

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Commission's Review)
of Ohio Adm.Code Chapter 4901:2-1,)
Regarding Motor Carrier Tax Payments) Case No. 13-2317-TR-ORD
and Annual Reports and Ohio Adm.Code)
Chapter 4901:2-13, Regarding Motor)
Carrier Insurance.)

ENTRY

The Commission finds:

- (1) R.C. 119.032 requires all state agencies to conduct a review, every five years, of their rules and to determine whether to continue their rules without change, amend their rules, or rescind their rules. The rules in Ohio Adm.Code Chapter 4901:2-1 address inspection of motor carrier records, annual registration of motor carriers, and maintenance of motor carrier records and tax receipts. The rules in Ohio Adm.Code Chapter 4901:2-13 address motor carrier insurance requirements.
- (2) R.C. 119.032(C) requires the Commission to determine:
 - (a) Whether the rules should be continued without amendment, be amended, or be rescinded, taking into consideration the purpose, scope, and intent of the statute(s) under which the rules were adopted;
 - (b) Whether the rules need amendment or rescission to give more flexibility at the local level;
 - (c) Whether the rules need amendment or rescission to eliminate unnecessary paperwork, or whether the rule incorporates a text or other material by reference and, if so, whether the text or other material incorporated by reference is deposited or displayed as required by R.C. 121.74, and whether the incorporation by reference meets the standards stated in R.C. 121.71, 121.75, and 121.76; and

- (d) Whether the rules duplicate, overlap, or conflict with other rules.
- (3) In addition, on January 10, 2011, the governor of the State of Ohio issued Executive Order 2011-01K, entitled "Establishing the Common Sense Initiative," which sets forth several factors to be considered in the promulgation of rules and the review of existing rules. Among other things, the Commission must review its rules to determine the impact that a rule has on small businesses; attempt to balance properly the critical objectives of regulation and the cost of compliance by the regulated parties; and amend or rescind rules that are unnecessary, ineffective, contradictory, redundant, inefficient, or needlessly burdensome, or that have had negative unintended consequences, or unnecessarily impede business growth.
- (4) Additionally, in accordance with R.C. 121.82, in the course of developing draft rules, the Commission must conduct a business impact analysis regarding the rules. If there will be an adverse impact on business, as defined in R.C. 107.52, the agency is to incorporate features into the draft rules to eliminate or adequately reduce any adverse impact. Furthermore, the Commission is required, pursuant to R.C. 121.82, to provide the Common Sense Initiative (CSI) office the draft rules and the business impact analysis.
- (5) An agency must demonstrate that it has included stakeholders in the development of the rules, that it has evaluated the impact of the rules on businesses, and that the purpose of the rules is important enough to justify the impact. The agency must seek to eliminate excessive or duplicative rules that stand in the way of job creation.
- (6) By entry issued December 13, 2013, the Commission scheduled a workshop at the offices of the Commission on January 16, 2014, to elicit feedback on any proposed revisions to the rules that stakeholders may have. The workshop provided stakeholders an opportunity to propose their own revisions to the rules for Staff's consideration. The workshop was held as scheduled but no stakeholders appeared.
- (7) Staff proposes that Ohio Adm.Code Chapter 4901:2-1, containing rules 4901:2-1-01 through 4901:2-1-04, be rescinded

because the rules are redundant or inconsistent with other rules or statutes that address motor carrier reports, records, or tax receipts. Ohio Adm.Code 4901:2-1-01 is being rescinded because it is an unnecessary general rule that duplicates the effect of provisions found in R.C. 4923.07, 4923.04, and Ohio Adm.Code 4901:2-5-13, which will be expanded in scope. The content of Ohio Adm.Code 4901:2-1-02(A) is already contained in R.C. 4921.19 and Ohio Adm.Code 4901:2-21-06. The content of Ohio Adm.Code 4901:2-1-02(B) will be reflected in the currently proposed Ohio Adm.Code 4901:2-5-07(A)(4). Ohio Adm.Code 4901:2-1-03 is unnecessary and possibly inconsistent with federal regulations that govern the maintenance and retention of motor carrier documents. Ohio Adm.Code 4901:2-1-04(A) is already reflected in R.C. 4921.19 and Ohio Adm.Code 4901:2-21-06. Paragraphs B through D of Ohio Adm.Code 4901:2-1-04 are inconsistent with R.C. 4921.19(C) as to whether tax receipts should be maintained at the motor carrier's place of business or available upon inspection. Aside from the inconsistency, the rule would be better placed in Ohio Adm.Code Chapter 4901:2-21.

