparent violation.**

When the staff receives a report of a violation, it shall identify the respondent or respondents and serve a "Notice of Apparent Violation" upon any such respondents. The notice of apparent violation shall contain:

- (A) An identification of the date of the violation and person, vehicle, or facility concerning which the violation occurred;
- (B) Reference to the statute, rule or regulation, or order of the commission which was violated;
- (C) A brief description of the manner in which the violation is alleged to have occurred;
- (D) Instructions regarding the manner in which the respondent may serve a timely request for conference to contest the violation; and
- (E) A notice that failure to contest the violation will conclusively establish the occurrence of the violation.

HISTORY: Case No. 89-1041-TR-ORD; Effective 9-28-88 (Emer.); 12-23-88; 10-28-90

**4901:2-7-06 Amount of forfeiture.**

(A) When staff has reason to believe that a person has committed a violation, it may serve a notice of intent to assess forfeiture under this chapter. In determining the amount of any forfeiture to be assessed, staff and the commission shall consider:

- (1) The nature and circumstances of the violation;
- (2) The extent and gravity of the violation;
- (3) The degree of the respondent's culpability;
- (4) The respondent's history of violations, including but not limited to prior "violations" as defined under this chapter and any other available information concerning the respondent's safety of operations;
- (5) The respondent's ability to pay;
- (6) The Effective on the respondent's ability to continue in business; and
- (7) Such other matters as justice may require.

(B) When staff has reason to believe that a person is engaging in a pattern of violations, it may serve a notice of intent to make compliance order under this chapter. Any such order shall be reasonably calculated to prevent future violations.

HISTORY: Effective 9-28-88 (Emer.); 12-23-88; 12-14-95

**4901:2-7-07 Notice of intent to assess forfeiture.**

Within ninety days of discovery of a violation, but no later than one year following the violation, the staff may serve a "Notice of Intent to Assess Forfeiture" for that violation upon one or more respondents. The notice of intent to assess forfeiture shall contain:

- (A) An identification of the date of the violation and person, vehicle, or facility concerning which the violation occurred;
- (B) Reference to the statute, rule or regulation, or order of the commission which was violated;

- (C) A brief description of the manner in which the violation is alleged to have occurred;
- (D) The amount of the forfeiture intended to be assessed;
- (E) A statement that respondent's failure to serve timely a request for conference shall constitute a waiver of respondent's right to further contest liability to the state for the forfeiture described in the notice;
- (F) A description of the manner in which the respondent may make payment of the forfeiture; and
- (G) Instructions regarding the manner in which the respondent may serve a timely request for conference to contest the occurrence of the violation or the amount of the forfeiture.

HISTORY: Effective 9-28-88 (Emer.); 12-23-88; 10-28-90; 12-14-95

**4901:2-7-08 Notice of intent to make compliance order.**

The staff may serve a "Notice of Intent to Make Compliance Order" for that violation upon one or more respondents. The notice of intent to make compliance order shall contain:

- (A) An identification of the date of the violation and person, vehicle, or facility concerning which the violation occurred;
- (B) Reference to the statute, rule or regulation, or order of the commission which was violated;
- (C) A brief description of the manner in which the violation is alleged to have occurred;
- (D) The language of the compliance order intended to be made;
- (E) A statement that respondent's failure to serve timely a request for conference shall constitute a waiver of respondent's right to further contest the making of the order described in the notice; and
- (F) Instructions regarding the manner in which the respondent may serve a timely request for conference to contest the occurrence of the violation or the making of the compliance order.

HISTORY: Effective 9-28-88 (Emer.); 12-23-88; 10-28-90; 12-14-95

**4901:2-7-09 Combined notices.**

One or more timely notices directed to a single respondent may be combined or merged in any combination.

HISTORY: Case No. 88-1104-TR-ORD; Effective 9-28-88; 12-23-88

**4901:2-7-10 Request for conference.**

- (A) A respondent to whom a notice of apparent violation, a notice of intent to assess forfeiture or a notice of intent to make compliance order has been directed may, within thirty days of service upon him, serve upon staff a "Request for Conference." The request for conference shall be in writing, and may be in any legible form which identifies the matter to be discussed and communicates respondent's desire to have a conference concerning the matter. The request for conference shall contain the name, address and telephone number of the respondent or his authorized representative.
- (B) The conference may occur in person, by telephone, or through written communications, and may be held with the respondent or his authorized representative. The respondent shall have the opportunity to present reasons why the violation did not occur as alleged, mitigating circumstances regarding the amount of the forfeiture, reasons why the compliance order may be unjustified, or any other information relevant to the action proposed to be taken.
- (C) The staff shall notify the respondent of the date and time of the settlement conference by service of a scheduling notice by ordinary U.S. mail or facsimile transmission at least fourteen days prior to the date and time established for the conference.
- (D) Unless contained in or otherwise provided in a settlement agreement, no statement or conduct occurring in a settlement conference is admissible in any hearing proceeding regarding the violation.

HISTORY: Effective 9-28-88 (Emer.); 12-23-88; 12-14-95

**4901:2-7-11 Settlement agreements.**

(A) Should the parties reach agreement regarding the occurrence of a violation, the amount of a forfeiture to be assessed, or the nature of a compliance order to be made, the agreement may be reduced to writing in a "Settlement Agreement." Such an agreement shall be signed by the director and by the respondent, and shall be fully binding upon the commission and the respondent upon execution, except as otherwise provided in this rule.

(B) A settlement agreement may contain an agreed forfeiture, an agreed compliance order, another agreed remedy, or withdrawal of the violation, regardless of the remedy specified in the notice.

(C) Settlement agreements providing for the payment of forfeitures of one thousand dollars or more for any violation shall not be effective until approved by and made the order of the commission.

(D) The commission may, on its own motion, make the provisions of any duly executed settlement agreement the order of the commission. Proper execution of a settlement agreement constitutes a full and complete waiver by respondent of his right to prior notification of or to contest any such proceeding of the commission.

(E) In the event a respondent has failed to comply with the provisions of a settlement agreement for a period exceeding thirty days, the commission may, on its own motion, commence a citation proceeding to order the respondent to appear and show cause why the settlement agreement should not be vacated. If the commission finds that a respondent has failed to comply with the provisions of a settlement agreement, the commission may vacate the settlement agreement and adopt as its order the relief set forth in the notice of notices concerning any violations subject to the settlement agreement.

HISTORY: Case No. 88-1104-TR-ORD; Effective 9-28-88; 12-23-88

**4901:2-7-12 Notice of preliminary determination.**

Following service of a notice of apparent violation, a notice of intent to assess forfeiture or a notice of intent to make compliance order, the staff may serve a "Notice of Preliminary Determination" upon the respondent. The notice of preliminary determination shall be signed by the director and shall contain:

(A) An identification of the date of the violation and person, vehicle, or facility concerning which the violation occurred;

(B) Reference to the statute, rule or order of the commission which was violated;

(C) A brief description of the violation, the amount of the civil forfeiture intended to be assessed, or the language of the compliance order intended to be made;

(D) Instructions regarding the manner in which the respondent may serve a timely request for administrative hearing to contest the alleged violation, the proposed forfeiture or the making of the compliance order; and (E) A notice that failure to file a request for administrative hearing will conclusively establish the occurrence of the violation described in the notice of preliminary determination and will constitute a waiver of the right of the respondent to contest liability to the commission for the forfeiture proposed in the notice of preliminary determination and the right of the respondent to contest the making of the compliance order proposed in the notice of preliminary determination.

(E) A notice that failure to file a request for administrative hearing will conclusively establish the occurrence of the violation described in the notice of preliminary determination and will constitute a waiver of the right of the respondent to contest liability to the commission for the forfeiture proposed in the notice of preliminary determination and the right of the respondent to contest the making of the compliance order proposed in the notice of preliminary determination. HISTORY: Effective 12-14-95

**4901:2-7-13 Request for administrative hearing.**

Within thirty days following the service by the staff of a notice of preliminary determination in accordance with rule 4901:2-7-12 of the Administrative Code, either party may file a "Request for Administrative Hearing" with the commission docketing division. The request for administrative hearing shall be in writing, shall contain the name, address and telephone number of the respondent and the case number assigned to the matter by the staff. The request for administrative hearing shall be signed by the respondent or its authorized representative, if the request for administrative hearing is filed by the respondent; and the request for administrative hearing shall be signed by the director, if the request for administrative hearing is filed by the staff. A copy of the notice of preliminary determination served by the staff upon the respondent shall be attached to the request for administrative hearing.

HISTORY: Effective 12-14-95

**4901:2-7-14 Default.**

(A) A respondent upon whom a notice of intent to assess forfeiture has been served who fails within thirty days to pay the amount of the forfeiture stated in the notice or to serve upon staff a request for conference shall be in default. A respondent who has requested an administrative hearing and fails to participate in the hearing proceeding shall be in default. A respondent in default shall be deemed to have admitted the occurrence of the violation and waived all further right to contest liability to the state for the forfeiture described in the notice.

(B) A respondent upon whom a notice of intent to make compliance order has been served who fails to serve upon staff within thirty days a request for conference shall be in default. A respondent in default shall be deemed to have admitted the occurrence of the violation and waived all further right to contest the making of the order described in the notice.

(C) A respondent upon whom a notice of preliminary determination has been served who fails within thirty days to pay the amount of the civil forfeiture proposed in the notice of preliminary determination or to file with the commission docketing division a request for administrative hearing shall be in default. A respondent in default shall be deemed to have admitted the occurrence of the violation and waived all further right to contest liability for the forfeiture proposed in the notice or to contest the making of the compliance order described in the notice.

(D) If a respondent is in default, the commission may, on its own motion and without prior notification to respondent, make an order adopting the remedy set out in the notice with respect to which a default has occurred pursuant to this rule. A copy of the order shall be served upon any affected respondent.

HISTORY: Effective 9-28-88 (Emer); 12-23-88; 10-28-90; 12-14-95; 4-12-02

**4901:2-7-15 Extensions and relief from default or other order.**

(A) Any time within which a respondent is required to act under this chapter may be extended by the director in writing, for good cause shown.

(B) Any time within which the staff is required to act under this chapter may be extended by the written agreement of all parties.

(C) Extensions of time sought after the commencement of a hearing proceeding shall be governed by Chapter 4901-1 of the Administrative Code.

(D) A party which is in default or has failed to comply with a settlement agreement, and has been subjected to an ex parte order of the commission may File an application for rehearing in accordance with rule 4901:1-35 of the Administrative Code.

HISTORY: Effective 9-28-88 (Emer); 12-23-88; 10-28-90; 4-12-02

**4901:2-7-16 Conduct of hearing proceedings.**

(A) Unless otherwise provided in this chapter, all hearing proceedings shall be conducted in accordance with Chapter 4901-1 of the Administrative Code.

(B) Unless otherwise ordered by the commission or agreed by the parties, a prehearing conference shall be conducted in accordance with rule 4901-1-26 of the Administrative Code within thirty days of filing of a request for administrative hearing pursuant to Chapter 4901:2-13 of the Administrative Code.

HISTORY: Effective 9-28-88 (Emer.); 12-23-88; 12-14-95

**4901:2-7-17 Parties.**

Parties to any hearing proceeding shall consist of respondent, the staff, and any parties permitted to intervene in accordance with rule 4901-1-11 of the Administrative Code.

