

FILE

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

- - -

In the Matter of Mark E. :
Wilcox, Notice of Apparent:
Violation and Intent to : Case No. 09-358-TR-CVF
Assess Forfeiture. :

- - -

PROCEEDINGS

before Mr. Kerry K. Sheets, Hearing Examiner, at the
Public Utilities Commission of Ohio, 180 East Broad
Street, Room 11-F, Columbus, Ohio, called at 10:00
a.m. on Thursday, August 13, 2009.

- - -

Transcript Electronically filed

PUCO

2009 AUG 27 PM 1:34

RECEIVED-BOOKING DIV

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Columbus, Ohio 43215
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Fax - (614) 224-5724

- - -

PUCO EXHIBIT FILING

Date of Hearing: 8/13/09

Case No. 09-358-TR-CVF

PUCO Case Caption: In the Matter of
Mark E. Wilcox, Notice of Apparent
Violation and Intent to Assess
Forfeiture.

List of exhibits being filed:

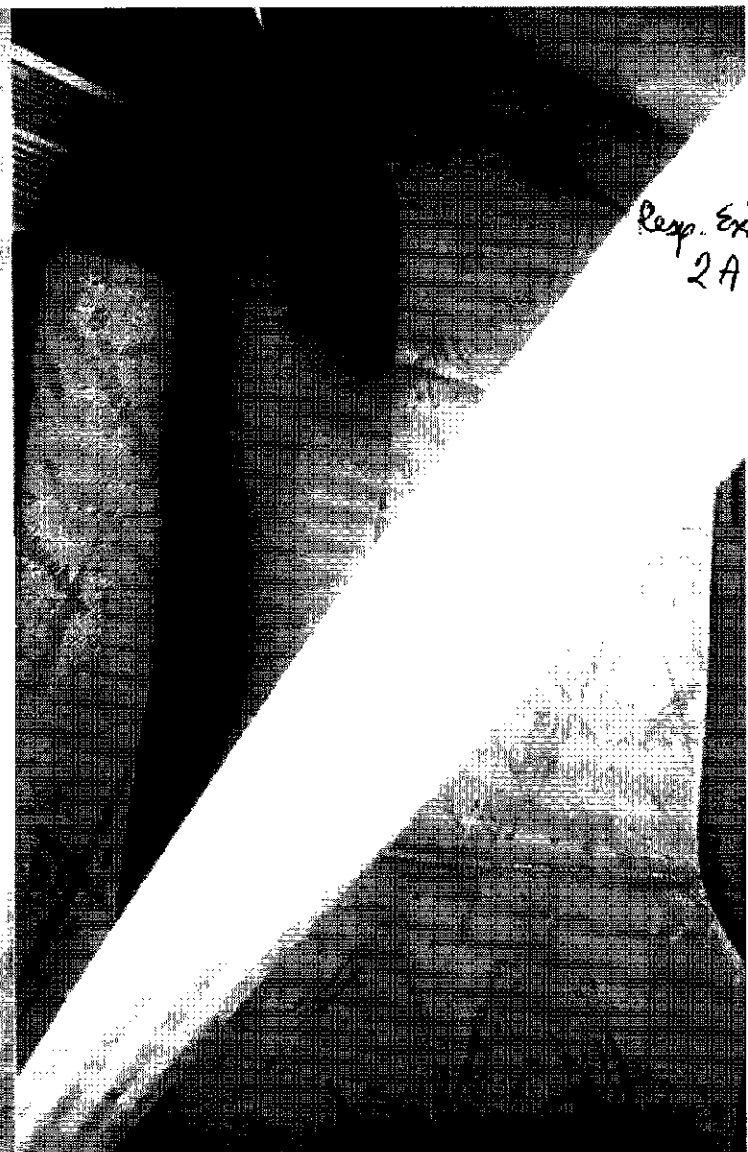
Staff Exs. 1 → 3
Respondent's Exs. 1 → 2(a→d)

PUCO

2009 AUG 27 PM 1:34

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Reporter's Signature: Maria R. Paolo Jones
Date Submitted: 8/26/09



DMI
DIMENSIONAL METALS, INC.

COLUMBUS OHIO
1-800-828-1510

US DOT 639608

Respondent's Ex. 1



Ohio State Highway Patrol
Policy Number : OSP-200.05-01

ENFORCEMENT GUIDELINES - MANDATORY USE LAWS

Date of Revision : **5/31/2007**

Priority Review : **All Sworn Officers ; Other Affected Employees**

Distribution : **All OSP Offices and Facilities**

Summary of Revisions

Material revisions throughout policy are in bold, italicized text.

Policy revised to provide guidelines for enforcement of safety restraint laws.

Purpose

To provide guidance for uniform and fair enforcement of Ohio's mandatory safety belt and child restraint laws.

Policy

A. STATEMENT OF POLICY

1. The policy of the Ohio State Highway Patrol is to enforce the mandatory safety belt and child restraint use laws in such a way that the public knows that Division employees are making every reasonable effort to bring about the highest possible level of voluntary compliance.
2. It is the responsibility of Division employees to promote the highest level of voluntary compliance through ongoing education and fair, objective and sensible application of the law.
3. While promoting the concept that there is a high probability of detection and arrest, **motorists shall be treated fairly and be given every benefit of the doubt** when there is evidence that they are attempting to comply with the law. <01.2.06>
4. Ohio's mandatory safety belt and child restraint laws have saved many lives each year and prevented thousands of serious personal injuries. Experience shows that a law's effectiveness is determined by a motorist's perception of how the law is enforced.
5. Guidelines primarily address enforcement policy. Officers also need to address the more positive side of the mandatory usage law. To improve the level of voluntary compliance with the safety belt law, acknowledge those responsible drivers and passengers complying with the law. Officers are encouraged to compliment or even thank those persons wearing safety belts. This "positive reinforcement" enhances the Division's image as active proponents of safety belt use. Officers may note safety belt usage by a violator on an affidavit or statement of fact if it is believed that doing so will help promote safety belt usage.

