

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.)

FINDING AND ORDER

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 amendments, primarily nonsubstantive in nature, should have been proposed. To address this, on March 17, 2010, the Commission issued an entry of public notice and comment on the proposed amendments of Rules 4901:2-13-01 and 4901:2-13-02, O.A.C. The reasons for the amendments were discussed in the March 17, 2010, entry. The comment period expired on March 31, 2010, and no comments were filed.
- (4) The Commission finds that existing Rules 4901:2-13-01 and 4901:2-13-02, O.A.C., should be amended as shown on the attachment.

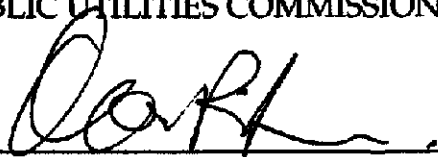
It is, therefore,

ORDERED, That amended Rules 4901:2-13-01 and 4901:2-13-02, O.A.C., are adopted and should be filed with the Joint Committee on Agency Rule Review, the Secretary of State, and the Legislative Service Commission in accordance with divisions (D) and (E) of Section 111.15, Revised Code. It is, further,

ORDERED, That the amended rules be effective on the earliest day permitted by law. 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



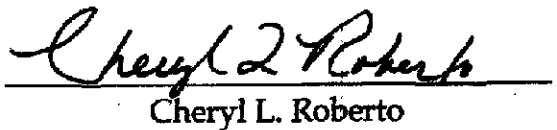
Alan R. Schriber, Chairman

Paul A. Centolella



Steven D. Lesser

Valerie A. Lemmie



Cheryl L. Roberto

JML/dah

Entered in the Journal

APR 14 2010Renee J. Jenkins
Secretary

***** DRAFT - NOT YET FILED *****

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.

***** DRAFT - NOT YET FILED *****

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 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.