HISTORY: Case No. 88-1104-TR-ORD; Effective 9-28-88; 12-23-88

**4901:2-7-18 Discovery.**

(A) Depositions will be permitted only upon agreement of all parties or motion granted by the commission, the legal director, the deputy legal director, or the attorney examiner assigned to the case, which leave shall not be unreasonably withheld.

(B) Any additional discovery shall be conducted in accordance with rules 4901-1-16 to 4901-1-24 of the Administrative Code.

HISTORY: Case No. 88-1104-TR-ORD; Effective 9-28-88; 12-23-88

**4901:2-7-19 Evidentiary hearing.**

Unless otherwise ordered by the commission or agreed by the parties, an evidentiary hearing shall be conducted within sixty days after the prehearing conference. The evidentiary hearing may consist of written stipulations, oral testimony, or such other evidence which is admitted. A final commission order shall be issued within ninety days of the conclusion of the evidentiary hearing unless otherwise ordered by the commission or agreed by the parties.

HISTORY: Effective 9-28-88 (Emer.); 12-23-88; 10-28-90; 12-14-95

**4901:2-7-20 Evidence and burden of proof.**

(A) During the evidentiary hearing, the staff must prove the occurrence of a violation by a preponderance of the evidence. A summary identifying violations upon which staff relies to establish a respondent's history of violations shall constitute *prima facie* evidence of the occurrence of those violations.

(B) Any final non-appealable order rendered as the result of a hearing proceeding or in accordance with paragraph (E) of rule 4901:2-7-11 of the Administrative Code which finds the occurrence of a violation, or any final non-appealable order concerning a violation rendered in accordance with paragraph (D) of rule 4901:2-7-14 of the Administrative Code, shall conclusively establish the occurrence of that violation in any future commission hearing proceeding involving the same respondent.

(C) If a notice of apparent violation has been served by staff concerning a violation, and no request for conference has been served by respondent within the time provided in this chapter, or, if a notice of preliminary determination has been served by the staff and no request for administrative hearing has been filed by respondent within the time provided in this chapter, and the violation has not otherwise been disposed of, the occurrence of the violation shall be conclusively established in any future commission hearing proceeding involving the same respondent.

HISTORY: Effective 9-28-88 (Emer.); 12-23-88; 12-14-95

**4901:2-7-21 Remedy ordered.**

If justified by the evidence in any hearing proceeding, the commission may order payment of a forfeiture greater than, less than, or equal to the forfeiture requested in the notices. The commission is not restricted in the making of any compliance order by the order proposed in the notices, if another order is justified by the evidence.

HISTORY: Effective 9-28-88 (Emer.); 12-23-88; 12-14-95

**4901:2-7-22 Payment of forfeitures.**

(A) Any forfeitures shall be paid by company check, certified check or money order made payable to "Treasurer, State of Ohio," and shall be mailed or delivered to:

"Fiscal Division  
Public Utilities Commission of Ohio  
180 East Broad Street, Tenth Floor  
Columbus, Ohio 43215-3793"

Any instrument of payment shall contain the identifying number of the violation for which payment is tendered. Payment is complete upon receipt by staff.

(B) If the only remedy requested with respect to a violation is the payment of a forfeiture, and full payment of the forfeiture demanded in the notice is made prior to the execution of a settlement agreement or any final commission order following service of a complaint, full payment shall terminate all further proceedings under this chapter regarding that violation. Full payment under these circumstances constitutes an admission of the occurrence of the violation for purposes of consideration of a respondent's history of violations in determining the appropriate remedy for any future violation.

HISTORY: Effective 9-28-88 (Emer.); 12-23-88; 12-14-95



# Ohio Administrative Code

## **Chapter 4901:2-8**

### ***Highway Routing of Non-Radioactive Hazardous Materials***

#### **4901:2-8-01 Purpose and scope.**

This chapter governs all proceedings of the commission to establish routing designations applicable to the highway transportation of non-radioactive hazardous materials, in quantities requiring placards by 49 C.F.R. 172, as Effective on November 30, 2002, into, through, or within this state as authorized by division (B) of section 4905.81 of the Revised Code.

HISTORY: Effective 7-1-96; 3-1-03

#### **4901:2-8-02 Definitions.**

As used in this chapter:

(A) "Designated routes" means those highway routes on which hazardous materials must be transported.

(B) "Hazardous materials" means non-radioactive hazardous materials in quantities requiring placards by 49 C.F.R. 172, as Effective on November 30, 2002.

(C) "Restricted routes" means those highway routes on which hazardous materials may not be transported.

HISTORY: Effective 7-1-96; 3-1-03

#### **4901:2-8-03 Northeast Ohio.**

(A) As used in this rule, "northeast Ohio" means the following counties in the state of Ohio: Cuyahoga, Geauga, Lake, Lorain, Medina.

(B) As used in this rule, "through transportation" means the transportation of hazardous materials which has neither a place of origin nor a destination in northeast Ohio.

(C) The following routes shall be designated routes for the through transportation of hazardous materials in northeast Ohio:

- (1) Interstate 90 from the Lake/Ashtabula county line to interstate 271 in Lake county;
- (2) Interstate 80 and interstate 80/90 (Ohio Turnpike) from gate 13 in Portage county to the Lorain/Erie county line;
- (3) Interstate 271 from interstate 90 in Lake county to interstate 71 in Medina county;
- (4) Interstate 77 from interstate 80 in Cuyahoga county to interstate 271 in Summit county;
- (5) Interstate 71 from interstate 80 in Cuyahoga county to Medina/Wayne county line;
- (6) Interstate 480 from interstate 80, gate 13 in Portage county to interstate 271 in Summit county;
- (7) Interstate 480 from interstate 480N in Cuyahoga county to interstate 80 in Lorain county; and
- (8) Interstate 480N from interstate 271 to interstate 480 in Cuyahoga county.

(D) The following routes shall be restricted routes for the through transportation of hazardous materials in northeast Ohio:

- (1) Interstate 90 from interstate 271 in Lake county to interstate 80/90 in Lorain county;
- (2) Interstate 71 from interstate 80 to interstate 90 in Cuyahoga county;
- (3) Interstate 77 from interstate 80 to interstate 90 in Cuyahoga county;
- (4) Interstate 490 from interstate 90 to interstate 77 in Cuyahoga county;
- (5) State route 2 from State route 44 to interstate 90 in Lake county;

- (6) State route 44 from State route 2 to interstate 90 in Lake county;
- (7) Interstate 480 from interstate 271 to interstate 480N in Cuyahoga county; and
- (8) Any other highway or state or local road not otherwise designated for the transportation of hazardous materials by this rule.

HISTORY: Effective 7-1-96

**4901:2-8-04 Prohibitions.**

No motor carrier shall transport hazardous materials into, through or within the state of Ohio unless the motor carrier operates in compliance with this chapter.

HISTORY: Effective 7-1-96

# Ohio Administrative Code

## **Chapter 4901:2-13** **Insurance**

### **4901:2-13-01 Who must file insurance.**

(A) No motor carrier subject to section 4921.11 or 4923.08 of the Revised Code, shall engage in intrastate commerce in Ohio, and no certificate or permit shall be issued to a motor carrier, or remain in effect, unless that motor carrier has filed with and had approved by the commission a certificate of liability insurance or bond, in forms set forth by the commission, insuring the motor carrier, and shippers employing contract motor carriers, to protect the public against loss sustained by reason of the death of or bodily injuries to persons and for loss of or damage to property (except cargo) resulting from the negligence of that motor carrier. The certificate of insurance shall be amended by the attachment of an insurance endorsement in a form set forth by the commission.

(B) Cargo insurance must be filed by all household goods carriers within the state of Ohio. However, bus companies operating within the state of Ohio do not need to file proof of cargo insurance coverage with the commission.

HISTORY: Effective 8-1-92; 2-1-75; 7-15-99

### **4901:2-13-02 Amounts of insurance.**

	Amount for bodily injuries to or death of one person	Amount for bodily injuries to or death of all persons injured or killed in any one accident	Amount for loss or damage to property of others (excluding cargo)
Trucking equipment	\$100,000	\$300,000	\$50,000
Passenger equipment (seating capacity): 7 passengers or less	\$100,000	\$300,000	\$50,000
8 to 12 passengers, incl.	\$100,000	\$350,000	\$50,000
13 to 20 passengers, incl.	\$100,000	\$400,000	\$50,000
21 to 31 passengers, incl.	\$100,000	\$450,000	\$50,000
31 passengers or more	\$100,000	\$500,000	\$50,000

Motor carriers: Bodily injury liability and property damage liability.

Motor carriers: Freight cargo liability.

Motor carriers of hazardous materials, hazardous substances, or hazardous wastes as defined in Title 49, CFR Part 387.3(B):

As required by Title 49, CFR Part 387 as amended.

HISTORY: Effective 2-1-75; 8-1-92; 7-15-99

# Ohio Administrative Code

## **Chapter 4901:2-15**

### ***Registration of Motor Carriers Operating Under Authority Issued by the Interstate Commerce Commission***

#### **4901:2-15-01 Definitions.**

(A) "Commission" means the public utilities commission of Ohio.

(B) "Driveaway operation" means an operation in which any vehicle or vehicles, operated singly or in lawful combinations, new or used, not owned by the transporting motor carrier, constitute the commodity being transported.

(C) "USDOT" means the United States department of transportation.

(D) "Motor carrier" and "carrier" mean a person authorized to engage in the transportation of passengers or property, as a common or contract carrier, in interstate or foreign commerce, under the authority of the USDOT.

(E) "Motor vehicle" means a self-propelled or motor driven vehicle operated by a motor carrier in interstate or foreign commerce under authority issued by the USDOT.

(F) "Principal place of business" means a single location that serves as a motor carrier's headquarters, where the motor carrier maintains or can make available its operational records.

(G) "Single state insurance system," means a national system of registering the insurance coverage of a motor carrier in the state in which the carrier's principal place of business is located.

(H) "State" means a state of the United States or the district of Columbia

HISTORY: Eff 8-1-92; 8-28-94; 9-18-00

#### **4901:2-15-02 Registration requirements.**

(A) The commission, as a participant in the single state insurance system, shall accept the registration of a motor carrier pursuant to the provisions of this chapter.

(B) A motor carrier that maintains its principal place of business in Ohio, while holding a USDOT certificate, permit, license, temporary authority, or emergency temporary authority to transport property or passengers, shall register annually under the single state insurance system on a form prescribed by the commission.

(C) A motor carrier that maintains its principal place of business outside of Ohio, while holding a USDOT certificate, permit, license, temporary authority, or emergency temporary authority to transport passengers or property, shall select and register in the state that the motor carrier operates. The larger number of motor vehicles during the next registration year. In the event a carrier operates the same number of vehicles in more than one state, it must select one of those states in accordance with 49, C.F.R. 367.3.

(D) If a motor carrier that has registered under paragraph (A) of this rule subsequently moves its principal place of business outside of Ohio, that carrier may continue to use Ohio as its registration state for no longer than the following registration year.

(E) The registration year shall be the calendar year.

(F) The filing of an annual registration application shall be made between the first day of August and the thirtieth day of November of the year preceding the registration year. A carrier that intends to commence operation during the current registration year may register at any time, but shall do so before it commences operation.