- (8) Staff proposes that Ohio Adm.Code Chapter 4901:2-13 be rewritten to refine the scope of the Chapter more specifically to insurance matters. Ohio Adm.Code 4901:2-13-01 is being revised to add definitions of terms used in the Chapter. Ohio Adm.Code 4901:2-13-02 will be revised to add a purpose and scope for the chapter. Ohio Adm.Code 4901:2-13-03 will establish the minimum level of financial responsibility and filing requirements. Financial responsibility filing requirements will appear in Ohio Adm.Code 4901:2-13-04. Ohio Adm.Code 4901:2-13-05 will provide the general requirements. Ohio Adm.Code provisions 4901:2-13-06 and 4901:2-13-07, titled Name and address of Insured and Period of Coverage, respectively, will be rescinded. Ohio Adm.Code 4901:2-13-08 will retain the title Expiration and Cancellation of Insurance; Rescission of Cancellation. Ohio Adm.Code 4901:2-13-09 through 4901:2-13-11, concerning Reinstatement After Insurance Revocation, Transfer of Motor Carrier Authority, and Insurance Records, respectively, will be completely rescinded.
- (9) Staff has evaluated the rules contained in Ohio Adm.Code Chapters 4901:2-1 and 4901:2-13 and a copy of the proposed

changes and the business impact analysis accompany this Entry.

- (10) To avoid needless production of paper copies, the Commission will serve a paper copy of just the entry and will make the rules in Ohio Adm.Code Chapters 4901:2-1 and 4901:2-13, as well as the business impact analysis, available online at: www.puco.ohio.gov/puco/rules. All interested persons may download the proposed rules and the business impact analysis from the above website, or contact the Commission's Docketing Division to be sent a paper copy.
- (11) The Commission requests comments from interested persons to assist in the review required by R.C. 119.032(C) and Executive Order 2011-01K. Comments on the draft rules and/or on the business impact analysis should be filed, either via electronic filing or in hard copy, by April 1, 2014.

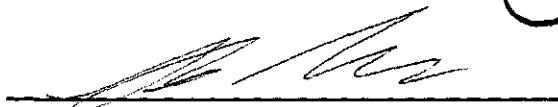
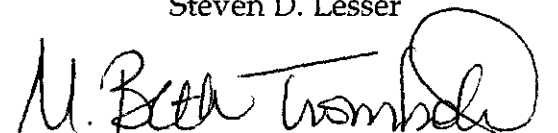
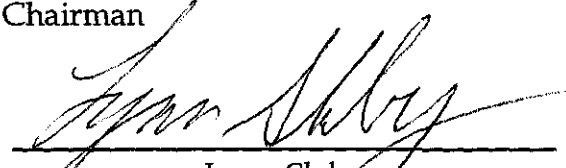

It is, therefore,

ORDERED, That all interested persons shall have until April 1, 2014, to file comments to the proposed rule changes. It is, further,

ORDERED, That a copy of this Entry with the attached rules and business impact analysis be submitted to CSI in accordance with R.C. 121.82. It is, further,

ORDERED, That an electronic notice or paper copy of this Entry without the attached rules or business impact analysis be served upon the Ohio Trucking Association, National Tank Truck Carriers, Inc., Ohio Department of Transportation, Ohio State Highway Patrol, the Railroad Association, the Transportation list-serve, the Railroad list-serve, and all other interested persons of record.

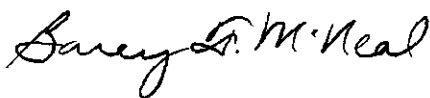
THE PUBLIC UTILITIES COMMISSION OF OHIO


Todd A. Snitchler, Chairman
Steven D. Lesser
M. Beth Trombold
Lynn Slaby
Asim Z. Haque

LDJ/vrm

Entered in the Journal

MAR 12 2014

Barcy F. McNeal
Secretary

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"Rescind"

~~4901:2-1-01 — Inspection.~~

~~For the enforcement of the laws of the state of Ohio and the rules and regulations of this commission pertaining to motor transportation, any representative of the public utilities commission of Ohio is hereby authorized to inspect, examine, and copy all books, contracts, records, documents and papers of any motor carrier subject to the rules of this commission, and to have free and unobstructed access to, in, and upon any property, including motor vehicles, owned or operated by any such motor carrier.~~

"Rescind"

~~4901:2-1-02 — Annual registration.~~

- ~~(A) On or before July fifteenth of each year, each motor transportation company and contract carrier conducting intrastate operations only, shall file with the commission an annual renewal of registration. This filing shall satisfy the requirements of division (F) of section 4921.04 and division (D) of section 4923.03 of the Revised Code. This registration shall be made on the forms specified in rule 4901:2-21-03 of the Administrative Code.~~
- ~~(B) Any motor carrier that fails to register under paragraph (A) of this rule and fails to pay the tax contemplated under section 4921.18 or 4923.11 of the Revised Code may be placed out of service under rule 4905:2-5-07 of the Administrative Code. Such order shall remain in effect until such time as the motor transportation company or private motor carrier has satisfied these requirements.~~

"Rescind"

~~4901:2-1-03 — Records and accounts.~~

~~Every motor carrier for hire, operating under a certificate or permit from the public utilities commission, shall maintain accurate and adequate records of its business and operations. Each record, including bills of lading, freight bills, manifests, invoices, receipts and trip sheets or drivers' logs, shall be preserved for a period of three years.~~

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~~4901:2-1-04~~ Tax receipts.