B. SCOPE OF SAFETY RESTRAINT ENFORCEMENT

1. Ohio Revised Code - The Ohio Revised Code specifically prohibits an officer from stopping a motor vehicle solely to enforce the mandatory safety restraint law. Ohio law may be enforced only after a legal traffic stop for another violation/reason.

2. Enforcement - The law may be enforced when a motorist is stopped as part of a sobriety checkpoint or at stationary, random motor vehicle inspection (MVI) locations, **but only when the officer first determines that an offense other than a secondary traffic offense has occurred and either places the operator or a vehicle occupant under arrest or issues a ticket, citation, or summons to the operator or a vehicle occupant for an offense other than a secondary offense.** Motorists shall not be singled out for inclusion in a sobriety checkpoint or motor vehicle inspection solely because of an observed failure to have a safety belt or child restraint in use.

3. Traffic Crashes - The law will be enforced at a crash if there is sufficient evidence of a violation or if the violator acknowledges that the required restraint was not in use. The question "were you wearing your safety belts?" should be asked of all drivers and front seat passengers during crash investigations.

4. Front Seat Passengers - Although there is conflicting language in the statute, the legislature intended that the driver would not be routinely charged if a front seat passenger was found to be in violation of ORC 4513.263. Enforcement may be taken based on the direction provided by local courts and prosecutors.

5. Altered or Removed Belts - If the restraint system has been altered, but the driver or passenger is attempting to comply with ORC 4513.263 by wearing the remaining components, a warning shall be issued. If the occupant restraint device has been removed, enforcement may be taken under the provisions of paragraphs A and B of ORC 4513.262 or paragraph B of ORC 4513.263.

6. Out-of-State Motorists - The law applies to drivers and front seat passengers of out-of-state vehicles. The officer shall use discretion whether or not a citation is in order.

7. Age of Violator - The age of the driver or front seat passenger will determine what action will be taken when a violation is observed.

a. **18 and Older** - Front seat passengers and drivers may be cited to the appropriate court.

b. **Ages 16-17** - Violators are to be treated as juvenile traffic offenders and may be cited to juvenile court.

c. **Ages 4-15** <61.1.05 j>

Enforcement may be taken against the driver

when any child who is at least four years of age but not older than fifteen years of age is being transported in a motor vehicle, other than a taxicab or public safety vehicle as defined in ORC 4511.01, that is required by the USDOT to be equipped with seat belts at the time of manufacture or assembly. The operator of the motor vehicle shall have the child properly restrained either in accordance with the manufacturer's instructions in a child restraint system that meets federal motor vehicle safety standards or in an occupant restraining device as defined in ORC 4513.263. This is still a secondary violation.

d. Age 0-8 - These children are covered by the provisions of ORC 4511.81. The mandatory safety belt use law (ORC 4513.263) does not apply to this age group.

C. APPLICABILITY TO VEHICLES AND OCCUPANTS - The driver and front seat passenger of any passenger car, commercial tractor, commercial car, or truck required to be factory equipped with an occupant restraining device shall wear all the components of the properly fitted occupant restraint device.

1. Occupant Exceptions - The mandatory safety belt use law does not apply to the following persons:

a. Children less than four years old or weighing less than 40 pounds who are required by ORC 4511.81 to be secured in a child safety seat.

b. ***Children less than eight years of age and less than four feet nine inches in height who are required by ORC 4511.81 to be secured in a booster seat.***

c. Employees of the US Postal Service while delivering mail.

d. Persons engaged in delivering newspapers.

e. Persons having a signed affidavit from a licensed physician or chiropractor stating that the person has a physical impairment that makes wearing a restraint device impossible or impractical.

f. Drivers or passengers of a car not required by law to be equipped with restraints (passenger cars) built before January 1, 1966.

2. Vehicle Exceptions

a. Passenger cars manufactured after January 1, 1966 are required to have lap belts in the driver and right front passenger positions.

b. Passenger cars manufactured after January 1, 1968 must have safety belts in all seating positions. The driver and right front passenger must also have a shoulder harness installed.

c. Trucks and multi-purpose trucks (pick-ups, vans, etc.) weighing less than 10,000 lbs. GVWR manufactured after July 1, 1971 shall be equipped just as a passenger car described in the preceding paragraph.

d. Trucks weighing more than 10,000 lbs. GVWR manufactured after July 1, 1971, including commercial tractors, are required to have lap belts only for the driver and passenger(s).

Standard References

01.2.06

61.1.05

Policy References

OSP-200.05 ENFORCEMENT GUIDELINES

OSP-200.05-03 COMMERCIAL VEHICLE ENFORCEMENT GUIDELINES

OSP-203.46 PROFESSIONAL OPERATIONS

DRIVER/VEHICLE EXAMINATION REPORT



Public Utilities Commission of Ohio
180 East Broad Street
Transportation Department
Columbus, OH 43215-3793
Phone#: (614) 466-0429 Fax#: (614) 752-9274

Report Number: OH3291006121
Inspection Date: 10/30/2008 Certification Date: 11/06/2008
Time Started: 12:10 Time Ended: 12:40
Inspection Level: II - Walk-Around
HM Inspection Type: No HM Inspection

DIMENSIONAL METALS INC
58 KLEMA DRIVE N
REYNOLDSBURG, OH 43068
Phone #: (740)927-3833
USDOT #: 639608
State #:

Fax #:
MC/MX #:

Driver: WILCOX, MARK E
License #: RR024864 State: OH
Date of Birth: 06/01/1961

Location: ROADSIDE
Highway: US23
County: MARION
Shipper:

MilePost: MP6
Origin:
Destination:

Bill of Lading:
Cargo: EMPTY

VEHICLE IDENTIFICATION:

Unit	Type	Make	Year	State	License#	Company #	Unit VIN	GVWR	Issued Decal#	Existing Decal#	OOS Stkr.#
1	TT	KW	2008	OH	PUZ9210	11	1XKDD89X98J221947	80,000			
2	ST	LUFK	2006	OH	TNQ3472	T17	1L01B48256116154	0			

BRAKE ADJUSTMENTS: No brake measurements recorded.

VIOLATIONS :

Section Code	SI	Unit	OOS	Lvl	Citation #	Verify*	Crash	Violation Description
392.16		D	N	N		N	N	Driver was witnessed by this unit operating a CMV without wearing a seat belt when required.