HISTORY: Eff 2-1-75; 5-16-83; 8-1-92; 8-28-94; 9-18-00

#### **4901:2-15-03 Registration fees**

(A) To operate in or through Ohio, a motor carrier of freight shall pay a registration fee of five dollars per vehicle per year or part thereof to the designated state of registration, to be collected on behalf of the state of Ohio.

(B) A motor carrier of passengers shall comply with the registration requirement but shall not pay a registration fee.

(C) There shall be no refunding of fees that have been paid.

(D) Fees shall not be prorated to account for partial year operations.

HISTORY: Replaces part of rule 4901:2-15-04; Eff 2-1-75; 5-16-83; 8-1-92; 8-28-94

**4901:2-15-04 Information required when registering.**

(A) A motor carrier shall file, or cause to be filed, each of the following when it registers with the commission:

(1) Copies of the motor carrier's USDOT certificate, permit, license, temporary authority, or emergency temporary authority. A carrier shall supplement its filing by submitting copies of any new operating authorities as they are issued. Once a carrier has submitted such copies, it may thereafter satisfy the filing requirement by certifying that the copies are on file. A carrier may, with the permission of the commission, submit a summary of its operating authority in lieu of copies. A carrier granted emergency temporary authority or temporary authority having a duration of one hundred twenty days or less is not required to file evidence of such authority, but it must otherwise comply with the requirements of this section.

(2) A copy of the motor carrier's proof of public liability security, submitted to and accepted by the USDOT in accordance with C.F.R. 387, or a copy of an order of the USDOT approving a public liability self-insurance application or other public liability security or agreement under the provisions of C.F.R. 387. A carrier shall supplement its filings as necessary to ensure that current information is on file. Once a carrier has submitted, or caused to be submitted, a copy of its proof or order of the USDOT, it may thereafter satisfy the filing requirement by certifying that it has done so and that its security, self-insurance, or agreement remains in effect.

(3) A copy of the motor carrier's designation of an agent or agents for service of process, submitted to and accepted by the USDOT in accordance with 49, C.F.R. 366. A carrier shall supplement its filings as necessary to ensure that current information is on file. Once a carrier has submitted a copy of its designation, it may thereafter satisfy the filing requirement by certifying that its designation is on file

(4) A fee for the filing of proof of insurance, as specified by rule 4901:2-15-03 of the Administrative Code. In support of such fee, the carrier shall submit the following information:

(a) The number of motor vehicles that it intends to operate in each participating state during the registration year

(b) The per vehicle fee each designated and participating state charges, as of November 15, 1991

(c) The total fee due each designated and participating state; and

(d) The total of all fees specified in paragraph (A)(4)(b) of this rule.

(B) Consistent with its obligations under paragraph (A)(2) of this rule, a carrier shall, in timely manner, file with the commission copies of any notices of cancellation of any replacement certificates of insurance, surety bonds, or other security filed with the USDOT in accordance with 49, C.F.R. 387

(C) A motor carrier shall make supplemental filings at any time during the registration year as may be necessary to specify additional vehicles, if any, and additional states of operation, if any, and to pay additional fees

(D) A motor carrier shall submit to its insurer or insurers a copy of the supporting information filed with the commission under paragraphs (A)(4) and (C) of this rule

HISTORY: Eff 2-1-75; 5-16-83; 8-1-92; 8-28-94; 9-18-00

**4901:2-15-05 Registration receipts.**

(A) Upon compliance by the motor carrier with the annual or supplemental registration and fee requirements of rules 4901:2-15-02, 4901:2-15-03, and 4901:2-15-04 of the Administrative Code, the carrier shall be issued a receipt by the commission or other participating state government indicating that the carrier has filed the required proof of insurance and paid fees in accordance with this chapter. The receipt shall identify the carrier and specify the states for which the carrier has paid fees to the commission. No specific vehicles shall be identified on the receipt. Receipts shall be issued to passenger carriers even though such carriers shall not pay fees. Supplemental receipts shall contain only information relating to the supplemental registrations.

(B) Receipts issued pursuant to a filing made during the annual registration period specified in rule 4901:2-15-02 of the Administrative Code shall be issued within thirty days of filing a complete registration application. All other receipts shall be issued by the thirtieth day following the date of filing of a fully acceptable supplemental registration application. All receipts shall expire at midnight on the thirty first day of December of the registration year for which they were issued.

(C) A motor carrier shall operate its motor vehicles only in those participating states to which that carrier has paid appropriate fees.

(D) A motor carrier shall make copies of receipts to the extent necessary to comply with the provisions of paragraph (E) of this rule. The carrier shall not alter a receipt or a copy of the receipt.

(E) When operating in or through Ohio, a motor carrier shall maintain in each of its motor vehicles a copy of the receipt issued by the commission or by another state participating in the single state insurance system, indicating that required fees for Ohio have been paid.

(F) A motor carrier conducting a driveaway operation shall carry a copy of the registration receipt in the cab of that carrier's motor vehicle in the same manner as a USDOT regulated motor carrier.

(G) The driver of a motor vehicle shall present a copy or copies of any registration receipt or receipts to authorized personnel of the commission or the state highway patrol upon demand.

HISTORY: Eff 2-1-75; 5-16-83; 8-1-92; 8-28-94; 9-18-00

**4901:2-15-06 Change of name, address, or ownership of motor carrier.**

(A) If a motor carrier changes its name following issuance of a registration receipt, the carrier shall submit to the commission a copy of the reentitlement issued by the USDOT and shall resubmit proof of insurance in the carrier's new name. Upon receipt of such information, the commission shall issue to the carrier a replacement registration receipt. The carrier shall then replace old copies of its registration receipts maintained on its motor vehicles with copies of the replacement registration receipt.

(B) If a motor carrier changes its business address, the carrier shall file with the commission a copy of the letter sent by the carrier to the USDOT regarding the carrier's change of address. The carrier shall also file new proof of insurance with the commission.

(C) If an address change results in the carrier selecting a new registration state, see rule 4901:2-15-02 of the Administrative Code.

(D) Upon a motor carrier's transfer of authority to new owners, the former owner of the authority shall notify the commission, and the commission shall cancel the registration of the former owner. The new owner of the registration shall then register with the commission and pay the appropriate fee.

(E) The commission shall, every month, forward to all participating states any information about a motor carrier's change of name, address, of ownership.

HISTORY: Eff 2-1-75; 5-16-83; 8-1-92; 8-28-94; 9-18-00

# Ohio Administrative Code

## **Chapter 4901:2-17**

### ***Registration of Motor Carriers Exempt from the Authority of the Interstate Commerce Commission***

#### **4901:2-17-01 Definitions.**

The following letters and words, when used in these rules, shall have the following meanings:

- (A) The words “driveaway operation” shall mean an operation in which any vehicle or vehicles, operated singly or in lawful combinations, new or used, not owned by the transportation motor carrier, constitute the commodity being transported.
- (B) The letters “ICC” shall mean the “Interstate Commerce Commission.”
- (C) The word “law” shall include constitutional and statutory provisions and rules and regulations adopted by the public utilities commission of Ohio.
- (D) The words “motor carrier” shall mean a motor carrier of property for compensation engaged in interstate or foreign commerce when its operations are exempt from economic regulation by the “Interstate Commerce Commission” under the Interstate Commerce Act as amended.
- (E) The words “state commission” or “commission” shall mean the public utilities commission of Ohio.
- (F) The words “vehicle” shall mean a self-propelled or motor-driven vehicle operated by a motor carrier.
- (G) The words “within the borders” shall mean operations which include interstate or foreign operations to, from, within or traversing the state.
- (H) The letters “USDOT” shall mean the United States department of transportation.

HISTORY: Eff 2-1-75; 8-1-92; 7-3-03

#### **4901:2-17-02 Registration required.**

(A) A motor carrier shall not operate within the borders of this state until that carrier has filed with, and the commission has approved, an application for the registration of operation as prescribed by these rules, and there has been compliance with all other requirements of these rules. A change in operations shall be reported by the prior filing of a supplemental application.

A motor carrier need not register under the provisions of these rules any authority which was properly registered with this commission on the date these rules and regulations became effective.

(B) The application for the registration of such operation and any supplemental application to report any change in operations, shall be in the form set forth in “Form A” as prescribed by the commission. “Form A” may be obtained from the commission. The application shall be completed and executed by an official of the motor carrier.

(C) The application for the registration of operation shall be filed with the commission. An acknowledgment shall be transmitted to the motor carrier when the application is approved by the commission. The application shall be accompanied by a check, in the amount of twenty-five dollars, made payable to the treasurer of the state of Ohio.

HISTORY: Eff 2-1-75; 8-1-92; 7-3-03

#### **4901:2-17-03 Designation of process agent required.**

(A) A motor carrier shall not operate within the borders of this state unless that carrier has filed with, and the commission has accepted, a currently effective designation of an Ohio agent for service of process.

(B) The motor carrier shall file the designation of an Ohio agent for service of process with the commission by showing the name and address of the agent on the “Uniform Application for Registration of Interstate Motor Carrier Operations Exempt from Interstate Commerce Commission Regulation” as set forth in “Form A” as prescribed by the commission. “Form A” may be obtained from the commission or from commercial sources.

HISTORY: Eff 2-1-75; 8-1-92; 7-3-03

**4901:2-17-04 Vehicle registration and identification required.**

(A) A motor carrier shall not operate a vehicle or engage in driveaway operations within the borders of this state until the vehicle or driveaway operation has been registered and identified with the commission in accordance with the provisions of this chapter, and there has been compliance with all other requirements of these rules.

(B) On or before the first of January of each calendar year, but not earlier than the preceding first day of October, the motor carrier shall apply to the commission for the issuance of receipts for the registration and identification of the vehicles or driveaway operations which it intends to operate, or driveaway operation which it intends to conduct, within Ohio during the ensuing year. The motor carrier may thereafter file one or more supplemental applications for additional receipts if the need arises

(C) If the commission determines that the motor carrier has complied with all applicable provisions of these rules, the commission shall issue to the motor carrier the number of receipts requested.

(D) A receipt issued under the provisions of these rules shall be used for the purpose of registering and identifying a vehicle or driveaway operation as being operated or conducted by a motor carrier, and shall not be used for the purpose of distinguishing between the vehicles operated by the same motor carrier. A motor carrier receiving a receipt under Chapter 4901:2-17 of the Administrative Code shall not knowingly permit the use of same by any other person or organization.

(E) The registration and identification of a vehicle or driveaway operation under the provisions of Chapter 4901:2-17 of the Administrative Code and the receipts shall become void on the last day of December in the current calendar year, unless registration renewal is made prior to that date.

(F) The application for the issuance of receipts shall be in the form set forth in "Form B" as prescribed by the commission. "Form B" may be obtained from the commission or from commercial sources. The application shall be accompanied by a fee of five dollars for each identification stamp applied for. All fees shall be paid for by a check, made payable to the treasurer of the state of Ohio.

(G) In the case of a vehicle not used in a driveaway operation, the receipt shall be maintained in the cab of such vehicle for which prepared whenever the vehicle is operated by the carrier identified on the receipt(s). The receipt shall not be used for any vehicle except the vehicle for which it was originally obtained.

(H) In the case of a drive-away operation, the cab card shall be maintained in the cab of the vehicle furnishing the motor power for the driveaway operation when ever such an operation is conducted by the carrier identified in the receipt.