- ~~(A) The public utilities commission of Ohio will issue an original tax receipt as evidence that the tax assessed by sections 4921.18 and 4923.11 of the Revised Code has been paid on a particular vehicle. The receipt will specify its effective date. All tax receipts shall expire on the fifteenth day of July of the registration year for which they were issued.~~
- ~~(B) The driver of a motor vehicle must present the original tax receipt for inspection by any authorized personnel of the public utilities commission or the department of public safety.~~
- ~~(C) The tax receipt shall not be altered or copied by the motor carrier in any way. Any authorized personnel of the public utilities commission or the department of public safety is authorized to confiscate an altered or copied receipt on sight. A motor carrier may only transfer its tax receipts from vehicles taken out of service to their replacement vehicles.~~
- ~~(D) Each motor carrier is required to retain records specifying the power unit to which each tax receipt was assigned.~~

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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.~~

4901:2-13-01 Definitions

- (A) “Cargo liability” means liability for loss or damage to household goods belonging to individual shippers and coming into possession of a for-hire motor carrier in connection with its transportation service.
- (B) “Commission” means the public utilities commission of Ohio.
- (C) “Evidence of security” means a surety bond, policy of insurance, or certificate of insurance issued to a motor carrier to satisfy the financial responsibility requirements set forth in this chapter.
- (D) “Financial responsibility” means the financial reserves (e.g. insurance policies or surety bonds) sufficient to satisfy liability amounts set forth in this chapter covering public liability and cargo liability.
- (E) “For-hire motor carrier” has the same meaning as in section 4921.01 of the Revised Code.

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- (F) "Gross combination weight rating" has the same meaning as in 49 C.F.R. 390.5, as effective on the date referenced in paragraph (C) of rule 4901:2-13-02 of the Administrative Code.
- (G) "Gross vehicle weight rating" has the same meaning as in 49 C.F.R. 390.5, as effective on the date referenced in paragraph (C) of rule 4901:2-13-02 of the Administrative Code.
- (H) "Hazardous material" has the same meaning as in 49 C.F.R. 171.8, as effective on the date referenced in paragraph (C) of rule 4901:2-13-02 of the Administrative Code.
- (I) "Household goods" has the same meaning as in section 4921.01 of the Revised Code.
- (J) "Interstate commerce" has the same meaning as in 4921.01 of the Revised Code.
- (K) "Intrastate commerce" means any trade, traffic, or transportation within Ohio which does not meet the definition of interstate commerce.
- (L) "Motor carrier" includes all for-hire motor carriers and private motor carriers operating in intrastate commerce.
- (M) "Motor vehicle" has the same meaning as in section 4921.01 of the Revised Code.
- (N) "Private motor carrier" has the same meaning as in section 4923.01 of the Revised Code.
- (O) "Public Liability" means liability for bodily injury or property damage and includes liability for environmental restoration.

"Rescind"

~~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 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~~

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- ~~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.~~
- ~~(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 effective in accordance with paragraph (C) of rule 4901:2-13-01 of the Administrative Code.~~
- ~~(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 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 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.~~

4901:2-13-02 Purpose and Scope

- (A) This chapter governs the establishment of insurance requirements applicable to motor carriers operating in intrastate commerce.
- (B) The commission may, upon an application or a motion filed by a party, waive any

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requirement of this chapter, other than a requirement mandated by statute, for good cause shown.

- (C) Each citation contained within this chapter that is made to a regulation in 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 [latest date possible].

"Rescind"

~~4901:2-13-03~~ ~~Who may issue insurance or bond.~~

~~The insurance or bond required under these rules must be issued by an insurance or bonding company authorized to do business in Ohio by the Ohio department of insurance.~~

4901:2-13-03 Minimum Levels of Financial Responsibility

No motor carrier shall operate a motor vehicle in intrastate commerce unless the motor carrier has obtained and has in effect the minimum levels of financial responsibility as set forth in this rule.

- (A) For-hire motor carriers engaged in the transportation of property in intrastate commerce, and not subject to paragraphs (D) or (E) of this rule, shall maintain minimum levels of financial responsibility covering public liability in an amount of seven hundred fifty thousand dollars, unless the for-hire motor carrier exclusively operates motor vehicles with a gross vehicle weight rating or a gross combination weight rating of less than ten thousand one pounds, in which event the for-hire motor carrier shall maintain minimum levels of financial responsibility covering public liability in an amount of three hundred thousand dollars.
- (B) For-hire motor carriers, engaged in the transportation of household goods in intrastate commerce, shall maintain minimum levels of financial responsibility covering cargo liability in an amount of:
- (1) Five thousand dollars for loss of or damage to household goods carried on any one motor vehicle; and
 - (2) Ten thousand dollars for loss of or damage to, or aggregate of losses or damages of or to, household goods occurring at any one time or place.
- (C) For-hire motor carriers, engaged in the transportation of passengers in intrastate commerce, shall maintain minimum levels of financial responsibility covering public liability in an amount of:

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(1) Five million dollars if operating vehicles with a seating capacity of sixteen passengers or more including the driver; or

(2) One million five hundred thousand dollars if operating vehicles with a seating capacity of fifteen passengers or less including the driver.

