**4921.01 Definitions**

As used in this chapter:

(A) "Ambulance" has the same meaning as in section [4766.01](http://codes.ohio.gov/orc/4766.01) of the Revised Code.

(B) "For-hire motor carrier" means a person engaged in the business of transporting persons or property by motor vehicle for compensation, except when engaged in any of the following in intrastate commerce:

(1) The transportation of persons in taxicabs in the usual taxicab service;

(2) The transportation of pupils in school buses operating to or from school sessions or school events;

(3) The transportation of farm supplies to the farm or farm products from farm to market or to food fabricating plants;

(4) The distribution of newspapers;

(5) The transportation of crude petroleum incidental to gathering from wells and delivery to destination by pipeline;

(6) The transportation of injured, ill, or deceased persons by hearse or ambulance;

(7) The transportation of compost (a combination of manure and sand or shredded bark mulch) or shredded bark mulch;

(8) 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;

(9) The operation of motor vehicles for contractors on public road work.

(10) The transportation of persons under the Home and community-based services waivers for non-medical transportation and transportation under OAC 5123:2-9-18 and 5123:2-9-24, as well as the transportation of persons living in an Intermediate Care Facility for Individuals with Intellectual Disabilities (“ICF/IID”) as defined in OAC 5123:2-7-01.

"For-hire motor carrier" includes the carrier's agents, officers, and representatives, as well as employees responsible for hiring, supervising, training, assigning, or dispatching drivers and employees concerned with the installation, inspection, and maintenance of motor-vehicle equipment and accessories.

Divisions (B)(1) to (10) of this section shall not be construed to relieve a person from compliance with rules governing unified carrier registration adopted under section [4921.11](http://codes.ohio.gov/orc/4921.11" \o ") of the Revised Code.

(C) "Household goods" means personal effects and property used or to be used in a dwelling, excluding property moving from a factory or store.

(D) "Interstate commerce" means trade, traffic, or transportation in the United States that is any of the following:

(1) Between a place in a state and a place outside of that state (including a place outside of the United States);

(2) Between two places in a state through another state or a place outside of the United States;

(3) Between two places in a state as part of trade, traffic, or transportation originating or terminating outside the state or the United States.

(E) "Intrastate commerce" means any trade, traffic, or transportation in any state which is not described in the term "interstate commerce.

(F) "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 persons 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 derived from a fixed overhead wire, furnishing local passenger transportation similar to street-railway service.

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

(H) "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.

(I) "School bus" has the same meaning as in section [4511.01](http://codes.ohio.gov/orc/4511.01) of the Revised Code.

(J) "Trailer" means any vehicle without motive power designed or used for carrying persons or property and for being drawn by a separate motor vehicle, including any vehicle of the trailer type, whether designed or used for carrying persons or property 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 vehicle.

Amended by 132nd General Assembly File No. TBD, HB 49, §101.01, eff. 9/29/2017.

Added by 129th General AssemblyFile No.127, HB 487, §101.01, eff. 6/11/2012.

**4923.01 Definitions**

As used in this chapter:

(A) "Ambulance," "interstate commerce," "intrastate commerce," "motor vehicle," "public highway," "ridesharing arrangement," and "school bus" have the same meanings as in section [4921.01](http://codes.ohio.gov/orc/4921.01) of the Revised Code.

(B) "For-hire motor carrier" means a person engaged in the business of transporting persons or property by motor vehicle for compensation, except when engaged in any of the following in intrastate commerce:

(1) The transportation of persons in taxicabs in the usual taxicab service;

(2) The transportation of pupils in school busses operating to or from school sessions or school events;

(3) The transportation of farm supplies to the farm or farm products from farm to market or to food fabricating plants;

(4) The distribution of newspapers;

(5) The transportation of crude petroleum incidental to gathering from wells and delivery to destination by pipe line;

(6) The transportation of injured, ill, or deceased persons by hearse or ambulance;

(7) The transportation of compost (a combination of manure and sand or shredded bark mulch) or shredded bark mulch;

(8) 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;

(9) The operation of motor vehicles for contractors on public road work.