(I) If a receipt is lost, destroyed, mutilated, or becomes illegible, a new receipt may be issued upon application by the motor carrier and upon payment of the fee prescribed.

(J) The application for the issuance of receipt(s) shall be executed by an official of the motor carrier. A typewriter or indelible ink shall be used in entering information in the blank spaces appearing on the forms prepared under the provisions of Chapter 4901:2-17 of the Administrative Code. Any erasure, improper alteration, or unauthorized use of a receipt shall render it void.

(K) A motor carrier permanently discontinuing the use of a vehicle for which a receipt has been obtained shall nullify the receipt at the time of discontinuance. However, if the carrier provides a newly acquired vehicle as a substitute, the receipt obtained for the discontinued vehicle, if the receipt is still in the possession of the carrier, may be transferred to the substitute vehicle by compliance with the following procedure:

(1) The motor carrier shall indicate the date it terminated use of the discontinued vehicle by maintaining records containing such information

(2) The motor carrier shall affix the receipt prepared for the substitute vehicle to the front of the receipt prepared for the discontinued vehicle, by permanently attaching the upper left-hand corners of both cards together in a manner as to permit inspection of the contents of both cards. Thereafter, each identification stamp or number appearing on the back of the receipt prepared for the discontinued vehicle shall apply to the substitute vehicle.

(L) If a motor carrier, upon expiration of a current receipt fails to purchase a new receipt upon expiration of the current receipt, the registration shall be cancelled by the commission or the director of the commission's transportation department and the carrier must file a new application for registration before a current receipt will be issued.

HISTORY: Eff 2-1-75; 8-1-92; 7-3-03



**4901:2-17-05 Evidence of liability security.**

(A) A motor carrier shall not operate within the borders of this state until that carrier has filed with, and the commission has accepted, a currently effective certificate of insurance or a surety bond evidencing bodily injury and property damage liability security in amounts not less than the minimum limits prescribed by the commission.

(B) The certificate of insurance referred to in paragraph (A) of this rule shall be in the form set forth by the commission.

(C) Motor carriers who elect to post bond in lieu of insurance must do so in the form set forth by the commission.

(D) If a motor carrier is a self-insurer, that motor carrier shall not engage in interstate or foreign commerce over the highways of this state until a true and readily legible copy of the currently effective ICC or USDOT order authorizing that motor carrier to self-insure under the provisions of the Interstate Commerce Act has been filed with, and accepted by, this commission.

HISTORY: Eff 2-1-75; 8-1-92; 7-3-03

**4901:2-17-06 Notice of security cancellation**

(A) Notice of cancellation of insurance shall be given to the commission by the insurer in the form set forth by the commission.

(B) Notice of cancellation of surety bond shall be given to the commission in the form set forth by the commission.

(C) A security cancellation shall be effective not less than thirty days after actual receipt of notice by this commission.

HISTORY: Case No. 90-1306-TR-ORD; Eff 2-1-75; 8-1-92

**4901:2-17-07 Miscellaneous**

(A) All motor carriers engaged in interstate transportation shall operate in accordance with rules and regulations of the USDOT and safety rules and regulations of the "federal motor carrier safety administration" USDOT. Failure to comply with the rules and regulations of the USDOT shall be considered a violation of these rules.

(B) Every motor vehicle shall be driven in accordance with the laws, ordinances, and regulations of the jurisdiction in which it is being operated.

HISTORY: Eff 2-1-75; 8-1-92; 7-3-03

**4901:2-17-09 Procedure for registration of an exempt carrier by the carrier's agent.**

A registration agent authorized to act under this rule shall complete and have properly executed the following documents to be forwarded to the commission for approval when registering a carrier:

(A) "Form A uniform Application for Registration of Interstate Exempt Carriers." The registration agent may act as a process agent for the carrier, and may so indicate on "Form A."

(B) Proof of insurance in the amounts required by Ohio law shall be filed with the commission by the insurance company of the carrier.

(C) A power of attorney, in the form set forth by the commission, authorizing the registration agent designated in this rule to act on behalf of the carrier.

(D) A check, in the amount of the registration fee made payable to the treasurer of the state of Ohio.

After completion of the above, a letter of acknowledgement and the proper receipts will be sent to the carrier.

HISTORY: Eff 2-1-75; 8-1-92; 7-3-03

**4901:2-17-11 Purchase of cab card stamps.**

Upon completion of "Form B" the registrant or agent shall insert the total number of vehicles to be operated by the carrier and forward a check, payable to the treasurer of the state of Ohio for purchase of the receipt(s). The receipt(s) will be mailed to the carrier from the offices of the commission. The fee for the receipt(s) may be included in the remittance for registration fee.

HISTORY: Eff 2-1-75; 8-1-92; 7-3-03

**4901:2-17-13 Possession of and presentation of cab card.**

A driver or other employee, agent or representative of a motor carrier subject to the jurisdiction of the PUCO in this rule, shall upon demand of an authorized employee of the public utilities commission of Ohio, tender for inspection the receipt(s) which is proof of authority to operate. Failure or refusal to tender the receipt(s) shall be a violation of this rule. Receipt(s) shall be carried only in the vehicle for which they were issued.

HISTORY: Eff 8-1-92; 7-3-03

# Ohio Administrative Code

## **Chapter 4901:2-19**

### ***Common Carriers Engaged in the Transportation of Household Goods***

#### **4901:2-19-01 Definitions**

(A) "Household goods" mean:

Personal effects and property used or to be used in a dwelling. This rule shall not be construed to include shipments exclusively moving from a factory or store.

(B) "Reasonable dispatch" means:

The performance of transportation on the dates or during the period of time agreed upon by the carrier and the consumer and shown on the estimate or the bill of lading in the event no written estimate was prepared and recorded on the estimate or bill of lading, provided however, that the defense of force majeure as construed by the courts shall not be denied the carrier.

(C) "Associated service" means:

Any service provided by the carrier which is incidental to the transportation service being provided, but does not include weighing.

(D) "Certified scale" means:

A scale which has been tested and approved by the local official charged with the duty of regulating weights and measures.

(E) "Consumer" means:

Any person who is the consignor or consignee of a household goods shipment and who is identified as such in the bill of lading.

(F) "Intrastate commerce" means:

Transportation from one point in this state to another point in this state, and transportation within, into, or from this state where such transportation is not subject to the jurisdiction of the United States secretary of transportation or the surface transportation board pursuant to 49 U.S.C. 13506(6).

HISTORY: Eff 5-25-89; 7-15-99; 10-9-01

#### **4901:2-19-02 Tariffs and rates.**

(A) Each motor carrier authorized to and engaged in the transportation of household goods shall establish and maintain, by filing in the manner required by the rules of this commission, rates for the transportation of household goods and associated services related to the transportation of household goods within this state.

(B) Rates, charges and provisions of a carrier's tariff shall be clearly stated. Rates and charges shall be explicitly stated per unit in U.S. dollars and cents. Rates may be stated in any measurable unit verifiable by the consumer.

(C) Paragraph (B) of this rule shall not apply to binding estimates. Carriers which offer binding estimates may, as to those binding estimates, provide for a simplified tariff which states: "\_\_\_\_\_ (carrier) hereby certifies that it shall provide binding estimates for the transportation of household goods in this state." The commission shall prescribe, by order, a form which meets the minimum requirements of this rule for simplified tariffs.

(D) No carrier may include in its tariff transportation rates which provide for minimal reimbursement for lost or damaged goods, as provided by rule 4901:2-19-6 of the Administrative Code, unless the tariff also includes transportation rates which provide for reimbursement for the depreciated value of lost or damaged goods.

HISTORY: Eff 5-25-89; 7-15-99

**4901:2-19-03 Contents of tariffs.**

(A) All tariffs shall include a title page consistent with the form prescribed, by order, by the commission.

(B) If a tariff contains more than fifteen pages, a table of contents containing a full and complete statement, in alphabetical order, of the exact location where information under general headings, by subjects, will be found, specifying the page or item number.

(C) If a tariff is filed for more than one carrier, the individual names and firm names or corporate names of participating carriers, with the city and state in which their principal offices are located, shall be shown in alphabetical order or referenced to in a governing publication on file with the commission.

(D) All of the provisions that in any way affect the rates named in the tariff shall be included or referenced to in a governing publication on file with the commission.

(E) A statement of rates or any applicable rate basis table must be arranged in a simple and systematic manner.

(F) An explanation of symbols, reference marks and abbreviations of technical terms used in the tariff shall be shown on the last page or pages of the tariff.

(G) Each carrier that maintains mileage rates that do not contain a list of points between which such rates apply shall identify the source of the mileage used.

(H) All tariffs shall be written in plain and understandable English.

HISTORY: Eff 7-15-99

**4901:2-19-04 Changes to tariffs.**

(A) All changes in rates and charges, or in rules or other provisions that affect rates, shall be filed with the commission at least fifteen days prior to their effective dates.

(B) All publications shall highlight changes in existing rates or charges. Explanations of any symbols used to indicate the changes shall be provided in the publication in which the symbols are used.

(C) When the names or legal entity of a carrier changes, the carrier shall file an amended title page, including the following sentence above the name of the issuing party: "the above-named carrier hereby adopts the tariff of \_\_\_\_\_ (previous name) \_\_\_\_\_."

(D) Changes in the rates, rules, or other provisions of a tariff may be accomplished by issuing a supplement or revised page to the tariff. The front of the supplement or revised page shall be a page indicating that the changes are being made.

HISTORY: Eff 7-15-99

**4901:2-19-05 Rejection and suspension of tariffs.**

(A) Any tariff which does not meet the requirements of this chapter is subject to rejection by the commission. When a tariff or schedule is rejected, the commission, or its authorized employees, will notify the carrier or the agent who tendered it for filing and will include the reasons for the rejection. The rejected tariff will be returned to the carrier or agent.

(B) Pursuant to its investigative power, the commission, or its authorized employees, may suspend a tariff during an inquiry. If a tariff is suspended, the carrier's previously filed tariff will be presumed to be in effect.

(C) Any carrier whose tariff has been rejected or suspended under this rule may file an application for review by the commission with the docketing division within fifteen days after receiving notice of such action.

HISTORY: Eff 7-15-99

**4901:2-19-06 Limitations on the liability of carriers and reimbursement for lost or damaged goods.**

(A) Except as otherwise provided by paragraph (D) of this rule, a carrier of household goods shall be liable for loss of, or damage to, such goods during transportation by the carrier or while such goods are stored by the carrier. The carrier shall be liable for lost or damaged household goods during pickup and delivery or while such goods are being serviced by any third party engaged by the carrier to perform any services related to the household goods.

(B) A carrier shall not be liable for the transportation of perishable articles that are included in the shipment without the knowledge of the carrier. If a carrier knowingly accepts perishable articles, the carrier may impose reasonable conditions necessary to safely transport perishable articles.

(C) A carrier's rates and charges in its tariff may provide for limitations on the amount that the carrier will reimburse the consumer for lost or damaged goods.

No such limitation will be effective unless the consumer signifies that it elects such limitation by personally initialing the statement on the estimate or the addendum to the estimate as provided by paragraph (E) of this rule and by personally inserting the declared value of the shipment. In the event that the consumer does not elect such limitation by personally initialing the statement on the estimate or the addendum to the estimate, the consumer shall be reimbursed for the depreciated value of any goods lost or damaged, with no limitation as to the total declared value of the shipment.