(D) For-hire motor carriers and private motor carriers engaged in the transportation of the following hazardous materials in intrastate commerce shall maintain minimum levels of financial responsibility covering public liability in an amount of five million dollars:

(1) Hazardous substances as defined in 49 C.F.R. 171.8, as effective on the date referenced in paragraph (C) of rule 4901:2-13-02 of the Administrative Code, transported in cargo tanks, portable tanks, or hopper-type vehicles with capacities in excess of 3,500 water gallons

(2) Class 1.1, 1.2, and 1.3 materials as defined in 49 C.F.R. 173.50, as effective on the date referenced in paragraph (C) of rule 4901:2-13-02 of the Administrative Code, in any quantity.

(3) Class 2.3, Hazard Zone A materials as defined in 49 C.F.R. 173.115 and 173.116, as effective on the date referenced in paragraph (C) of rule 4901:2-13-02 of the Administrative Code, in any quantity.

(4) Class 6.1, Packing Group I, Hazard Zone A materials as defined in 49 C.F.R. 173.132 and 173.133, as effective on the date referenced in paragraph (C) of rule 4901:2-13-02 of the Administrative Code, in any quantity.

(5) Class 2.1 or 2.2 materials as defined in 49 C.F.R. 173.115, as effective on the date referenced in paragraph (C) of rule 4901:2-13-02 of the Administrative Code, in containment systems with capacities in excess of 3,500 water gallons.

(6) Highway route controlled quantities of a Class 7 material, as defined in 49 C.F.R. 173.403, as effective on the date referenced in paragraph (C) of rule 4901:2-13-02 of the Administrative Code.

(E) For-hire motor carriers and private motor carriers engaged in the transportation of the following hazardous materials in intrastate commerce shall maintain minimum levels of financial responsibility covering public liability in an amount of one million dollars:

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- (1) Oil listed in 49 C.F.R. 172.101, as effective on the date referenced in paragraph (C) of rule 4901:2-13-02 of the Administrative Code, in any quantity.
- (2) Hazardous waste, hazardous materials, and hazardous substances defined in 49 C.F.R. 171.8, as effective on the date referenced in paragraph (C) of rule 4901:2-13-02 of the Administrative Code, and listed in 49 C.F.R. 172.101, as effective on the date referenced in paragraph (C) of rule 4901:2-13-02 of the Administrative Code, but not mentioned in paragraph (D) of this rule, in any quantity.

"Rescind"

~~4901:2-13-04 Coverage by multiple companies.~~

~~Each type of insurance, bodily injury, property damage, and cargo, may be written with multiple companies or with a single company.~~

4901:2-13-04 Financial Responsibility Filing Requirements

- (A) No for-hire motor carrier that is subject to section 4921.09 of the Revised Code, shall engage in intrastate commerce, and no certificate of public convenience and necessity shall be issued to a for-hire motor carrier, or remain in effect, unless it has filed with and has had approved by the commission evidence of financial responsibility covering public liability in the amounts set forth in rule 4901:2-13-03 of the Administrative Code
- (B) Evidence of financial responsibility covering cargo liability in the amounts set forth in rule 4901:2-13-03 of the Administrative Code must be filed by all for-hire motor carriers engaged in the transportation of household goods in intrastate commerce. However, bus companies operating in intrastate commerce are not required to do so.
- (C) Separate evidence of financial responsibility shall be filed with the commission for each for-hire motor carrier holding a certificate of public convenience and necessity. A for-hire motor carrier shall cause such evidence of financial responsibility to be filed with the commission by the insurer.

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“Rescind”

~~4901:2-13-05~~ ~~Separate filings.~~

- ~~(A) A separate insurance certificate or bond shall be filed with the commission for each motor carrier holding operating authority from this commission.~~
- ~~(B) A motor transportation company or private motor carrier shall cause evidence of insurance to be filed with the commission by the insurer.~~

4901:2-13-05 General Requirements

- (A) Evidence of security required under the rules of this chapter must be issued by an insurance or bonding company authorized to do business in Ohio by the Ohio department of insurance.
- (B) Each type of coverage (e.g. public liability, cargo liability) may be written with multiple companies or with a single company.
- (C) Evidence of security written for filing with the commission pursuant to rule 4901:2-13-04 of the Administrative Code may be for a period of not less than one year or continuous until canceled. Continuous coverage is preferred by the commission.
- (D) Evidence of security written for filing with the commission pursuant to rule 4901:2-13-04 of the Administrative Code shall be written in the full and correct name of the applicant for or the holder of a certificate of public convenience and necessity and, whenever necessary, such policy, certificate, or bond shall be amended to show the name or names of the legal or personal representatives, trustees and receivers, engaging or proposing to engage as a for-hire motor carrier. Evidence of security shall also show the address and principal place of business of the insured for-hire motor carrier or legal representative.

