

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Amendment of )  
the Provisions of Chapter 4901:2-5, ) Case No. 99-969-TR-ORD  
Ohio Administrative Code. )

ENTRY

The Commission finds:

- (1) Section 119.032, Ohio 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. The Commission has established the rule review date for the rules contained in Chapter 4901:2-5, Ohio Administrative Code, as November 30, 1999.
- (2) Section 119.032(C), O.R.C., 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  - (a) Whether the rule should be continued without amendment, be amended, or be rescinded, taking into consideration the purpose, scope, and intent of the statute under which the rule was adopted;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) The staff of the Commission has prepared amendments to Rules 4901:2-5-10 and 4901:2-5-13, O.A.C. Proposed Rule 4901:2-5-10, O.A.C., addresses the marking of vehicles and the proposed rule is intended to prevent carriers from misrepresenting themselves as another motor carrier. Changes in Proposed Rule 4901:2-5-13, O.A.C., clarifies the use of different selection criteria in performing commercial vehicle inspections.
- (4) The staff recommended additional editorial changes to Rules 4901:2-5-01, 4901:2-5-02, and 4901:2-5-04, O.A.C., to reflect changes resulting from the termination of the Interstate Commerce Commission.

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Technician Dana M. Hines Date Processed SEP 24 1999

- (5) In making the determinations required by Section 119.032(C), O.R.C., the staff of the Commission considered those matters set forth in Section 119.032(C), O.R.C., as well as the continued need for the rules; the nature of any complaints or comments received concerning these rules; and any relevant factors that have changed in the subject matter area affected by the rule.
- (6) The Commission requests comments from interested persons to assist in the review required by Section 119.032 (C), O.R.C. A thirty-day comment period should be established for the attached rules. Interested persons are requested to file their comments, in writing, with the Commission Docketing Division by October 25, 1999.

It is therefore,

ORDERED, That a period of thirty days from the date of this Entry is established for public comments on the attached rules. It is further,

ORDERED, That a copy of this Entry, with the attached rules be served upon the Ohio Highway Patrol, Association of Waste Hazardous Materials Transporters, Ohio Trucking Association, Ohio Petroleum Association, Ohio Petroleum Gas Association, Ohio Association of Movers, American Trucking Association and any other interested person of record.

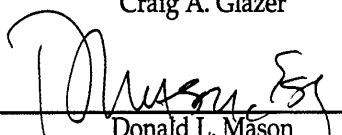
THE PUBLIC UTILITIES COMMISSION OF OHIO

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Alan R. Schriber, Chairman

  
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Ronda Hartman Fergus

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Craig A. Glazer

  
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Judith A. Jones


  
\_\_\_\_\_  
Donald L. Mason

DV:ct

Entered in the Journal

**SEP 23 1999**

A True Copy

  
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Gary E. Vigorito  
Secretary

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4901:2-5

**Safety Rules and Regulations for Motor Carriers and  
For Shippers of Hazardous Materials**

- 4901:2-5-01 Definitions, knowledge of rules and regulations required.
  - 4901:2-5-02 Adoption of U.S. department of transportation safety standards.
  - 4901:2-5-03 Applicability of safety standards to lightweight vehicles.
  - 4901:2-5-04 Qualifications of drivers.
  - 4901:2-5-05 Relief from regulation.
  - 4901:2-5-06 Truck and truck tractor front wheel brakes.
  - 4901:2-5-07 Out of service vehicles and drivers.
  - 4901:2-5-08 Mud flaps.
  - 4901:2-5-09 (Repealed).
  - 4901:2-5-10 Marking of vehicles.
  - 4901:2-5-11 Inspection of vehicles, reports.
  - 4901:2-5-12 Safety-net reports.
  - 4901:2-5-13 Inspection Program.
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4901:2-5-01 Definitions, knowledge of rules and regulations required.

- (A) "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.
- (B) "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 ~~383.35~~ 383.5, C.F.R., as amended.
- (C) "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.
- (D) These rules are applicable to transportation in motor vehicles by motor carriers and to offerors of hazardous materials.

- (E) Every motor carrier and offeror shall be instructed in, familiar with, and comply with the applicable rules in this chapter.
- (F) The provisions of Title 49, Part 393.61, C.F.R., shall not be effective as applied to private motor carriers of passengers until July 1, 2002.

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Effective:

R.C. 119.032 review date: 11/30/04, 11/30/99

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Gary Vigorito, Secretary  
Public Utilities Commission of Ohio

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Date

Promulgated under: R.C. Sec. 111.15  
Statutory authority: R.C. Sec. 4921.04, 4923.03  
Rule amplifies: R.C. Sec. 4923.20  
Prior effective dates: 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

4901:2-5-02 Adoption of U.S. department of transportation safety standards.