(D) Except as otherwise provided in this rule, no rule of co-responsibility between the consumer and the motor carrier may be employed to reduce the liability of the carrier for loss or damage to household goods.

(E) (1) All estimates, or bills of lading in the event no written estimate was prepared, used for any shipment of household goods in this state shall have printed in distinctive color or boldface type on the face of a statement reading as follows:

Reimbursement for lost or damaged goods

Consumer must personally initial choice for carrier cargo liability

(\_\_\_\_\_) I agree to minimal reimbursement for lost or damaged goods. I understand and accept that I will be reimbursed for lost or damaged goods at a minimal amount not exceeding sixty cents per pound per article.

(\_\_\_\_\_) I accept reimbursement equal to the depreciated value of lost or damaged goods. I declare a total depreciated value of \$\_\_\_\_\_ or a minimum of two dollars and twenty-five cents per pound times the weight of the shipment, whichever is greater. I understand that total reimbursements for lost or damaged goods shall not exceed this declared value.

(\_\_\_\_\_) I accept reimbursement equal to the replacement cost for lost or damaged goods. I declare a total replacement value of \$\_\_\_\_\_ or a minimum of four dollars per pound times the weight of the shipment, whichever is greater. I understand that total

reimbursements for lost or damaged goods shall not exceed this declared value

(2) In the event that a shipment is not weighed in compliance with rule 4901:2-19-07 of the Administrative Code, the declared value of the shipment shall be based solely on the consumer's declaration.

(F) Notwithstanding the reimbursement rate stated in paragraph (E) of this rule, any consumer who selects depreciated value or replacement cost in the estimate shall have the right to claim reimbursement for the depreciated value or the replacement cost, as appropriate, for any individual lost or damaged article or articles, up to the greater of the declared value or the reimbursement rate times the weight of the shipment.

(G) No carrier may accept any shipment for transportation unless the carrier has cargo insurance in an amount equal to the declared value of such shipment

(H) The commission shall prescribe, by order, a form estimate in compliance with this rule.

(I) Nothing in this rule shall be construed as prohibiting the carrier and the consumer from agreeing upon a deductible against any reimbursement for lost or damaged goods in the estimate or the bill of lading, in the event that no written estimate was prepared.

No such deductible shall be effective unless the consumer signifies that it elects such limitation by personally initialing the following statement on the estimate or the addendum to the estimate:

(\_\_\_\_\_) I choose a deductible of \$\_\_\_\_\_ against any reimbursement for lost or damaged goods.

(J) The carrier may reserve the right to repair any damaged goods in lieu of reimbursement to the consumer, provided that this right to repair is expressly included in the estimate or the bill of lading, in the event that no written estimate was prepared.

HISTORY: Eff 5-25-89; 7-15-99

**4901:2-19-07 Determination of weights.**

(A) Nothing in this rule shall be construed as requiring the weighing of shipments, unless the carrier bases its rates and charges on the weight of the shipment.

(B) Each common carrier which establishes household goods rates by weight shall determine the tare weight of each vehicle used in the transportation of household goods by having it weighed prior to the transportation of each shipment, without the crew thereon, on a certified scale, and when so weighed, the fuel tanks on such vehicle shall be full and the vehicle shall contain all pads, chains, dollies, handtrucks and other equipment needed in the transportation of shipment to be loaded thereon. The tare weight of the vehicle used in a move shall be entered on the bill of lading after the vehicle has been loaded. The net weight of the shipment shall be obtained by deducting the tare weight from the gross weight. Where no certified scale is available at the point of origin, the gross weight shall be obtained at the nearest certified scale either in the direction of the movement or in the direction of the next pickup or delivery in the case of part loads. In the transportation of part loads, this paragraph shall apply in all respects, except that the gross weight of a vehicle containing one or more part loads may be used as the tare weight of such vehicle as to part loads subsequently loaded thereon. The consumer of the load, or his representative, upon request of either, shall be permitted without charge to accompany in his own conveyance, the carrier to the weighing station, and to observe the weighing of shipment after loading. The carrier shall use a certified scale which will permit the consumer to observe the weighing of his shipment without causing delay.

If no certified scale is available at origin, at any point in route, or at destination, a constructive weight, based on seven pounds per cubic foot of properly loaded van space, may be used

(C) The carrier shall obtain a weight ticket with tare and gross weights evidenced by separate tickets, and the driver shall enter thereon the number of the bill of lading accompanying the shipment, and a copy shall be retained in the carrier's file. If both the gross and tare weights of a shipment are obtained on the same scale, they may be evidenced on the same weight ticket. A true copy of each weight ticket pertaining to a shipment shall be given to the consumer at the weighing station if the consumer is present or upon delivery of the shipment if the consumer is not present at the weighing. A part load for any one consumer not exceeding one thousand pounds may be weighed on a certified scale prior to being loaded on the vehicle. Additionally, an automobile or other article weighing in excess of five hundred pounds which is mounted on wheels may be weighed separately by obtaining the weight of such article on a certified scale prior to loading on the vehicle to be used for its transportation.

(D) No common carrier shall accept a shipment of household goods for transportation which appears to be subject to the minimum weight provisions of the carrier's tariff without first having advised the consumer of such minimum weight provisions.

HISTORY: Eff 5-25-89; 7-15-99

**4901:2-19-08 Estimates by the carrier.**

(A) Except as provided in paragraph (K) or (L) of this rule, carriers engaged in the transportation of household goods must provide written estimates of the cost of such moves. All estimates, addenda to estimates and modifications or changes to estimates shall be in writing in plain and understandable English and shall constitute the contract covering such move. Estimates shall clearly describe the shipment, all services to be provided and all charges to be assessed for the shipment and associated services. Estimates may be offered on a nonbinding, binding or guaranteed-not-to-exceed basis, and the written estimate shall clearly specify whether it is made on a nonbinding, binding or guaranteed-not-to-exceed basis in the manner set forth in division-level 4901:2 of the Administrative Code.

(B) A consumer shall accept the estimate by signing on the signature line provided for in paragraph (F)(8) of this rule. The carrier shall retain at least one copy of the estimate and shall provide one copy of the estimate, signed by both parties, to the consumer. Following acceptance of the estimate by the consumer, both the carrier and consumer shall be contractually bound by the estimate. The carrier may require the consumer to provide a deposit upon acceptance of the estimate by the consumer.

(C) A carrier engaged in transporting household goods may provide a nonbinding estimate of the approximate costs of transporting such goods. Nonbinding estimates shall be provided only after a visual inspection of the goods by the estimator. The carrier may charge a reasonable fee for performing the visual inspection, provided that this fee is disclosed to the consumer prior to the visual inspection and the amount of the fee shall be credited to the shipment's rates and charges if the consumer accepts the carrier's estimate. All nonbinding estimates shall be reasonably accurate and in accord with the carrier's tariff. The final charges on shipments moved after a nonbinding estimate shall be determined by the carrier's tariff applicable to such transportation.

(1) A nonbinding estimate shall clearly indicate on its face, in boldface type or a contrasting color, the following statement: "this estimate is a nonbinding estimate. If this estimate is accepted, the cost may exceed, or be less than, the amount contained in this estimate."

(2) A nonbinding estimate must contain the rates, charges and provisions of the carrier's tariff which are applicable to the shipment for which the estimate is made. All rates and charges shall be clearly and explicitly stated per unit in U.S. dollars and cents. Rates may be stated in any measurable unit verifiable by the consumer.

(3) A consumer may waive its right to a visual inspection by personally signing a waiver on the estimate. Such waiver must include the following statement: "I hereby waive my right to a visual inspection by the carrier for this nonbinding estimate. I acknowledge that the carrier did not inspect my household goods prior to the time the estimate was prepared, and i understand that i may be liable for additional charges for any additional goods or services not specified in this nonbinding estimate."

(D) A carrier engaged in transporting household goods may provide a binding estimate of the costs which the consumer will be required to pay for the services included in the estimate.

(1) A binding estimate shall clearly indicate on its face, in boldface type or a contrasting color, that the estimate is binding on the carrier for the household goods and services identified on the estimate and that the charges shown are the charges that will be assessed for the services identified in the estimate.

(E) A carrier engaged in transporting household goods may provide for an estimate on a guaranteed-not-to-exceed basis. In a guaranteed-not-to-exceed estimate, the carrier shall specify the maximum charge which the consumer will be charged for the shipment. The consumer shall be liable for the lesser of the maximum charge specified in the guaranteed-not-to-exceed estimate or the charges determined by applying the carrier's tariff.

(1) A guaranteed-not-to-exceed estimate shall clearly indicate on its face, in boldface type or a contrasting color, that the consumer shall be liable for the lesser of the maximum charge specified in the guaranteed-not-to-exceed estimate for the household goods and services identified on the estimate or the charges determined by applying the carrier's tariff.

(2) A guaranteed-not-to-exceed estimate must contain the rates, charges and provisions of the carrier's tariff which are applicable to the shipment for which the estimate is made. All rates and charges shall be clearly and explicitly stated per unit in U.S. dollars and cents. Rates may be stated in any measurable unit verifiable by the consumer.

(F) All estimates shall contain the following, in writing:

(1) The name, address and certificate number of the carrier which is to perform the transportation service and the name and signature of the person preparing the estimate and the date on which the estimate is made for nonbinding estimates only, the following statement must be indicated above the signature of the person preparing the estimate: "this is an estimate only. Actual charges will be based upon services provided";

(2) The name and address of the consumer;

(3) The origin and the destination of the proposed shipment; if the estimate is made based upon the miles between the origin and the destination, the mileage must be listed;

(4) The estimated total weight of the shipment if the carrier's rate is based on the weight of the shipment;

(5) A statement of the specific methods of payment that the carrier will accept on delivery;

(6) All costs related to storage time;

(7) The planned pickup and delivery dates for the shipment; in the event that the pickup and delivery dates have not been determined by the consumer, the estimate must indicate "telephone notification" in the space provided for the pickup and delivery dates;

(8) A signature line for the consumer to sign to accept the estimate. The following statement must be entered in boldface type or contrasting color above the signature line: "I accept the above estimate by \_\_\_\_\_ (carrier). I understand that by accepting this estimate, I am entering into a contract with \_\_\_\_\_ (carrier) to perform the work described in the estimate." The signature line must include the date on which the estimate was accepted; and

(9) The total estimated cost for the shipment

(G) The commission shall prescribe, by order, a form estimate which meets the minimum requirements of this rule.

(H) At the time a carrier provides an estimate to a consumer, the carrier shall give to

the consumer a copy of the "consumer rights and responsibilities" in the form prescribed by order of the commission.

(I) No provision contained in any tariff filed by the carrier or on the bill of lading accompanying a shipment of household goods shall be considered binding upon the consumer unless it is also disclosed to the consumer in the estimate for such shipment.

(J) If, at the time the shipment is picked up or delivered, a consumer tenders additional household goods or requests services which were not identified in the original estimate, the carrier may, prior to loading or unloading the additional household goods or providing the additional services, reaffirm the original estimate or provide to the consumer an addendum estimating the charges for the additional household goods or services. Any such addendum to the estimate must conform to all of the provisions of this rule. If the carrier loads or unloads the additional household goods or provides the additional services without providing an addendum to the consumer and obtaining the signature of the consumer or its representative, the carrier will be presumed to have affirmed the original estimate. In the event that the consumer or its representative are not available to sign the addendum, the carrier must advise the consumer or its representative by telephone of the terms of the addendum and enter "telephone authorization received" in the space for the consumer's signature.

