

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Review of Chapters )  
4901:2-3 and 2-15, Ohio Administrative ) Case No. 06-733-TR-ORD  
Code. )

FINDING AND ORDER

The Commission finds:

- (1) Section 119.032, Revised Code, requires all state agencies, every five years, to conduct a review of each of its rules and to determine whether to continue their rules without change, amend their rules or rescind their rules.
- (2) Section 119.032 (C), Revised Code, requires that the Commission determine:
  - (a) Whether the rule should be continued without amendment, be amended, or be rescinded, taking into consideration the purpose, scope, and intent of the statute under which the rule was adopted;
  - (b) Whether the rule needs amendment or rescission to give more flexibility at the local level;
  - (c) Whether the rule needs amendment to eliminate unnecessary paperwork; and
  - (d) Whether the rule duplicates, overlaps with, or conflicts with other rules.
- (3) In making the determinations required by Section 119.032(C), Revised Code, the Commission considered those matters set forth in that section, as well as the continued need for these rules, the nature of any complaints or comments received concerning these rules and any relevant factors that have changed in subject matter area affected by the rule.
- (4) On October 11, 2006, the Commission issued an entry of public notice and comment on the proposed revisions to Chapters 4901:2-3 and 2-15, Ohio Administrative Code. The comment period expired on November 10, 2006 and no comments were filed.

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- (5) The Staff recommended that the rules herein, which address various registration requirements, not be amended or changed at this time. The Staff has advised that in 2005, Congress enacted the Unified Carrier Registration Act of 2005, which is part of the federal highway reauthorization bill known as the Safe, Accountable, Flexible, Efficient Transportation Equity Act, A Legacy for Users ("SAFETEA-LU") (Public Law 109-59, enacted August 10, 2005). The Act provides for the repeal of the Single State Registration System (SSRS) and its replacement by the Unified Carrier Registration Agreement (UCRA). The UCRA is designed to replace the revenues the states collected under SSRS (as well as similar fees a state may have imposed on private or exempt motor carriers and on interstate motor carriers for the annual renewal of these carriers' intrastate operating rights).
- (6) As a result of these sweeping changes to our existing registration system, the rules noted above will require extensive revision. Until further developments on the federal level occur, it is not advisable to make any changes to these rules at this review period.
- (7) Therefore, the Rules contained in Chapters 4901:2-3 and 2-15, Ohio Administrative Code, should be submitted to the Joint Committee on Agency Rule Review without change.
- (8) Unless otherwise ordered by the Commission or the Joint Committee on Agency Rule Review, the five-year date review in Chapters 4901:2-1 and 4901:2-5 shall be May 31, 2010.


It is, therefore,

ORDERED, That existing Rules in Chapter 4901:2-3 and 2-15 are adopted without change and should be filed with the Joint Committee on Agency Rule Review, the Secretary of State, and the Legislative Service Commission. It is, further


ORDERED, That unless ordered otherwise by the Commission or the Joint Committee on Agency Rule Review, the five-year review date for the rules in Chapters 4901:2-1 and 4901:2-5 shall be May 31, 2010. It is, further,

ORDERED, That a copy of this Entry, with the attached rules, be served upon the Ohio State Highway Patrol, Ohio Rail Association, Ohio Trucking Association, Ohio Household Movers Association and Ohio Bus Association.

THE PUBLIC UTILITIES COMMISSION OF OHIO

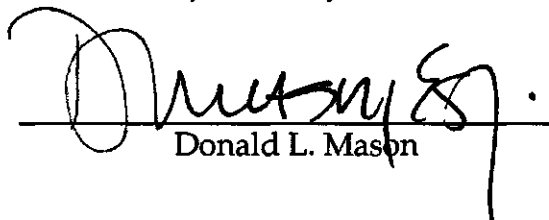


Alan R. Schriber, Chairman



Ronda Hartman Fergus

Judith A. Jones



Donald L. Mason

Valerie A. Lemmie

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Renee J. Jenkins

Secretary

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**4901:2-3-02      Definitions applicable.**

The following definitions are applicable to rules 4901:2-3-01 to 4901:2-3-09, inclusive:

- (A) "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.
- (B) "Equipment" means a motor vehicle, straight truck, tractor, semitrailer, full trailer, or a combination tractor and semitrailer or combination straight truck or full trailer.
- (C) "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.
- (D) "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.
- (E) "Employee" means a person or company in the service of another under any contract of hire.

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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:

- (A) 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.
- (B) Not provide any coverage insuring 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.
- (C) Be issued by an insurance company authorized to transact business in Ohio by the Ohio department of insurance.

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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.

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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.

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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.



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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 49 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 49 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

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- (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.

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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.

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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.