* N - Non-OOS or Driver OOS Violation

HazMat: No HM Transported.

Placard: NA **Cargo Tank:**

Special Checks:

- | | | |
|---|--|--|
| <input type="checkbox"/> Alcohol/Controlled Substance Check | <input type="checkbox"/> Traffic Enforcement | <input type="checkbox"/> Post Crash Inspection |
| <input type="checkbox"/> Conducted by Local Jurisdiction | <input type="checkbox"/> PASA Conducted Inspection | <input type="checkbox"/> PBBT Inspection |
| <input type="checkbox"/> Size and Weight Enforcement | <input type="checkbox"/> Drug Interdiction Search | Arrests: |

Inspection Notes: DRIVER WAS OBSERVED BY THIS UNIT TRAVELING SOUTH ON US-23 MILE POST 7 WITHOUT WEARING A SEAT BELT, DRIVER WAS WEARING A PLAD SHIRT, SEAT BELT WAS TAN IN COLOR. AS I GOT BEHIND TRACTOR AND TRAILER I ALSO WITNESSED DRIVER PUTTING HIS SEAT BELT ON IN HIS LEFT SIDE REAR VIEW MIRROR.

Special Study Fields:

Special Study1:	Special Study6:
Special Study2:	Special Study7:
Special Study3:	Special Study8:
Special Study4:	Special Study9:
Special Study5:	Special Study10:

Locally Defined Fields:

For-Hire Carrier: Y; Driver Address: 9200 JOHNSTOWN ALEX; Driver City: JOHNSTOWN; Driver State: OH; Driver Zip: 43031; Reason Code: USSP; FMCSA Credentials Verified-Y/N: N; CDL Verified (Y/N): Y; FMCSA OOS Order Issued(Y/N): N

Report Prepared By:
J M Holzworth

Badge #:
3291

Copy Received By:
WILCOX, MARK E



STAFF EXHIBIT 1

DRIVER/VEHICLE EXAMINATION REPORT



Public Utilities Commission of Ohio
180 East Broad Street
Transportation Department
Columbus, OH 43215-3793
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DIMENSIONAL METALS INC

58 KLEMA DRIVE N

REYNOLDSBURG, OH 43068

Phone #: (740)927-3633

Fax #:

USDOT #: 639608

MC/MX #:

State #:

Driver: WILCOX, MARK E

License #: RR024864

State: OH

Date of Birth: 06/01/1961

All violations of the FHMR and FMCSR or Title 49 of the Ohio Revised Code will be reviewed by the PUCO's Transportation Department to determine whether civil forfeitures should be assessed against any responsible parties in accordance with the penalty provisions of Title 49 of the Ohio Revised Code. If civil forfeitures are assessed, you will receive a separate notice by mail. These penalties may be assessed to motor carriers, shippers, and/or drivers.

ATTENTION DRIVER: This report must be sent to the motor carrier whose name appears at the top of this inspection report within 24 hours. If the inspection report cannot be delivered within 24 hours the driver must mail or fax the inspection report to the motor carrier.

ATTENTION MOTOR CARRIER: The motor carrier must examine this report and repair all the vehicle defects/violations noted above -AND- The motor carrier must sign the Certification of Repairs below and return the signed form to: Public Utilities Commission of Ohio-TASD; 180 E. Broad St.; Columbus, Oh; 43215-3793 -OR- Fax (614) 752-9274 within 15 days of the inspection. If "No Violations Were Discovered" then you do not need to return this report. Failure to return this report with the required certification can result in penalties up to \$1,000 per day for each day the violation continues, up to a total of \$10,000.

MOTOR CARRIER CERTIFICATION OF COMPLETED REPAIRS: The undersigned certifies that all violations noted on this report have been corrected and action taken to assure compliance with the Federal Motor Carrier Safety & Hazardous Materials Regulations insofar as they are applicable to motor carriers and drivers. A false certification of repairs is required to be prosecuted with penalties up to \$10,000.

Signature of Carrier Official: X

Title: _____

Date: _____

Report Prepared By:

J M Holzworth

Badge #:

3291

Copy Received By:

WILCOX, MARK E



**FINE SCHEDULE
OUT OF SERVICE VIOLATIONS**

GROUP 1

VIOLATIONS		FINE
Braking Action Absent	Steering Gear Box	1 Violation = \$100
Missing or Broken Brake Component	Steering Modification	
Air Drop Test	Steering Wheel Play	2 Violations = \$250
Safety Devices-Chains or Hooks	Coupling, Towing Devices	
Tires, Retreads – on Buses	Frame	3 Violations = \$400*
Steering Column	Tire, Front Axle	
Other Steering Components	Safe Loading	
Record of Duty Status-		
11 Hour Violation		
14 Hour Violation		
60 in 7, or 70 in 8		
None in Possession/Not Current		

GROUP 2

VIOLATIONS		FINE
Braking Pad	Lamps on the Rear	1 Violation = \$50
Brake Hose, Tube	Lamps on Projecting Load	
Parking Brake	Turn Signal-Rear	2 Violations = \$150
Low Air Warning Device	Fuel Tank Not Secure	
Air Reservoir	Adjustable Axle	3 Violations = \$250*
Brake Adjustment	Wheels and Rims	
Headlamp Inoperative	Front End Structure	
Stop Lamp Inoperative	Suspension	
Note: Fines will only be issued for a combination of two or more Violations from Group 2 or Group 3.		

GROUP 3

VIOLATIONS		FINES
Fuel Tank Cap Missing	Audible Air Leak	1 Violation = \$40
Fuel System	Exhaust System	
Windshield Glazing	Tires, Other Axles	2 Violations = \$90
Windshield Wipers	Waiver of Physical	
Radio Active Material – Training Certificate		3 Violations = \$150*
Note: Fines will only be issued for a combination of two or more Violations from Group 2 or Group 3.		