- (A) The commission hereby adopts the provisions of the motor carrier safety regulations of the U.S. department of transportation contained in Title 49, CFR Parts 382, 383 and 387 ~~(insofar as that pertains to the transportation of hazardous materials, hazardous substances or hazardous wastes as therein defined)~~ and Parts 390 through 397 including future modifications or additions, unless specifically excluded or modified by a rule of this commission, and those portions of the hazardous materials transportation regulations contained in Title 49, CFR Parts 171 through 180 as are applicable to transportation or offering for transportation by motor vehicle, including future modifications or additions. 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 Title 49, CFR Parts 390 through 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, including future modifications or additions, 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, including future modifications or additions, 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 Title 49, CFR Parts 171 through 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 Title 49, CFR Part 107 and shall be consistent with interpretations issued by the research and special programs administration, U.S. department of transportation.

- (E) Title 49, CFR Part 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:
- (1) 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:
    - (a) More than twelve hours following eight consecutive hours off duty; or
    - (b) 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
    - (b) 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.
- (F) 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 Title 49 U.S.C. 5103 in a quantity requiring placarding pursuant to Title 49 CFR part 172, subpart f.

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Effective:

R.C. 119.032 review date: 11/30/04

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Gary Vigorito, Secretary  
Public Utilities Commission of Ohio

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Date

Promulgated under: R.C. Sec. 111.15  
Statutory authority: R.C. Sec. 4921.04, 4923.03  
Rule amplifies: R.C. Sec. 4921.03, 4923.20  
Prior effective dates: 10/19/63, 11/30/63,  
1/23/64, 4/12/64, 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

4901:2-5

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:

- (A) 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.

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Case No. 92-1972-TR-ORD

Effective: November 18, 1993

Amended: 3/19/87, 1/20/63

Rule amplifies: 4921.04, 4923.03, 4923.20, R.C.

Replaces: 4901:2-5-03

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 ~~391.121~~ 391.21 (applications for employment), Part 391.23 (investigations and inquiries), ~~Part 391.31 (road tests)~~, 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 ineffective 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.

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Effective:

R.C. 119.032 review date: 11/30/04

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Gary Vigorito, Secretary  
Public Utilities Commission of Ohio

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Date

Promulgated under: R.C. Sec. 111.15  
Statutory authority: R.C. Sec. 4921.04, 4923.03  
Rule amplifies: R.C. Sec. 4923.20  
Prior effective dates: 1/20/63, 3/19/87,  
10/28/90

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4901:2-5

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.

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Case No. 92-1972-TR-ORD

Effective: November 18, 1993

Amended: 10/28/90, 3/19/87, 5/31/64

Rule amplifies: 4921.04, 4923.03, 4923.20, R.C.

Replaces: 4901:2-05

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4901:2-5

4901:2-5-06 Truck and truck tractor front wheel brakes.

- (A) Except as provided in paragraph (B) of this rule, any motor carrier operating motor vehicles in intrastate commerce within Ohio shall equip such vehicles with brakes acting on all wheels adequate to stop and hold such vehicle or combination of vehicles.
- (B) Any motor vehicle operated in intrastate commerce within Ohio by a private motor carrier, as defined in section 4923.20 of the Revised Code, need not have brakes on the front wheels if the vehicle has three or more axles and was manufactured before July 25, 1980.

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Case No. 91-353-TR-ORD

Eff. April 25, 1992

Amended: 12/25/87, 3/19/87, 1/20/63

Rule amplifies: 4919.85, 4921.03, 4921.04, 4923.03, 4923.20, R.C.

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" any motor vehicle which by reason of its mechanical condition or loading would likely cause an accident or breakdown, and may declare "out of service" any driver who meets the "out of service" criteria set forth in Title 49 CFR Part 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, by reason of its mechanical condition or loading would likely cause an accident or breakdown, or whether a driver is unqualified to drive a commercial motor vehicle, 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 federal highway administration.
- (C) Vehicles declared "out of service" may be marked with an appropriate sticker, which shall not be removed until those violations which resulted in the "out of service" determination have been corrected. Drivers declared "out of service" shall remain out of service in accordance with the provisions of Title 49 CFR Part 392.5 or 395.13, or until such time as they are qualified to drive a commercial motor vehicle in accordance with paragraphs (B) and (C) of rule 4901:2-5-03 of the Administrative Code.
- (D) No motor carrier shall operate or permit the operation of a motor vehicle by a driver who has been declared "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 has been declared "out of service" until those violations which resulted in the out of service determination have been corrected, 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;  
or
  - (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

4901:2-5

inspections to the nearest safe location unless that employee determines that it would be less safe to move the vehicle.