(10) The transportation of persons under the Home and community-based services waivers for non-medical transportation and transportation under OAC 5123:2-9-18 and 5123:2-9-24, as well as the transportation of persons living in an Intermediate Care Facility for Individuals with Intellectual Disabilities (“ICF/IID”) as defined in OAC 5123:2-7-01.

"For-hire motor carrier" includes the carrier's agents, officers, and representatives, as well as employees responsible for hiring, supervising, training, assigning, or dispatching drivers and employees concerned with the installation, inspection, and maintenance of motor-vehicle equipment and accessories.

Divisions (B)(1) to (10) of this section shall not be construed to relieve a person from compliance with rules adopted under division (A)(2) of section [4923.04](http://codes.ohio.gov/orc/4923.04) of the Revised Code, division (E) of section [4923.06](http://codes.ohio.gov/orc/4923.06) of the Revised Code, division (B) of section [4923.07](http://codes.ohio.gov/orc/4923.07) of the Revised Code, and section [4923.11](http://codes.ohio.gov/orc/4923.11) of the Revised Code, or from compliance with rules regarding commercial driver's licenses adopted under division (A)(1) of section [4923.04](http://codes.ohio.gov/orc/4923.04) of the Revised Code.

(C) "Motor carrier" means both a for-hire motor carrier and a private motor carrier.

(D) "Private motor carrier" means a person who is not a for-hire motor carrier but is engaged in the business of transporting persons or property by motor vehicle, except as provided in section [4923.02](http://codes.ohio.gov/orc/4923.02) of the Revised Code. "Private motor carrier" includes the carrier's agents, officers, and representatives, as well as employees responsible for hiring, supervising, training, assigning, or dispatching drivers and employees concerned with the installation, inspection, and maintenance of motor-vehicle equipment and accessories.

Added by 129th General AssemblyFile No.127, HB 487, §101.01, eff. 6/11/2012.

[**4923.02 Exemption from provisions of chapter.**](http://codes.ohio.gov/orc/4923.02v1)

(A) As used in this chapter, "private motor carrier" does not include a person when engaged in any of the following in intrastate commerce:

(1) The transportation of persons in taxicabs in the usual taxicab service;

(2) The transportation of pupils in school busses operating to or from school sessions or school events;

(3) The transportation of farm supplies to the farm or farm products from farm to market or to food fabricating plants;

(4) The distribution of newspapers;

(5) The transportation of crude petroleum incidental to gathering from wells and delivery to destination by pipe line;

(6) The transportation of injured, ill, or deceased persons by hearse or ambulance;

(7) The transportation of compost (a combination of manure and sand or shredded bark mulch) or shredded bark mulch;

(8) 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;

(9) The operation of motor vehicles for contractors on public road work.

(10) The transportation of persons under the Home and community-based services waivers for non-medical transportation and transportation under OAC 5123:2-9-18 and 5123:2-9-24, as well as the transportation of persons living in an Intermediate Care Facility for Individuals with Intellectual Disabilities (“ICF/IID”) as defined in OAC 5123:2-7-01.

(B) The public utilities commission may grant a motor carrier operating in intrastate commerce a temporary exemption from some or all of the provisions of this chapter and the rules adopted under it, when either of the following applies:

(1) The governor of this state has declared an emergency.

(2) The chairperson of the commission or the chairperson's designee has declared a transportation-specific emergency.

(C) The commission may adopt rules not incompatible with the requirements of the United States department of transportation to provide exemptions to motor carriers operating in intrastate commerce not otherwise identified in divisions (A) and (B) of this section.