GROUP 4

VIOLATIONS	FINES
No Operating Authority	\$500
Medical Waiver	\$100
Age Under 21 (Interstate)	\$250
Intoxicants – Under the Influence	\$500
Intoxicants – Possession	\$100
Insurance Violations	\$500
Failure to Display Correct Ohio-Cab Card Stamp (ICC Exempt)	\$100
Failure to Display Tax Decal on Vehicle	\$100
Not Using Seat Belt	\$100
Radar Detectors	\$100
Medical Certificate (Driver)	\$100
Disqualifying Offenses	\$500
Drugs – Under the Influence	\$500
Drugs – Possessing	\$100
Violation of Out of Service Notice (Each Notice, Not Each Offense)	\$1,000

* Over three violations in any group will result in a review by Commission Staff to determine additional fine amount.

Section Group Description

2-5-07D 4DOUT OF SERVICE, OPERATING \$1000
2-5-10 4CMARKINGS,COMPANY INTRASTATE \$100
383.23A1 4DDRIVING A CMV WITHOUT A CDL \$250
383.23A2 4DOPERATING WITHOUT CDL \$250
383.23C 4DOPERATING ON LEARNER'S PERMIT W/O CDL HOLDER \$250
383.23C2 4DOPER ON LEARNER'S PERMIT W/O VALID DRV LIC \$250
383.51A 4DDRIVING CMV (CDL) WHILE DISQUALIFIED \$250
383.91A 4DOPERATING CMV WITH IMPROPER CDL GROUP \$250
383.93B1 4DNO DOUBLE/TRIPLE TRAILER ENDORSEMENT ON CDL \$250
383.93B3 4DNO TANK VEH ENDORSEMENT ON CDL \$250
383.93B4 4DNO HM ENDORSEMENT ON CDL \$250
383.95A 4DVIOLATING AIRBRAKE RESTRICTION \$100
386.72B 4CFAIL COMPLY IMM. HAZARAD OOS ORDER \$1000
387.31B3II 4CNO INS. ID CARD-MEXICAN PSGR CARRIER \$500
387.301A 4CNO PROOF FINANCIAL RESP. - FRT \$500
390.21A 4CDOT NUM MARKING,NM,CITY,STATE \$100
390.21B 4CCARR NM AND/OR USDOT NOT DISPLAY \$100
391.11 4DDRIVER QUALIFICATION \$250
391.11(b)(1) 4DINTERSTATE DRIVER UNDER 21 YEARS OLD \$250
391.11(b)(7) 4DNO OR INVALID DRIVER'S LICENSE CMV \$250
391.11B1 4DAGE UNDER 21 (INTERSTATE) \$250
391.11B4 4DOPERATING CMV W/O CORRECTIVE LENSES\$250
391.11B5 4DNOT LICENSED FOR TYPE VEH. BEING OPERATED \$250
391.11B6 4DOPERATING VEH. W/PHYS UNQUALIFIED DRIVER \$250
391.11B7 4DOPERATORS LICENSE, NO VALID \$250
391.15 4DDISQUALIFIED DRIVER \$500
391.15(a) 4DDRIVING A CMV WHILE DISQUALIFIED \$500
391.15A 4DDRIVING A CMV WHILE DISQUALIFIED \$500
391.41 4DMEDICAL CERTIFICATE, NO VALID \$100
391.41(a) 4DNO MEDICAL CERTIFICATE ON DRIVER'S POSS \$100
391.41A 4DNO MEDICAL CERT. ON DRIVER'S POSS. \$100
391.43H 4DIMPROPER MEDICAL EX. CERT. FORM \$100
391.45B 4DEXPIRED MED. EXAMINERS CERT \$100
391.49 4DMEDICAL WAIVER, NOT IN POSSESSION \$100
391.49(j) 4DNO VALID MED. WAIVER IN DRIVER'S POSS. \$100
391.49J 4DNO VALID MEDICAL WAIVER IN POSS. \$100
392.16 4DNOT WEARING SEATBELT \$100
392.3 4DILL OR FATIGUED DRIVER \$100
392.4 4DDRUGS,USING OR POSSESSING THOSE SPECIFIED \$100
392.4(a) 4DDRIVER USES OR IS IN POSSESSION OF DRUGS \$100
392.4A 4DOperating while under the influence of drugs \$500
392.5 4DINTOXICATING BEVERAGES, USING OR POSSESSING \$100
392.5(a) 4DUSE/UNDER INFLUENCE OF ALCOHOL-4 HRS PRIO DUTY \$500
392.5A 4DDRIVER USES OR IS IN POSS. OF ALCOHOL \$100