“Rescind”

~~4901:2-13-06~~ ~~Name and address of insured.~~

~~Insurance policies, certificates and bonds shall be written in the full and correct name of the applicant for or the holder of motor carrier authority issued by this commission and, whenever necessary, such insurance or bond shall be amended to show the name or names of the legal or personal representatives, trustees and receivers, engaging or~~

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~~proposing to engage in the exercise of the motor carrier authority issued by this commission. Such insurance or bond shall also show the address and principal place of business of the insured motor carrier or legal representative.~~

"Rescind"

~~4901:2-13-07 Period of coverage.~~

~~Insurance written for filing with this commission may be for a period of not less than one year or continuous until canceled. Continuous coverage is preferred by the commission.~~

"Rescind"

~~4901:2-13-08 Expiration and cancellation of insurance; rescission of cancellation.~~

- ~~(A) When the insurance or bond required under this chapter is to be canceled short of the specified term or expiration date specified therein, the commission requires not less than ten days' written notice of cancellation. Motor carriers must not operate after the cancellation of insurance unless new coverage has been filed with the commission. Failure to maintain insurance will result in revocation of motor carrier authority thirty days after the expiration or cancellation of the policy unless the motor carrier applies for and obtains authority to temporarily suspend operations. Request for temporary suspension of operations must be filed with the commission not less than fifteen days prior to effective date of expiration or cancellation of policy or bond and, if granted by the commission, may last no more than thirty days, upon which time a carrier shall provide proof of insurance. Otherwise, the carrier's authority shall be revoked by the commission. If a temporary suspension is granted under this section, a motor carrier shall be prohibited from operating until the temporary suspension has been removed through a filing with the commission. Such a filing shall be made on forms prescribed by the commission and shall include proof that the expired or canceled insurance has been restored.~~
- ~~(B) Notice of cancellation of insurance shall be given to the commission by the insurer in the form set forth by the commission.~~
- ~~(C) Notice of cancellation of surety bond shall be given to the commission in the form set forth by the commission.~~
- ~~(D) Notice to rescind cancellation and reinstate insurance or surety bond shall be given to the commission in the form set forth by the commission.~~

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4901:2-13-08 Expiration and Cancellation of Insurance; Rescission of Cancellation

- (A) When evidence of security required to be on file with the commission pursuant to rule 4901:2-13-04 of the Administrative Code is to be canceled short of the specified term or expiration date specified therein, the commission requires not less than ten days' written notice of cancellation. Notice of cancellation shall be given to the commission by the insurer in the form set forth by the commission.
- (B) Notice to rescind cancellation and reinstate an insurance policy or surety bond shall be given to the commission in the form set forth by the commission.

"Rescind"

4901:2-13-09 Reinstatement after insurance revocation.

- ~~(A) Motor carriers shall not operate without insurance. Whenever a cargo and/or bodily injury and property damage certificate of insurance or bond is canceled during its term, or lapses for any reason, and is not replaced by another insurance certificate or bond fully complying with the commission's insurance requirement, written notice shall be given to the holder of the certificate. Such notice shall contain a statement that the right to operate under such certificate is suspended and that all operations must cease. The notice shall be forwarded to the involved motor carrier by certified mail.~~
- ~~(B) If the involved motor carrier causes to be filed a satisfactory insurance certificate or bond, the motor carrier shall be given written notice indicating that operations may be resumed on the effective date of the insurance filing.~~
- ~~(C) Whenever a motor carrier's right to operate is suspended under this rule for more than thirty days, and the carrier has not filed evidence of insurance with the commission, the operating authority shall be revoked pursuant to a commission order.~~
- ~~(D) If a motor carrier files replacement insurance coverage that is not retroactive to date of expiration or lapse, the transportation department shall conduct an audit of the carrier to determine if any operations occurred during the period of cancelled or lapsed insurance coverage.~~

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~~4901:2-13-10~~ — ~~Transfer of motor carrier authority.~~

~~Each time that a motor carrier's name changes or one or more carrier operations are merged, the motor carrier shall file with the commission a form that contains at a minimum the following information:~~

- ~~(A) — Applicant's previous legal name(s) and doing business as (d.b.a.) name(s);~~
- ~~(B) — Applicant's current legal name and doing business as (d.b.a.) name;~~
- ~~(C) — Applicant's mailing address;~~
- ~~(D) — Applicant's mailing address;~~
- ~~(E) — Street address of principal place of business of applicant;~~
- ~~(F) — Name of person to whom communications regarding the application should be directed;~~
- ~~(G) — Title of person to whom communications regarding the application should be directed;~~
- ~~(H) — Telephone number of person to whom communications regarding the application should be directed;~~
- ~~(I) — Facsimile transmission number of person to whom communications regarding the application should be directed;~~
- ~~(J) — Applicant's e-mail address;~~
- ~~(K) — United States department of transportation number.~~

"Rescind"