(D) Divisions (A) to (C) of this section shall not be construed to relieve a person from compliance with the following:

(1) Rules adopted under division (A)(2) of section [4923.04](http://codes.ohio.gov/orc/4923.04) of the Revised Code, division (E) of section [4923.06](http://codes.ohio.gov/orc/4923.06) of the Revised Code, division (B) of section [4923.07](http://codes.ohio.gov/orc/4923.07) of the Revised Code, and section [4923.11](http://codes.ohio.gov/orc/4923.11) of the Revised Code;

(2) Rules regarding commercial driver's licenses adopted under division (A)(1) of section [4923.04](http://codes.ohio.gov/orc/4923.04) of the Revised Code.

Amended by 132nd General Assembly File No. TBD, HB 49, §101.01, eff. 9/29/2017.

Amended by 130th General Assembly File No. TBD, HB 483, §101.01, eff. 9/15/2014.

Added by 129th General AssemblyFile No.127, HB 487, §101.01, eff. 6/11/2012.

4901:2-5-01 Definitions.

(A) "Authorized personnel" means employees of the commission's transportation department authorized to conduct inspections of motor vehicles and drivers, and employees of the state highway patrol designated by the superintendent to conduct inspections of motor vehicles and drivers.

(B) "Commercial motor vehicle" when used in connection with a motor carrier operating in intrastate commerce, has the same meaning as in [49 C.F.R. 390.5](http://codes.ohio.gov/NLLXML/ohiocodesGetcode.aspx?userid=PRODSG&interface=OHCODES&statecd=US&codesec=390.5&sessionyr=2017&Title=49&datatype=D&noheader=0&nojumpmsg=0" \o "" \t "_new), as effective on the date referenced in paragraph (C) of rule [4901:2-5-02](http://codes.ohio.gov/oac/4901:2-5-02) of the Administrative Code, when operated by a for-hire motor carrier, and the same meaning as in [49 C.F.R. 383.5](http://codes.ohio.gov/NLLXML/ohiocodesGetcode.aspx?userid=PRODSG&interface=OHCODES&statecd=US&codesec=383.5&sessionyr=2017&Title=49&datatype=D&noheader=0&nojumpmsg=0), as effective on the date referenced in paragraph (C) of rule [4901:2-5-02](http://codes.ohio.gov/oac/4901:2-5-02) of the Administrative Code, when operated by a private motor carrier.

(C) "Commercial vehicle safety plan" has the same meaning as in [49 C.F.R. 350.105](http://codes.ohio.gov/NLLXML/ohiocodesGetcode.aspx?userid=PRODSG&interface=OHCODES&statecd=US&codesec=350.105&sessionyr=2017&Title=49&datatype=D&noheader=0&nojumpmsg=0), as effective on the date referenced in paragraph (C) of rule [4901:2-5-02](http://codes.ohio.gov/oac/4901:2-5-02) of the Administrative Code.

(D) "Commission" means the public utilities commission of Ohio.

(E) "Excepted carrier" means a person excepted as a for-hire motor carrier under division (B)(1) to (B)(10) of section [4923.01](http://codes.ohio.gov/orc/4923.01) of the Revised Code or a person excepted as a private motor carrier under division (A)(1) to (A)(10) of section [4923.02](http://codes.ohio.gov/orc/4923.02) of the Revised Code.

(F) "For-hire motor carrier" has the same meaning as in section [4923.01](http://codes.ohio.gov/orc/4923.01) of the Revised Code.

(G) "Hazardous material" has the same meaning as in [49 C.F.R. 171.8](http://codes.ohio.gov/NLLXML/ohiocodesGetcode.aspx?userid=PRODSG&interface=OHCODES&statecd=US&codesec=171.8&sessionyr=2017&Title=49&datatype=D&noheader=0&nojumpmsg=0), as effective on the date referenced in paragraph (C) of rule [4901:2-5-02](http://codes.ohio.gov/oac/4901:2-5-02) of the Administrative Code.

(H) "Hazardous materials transporter" means a person engaged in the highway transportation of hazardous materials, in intrastate commerce, by motor vehicles that are not commercial motor vehicles.