392.5A2 4DOperating while under influence of an intox. bev. \$500
 392.5A3 4DOperating a veh while in possession of intox bev. \$100
 392.62 1CUNSAFE BUS OPERATIONS
 392.71 4DRADAR DETECTOR, USE/POSSESSION \$100
 392.71(a) 4DUSING OR EQUIPING A CMV WITH RADAR DETECTOR \$100
 392.71A 4DRADAR DETECTOR, USE/POSSESSION \$100
 392.9 1CINSECURE TAILGATE/BOARD,DOORS,ETC
 392.9(a)(1) 1CFAILING TO SECURE CARGO/393.100-393.106
 392.9(a)(2) 1CFAILING TO SECURE VEHICLE EQUIPMENT
 392.9A1 1CINSECURE CARGO
 392.9A2 1CINSECURE PARTS & ACCESSORIES
 392.9AA1 4COPER. W/O REQUIRED AUTHORITY \$500
 392.9AA2 4COPER BEY. SCOPE OPER. AUTHORITY \$500
 392.9AA2/H 4CHHG-OP. BEY SCOPE OP. AUTH.14901D3 \$500
 392.9AAR 4COPERATING W/O REGISTRATION(49 USC 13902) \$500
 392.9AAS 4COPERATNG BEYOND REG SCOPE(49 USC 13902) \$500
 393.100 1CCARGO SHIFTING OR FALLING LOADING TO PREVENT
 393.100A 1CNO OR IMPROPER LOAD SECUREMENT
 393.100B 1CLEAK/SPILL/BLOWING/FALLING CARGO
 393.100C 1CFAIL TO PREVENT CARGO SHIFTING
 393.100E 1CIMPROPER SECUREMENT OF INTERMODAL CONT
 393.102 1CSECUREMENT SYSTEMS
 393.102A 1CIMP. SECUREMENT SYST(TIEDOWN ASSEMBLIES)
 393.102A1 1CINSUFF MEANS PREVENT LONG MOVEMENT
 393.102A2 1CINSUFF MEANS TO PREVENT REARW MOVEMT
 393.102A3 1CINSUFF MEANS PREVENT LAT MOVEMENT
 393.102B 1CINSUFF MEANS PREVENT VERT MOVEMENT
 393.102C 1CEXCEED WORK LD LIMIT FOR TIEDOWNS
 393.104 1CIMPROPER BLOCKING/BRACING
 393.104(a) 1CIMPROPER BLOCKING AND/OR BRACING-LONGITUDINAL
 393.104(b) 1CIMPROPER BLOCKING AND/OR BRACING-LATERAL
 393.104C 1CDAMAGED VEH STRUCTURES/ANCHOR PTS
 393.104D 1CDAMAGED DUNN/BARS/BLOCKING-BRACING
 393.104F1 1CKNOTTED TIEDOWN
 393.104F2 1CUSE TIEDOWN W/IMPROPER REPAIR
 393.104F3 1CLOOSE/UNFASTENED TIEDOWN
 393.104F4 1CTIEDOWNS OUTSIDE RUBRAILS
 393.104F4/R 1CNO EDGE PROT. FOR TIEDOWNS
 393.104F5 1CNO EDGE PROTECTION FOR TIEDOWNS
 393.106 1CHEADERBOARD OR SIMILAR-DEVICE
 393.106(a) 1CNO/IMPROPER FRONT END STRUCTURE/HEADERBOARD
 393.106A 1CNO/IMPROPER FRONT END STRUCT/HEADER
 393.106B 1CCARGO NOT IMMOBILIZED/SECURED
 393.106C1 1CNO MEANS PREVENT CARGO FROM ROLLING
 393.106C2 1CCARGO W/O DIRECT CONTACT/PREV SHIFT
 393.106D 1CINSUFF. AGGREGATE WORKING LOAD LIMIT

393.110 1CFAIL MEET MINIMUM TIE DOWN REQUIREMENTS
 393.110B 1CINSUF TIEDN W/O HEADERBOARD/BLOCKING
 393.110C 1CINSUFF TIEDNS W/HEADERBOARD/BLOCKING
 393.112 1CTIEDOWN NOT ADJUSTABLE BY DRIVER
 393.114 1CNO/IMPROPER FRONT END STRUCTURE
 393.114B2 1CINSUFF WIDTH FOR FRONT-END STRUCTURE
 393.114D 1CFRONT-END STRUCTURE W/LARGE OPENING
 393.116 1CNO/IMPROPER SECUREMENT OF LOGS
 393.116D1 1CSHORT;OVER 1/3 LENGTH PAST STRUCTURE
 393.116D2 1CSHORT,INSUFF/NO TIEDOWNS
 393.116E 1CSHORT,LENGTH; IMPROPER SECUREMENT
 393.118 1CNO/IMPROPER LUMBER/BLDING MATL SECURE
 393.118B 1CIMPROPER PLACEMENT OF BUNDLES
 393.118D 1CINSUFF PROTECTION AGAINST LATERAL MOV
 393.118D3 1CINSUFF/IMPR ARRANGEMENT OF TIEDOWNS
 393.11PL 2CPROJECTING LOAD, LAMP ON MISSING ETC.
 393.11S 2CSTOP LIGHT MISSING ETC.
 393.11T 2CTAIL LIGHT MISSING ETC.
 393.11TS 2CTURN SIGNAL MISSING ETC.
 393.120 1CNO/IMPROPER SECUREMENT METAL COILS
 393.120B1 1CCOIL/VERTICAL IMPROPER SECUREMENT
 393.120B2 1CCOILS,ROWS,EYES VERTICAL,IMPR. SECURE
 393.120C1 1CCOIL/EYE CROSSWISE IMP. SECUREMENT
 393.120C2 1CX PATTERN ON COIL(S) W/EYES CROSSWISE
 393.120D1 1CCOIL W/EYE LNGTHWISE,IMPROPER SECURE
 393.120D4 1CCOILS,ROWS,EYES LNGTH, IMPR SECURE
 393.120E 1CNO PROTECT AGAINST SHIFTING/TIPPING
 393.122 1CNO/IMPROPER SECUREMENT PAPER ROLLS
 393.122B 1CROLLS VERT; IMPROPER SECUREMENT
 393.122C 1CROLLS VERT/SPLIT;IMPROPER SECUREMENT
 393.122D 1CROLLS VERT/STACKED; IMPROPER SECURE
 393.122F 1CROLLS CROSS/STACKED LOAD, IMPR SECURE
 393.122G 1CROLLS LENGTH, IMPROPER SECUREMENT
 393.122H 1CROLLS LNGTH/STACKED IMP. SECURE
 393.124 1CNO/IMPROPER SECUREMENT CONCRETE PIPE
 393.124D 1CIMPROPER ARRANGEMENT CONCRETE PIPE
 393.124E 2CIMP. SECURE UP TO 45 IN. DIA.
 393.124F 1CIMPROP SECURE >45 IN. DIAMETER
 393.126 1CNO/IMPROPER INTERMODAL CONTAINER SECUREMENT
 393.126B 1CDAMAGED/MISS TIEDN/SECURE DEVICE
 393.126C1 1CLOWER CORNERS NOT ON VEH/STRUCTURE
 393.126C2 1CALLCORNERS OF CHASIS NOT SECURED
 393.126C3 1CFRONT/REAR NOT SECURED INDEPENDENTLY
 393.126D1 1CEMPTY CONTAINER NOT PROPERLY POS.
 393.126D2 1CEMPTY CONTAINER NOT PROP. SECURE
 393.126D4 1CEMPTY CONTAINER NOT PROPERLY SECURED