(K) A carrier may provide a nonbinding oral estimate in lieu of a written estimate when the consumer requests an estimate five days or less prior to the scheduled move. In the event that the carrier provides an oral estimate pursuant to this paragraph, the carrier must prepare a bill of lading containing all material terms and conditions pertaining to the shipment including the total estimated charges for the move.

(L) A carrier may provide a binding, nonbinding, or guaranteed-not-to-exceed oral estimate in lieu of a written estimate when the total charges for the oral estimate equals five hundred dollars or less. In the event that the carrier provides an oral estimate pursuant to this paragraph, the carrier must provide a bill of lading containing all material terms and conditions pertaining to the shipment.

HISTORY: Eff 5-25-89; 7-15-99

**4901:2-19-09 Receipt or bill of lading.**

(A) Upon receipt of household goods for transportation in intrastate commerce, the carrier shall immediately issue a receipt or bill of lading. However, a carrier shall not issue a receipt or bill of lading prior to receiving such household goods for transportation.

(B) Whenever a receipt or bill of lading is issued in compliance with paragraph (A) of this rule, the carrier shall cause to be included therein the following information:

(1) The name, address, telephone number and certificate number of the motor carrier which will transport the shipment.

(2) The actual pickup date and the agreed delivery date or the agreed period of time within which delivery of the shipment is expected at destination.

(3) The tare, gross and net weights, weighed as required by paragraph (A) of rule 4901:2-19-07 of the Administrative Code If the carrier's rates for the shipment are based upon the weight of the shipment; provided that the tare weight shall be entered on the copy of the receipt or bill of lading given to the consumer with the tare weight ticket attached to it before the vehicle(s) has been loaded. True copies of the gross weight tickets required by paragraph (B) of rule 4901:2-19-07 of the Administrative Code shall be attached to the receipt or bill of lading as soon as such weight tickets are obtained, and if the consumer is present at the weighing, he shall then be given a copy of the gross weight ticket; otherwise, he shall be given a copy thereof at destination.

(4) The number of the vehicle(s) onto which the shipment is loaded

(5) If requested by the consumer, a complete inventory of the household goods loaded on the vehicle. Nothing in this rule shall be construed to preclude the carrier from charging a fee for performing such an inventory.

(C) The carrier shall attach a copy of the estimate, and any applicable addenda, to the bill of lading at the time the carrier picks up the shipment. The bill of lading and attached estimate must remain with the shipment until delivery.

(D) The driver of any vehicle being utilized for the transportation of household goods should have in his possession, when driving, a copy of the receipt or bill of lading for each shipment being transported.

(E) No terms or conditions for the shipment may be included on the bill of lading unless such terms and conditions are disclosed to the consumer in the estimate for the shipment of the carrier has provided an oral estimate pursuant to paragraph (K) or (L) of rule 4901:2-19-08 of the Administrative Code. In the event that the carrier has not provided a written estimate to the consumer, no terms or conditions for the shipment shall be binding upon the consumer unless such terms and conditions are disclosed to the consumer on the bill of lading.

HISTORY: Eff 5-25-89; 7-15-99



**4901:2-19-10 Timetable.**

(A) Each common carrier by motor vehicle will cause to be transported with reasonable dispatch as defined in paragraph (B) of rule 4901:2-19-01 of the Administrative Code, each shipment which it has agreed to transport.

(B) (1) All estimates shall contain a provision on which the consumer shall enter the planned pickup and delivery dates for the shipment. After the estimate has been accepted by the consumer, no carrier shall fail to timely pick-up or deliver a shipment of household goods according to the dates entered on the estimate unless otherwise instructed by the consumer.

(2) In the event that the pickup and/or delivery dates have not been determined at the time of the acceptance of the estimate, the consumer may enter "telephone notification" in the space provided on the estimate for pickup and delivery dates.

(C) Whenever a carrier is unable to make delivery of a shipment of household goods on the date during the period specified in the receipt or bill of lading, the carrier shall notify the consumer, or person designated by the consumer by telephone, telegraph, or in person, at the carrier's expense of the location and general condition of the shipment, the reason for such delay and the date or period of time during which delivery of the shipment will be made and shall repeat such notification if any subsequent date or period of time so assigned is not met. Such notification shall be given as soon as it becomes apparent to the carrier that it is unable to deliver the shipment in compliance with the terms of the receipt or bill of lading; provided that the requirement of this paragraph shall not apply where the carrier is unable to obtain from the consumer an address or telephone number for such notification. Notification as required herein shall not affect the determination of compliance by the carrier with reasonable dispatch as required in paragraph (A) of this rule.

**(D) Record of notification**

When notification required by paragraph (B) or (C) of this rule is given, a record shall be prepared setting forth the time and date of notification, method of notification, the name of the person notified, the reason for delay, the location and condition of the shipment in cases of delay in delivery, and the new date or period assigned for pickup or delivery and the signature of the person who gave such notification which record the carrier shall preserve as a part of its record of the shipment.

HISTORY: Eff 5-25-89; 7-15-99

**4901:2-19-11 Tendering for delivery.**

(A) Except upon the request or concurrence of the consumer, or his representative, a shipment shall not be tendered for delivery prior to the agreed delivery date or period of time specified on the receipt or bill of lading, provided:

(1) That whenever a carrier is able to tender a shipment for final delivery more than twenty-four hours prior to such specified date or the first day of such specified period of time and the consumer or his representative has not requested or concurred in such early delivery, the carrier may, at its option, place the shipment in storage for its own account and at its own expense in a warehouse located in close proximity to the destination point of the shipment.

(2) Whenever a carrier shall exercise such option, it shall immediately notify the consumer for the name and address of the warehouse in which the shipment has been placed, and shall make and keep a record of such notification as a part of its record of shipment.

(B) The carrier's responsibility for the shipment under the terms and conditions of the bill of lading, and its responsibility for the charges for redelivery, handling and storage thereof, shall continue until final delivery, provided, however, that the carrier's responsibility under the bill of lading and for storage and handling charges shall not extend beyond the agreed delivery date or the first day of the period within which delivery was to have been accomplished as specified in the bill of lading.

(C) At the time of delivery of a collect-on-demand shipment, on which a nonbinding estimate has been furnished under the provisions of rule 4901:2-19-08 of the Administrative Code, the consumer may demand delivery of the shipment upon payment, in the form specified by the carrier in the estimate, of an amount not exceeding one hundred ten per cent of the total estimated charges. The carrier shall, upon the demand of the consumer, relinquish possession of the shipment upon payment of not more than one hundred ten per cent of the estimated charges and shall defer demand for payment of the balance of any remaining charges for thirty days following the date of delivery.

(D) At the time of delivery of a collect-on-demand shipment, on which a binding estimate has been furnished according to rule 4901:2-19-08 of the Administrative Code, the consumer must submit the total charge specified in the binding estimate in the form specified by the carrier in the estimate. The carrier shall relinquish possession of the shipment upon payment of the total charge specified in the binding estimate.

(E) At the time of delivery of a collect-on-demand shipment, on which a guaranteed-not-to-exceed estimate has been furnished according to rule 4901:2-19-08 of the Administrative Code, the consumer may demand delivery of the shipment upon payment,

in the form specified by the carrier in the estimate, of an amount equal to the maximum charge specified in the estimate. The carrier shall, upon the demand of the consumer, relinquish possession of the shipment upon payment of an amount equal to the lesser of the maximum charge specified in the estimate.

(F) At the time of delivery of a collect-on-demand shipment on which an oral estimate has been furnished under the provisions of paragraph (K) of rule 4901:2-19-08 of the Administrative Code, the consumer may demand delivery of the shipment upon payment, in the form specified by the carrier in the bill of lading, of an amount not exceeding one hundred ten per cent of the total estimated charges as specified on the bill of lading. The carrier shall, upon demand of the consumer, relinquish possession of the shipment upon payment of not more than one hundred ten per cent of the estimated charges and shall defer demand for payment of the balance of any remaining charges for thirty days following the date of delivery.

(G) At the time of delivery of a collect-on-demand shipment, on which an oral estimate has been furnished under the provisions of paragraph (L) of rule 4901:2-19-08 of the Administrative Code, the consumer may demand delivery of the shipment upon payment, in cash, certified check or money order, of five hundred dollars. The carrier shall, upon demand of the consumer, relinquish possession of the shipment upon payment of five hundred dollars.

(H) At the time of delivery of a collect-on-demand shipment, on which the carrier did not furnish a written estimate as required by rule 4901:2-19-08 of the Administrative Code, the carrier must relinquish possession of the shipment upon demand of the consumer.

HISTORY: Eff 5-25-89; 7-15-99; 10-9-01

**4901:2-19-12 Signed receipt for shipment.**

No delivery acknowledgement on any shipping document to be signed by the consignee at time of delivery shall contain any language which purports to release or discharge the carrier or its agents from liability, other than a statement that the property has been received without visible damage except as noted on the shipping documents.

HISTORY: Eff 5-25-89; 7-15-99

**4901:2-19-13 Mediation of disputes.**

Prior to filing a complaint against a household goods carrier under section 4905.26 of the Revised Code, a consumer must file a "request for mediation", in writing, with and participate in, the commission mediation program.

(A) A copy of the "request for mediation" shall be served upon the carrier, the chief of the public interest center of the commission's consumer services department, the chief of the transportation section of the legal department and the director of the transportation department.

(B) The parties may commence discovery upon the filing of the "request for mediation" and responses to discovery must be provided to the requesting party within five business days. No statements made during discovery or mediation shall be admissible in any subsequent proceedings under section 4905.26 of the Revised Code.

(C) A "reply" to the "request for mediation" shall be served within five business days upon the consumer, the chief of the public interest center of the commission's consumer services department, the chief of the transportation section of the legal department and the director of the transportation department.

(D) A mediation session shall be convened by an authorized employee of the commission within ten business days of the date on which the "reply" was filed.

(E) The mediator shall prepare, and serve upon the parties, a mediation report within ten business days following the conclusion of the mediation session. This mediation report shall not be admissible in any subsequent proceedings under section 4905.26 of the Revised Code.

(F) After a "request for mediation" has been filed pursuant to this rule, no complaint under section 4905.26 of the Revised Code, may be filed until the earlier of: ninety days after the filing of the "request for mediation" under this rule; or service of the mediation report as required by this rule.

(G) No provision of a written estimate, bill of lading or tariff shall be enforceable which requires any consumer to participate in any mediation, arbitration or other dispute resolution, except as provided by this rule.

HISTORY: Eff 7-15-99

**4901:2-19-14 Advertisements**

(A) Every carrier of household goods shall include in every advertisement the name or trade name of the motor carrier and the certificate number assigned to that motor carrier by the commission. The certificate number shall be in the following format in every advertisement: "PUCO No. \_\_\_\_\_."

(B) For purposes of this rule, an "advertisement" means any communication to the public in connection with an offer or sale of any intrastate transportation service. This includes a yellow pages listing, written or electronic database listings of the carrier name, address and telephone number in an on-line database but excludes advertisement over airwaves, including radio and telephone, and listings of a carrier name, address and telephone number in a white pages listing.

