

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Review of Rules)
4901:2-13-01 and 4901:2-13-02, Ohio) Case No. 10-260-TR-ORD
Administrative Code.)

ENTRY

The Commission finds:

- (1) By entry of August 19, 2009, in Case No. 09-30-TR-ORD, *In the Matter of the Commission's Review of Chapters 4901:2-13, 4901:3-1, and 4901-5, Ohio Administrative Code*, the Commission sought, in part, comments on amendments proposed by staff to rules contained within Chapter 4901:2-13, Ohio Administrative Code (O.A.C.). No comments were filed.
- (2) On November 24, 2009, the Commission approved staff's proposed amendments to Chapter 4901:2-13, O.A.C., for filing at the Joint Committee for Agency Rule Review (JCARR).
- (3) After these amended rules were final filed at JCARR, staff discovered that certain additional modifications should have been proposed. For example, Rule 4901:2-13-02, O.A.C., inadvertently omitted specific reference to insurance requirements for household goods carriers. In addition to these inadvertent omissions, staff now recommends that several non-substantive amendments also be made. First, staff proposes to amend references to 49 Code of Federal Regulations (C.F.R.) 387 contained in Rule 4901:2-13-02, O.A.C., to more easily incorporate future C.F.R. changes to motor carrier insurance requirements. Second, staff proposes amending Rule 4901:2-13-02, O.A.C., to clarify which kinds of motor carriers of hazardous materials, hazardous substances, or hazardous wastes, as defined in 49 C.F.R. 387, must comply with insurance requirements specified in 49 C.F.R. 387.

Staff also proposes a non-substantive amendment to Rule 4901:2-13-01, O.A.C., with the addition of language clarifying which kinds of motor carriers must file a certificate of liability insurance or bond with the Commission.

- (4) A copy of the proposed amended rules is attached to this entry. The Commission requests comments from interested persons

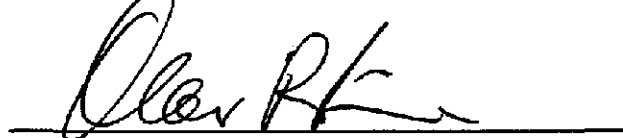
concerning the proposed amendments. Comments should be filed by March 31, 2010. All comments should include Case No. 10-260-TR-ORD and be sent to: Public Utilities Commission of Ohio, Docketing Division, 180 East Broad Street, Columbus, Ohio 43215.

It is, therefore,

ORDERED, That comments on the attached amended rules be filed in accordance with Finding (4). It is, further,

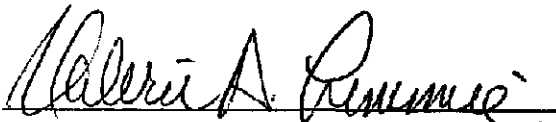
ORDERED, That a copy of this Entry be served upon the Ohio Petroleum Marketers Association, the Ohio Trucking Association, National Tank Truck Carriers, Inc., Ohio Department of Transportation, Ohio State Highway Patrol, the Ohio Railroad Association, and all other interested persons of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO



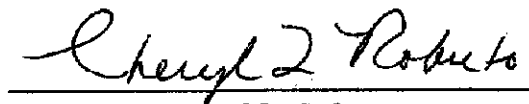
Alan R. Schriber, Chairman

Paul A. Centolella



Valerie A. Lemmie

Ronda Hartman Fergus

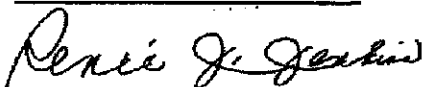


Cheryl L. Roberto

JML/dah

Entered in the Journal

MAR 17 2010



Renee J. Jenkins
Secretary

***** DRAFT – NOT FOR FILING *****

4901:2-13-02 **Amounts of insurance.**

- (A) Motor transportation companies operating for-hire in the state of Ohio pursuant to Chapter 4921. of the Revised Code shall maintain insurance as required under 49 C.F.R. 387.9 387 effective in accordance with paragraph (C) of rule 4901:2-13-01 of the Administrative Code.
- (B) For each straight truck or each tractor trailer combination used for the transportation of household good, motor transportation companies shall maintain cargo liability insurance as required under 49 C.F.R. 387 effective in accordance with paragraph (C) of rule 4901:2-13-01 of the Administrative Code.
- ~~(B)~~(C) Private motor carriers operating in the state of Ohio pursuant to Chapter 4923. of the Revised Code shall maintain insurance as required under 49 C.F.R. ~~387.303(a)(2)~~ 387 effective in accordance with paragraph (C) of rule 4901:2-13-01 of the Administrative Code.
- ~~(C)~~(D) Motor transportation companies operating for-hire in the state of Ohio pursuant to Chapter 4921. of the Revised Code engaged in the transportation of passengers shall maintain insurance as required under 49 C.F.R. 387.33 effective in accordance with paragraph (C) of rule 4901:2-13-01 of the Administrative Code.
- (E) Private motor carriers operating in the state of Ohio pursuant to Chapter 4923. of the Revised Code engaged in the transportation of passengers shall maintain insurance as required under 49 C.F.R. ~~387.303(b)(1)(ii)~~ 387 effective in accordance with paragraph (C) of rule 4901:2-13-01 of the Administrative Code.
- (F) Any motor transportation company or private motor carrier that fails to maintain insurance under this rule whose authority to operate has been revoked pursuant to rule 4901:2-13-08 of the Administrative Code shall be placed out of service pursuant to rule 4905:2-5-07 of the Administrative Code. Such order shall remain in effect until such time as the carrier has satisfied the requirements of this section and the motor transportation company or private motor carrier's status has been re-instated.
- (G) Motor transportation companies operating for-hire in the state of Ohio pursuant to Chapter 4921. of the Revised Code, or private motor carriers operating in the state of Ohio pursuant to Chapter 4923. of the Revised Code, engaged in the transportation - of hazardous materials, hazardous substances, or hazardous wastes as defined in 49 C.F.R. 387.3 ~~387 (B)~~ shall maintain insurance as required by 49 C.F.R. 387 effective in accordance with paragraph (C) of rule 4901:2-13-01 of the Administrative Code.
- (H) Motor transportation companies operating for-hire in the state of Ohio pursuant to Chapter 4921. of the Revised Code or private motor carriers operating in the state of Ohio pursuant to Chapter 4923. of the Revised Code engaged in the transportation of oil listed in 49 C.F.R. 172.101, or of hazardous waste, hazardous materials and

***** DRAFT – NOT FOR FILING *****

hazardous substances defined in 49 C.F.R. 171.8 and listed in 49 C.F.R. 172.101 in any quantity shall maintain minimum insurance limits of one million dollars.

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4901:2-13-01 **Who must file insurance.**

- (A) No motor transportation company, or private motor carrier operating for-hire in the state of Ohio, that is subject to section 4919.77, 4921.11 or 4923.08 of the Revised Code, shall engage in intrastate commerce in Ohio, and no certificate shall be issued to a motor carrier, or remain in effect, unless that motor carrier has filed with and had approved by the public utilities commission of Ohio a certificate of liability insurance or bond, 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.
- (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.
- (C) Each citation contained within this chapter that is made to a regulation of the code of federal regulations is intended, and shall serve, to incorporate by reference the particular version of the cited matter that was effective on November 24, 2009.