393.128 1CNO/IMPROPER SECUREMENT OF VEHICLES
 393.128B1 1CVEHICLE NOT SECURED, FRONT & REAR
 393.128B2 1CTIEDNS(S) NOT AFFIXED TO MOUNTING PTS
 393.128B3 1CTIEDOWN(S) NOT OVER/AROUND WHEELS
 393.130 1CNO/IMPROPER HVY VEH/MACHINE SECUREMENT
 393.130B 1CITEM NOT PROPERLY PREPARED TRANSPORT
 393.130C 1CIMPROPER RESTRAINT/SECURE OF ITEM
 393.132 1CNO/IMPROPER SECUREMENT CRUSHED VEHICLES
 393.132B 1CPROHIBITED USE SYNTHETIC WEBBING
 393.132C 1CINSUFF TIEDOWNS PER STACK CARS
 393.132C5 1CINSUFF MEANS RETAIN LOOSE PARTS
 393.134 1CNO/IMPROPER SECUREMENT ROLL/HOOK CONTAINER
 393.134B1 1CNO BLOCKING FORWARD MOVEMENT
 393.134B2 1CCONTAINER NOT SECURE FRONT VEHICLE
 393.134B3 1CREAR OF CONTAINER NOT PROPERLY SECURE
 393.136 1CNO/IMPROPER SECUREMENT LARGE BOULDERS
 393.136B 1CIMP PLACEMENT/POS FOR BOULDER
 393.136D 1CIMP. SECURE; CUBIC BOULDER
 393.136E 1CIMP SEC. NON-CUBIC BOULDER W/BASE
 393.136F 1CIMPR. SECURE NON CUBIC W/O BASE
 393.19 2CTURN SIGNAL/HAZARD LIGHT
 393.201 1CFRAME VIOLATIONS, ALL
 393.201(a) 1CFRAME CRACKED/BROKEN/BENT/LOOSE
 393.201A 1CFRAME CRACKED/BROKEN/BENT/LOOSE
 393.203 1CCAB AND BODY COMPONENTS
 393.205(a) 2CWHEEL/RIM CRACKED OR BROKEN
 393.205(b) 2CSTUD/BOLT HOLES ELONGATED ON WHEELS
 393.205(c) 2CWHEEL FASTENERS LOOSE AND/OR MISSING
 393.205A 2CCRACKED OR BROKEN WHEEL OR RIM
 393.205B 2CBOLT HOLE ELONGATED, WHEELS
 393.205C 2CNUT OR BOLT LOOSE OR MISSING, WHEEL
 393.207(a) 2CAXLE POSITIONING PARTS DEFECTIVE/MISSING
 393.207(b) 2CADJ AXLE LOCKING PIN MISSING/DISENGAGED
 393.207(c) 2CLEAF SPRING ASSEMBLY DEFECTIVE/MISSING
 393.207(d) 2CCOIL SPRING CRACKED AND/OR BROKEN
 393.207(e) 2CTORSION BAR CRACKED AND/OR BROKEN
 393.207(f) 2CAIR SUSPENSION PRESSURE LOSS
 393.207A 2CAXLES-POSITIONING PART CRACKED,BROKEN,ETC.
 393.207B 2CADJUSTABLE AXLE-SLIDER PIN MISSING/DISENGAGED
 393.207C 2CSRING,LEAF-CRACKED,BROKEN,MISSING,OR SHIFTED
 393.207D 2CSRING,COIL-CRACKED OR BROKEN
 393.207E 2CTORSION BAR-CRACKED OR BROKEN
 393.207F 2CAIR SUSPENSION DEFECTIVE
 393.207G 2CNO/DEF AIR SUSPENSXN EXH CONTROL
 393.209(a) 1CSTEERING WHEEL NOT SECURED/BROKEN
 393.209(b) 1CEXCESSIVE STEERING WHEEL LASH

393.209(c) 1CLOOSE STEERING COLUMN
 393.209(d) 1CSTEERING SYSTEM COMPONENTS WORN/WELDED/MISSING
 393.209(e) 1CPOWER STEERING VIOLATIONS
 393.209A 1CWHEEL,STEERING-INSECURE;SPOKES CRACKED/MISSING
 393.209B 1CLASH,STEERING-EXCEEDS STANDARDS
 393.209C 1CCOLUMN,STEERING INSECURE
 393.209D 1CSYSTEM COMPONENT,STEERING LOOSE OR DEF.
 393.209E 1CPOWER COMPONENT,STEERING DEFECTIVE
 393.23 3CREQ LAMP NOT POWERED BY VEH ELEC
 393.24A 2CNON COMPLIANCE HEADLAMP REQ
 393.24B/R 3CNON COMPLIANT FOG DRIVING LAMPS
 393.24C 3CIMPROPER HEAD LAMP MOUNTING
 393.24D 3CIMP HEAD/AUXILIARY/FOG LAMP AIMING
 393.25A 2CIMPROPER LAMP MOUNTING
 393.25F 2CSTOP LAMP VIOLATIONS
 393.41 2CPARKING BRAKE SYSTEM INOPERATIVE
 393.42 1CNO BRAKE WHEN REQUIRED
 393.42B1 1CFRONT WHEEL BRAKE, NONE
 393.43 2CTRACTOR PROTECTION VALVE,MISSING OR INOP.
 393.43D 2CNO OR DEF. AUTOMATIC TRAILER BRAKE
 393.45 2CHOSE OR TUBING NOT SECURED
 393.45A4 2CBRAKE HOSE/TUBING CHAF AND/OR KINKING
 393.45B2 2CBRAKE HOSE/TUBING CHAFFING/KINKING
 393.45B3 2CBRAKE HOSE/TUBING CONTACT EXH SYS
 393.45D 2CBRAKE CONN WITH LEAKS/CONSTRICTIONS
 393.46 2CHOSE OR TUBING LEAK AND DEFECT AT CONNECTION
 393.46(b) 2CBRAKE CONNECTIONS WITH LEAKS/CONSTRICTIONS
 393.46B 2CBrake hoses improperly joined
 393.47 2CBRAKE LINING OR PAD INADEQUATE
 393.47A 2CINADEQUATE BRAKES FOR SAFE STOPPING
 393.47B 2CMIS MATCHED BRAKE CHAMBERS SAME AXLE
 393.47C 2CMIS MATCHED SLACK ADJ EFF LENGTH
 393.47D 2CINSUFFICIENT BRAKE LININGS
 393.47E 2CCLAMP/ROTO TYPE BRAKE(S) OUT OF ADJ
 393.47F 2CWEDGE TYPE BRAKE(S) OUT OF ADJ
 393.47G 2CINSUFF DRUM/ROTOR THICKNESS
 393.48(a) 1CINOPERATIVE/DEFECTIVE BRAKES
 393.48A 1CINOPERATIVE BRAKE
 393.50 2CVACUUM SYSTEM,DEFECT IN BRAKE
 393.50A 2CBRAKE AIR TANK RESERVOIR DEFECT
 393.50D 2CNO/DEF AIR RESERVOIR DRAIN VALVE
 393.51 2CLOW AIR PRESSURE WARNING DEVICE
 393.52A1 2CINSUFF. BRAKING FORCE AS % OF GVW/GCW
 393.61 1CWINDOW,PUSH-OUT,CONSTRUCTION AND OPERATION
 393.61(a) 1CINADDEQUATE OR MISSING TRUCK SIDE WINDOWS
 393.61(b) 1CBUSES-WINDOW ESCAPE INOPERATIVE/OBSTRUCTED