(C) No carrier of household goods, or any employee, agent or representative of that carrier, shall advertise or represent to the public that "all loads are insured" or make any similar statement.

(D) Notwithstanding the provisions of paragraph (A)(3) of rule 4901:2-5-10 of the Administrative Code, all motor vehicles used to transport household goods in this state shall be marked with the company name, city and state, company number of vehicle and PUCO certificate number in letters not less than two inches in height and three-eighths inch in width.

HISTORY: Eff 5-25-89; 7-15-99; 10-9-01

**4901:2-19-15 Claims for loss or damage.**

(A) Every common carrier of household goods which receives a written claim for loss of or damage to property transported by it, shall acknowledge receipt of such claim in writing to the claimant within fifteen calendar days after its receipt by the carrier or the carrier's agent. The carrier shall at the time such claim is received, cause the date of receipt to be recorded on the claim.

(B) Every such carrier which receives a written claim for loss or damage to household goods transported by it shall pay, decline, or make a firm compromise settlement offer in writing to the claimant within sixty days after receipt of the claim by the carrier or its agent.

(C) No carrier may include in any estimate, bill of lading or tariff any provision which limits the time a consumer may file a claim with the carrier to less than sixty days or to present a claim in less time than specified in this rule.

HISTORY: Eff 5-25-89; 7-15-99

**4901:2-19-16 Prohibitions.**

(A) No carrier engaged in the transportation of household goods in intrastate commerce in this state shall violate this chapter or fail to perform a duty imposed by this chapter.

(B) No carrier engaged in the transportation of household goods in intrastate commerce in this state shall include in its estimate, bill of lading or tariff any provision which is inconsistent with or conflicts with any rule in this chapter.

(C) No carrier engaged in the transportation of household goods in intrastate commerce in this state shall commit a deceptive or unconscionable act or practice in connection with a transaction related to the transportation of household goods within this state. Such a deceptive or unconscionable act or practice is prohibited by this paragraph irrespective of whether it occurs before, during or after such a transaction.

(D) No carrier engaged in the transportation of household goods in intrastate commerce in this state shall fail to cooperate in efforts by the commission staff to resolve disputes between such carrier and a consumer.

(E) No discounts of any character whatsoever shall be authorized by tariff provisions or otherwise allowed by any carrier, and no rates or charges shall be established by prepayment of charges. This rule shall not preclude a carrier from accepting payment by credit card pursuant to an agreement between the carrier and a financial institution.

HISTORY: Eff 5-25-89; 7-15-99; 10-9-01

# Ohio Administrative Code

## **Chapter 4901:2-21**

### **Registration of Intrastate Motor Carriers**

#### **4901:2-21-01 Purpose and scope.**

This chapter governs the registration of motor carriers operating for hire, in intrastate commerce, within this state.

HISTORY: Eff 12-16-94 (Emer.); 4-13-95

#### **4901:2-21-02 Definitions.**

(A) "Applicant" means any carrier who submits a registration application to the commission.

(B) "Carrier" means any carrier engaged in the transportation of property, for hire, subject to rules adopted under section 4919.79 of the Revised Code, motor transportation company as defined in section 4921.02 of the Revised Code, or contract carrier by motor vehicle as defined in section 4923.02 of the Revised Code,

(C) "Staff" means employees of the transportation department of the commission.

(D) "Terminal" means a facility owned, leased or operated by the registrant where:

(1) Applicant's motor vehicles are loaded, unloaded or dispatched incidental to transportation;

(2) Applicant's motor vehicles are cleaned, maintained or inspected;

(3) Applicant's motor vehicles are fueled or repowered;

(4) Applicant's stores hazardous materials incidental to transportation; or

(5) Applicant maintains records related to transportation including vehicle maintenance files and hours-of-service records.

(E) "Intrastate commerce" means transportation from one point in this state to another point in this state, and transportation within, into, or from this state where such transportation is not subject to the jurisdiction of the United States secretary of transportation or the surface transportation board pursuant to 49 U.S.C. 13506(6).

HISTORY: Eff 12-16-94 (Emer.); 4-13-95; 7-15-99

#### **4901:2-21-03 Registration application.**

A carrier shall register with the commission by completing and submitting a registration application form promulgated by the commission, containing the following information:

(A) Applicant name and doing business as (D.B.A.), if applicable;

(B) Applicant mailing address

(C) Applicant street address, if the location where records are kept is different from mailing address;

(D) Street address of principal place of business of applicant

(E) Name of person to whom communications regarding the application should be directed;

(F) Title of person to whom communications regarding the application should be directed;

(G) Telephone number of person to whom communications regarding the application should be directed;

(H) Facsimile transmission number of person to whom communications regarding the application should be directed;

(I) Interstate commerce commission motor carrier number, if assigned;

- (J) Federal taxpayer identification number or social security number, whichever is applicable;
- (K) Federal motor carrier census number or the date applied for, if applicable;
- (L) The number of years the applicant has been operating as a motor carrier;
- (M) The current safety rating issued to the applicant by the United States department of transportation and the date such safety rating was issued;
- (N) Whether the applicant is a sole proprietorship, partnership, corporation, or otherwise;
- (O) The address and telephone number of all terminals in the state of Ohio owned, leased or operated by the applicant;
- (P) The type of motor carrier operation of the applicant, as defined by whether the applicant is:
- (1) A transporter of property, using freight vehicles with a gross vehicle weight rating of ten thousand pounds or more, excluding carriers exclusively engaged in the transportation of household goods; or
  - (2) A transporter of property, using only freight vehicles with a gross vehicle weight rating of less than ten thousand pounds, excluding carriers exclusively engaged in the transportation of household goods or;
  - (3) A transporter of household goods; or
  - (4) A transporter of passengers in motor vehicles designed to transport fifteen or more passengers.
- (Q) Proof of public liability security, as defined by whether:
- (1) The applicant or its insurance company will file a copy of its proof of public liability security with the commission;
  - (2) The applicant or its insurance company has filed a copy of its proof of public liability security with the commission and the insurance coverage as stated on that form remains in effect; or
  - (3) The applicant has an approved self-insurance plan with the interstate commerce commission and wishes to self-insure for Ohio, including copies of the "Interstate Commerce Decision Order" approving the plan and the letter establishing the applicant's activation date.
- (R) Verification of compliance with financial responsibility requirements in the transportation of hazardous materials, pursuant to whether:
- (1) The applicant will not transport hazardous material in any quantity; or
  - (2) The applicant will transport hazardous materials in less than placardable quantities in vehicles with a gross vehicle weight rating of less than ten thousand pounds and maintains at least three hundred and fifty thousand dollars liability insurance as required by rule 4901:13-02 of the Administrative Code; or
  - (3) The applicant will transport placardable quantities of hazardous materials in vehicles with a gross weight rating of less than ten thousand pounds and maintains at least three hundred and fifty thousand dollars liability insurance as required by rule 4901:13-02 of the Administrative Code; or
  - (4) The applicant will transport hazardous materials requiring one million dollars in public liability and property damage insurance in accordance with 49 C.F.R. 387.9, as effective on March 31, 2003; or
  - (5) The applicant will transport hazardous material requiring five million dollars in public liability and property damage insurance in accordance with 49 C.F.R. 387.9, as effective on March 31, 2003.
- (S) A certification, initialed by a responsible official of the applicant who is authorized to certify applications for registrations and permits on behalf of the applicant, containing the following statement: "I certify that, to the best of my knowledge, all of the applicant's drivers subject to 49 C.F.R. 383, as effective on March 31, 2003, have a current, valid commercial driver's license, including all applicable endorsements for hazardous materials cargo tankers."
- (T) A certification, initialed by a responsible official of the applicant who is authorized to certify applications for registrations and permits on behalf of the applicant, containing the following statement: "I certify that, to the best of my knowledge, all of the applicant's drivers subject to 49 C.F.R. 391, as effective on March 31, 2003, have completed medical examinations and meet the

medical requirements contained in 49 C.F.R. 391.41, as effective on March 31, 2003, or have a provisional medical certificate issued in accordance with rule 4901:2-5-04 of the Administrative Code.”

(U) A certification, initialed by a responsible official of the applicant who is authorized to certify applications for registrations and permits on behalf of the applicant, containing the following statement: “I certify that, to the best of my knowledge, the applicant is in compliance with the drug and alcohol testing and employee assistance program requirements as required by 49 C.F.R. 382 and 391, as effective on March 31, 2003.”

(V) A certification, initialed by a responsible official of the applicant, who is authorized to certify applications for registrations and permits on behalf of the applicant, containing the following statement: “I certify that, to the best of my knowledge, all applicant owned and operated vehicles have passed a periodic inspection within the past year in accordance with 49 C.F.R. 397.17, as effective on March 31, 2003.”

(W) A certification, initialed by a responsible official of the applicant who is authorized to certify applications for registrations and permits on behalf of the applicant, containing the following statement: “I certify that, to the best of my knowledge, all hours of service records required by 49 C.F.R. 395.8 are maintained by the applicant, and are in compliance with the hours of service regulations in 49 C.F.R. 395, as effective on March 31, 2003.”

(X) A certification, initialed by a responsible official of the applicant who is authorized to certify applications for registrations and permits on behalf of the applicant, containing the following statement: “I certify that, to the best of my knowledge, the applicant properly maintains driver qualification files in accordance with 49 C.F.R. 391.51, as effective on March 31, 2003, for all drivers to which this section applies.”

(Y) A certification, initialed by a responsible official of the applicant who is authorized to certify applications for registrations and permits on behalf of the applicant, containing the following statement: “I certify that, to the best of my knowledge, the applicant maintains required vehicle maintenance and inspection records in accordance with 49 C.F.R. 396.3, 396.11 and 396.17, as effective on March 31, 2003.”

(Z) A certification, initialed by a responsible official of the applicant who is authorized to certify applications for registrations and permits on behalf of the applicant, containing the following statement: “I certify that, to the best of my knowledge, the applicant is knowledgeable of, and complies with, all other applicable requirements of the “Federal Motor Carrier Safety Rules” 49 C.F.R. Parts 390 through 399, as effective on March 31, 2003, and the “Hazardous Materials Regulations” Title 49, C.F.R. Parts 171 through 180, as effective on March 31, 2003.”

(AA) A certification by a responsible official of the applicant who is authorized to certify applications for registrations and permits on behalf of the applicant, containing the following statement: “I certify that, to the best of my knowledge and after due investigation, information contained in this application is true, accurate, and complete.” The application shall be signed and dated by the responsible official certifying the application including the title and telephone number of the official.

HISTORY: Eff 12-16-94 (Emer.); 4-13-95; 7-15-99; 7-3-03

#### **4901:2-21-04 Supplementation of information.**

(A) Upon a written request from the staff, each applicant shall provide, within fifteen days, any additional information necessary for the processing of a registration application.

(B) Each carrier which holds a certificate of public convenience and necessity shall notify the staff within fifteen days of any change in its safety rating by the U.S. department to transportation.

HISTORY: Eff 12-16-94 (Emer.); 4-13-95

#### **4901:2-21-05 Term of registration**

Each carrier shall file a registration application between July first and July fifteenth of each year.