(I) "Immediate destination" is the next scheduled stop of the vehicle already in motion where the cargo on board can be safely secured.

(J) "Imminent hazard" means any condition of a motor vehicle, driver, or operation which is likely to result in serious injury or death if not discontinued immediately.

(K) "Inspection report" means the "Driver Vehicle Examination Report" prescribed by the U.S. department of transportation pursuant to [49 C.F.R. 396.9](http://codes.ohio.gov/NLLXML/ohiocodesGetcode.aspx?userid=PRODSG&interface=OHCODES&statecd=US&codesec=396.9&sessionyr=2017&Title=49&datatype=D&noheader=0&nojumpmsg=0), as effective on the date referenced in paragraph (C) of rule [4901:2-5-02](http://codes.ohio.gov/oac/4901:2-5-02) of the Administrative Code, to record the results of inspections conducted by authorized personnel.

(L) "Interstate commerce" has the same meaning as in section [4923.01](http://codes.ohio.gov/orc/4923.01) of the Revised Code.

(M) "Intrastate commerce" means any trade, traffic, or transportation within Ohio which does not meet the definition of interstate commerce.

(N) "Medical examiner" has the same meaning as in [49 C.F.R. 390.5](http://codes.ohio.gov/NLLXML/ohiocodesGetcode.aspx?userid=PRODSG&interface=OHCODES&statecd=US&codesec=390.5&sessionyr=2017&Title=49&datatype=D&noheader=0&nojumpmsg=0), as effective on the date referenced in paragraph (C) of rule [4901:2-5-02](http://codes.ohio.gov/oac/4901:2-5-02) of the Administrative Code.

(O) "Motor carrier" includes all for-hire motor carriers and private motor carriers operating commercial motor vehicles in intrastate commerce. "Motor carrier" also includes those defined in [49 C.F.R. 390.5](http://codes.ohio.gov/NLLXML/ohiocodesGetcode.aspx?userid=PRODSG&interface=OHCODES&statecd=US&codesec=390.5&sessionyr=2017&Title=49&datatype=D&noheader=0&nojumpmsg=0), as effective on the date referenced in paragraph (C) of rule [4901:2-5-02](http://codes.ohio.gov/oac/4901:2-5-02) of the Administrative Code, operating in Ohio in interstate commerce.

(P) "Motor Carrier Safety Assistance Program" is the federal grant program described in [49 C.F.R. 350.101](http://codes.ohio.gov/NLLXML/ohiocodesGetcode.aspx?userid=PRODSG&interface=OHCODES&statecd=US&codesec=350.101&sessionyr=2017&Title=49&datatype=D&noheader=0&nojumpmsg=0), as effective on the date referenced in paragraph (C) of rule [4901:2-5-02](http://codes.ohio.gov/oac/4901:2-5-02) of the Administrative Code.

(Q) "Motor vehicle" has the same definition as in section [4921.01](http://codes.ohio.gov/orc/4921.01) of the Revised Code and includes commercial motor vehicles.

(R) "Offeror" means any person that is subject to the regulations contained in 49 C.F.R. 171 to 180, as effective on the date referenced in paragraph (C) of rule [4901:2-5-02](http://codes.ohio.gov/oac/4901:2-5-02) of the Administrative Code, by reason of offering hazardous materials for transportation by motor vehicle into, within, or through Ohio.

(S) "Private motor carrier" has the same meaning as in section [4923.01](http://codes.ohio.gov/orc/4923.01) of the Revised Code.

(T) "Public highway" has the same meaning as in section [4923.01](http://codes.ohio.gov/orc/4923.01) of the Revised Code.

(U) "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 hazardous materials in a quantity requiring placarding pursuant to 49 C.F.R. 172, subpart f, as effective on the date referenced in paragraph (C) of rule [4901:2-5-02](http://codes.ohio.gov/oac/4901:2-5-02) of the Administrative Code.

Replaces: 4901:2-5-01

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