393.61A 1CINADEQUATE OR MISSING TRUCK SIDE WINDOWS
 393.61B 1CBUSES-WINDOW ESCAPE INOPERATIVE/OBSTRUCTED
 393.62 1CWINDOW,PUSH-OUT,OBSTRUCTING
 393.62A 1CNO/DEFECTIVE BUS EMERGENCY EXITS
 393.62C 1CNO/DEFECTIVE BUS EMERG EXIT WINDOWS
 393.62D 1CNO/DEF. SAFETY GLASS/P-O WINDOW
 393.62E 1CNO/INADEQUAT BUS EMERG EXIT MARKINGS
 393.65 2CFUEL TANK NOT SECURE
 393.65C 2CFUEL TANK SECUREMENT
 393.67 2CFUEL LEAK
 393.67C7 3CFUEL TANK FILL PIPE CAP MISSING
 393.70 1CFIFTH WHEEL DEFECT
 393.70B2 1CDEFECTIVE FIFTH WHEEL LOCKING MECH
 393.70C 1CCHAIN DEF., CABLE OR OTH SAFETY DEVICE
 393.70D 1CSAFETY CHAINS/CABLES
 393.70D8 1CIMP SAFETY CHAIN ATTACHMENT
 393.71 1CCOUPPL. DEV. IN DRIVEWAY TOWAWAY OPER.,DEF. OF
 393.75(a) 3CFLAT TIRE OR FABRIC EXPOSED
 393.75(a)(1) 3CTIRE-PLY OR BELT MATERIAL EXPOSED
 393.75(a)(2) 3CTIRE-TREAD AND/OR SIDEWALL SEPARATION
 393.75(a)(3) 3CTIRE-FLAT AND/OR AUDIBLE LEAK
 393.75(a)(4) 3CTIRE-CUT EXPOSING PLY AND/OR BELT MATERIAL
 393.75(b) 1CTIRE-FRONT TREAD DEPTH LESS THAN 4/32 OF INCH
 393.75(c) 3CTIRE-OTHER TREAD DEPTH LESS THAN 2/32 OF INCH
 393.75(d) 1CTIRE-BUS REGROOVED/RECAP ON FRONT WHEEL
 393.75(f) 3CTIRE-LOAD WEIGHT RATING/UNDER INFLATED
 393.75A 3CFAB./CORDS EXPOS. THRU TIRE TREAD OR SIDEWALL
 393.75A1 3CEXPOSED FABRIC/CORDS THRU TREAD OR SIDEWALL
 393.75A2 3CSEPARATION OF ANY TREAD OR SIDEWALL
 393.75A3 3CFLAT TIRE OR AUDIBLE LEAK
 393.75A4 3CCUT IN TREAD/SIDEWALL EXPOSING FABRIC/CORDS
 393.75B 1CTREAD ON STEERING AXLE TIRE LESSTHAN 4/32 INC
 393.75C 3CTREAD ON TIRE LESSTHAN 2/32 INCH
 393.75D 1CBUS TIRE,RECAP ON STEERING AXLE
 393.75F 3CLOAD LIMIT,WEIGHT CARRIED EXCEEDS TIRE
 393.75F1 3CWEIGHT CARRIED EXCEEDS TIRE LOAD LIMIT
 393.78 3CWIPER,WINDSHIELD
 393.83(b) 3CEXHAUST DISCHARGE FUEL TANK/FILLER TUBE
 393.83(c) 3CIMPROPER EXHAUST-BUS(GASOLINE)
 393.83(d) 3CIMPROPER EXHAUST-BUS(DIESEL)
 393.83B 3CEXHAUST,IMPROPER (BUS)
 393.83C 3CEXHAUST SYSTEM
 393.83G 3CEXHAUST LEAK UNDER TRUCK CAB/SLEEPER
 393.87A 2CWARNING FLAG REQ. PROJECTING LOAD
 393.87B 3CIMPROPER WARNING FLAG PLACEMENT
 393.9 3COP. VEH W/OUT 1 LAMP LOW BEAM