~~4901:2-13-11~~ — ~~Insurance records.~~

~~Insurance policies, certificates and bonds accepted by the commission shall under no circumstances be removed from the files of the commission except under subpoena and after their purpose has been served shall be returned to the commission's files. Upon written request by the insurer or the insured, certificates or bonds may be released from the commission's files for the purpose of correcting errors or for substitution of new policies, certificates or bonds without any lapse of coverage upon tender of new policies, certificates or bonds.~~

CSI - Ohio

The Common Sense Initiative

Business Impact Analysis

Agency Name: Public Utilities Commission of Ohio (PUCO)
Attention: Angela Hawkins, Legal Director
Phone: 614-466-0122 Fax: 614-728-8373
angela.hawkins@puc.state.oh.us
or Scott Farkas, Chief Attorney Examiner, Transportation
Phone: 614-466-8057 Fax: 728-8373

Regulation/Package Title: Chapter 4901:2-1, Motor Carrier Tax Payments
and Annual Reports

Rule Number(s): 4901:2-1-01, 4901:2-1-02, 4901:2-1-03, and 4901:2-1-04

Date: March 12, 2014

Rule Type:

☐ New ☒ 5-Year Review ☐ No Change
☐ Amended ☒ Rescinded

The Common Sense Initiative was established by Executive Order 2011-01K and placed within the Office of the Lieutenant Governor. Under the CSI Initiative, agencies should balance the critical objectives of all regulations with the costs of compliance by the regulated parties. Agencies should promote transparency, consistency, predictability, and flexibility in regulatory activities. Agencies should prioritize compliance over punishment, and to that end, should utilize plain language in the development of regulations.

Regulatory Intent

1. Please briefly describe the draft regulation in plain language. Please include the key provisions of the regulation as well as any proposed amendments.

Chapter 4901:2-1 promulgates motor carrier rules governing the filing of an annual registration, maintenance of records and accounts, and preservation and inspection of tax receipts.

2. Please list the Ohio statute authorizing the Agency to adopt this regulation.

Rule	Statutory Authority – Ohio Revised Code
4901:2-1-01	4923.04, 4923.06, 4923.07
4901:2-1-02	4921.13, 4921.19
4901:2-1-03	4923.04
4901:2-1-04	4921.13, 4921.19

3. Does the regulation implement a federal requirement? Is the proposed regulation being adopted or amended to enable the state to obtain or maintain approval to administer and enforce a federal law or to participate in a federal program? If yes, please briefly explain the source and substance of the federal requirement.

This rule, in part, implements a federal requirement.

4. If the regulation includes provisions not specifically required by the federal government, please explain the rationale for exceeding the federal requirement.

Not applicable.

5. What is the public purpose for this regulation (i.e., why does the Agency feel that there needs to be any regulation in this area at all)?

The purpose of this chapter is to ensure that regulated motor carriers maintain accurate and adequate records of business and operations, and to make sure that they maintain proper evidence of tax payments.

6. How will the Agency measure the success of this regulation in terms of outputs and/or outcomes?

The Commission will measured success by whether the motor carrier makes timely and appropriate filings and whether the carrier makes the required documentation available for inspection.

Development of the Regulation

- 7. Please list the stakeholders included by the Agency in the development or initial review of the draft regulation. *If applicable, please include the date and medium by which the stakeholders were initially contacted.***

On December 13, 2013, in Case No. 13-2317-TR-ORD, the Commission issued an entry by U.S. mail and e-mail scheduling a workshop for January 16, 2014, to provide notice of changes to Chapter 4901:2-01. The entry was served upon the Ohio Trucking Association, National Tank Truck Carriers, Inc., the Ohio Department of Transportation, the Ohio State Highway Patrol, the Railroad Association, the Transportation list-serve, the Railroad list-serve, and interested persons of record.

- 8. What input was provided by the stakeholders, and how did that input affect the draft regulation being proposed by the Agency?**

Stakeholders did not provide input because no stakeholders appeared at the workshop.

- 9. What scientific data was used to develop the rule or the measurable outcomes of the rule? How does this data support the regulation being proposed?**

Not applicable.

- 10. What alternative regulations (or specific provisions within the regulation) did the Agency consider, and why did it determine that these alternatives were not appropriate? If none, why didn't the Agency consider regulatory alternatives?**

The Commission considered alternative regulations and determined that these rules are redundant or inconsistent with other statutes or rules and are, therefore, unnecessary.

- 11. Did the Agency specifically consider a performance-based regulation? Please explain. *Performance-based regulations define the required outcome, but don't dictate the process the regulated stakeholders must use to achieve compliance.***

The agency proposes that this chapter be rescinded. The Commission did not consider a performance-based regulation. The rules in Chapter 4901:2-1 are primarily regulatory in nature and are required by the Revised Code.

- 12. What measures did the Agency take to ensure that this regulation does not duplicate an existing Ohio regulation?**

The Commission compared these rules with other existing Ohio regulations and determined that their removal would eliminate duplication and inconsistencies.