HISTORY: Eff 12-16-94; 4-13-95; 7-3-03

#### **4901:2-21-06 Prohibitions**

(A) No carrier may transport property, in intrastate commerce, within this state unless such carrier has registered with the commission pursuant to this chapter.

(B) No person shall falsify or fail to submit to the commission any data, reports, records, or other information required to be submitted under this chapter.

HISTORY: Eff 12-16-94 (Emer.); 4-13-95

**4901:2-21-07 Certificate of public convenience and necessity.**

(A) Following receipt of a completed registration application from a carrier, the staff shall issue a certificate of public convenience and necessity, provided that:

- (1) The carrier does not have an unsatisfactory safety rating rate from the U.S. Department of Transportation; and
- (2) The carrier has properly filed proof of public liability security with the staff, pursuant to Chapter 4901:2-13 of the Administrative Code.

(B) If the applicant has an unsatisfactory safety rating or has not filed proof of public liability security, the applicant may file a petition with the commission for the issuance of the certificate. The commission shall grant such petition for good cause shown.

HISTORY: Eff 4-13-95; 7-3-03

**4901:2-21-08 Registration application requirements for household goods carriers.**

A carrier transporting household goods shall complete and submit a registration application containing the following information:

(A) Proof of cargo liability insurance coverage, as defined by whether:

- (1) The applicant or its insurance company will file a copy of its proof of cargo liability insurance with the commission;
- (2) The applicant or its insurance company has filed a copy of its proof of cargo liability insurance with the commission and the insurance coverage as stated on the form remains in effect; or
- (3) The applicant has an approved self-insurance plan with the interstate commerce commission and wishes to self-insure for Ohio, including copies of the "interstate commerce decision order" approving the plan and the letter establishing the applicant's activation date.

(B) Whether the applicant has filed a tariff with the commission, pursuant to rule 4901:2-9-03 of the Administrative Code.

(C) The name and title of a person, authorized to negotiate on behalf of the applicant, to whom communications regarding consumer complaints should be directed.

(D) A certification, initialed by a responsible official of the applicant who is authorized to certify applications for registrations and permits on behalf of the applicant, containing the following statement: "I certify that the applicant maintains worker's compensation coverage pursuant to Chapter 4123. of the Revised Code."

(E) A certification, initialed by a responsible official of the applicant who is authorized to certify applications for registrations and permits on behalf of the applicant, containing the following statement: "I certify the applicant maintains unemployment compensation coverage pursuant to Chapter 4141. of the Revised Code."

HISTORY: Eff 7-15-99

# US Department of Transportation Regulations – Title 49 CFR

## *Insurance Requirements*

### **§387.7 Financial responsibility required.**

(a) No motor carrier shall operate a motor vehicle until the motor carrier has obtained and has in effect the minimum levels of financial responsibility as set forth in §387.9 of this subpart.

(b)(1) Policies of insurance, surety bonds, and endorsements required under this section shall remain in effect continuously until terminated. Cancellation may be effected by the insurer or the insured motor carrier giving 35 days' notice in writing to the other. The 35 days' notice shall commence to run from the date the notice is mailed. Proof of mailing shall be sufficient proof of notice.

(b)(2) **Exception.** Policies of insurance and surety bonds may be obtained for a finite period of time to cover any lapse in continuous compliance.

(b)(3) **Exception.** Mexican motor carriers may meet the minimum financial responsibility requirements of this subpart by obtaining insurance coverage, in the required amounts, for periods of 24 hours or longer, from insurers that meet the requirements of §387.11 of this subpart. A Mexican motor carrier so insured must have available for inspection in each of its vehicles copies of the following documents:

(b)(3)(i) The Certificate of Registration;

(b)(3)(ii) The required insurance endorsement (Form MCS 90); and

(b)(3)(iii) An insurance identification card, binder, or other document issued by an authorized insurer which specifies both the effective date and the expiration date of the temporary insurance coverage authorized by this exception.

Mexican motor carriers insured under this exception are also exempt from the notice of cancellation requirements stated on Form MCS 90.

(c) Policies of insurance and surety bonds required under this section may be replaced by other policies of insurance or surety bonds. The liability of the retiring insurer or surety, as to events after the termination date, shall be considered as having terminated on the effective date of the replacement policy of insurance or surety bond or at the end of the 35 day cancellation period required in paragraph (b) of this section, whichever is sooner.

(d) Proof of the required financial responsibility shall be maintained at the motor carrier's principal place of business. The proof shall consist of:

(d)(1) "Endorsement(s) for Motor Carrier Policies of Insurance for Public Liability Under Sections 29 and 30 of the Motor Carrier Act of 1980" (Form MCS 90) issued by an insurer(s);

(d)(2) A "Motor Carrier Surety Bond for Public Liability Under Section 30 of the Motor Carrier Act of 1980" (Form MCS 82) issued by a surety; or

(d)(3) A written decision, order, or authorization of the Interstate Commerce Commission authorizing a motor carrier to self insure under §1043.5 of this title, provided the motor carrier maintains a satisfactory safety rating as determined by the Federal Highway Administration under Part 385 of this title.

(e) The proof of minimum levels of financial responsibility required by this section shall be considered public information and be produced for review upon reasonable request by a member of the public.

(f) All vehicles operated within the United States by motor carriers domiciled in a contiguous foreign country, shall have on board the vehicle a legible copy, in English, of the proof of the required financial responsibility (Forms MCS 90 or MCS 82) used by the motor carrier to comply with paragraph (d) of this section.

(g) Any motor vehicle in which there is no evidence of financial responsibility required by paragraph (f) of this section shall be denied entry into the United States.

[46 FR 30982, June 11, 1981; 46 FR 45612, Sept. 14, 1981, as amended at 48 FR 5559, Feb. 7, 1983; 48 FR 52683, Nov. 21, 1983; 51 FR 22083, June 18, 1986; 54 FR 49092, Nov. 29, 1989; 59 FR 63923, Dec. 12, 1994].



**§387.9 Financial responsibility, minimum levels.**

The minimum levels of financial responsibility referred to in §387.7 of this subpart are hereby prescribed as follows:

**SCHEDULE OF LIMITS**

(Public liability)

Type of carriage	Commodity transported	January 1, 1985
(1) For-hire (In interstate or foreign commerce, with a gross vehicle weight rating of 10,000 or more pounds).	Property (nonhazardous)	\$750,000
(2) For-hire and Private (In interstate, foreign, or intrastate commerce, with a gross vehicle weight rating of 10,000 or more pounds).	Hazardous substances, as defined in 49 CFR 171.8 transported in cargo tanks, portable tanks, or hopper type vehicles with capacities in excess of 3,500 water gallons; or in bulk Division 1.1, 1.2, and 1.3 materials, Division 2.3, Hazard Zone A, or Division 6.1, Packing Group I, Hazard Zone A material; in bulk Division 2.1 or 2.2; or highway route controlled quantities of a Class 7 material, as defined in 49 CFR §173.403	5,000,000
(3) For-hire and Private (In interstate or foreign commerce: in any quantity; or in intrastate commerce, in bulk only; with a gross vehicle weight rating of 10,000 or more pounds) .	Oil listed in 49 CFR 172.101; hazardous waste, hazardous materials and hazardous substances defined in 49 CFR 171.8 and listed in 49 CFR 172.101, but not mentioned in (2) above or (4) below	1,000,000
(4) For-hire and Private (In interstate or foreign commerce, with a gross vehicle weight rating of less than 10,000 pounds).	Any quantity of Division 1.1, 1.2, or 1.3 material; any quantity of Division 2.3, Hazard Zone A, or Division 6.1, Packing Group I, Hazard Zone A material; or highway route controlled quantities of a Class 7 material as defined in 49 CFR 173.403	5,000,000

**§387.31 Financial responsibility required.**

(a) No motor carrier shall operate a motor vehicle transporting passengers until the motor carrier has obtained and has in effect the minimum levels of financial responsibility as set forth in §387.33 of this subpart.

(b) Policies of insurance, surety bonds, and endorsements required under this section shall remain in effect continuously until terminated.

(b)(1) Cancellation may be effected by the insurer or the insured motor carrier giving 35 days notice in writing to the other. The 35 days notice shall commence to run from the date the notice is mailed. Proof of mailing shall be sufficient proof of notice.

(b)(2) Exception. Policies of insurance and surety bonds may be obtained for a finite period of time to cover any lapse in continuous compliance.

(b)(3) Exception. Mexican motor carriers may meet the minimum financial responsibility requirements of this subpart by obtaining insurance coverage, in the required amounts, for periods of 24 hours or longer, from insurers that meet the requirements of §387.35 of this subpart. A Mexican motor carrier so insured must have available for inspection in each of its vehicles copies of the following documents:

(b)(3)(i) The Certificate of Registration;

(b)(3)(ii) The required insurance endorsement (Form MCS 90B); and

(b)(3)(iii) An insurance identification card, binder, or other document issued by an authorized insurer which specifies both the effective date and the expiration date of the temporary insurance coverage authorized by this exception.

Mexican motor carriers insured under this exception are also exempt from the notice of cancellation requirements stated on Form MCS 90B.

(c) Policies of insurance and surety bonds required under this section may be replaced by other policies of insurance or surety bonds. The liability of retiring insurer or surety, as to events after the termination date, shall be considered as having terminated on the effective date of the replacement policy of insurance or surety bond or at the end of the 35 day cancellation period required in paragraph (b) of this section, whichever is sooner.

(d) Proof of the required financial responsibility shall be maintained at the motor carrier's principal place of business. The proof shall consist of —

(d)(1) "Endorsement(s) for Motor Carriers of Passengers Policies of Insurance for Public Liability Under Section 18 of the Bus Regulatory Reform Act of 1982" (Form MCS 90B) issued by an insurer(s); or

(d)(2) A "Motor Carrier of Passengers Surety Bond for Public Liability Under Section 18 of the Bus Regulatory Reform Act of 1982" (Form MCS 82B) issued by a surety.

(e) The proof of minimum levels of financial responsibility required by this section shall be considered public information and be produced for review upon reasonable request by a member of the public.

(f) All passenger carrying vehicles operated within the United States by motor carriers domiciled in a contiguous foreign country, shall have on board the vehicle a legible copy, in English, of the proof of the required financial responsibility (Forms MCS 90B or MCS 82B) used by the motor carrier to comply with paragraph (d) of this section.

(g) Any motor vehicle in which there is no evidence of financial responsibility required by paragraph (f) of this section shall be denied entry into the United States.

[48 FR 52683, Nov. 21, 1983, as amended at 50 FR 7062, Feb. 20, 1985; 54 FR 49092, Nov. 29, 1989; 60 FR 38743, July 28, 1995].

### **§387.33 Financial responsibility, minimum levels**

The minimum levels of financial responsibility referred to in §387.31 of this subpart are hereby prescribed as follows:

#### *Public Liability*

For hire motor carriers of passengers operating in interstate or foreign commerce.

Vehicle Seating Capacity	Effective Date November 19, 1983	Effective Date November 19, 1985
(1) Any vehicle with a seating capacity of 16 passengers or more..	\$2,500,000	\$5,000,000
(2) Any vehicle with a seating capacity of 15 passengers or less.. <sup>1</sup>	\$750,000	\$1,500,000

<sup>1</sup> Except as provided in §387.27(b).