393.95B 3CNO SPARE FUSES AS REQUIRED
 393.9H 2CINOPERABLE HEAD LAMP
 393.9T 3CTAIL LAMP
 395.13(d) 4DDRIVING AFTER BEING DECLARED OUT-OF-SERVICE \$1000
 395.13C 4DOUT-OF-SERV DRIVER OPERATING CMV \$1000
 395.13D 4DDRIVING AFTER DECLARED OOS \$1000
 395.13D1 4DDRIVING AFTER BEING DECLARED OOS \$1000
 395.15F 1DON BRD RCDING DEV FAIL RECONSTR INFO
 395.15I5 1CONBOARD RCDING DEVC NOT DISPLAY
 395.1H1 1C15,20,70/80 HOS VIOLS(AK-PROPERTY)
 395.1O 1D16HR RULE VIOL(PROPERTY)
 395.3(a)(1) 1D10 HOUR RULE VIOLATION
 395.3(a)(2) 1D15 HOUR RULE VIOLATION
 395.3(b) 1C60/70 HOUR RULE VIOLATION
 395.3A1 1CDRIVING MORE THAN 10 HOURS
 395.3A1/R 1C11 HOUR RULE VIOL (PROPERTY)
 395.3A2 1CDRIVING AFTER HAVING BEEN ON DUTY 15 HOURS
 395.3A2/R 1C14 HOUR RULE VIOL (PROPERTY)
 395.3B 1CDRIV. AFTER ON DUTY 60/70 HRS IN 7/8 DAYS
 395.3B/R 1C60/70 HR RULE VIOL (PROPERTY)
 395.5A1 1C10 HR RULE VIOLATION(PASSENGER)
 395.5A2 1C15 HR RULE VIOLATION(PASSENGER)
 395.5B 1C60/70 HR RULE VIOL (PASSENGER)
 395.8 1DLOG BOOK OTHER VIOLATION
 395.8(a) 1DNO DRIVERS RECORD OF DUTY STATUS
 395.8(e) 1DFALSE REPORT OF DRIVERS RECORD OF DUTY STATUS
 395.8(f)(1) 1DDRIVERS RECORD OF DUTY STATUS NOT CURRENT
 395.8(k)(2) 1DDRIVERS FAILING TO RETAIN PREVIOUS 7 DAYS LOGS
 395.8A 1DLOG BOOK, NONE IN DRIVERS POSSESSION
 395.8A1 1DNO DUTY STATUS RECORD
 395.8A2 1DFAIL TO MAINTAIN DUTY STATUS IN PROPER FORM
 395.8E 1DLOG BOOK, FALSE ENTRIES
 395.8F 1DDUTY STATUS NOT CURRENT TO MOST RECENT CHANGE
 395.8F1 1DLOG BOOK NOT CURR. TIME LAST CHNG OF DUTY
 395.8K2 1DFAILING TO RETAIN PRIOR 7 DAYS
 395.8K3 1DLOG BOOK NOT POSS. RECORD FOR PRIOR 7 DAYS
 396.3A1 2COPERATING VEH. W/CRACKED BRAKE DRUM
 396.3A1B 2CAIR RESERVOIR LOOSE
 396.3A1BA 2CADJUSTMENT,BRAKE OUT OF (PUSH ROD)
 396.3A1BC 2CAIR COMPRESSOR,VIOLATIONS
 396.3A1BD 1CDRUM OR DISK VIOLATIONS
 396.3A1BH 2CHOSE OR TUBING DAMAGED/LEAKING
 396.3A1BL 2CLEAK AIR RESULTING IN RESERVOIR PRESSURE LOSS
 396.3A1H 2CHYDRAULIC SYSTEM, DEFECTS IN
 396.3A1T 3COTHER TIRE VIOLATION
 396.3A1W 2COTHER WHEEL VIOLATION

396.7	1CUNSAFE OPERATIONS FORBIDDEN
396.9C2	4DDRIVING A VEHICLE DECLARED OOS \$1000
398.4	4DOPERATING CMV WHILE ILL/FATIGUED \$100
4919.81	4CINTERSTATE-ICC –LIABILITY INSURANCE \$500
4919.82	4CINTERSTATE-ICC-CARGO INSURANCE \$500
4921.07	4COPERATING WITH NO PUCO INTRA AUTHORITY \$500
4921.11	4CINTRASTATE INSURANCE \$500
4921.14	4COPERATING BEYOND THE SCOPE OF PUCO AUTHORITY \$500
4923.04	4COPERATING WITH NO PUCO INTRA AUTHORITY \$500
4923.08	4CINTRASTATE INSURANCE \$500
4923.14	4COPERATING BEYOND THE SCOPE OF PUCO AUTHORITY \$500
172.303A	1PROHIBITED MARKINGS
172.502ai	1PROHIBITED PLACARDING
172.502A2	1SIGN/DEVICE CONFUSED FOR PLACARD

Any questions in regards to this fine schedule please contact:
Public Utilities Commission of Ohio
Compliance Division
180 East Broad St.
Columbus, Ohio 43215
(614) 466-0351



The Public Utilities Commission of Ohio

*Monitoring marketplaces and enforcing rules to assure safe,
adequate and reliable utility services.*

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Cheryl Roberto

March 23, 2009

MR MARK WILCOX

9200 JOHNSTOWN ALEX
JOHNSTOWN, OH 43031

RE: NOTICE OF PRELIMINARY DETERMINATION
Case No. OH3291006121D
Officer: WW

Dear MR WILCOX:

On October 30, 2008, a vehicle operated by DIMENSIONAL METALS INC, and driven by MARK E WILCOX, was inspected within the State of Ohio. As the result of discovery of the following apparent violation the Staff timely notified Respondent pursuant to Rule 4901:2-7-07, O.A.C., that it intended to make a civil monetary assessment against Respondent in the following amount:

Code	Violation
392.16	Driver was witnessed by this unit operating a CMV

Total Forfeiture Assessed : \$100.00

A conference was conducted pursuant to Rule 4901:2-7-10(B), O.A.C., at which the Respondent had a full opportunity to present any reasons why the violation did not occur as alleged, mitigating circumstances regarding the amount of any forfeiture, and any other information relevant to the action proposed to be taken by Staff.

(continued)

March 23, 2009
MR MARK WILCOX

OH3291006121D

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As a result of the conference, Staff has made a Preliminary Determination that the Commission should make a civil monetary assessment against MARK E WILCOX in the following forfeiture:

Code	Violation
392.16	Driver was witnessed by this unit operating a CMV

Total Forfeiture Agreed : \$100.00

Please include a certified check or money order for the total forfeiture Agreed, made payable to "Treasurer State of Ohio," and mail to: PUCC FISCAL, 180 E. Broad St, 13th floor, Cols. OH 43215-3793.
FOR PROPER CREDIT, BE SURE TO PUT THE CASE NUMBER ON THE FACE OF THE CHECK.

Please consult the enclosed additional information concerning this Notice of Preliminary Determination.



Robert E. Marvin, Director
Transportation Department
Public Utilities Commission of Ohio