13. Please describe the Agency's plan for implementation of the regulation, including any measures to ensure that the regulation is applied consistently and predictably for the regulated community.

On December 13, 2013, in Case No. 13-2317-TR-ORD, the Commission issued an entry by U.S. mail and e-mail scheduling a workshop for January 16, 2014, to consider any rules changes proposed by stakeholders. Next, the Commission will issue an entry containing Staff's proposed changes to the rules, to which stakeholders will have another opportunity to comment. Finally, following the comment period specified in the entry, the Commission will issue a finding and order adopting the proposed rules changes. All potential stakeholders will be notified that this chapter is under review by Staff and they will be provided an opportunity for feedback concerning the proposed changes to the rules in the chapter. Thus, stakeholders will have an opportunity to express whether the proposed rules will be applied consistently and predictably.

Adverse Impact to Business

14. Provide a summary of the estimated cost of compliance with the rule. *Specifically, please do the following:*

a. Identify the scope of the impacted business community;

Pursuant to Sections 4923.04, 4923.06, 4923.07, 4921.13, and 4921.19 Revised Code, Chapter 4901:2-1 applies to all for-hire motor carriers. Staff, however, proposes that the rules in this chapter be rescinded.

b. Identify the nature of the adverse impact (e.g., license fees, fines, employer time for compliance); and

The current rules impact the identified business community because they impose registration requirements and maintenance of records, accounts, and tax receipts.

c. Quantify the expected adverse impact from the regulation. *The adverse impact can be quantified in terms of dollars, hours to comply, or other factors; and may be estimated for the entire regulated population or for a "representative business." Please include the source for your information/estimated impact.*

The cost of these rules involves the time required by a for-hire motor carrier to create, file, maintain, and/or produce for inspection documentation pertaining to registration, records, accounts, and tax receipts.

15. Why did the Agency determine that the regulatory intent justifies the adverse impact to the regulated business community?

Staff is proposing that this chapter be rescinded. Consequently, any adverse impact that the rules in this chapter may have had would be eliminated by Staff's proposal.

Regulatory Flexibility

16. Does the regulation provide any exemptions or alternative means of compliance for small businesses? Please explain.

No. The agency proposes that this chapter be rescinded.

17. How will the agency apply Ohio Revised Code section 119.14 (waiver of fines and penalties for paperwork violations and first-time offenders) into implementation of the regulation?

The agency proposes that this chapter be rescinded

18. What resources are available to assist small businesses with compliance of the regulation?

The agency proposes that this chapter be rescinded.

CSI - Ohio

The Common Sense Initiative

Business Impact Analysis

Agency Name: Public Utilities Commission of Ohio (PUCO)
Attention: Angela Hawkins, Legal Director
Phone: 614-466-0122 Fax: 614-728-8373
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Phone: 614-466-8057 Fax: 728-8373

Regulation/Package Title: Chapter 4901:2-13, Motor Carrier Insurance

Rule Number(s): 4901:2-13-01, 4901:2-13-02, 4901:2-13-03, 4901:2-13-04,
4901:2-13-05, 4901:2-13-06, 4901:2-13-07, 4901:2-13-08,
4901:2-13-09, 4901:2-13-10, and 4901:2-13-11

Date: March 12, 2014

Rule Type:

☐ New ☒ 5-Year Review ☐ No Change
☐ Amended ☒ Rescinded

The Common Sense Initiative was established by Executive Order 2011-01K and placed within the Office of the Lieutenant Governor. Under the CSI Initiative, agencies should balance the critical objectives of all regulations with the costs of compliance by the regulated parties. Agencies should promote transparency, consistency, predictability, and flexibility in regulatory activities. Agencies should prioritize compliance over punishment, and to that end, should utilize plain language in the development of regulations.

Regulatory Intent

1. Please briefly describe the draft regulation in plain language. Please include the key provisions of the regulation as well as any proposed amendments.

Chapter 4901:2-13 promulgates rules pertaining to liability insurance coverage for motor carriers. Among other things, the rules identify which motor carriers are required to maintain insurance, the amount of insurance coverage required, and the minimum period of coverage.

2. Please list the Ohio statute authorizing the Agency to adopt this regulation.

Rule	Statutory Authority – Ohio Revised Code
4901:2-13-01	4921.09
4901:2-13-02	4921.09
4901:2-13-03	4921.09
4901:2-13-04	4921.09
4901:2-13-05	4921.09
4901:2-13-06	4921.09
4901:2-13-07	4921.09
4901:2-13-08	4921.09
4901:2-13-09	4921.09
4901:2-13-10	4921.09
4901:2-13-11	4921.09

3. Does the regulation implement a federal requirement? Is the proposed regulation being adopted or amended to enable the state to obtain or maintain approval to administer and enforce a federal law or to participate in a federal program? If yes, please briefly explain the source and substance of the federal requirement.

This rule, in part, implements a federal requirement. The agency proposes rules that are consistent with federal insurance requirements so that the agency may participate in the MCSAP program.

4. If the regulation includes provisions not specifically required by the federal government, please explain the rationale for exceeding the federal requirement.