- (E) 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.
- (F) This rule shall not be interpreted to supersede any more stringent federal requirement adopted by the commission.

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Case No. 92-1972-TR-ORD

Effective: November 18, 1993

Amended: 4/25/92, 10/28/90, 3/19/87, 9/5/77, 2/17/67

Rule amplifies: 4921.04, 4923.03, 4923.20, R.C.

Replaces: 4901:2-5-07

4901:2-5

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.

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Case No. 87-1001-TR-ORD

Effective: December 25, 1987

Amended: 3/19/87, 1/20/63, 1/1/57

Rule amplifies: 4921.04, 4923.03, 4923.20, R.C.

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4901:2-5

4901:2-5-09 (Repealed).

4901:2-5-10 Marking of vehicles.

- (A) All motor carriers shall display the following information on both sides of all motor vehicles operated within Ohio in intrastate commerce in letters and figures not less than two inches in height and three-eighths inch in width:
- (1) Company name, city and state;
  - (2) Company number of vehicle; and
  - (3) For all motor vehicles having a gross vehicle weight rating of twenty-six thousand pounds or less, operated subject to commission jurisdiction pursuant to section 4921.02 or 4923.02 of the Revised Code, the lowest PUCO certificate number ~~and any permit number held by the carrier.~~

This lettering shall be displayed in a color which will contrast sharply with the background upon which it is painted, shall be kept clean and distinct at all times, and shall be placed in such a position as to be easily seen by anyone wishing to identify the vehicle.

- (B) Each motor carrier shall assign to each motor vehicle operated by it within Ohio in intrastate commerce a separate number. The same designation shall not be used on more than one vehicle, nor used again after such vehicle is removed from service.
- (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 that 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 census number in lieu of company name, city and state.

- (D) Paragraphs (A) and (B) of this rule shall not apply to 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 applies:
- (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; and
  - (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) ~~This rule shall not apply to vehicles leased by motor transportation companies or contract motor carriers. Such vehicles shall be marked as required by Chapter 4901:2-3 of the Administrative Code~~ 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 ITSELF AS ANOTHER MOTOR CARRIER OR OTHER ENTITY.

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Effective:

R.C. 119.032 review date: 11/30/04

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Gary Vigorito, Secretary  
Public Utilities Commission of Ohio

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Date

Promulgated under: R.C. Sec. 111.15  
Statutory authority: R.C. Sec. 4921.04, 4923.03  
Rule amplifies: R.C. Sec. 4923.20  
Prior effective dates: 1/20/63, 3/19/87,  
12/25/87, 10/28/90

4901:2-5

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.

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Case No. 89-1041-TR-ORD

Eff.: October 28, 1990

Amended: 3/19/87, 8/25/77, 1/20/63

Rule amplifies: 4919.85, 4921.04, 4923.03, 4923.20, R.C.

Replaces: 4901:2-5-11

4901:2-5

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".

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Case No. 89-1041-TR-ORD

Eff.: October 28, 1990

Rule amplifies: 4919.85, 4921.04, 4923.03, 4923.20, R.C.

4901:2-5-13 Inspection program.

- (A) For the purpose of enforcing the provisions of Chapters 4901:2-1, 4901:2-3, 4901:2-5, 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"; ~~or~~
  - (5) Any uniform statistical selection procedure, such as every fifth motor vehicle or every motor vehicle entering an inspection site; ~~OR Such a selection procedure shall be used when operating at a permanently or temporarily fixed inspection location on public property, private property open to the public, or private property with permission of the owner or person in control of the property, and shall not preclude inspections which meet other criteria in paragraph (C) of this rule. As used in this rule, "temporarily fixed inspection location" shall include a portion of a public highway being patrolled by employees of the commission's transportation department.~~
  - (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 ~~upon any public roadway, public property, or private property open to the public~~ UNDER THAT PROGRAM.

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Effective:

R.C. 119.032 review date: 11/30/04

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Gary Vigorito, Secretary  
Public Utilities Commission of Ohio

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Date

Promulgated under: R.C. Sec. 111.15  
Statutory authority: R.C. Sec. 4921.04, 4923.03  
Rule amplifies: R.C. Sec. 4923.20  
Prior effective dates: 1/20/63, 3/19/87,  
10/28/90, 4/25/92, 11/18/93

SERVICE NOTICE  
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CASE NUMBER 99-969-TR-ORD  
CASE DESCRIPTION AMENDMENT CHAPTER 4901:2-5, OAC  
DOCUMENT SIGNED ON September 23, 1999  
DATE OF SERVICE Sept 24, 1999

PERSONS SERVED  
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PARTIES OF RECORD	ATTORNEYS
APPLICANT	
AMENDMENT OF CHAPTER 4901:2-5	NONE
OHIO ADMINISTRATIVE CODE	