Not applicable.

- 5. What is the public purpose for this regulation (i.e., why does the Agency feel that there needs to be any regulation in this area at all)?**

The purpose of this chapter is to set rules that protect the public against loss from the death of or bodily injuries to persons and for loss of or damage to property (except cargo) resulting from the negligence of a motor carrier.

- 6. How will the Agency measure the success of this regulation in terms of outputs and/or outcomes?**

The Commission will measure success by whether the motor carrier makes the required filings and whether such filings adhere to the provisions in Chapter 4901:2-13.

Development of the Regulation

- 7. Please list the stakeholders included by the Agency in the development or initial review of the draft regulation. *If applicable, please include the date and medium by which the stakeholders were initially contacted.***

On December 13, 2013, in Case No. 13-2317-TR-ORD, the Commission issued an entry by U.S. mail and e-mail scheduling a workshop for January 16, 2014, to provide notice of changes to Rule 4901:2-01. The entry was served upon the Ohio Trucking Association, National Tank Truck Carriers, Inc., the Ohio Department of Transportation, the Ohio State Highway Patrol, the Railroad Association, the Transportation list-serve, the Railroad list-serve, and interested persons of record.

- 8. What input was provided by the stakeholders, and how did that input affect the draft regulation being proposed by the Agency?**

Stakeholders did not provide input because no stakeholders appeared at the workshop.

- 9. What scientific data was used to develop the rule or the measurable outcomes of the rule? How does this data support the regulation being proposed?**

Not applicable.

- 10. What alternative regulations (or specific provisions within the regulation) did the Agency consider, and why did it determine that these alternatives were not appropriate? If none, why didn't the Agency consider regulatory alternatives?**

The Commission considered the provisions within these regulations and determined that the language and structure of the rules could be clarified, consolidated, updated to eliminate

provisions that are no longer applicable, and refined to limit the scope of the rule to insurance related matters.

- 11. Did the Agency specifically consider a performance-based regulation? Please explain.**
Performance-based regulations define the required outcome, but don't dictate the process the regulated stakeholders must use to achieve compliance.

The Commission did not consider a performance-based regulation. The rules in this chapter are primarily regulatory in nature and are required by the Revised Code.

- 12. What measures did the Agency take to ensure that this regulation does not duplicate an existing Ohio regulation?**

The Commission reviewed motor carrier insurance provisions to eliminate duplications and provisions that are no longer applicable.

- 13. Please describe the Agency's plan for implementation of the regulation, including any measures to ensure that the regulation is applied consistently and predictably for the regulated community.**

On December 13, 2013, in Case No. 13-2317-TR-ORD, the Commission issued an entry by U.S. mail and e-mail scheduling a workshop for January 16, 2014, to consider any rules changes proposed by stakeholders. Next, the Commission will issue an entry containing Staff's proposed changes to the rules, to which stakeholders will have another opportunity to comment. Finally, following the comment period specified in the entry, the Commission will issue a finding and order adopting the proposed rules changes. All potential stakeholders will be notified that this chapter is under review by Staff and they will be provided an opportunity for feedback concerning the proposed change to the rules in the chapter. Thus, stakeholders will have an opportunity to express whether the proposed rules will be applied consistently and predictably.

Adverse Impact to Business

- 14. Provide a summary of the estimated cost of compliance with the rule. Specifically, please do the following:**

- a. Identify the scope of the impacted business community;**

Pursuant to Section 4921.09, Revised Code, Chapter 4901:2-13 applies to all motor carriers.

- b. Identify the nature of the adverse impact (e.g., license fees, fines, employer time for compliance); and**

The current rules impact the identified business community because they impose filing requirements and maintenance of vehicular liability insurance.

- c. Quantify the expected adverse impact from the regulation.** *The adverse impact can be quantified in terms of dollars, hours to comply, or other factors; and may be estimated for the entire regulated population or for a "representative business." Please include the source for your information/estimated impact.*

The adverse impact involves the time and expense of purchasing and maintaining motor carrier liability insurance.

- 15. Why did the Agency determine that the regulatory intent justifies the adverse impact to the regulated business community?**

The purpose of this chapter is to set rules to protect the public against loss from the death of or bodily injuries to persons and for loss of or damage to property resulting from the negligence of a motor carrier. This interest far exceeds the routine and mandatory time and expense of purchasing and maintaining motor carrier liability insurance.

Regulatory Flexibility

- 16. Does the regulation provide any exemptions or alternative means of compliance for small businesses? Please explain.**

No. These regulations do not provide any exceptions specifically applicable to small businesses.

- 17. How will the agency apply Ohio Revised Code section 119.14 (waiver of fines and penalties for paperwork violations and first-time offenders) into implementation of the regulation?**

If a motor carrier is assessed a civil forfeiture pursuant to 4923.99, Revised Code, for insufficient levels of insurance, the agency may consider a reduction of the forfeiture if the motor carrier cures the deficiency in a timely manner.

- 18. What resources are available to assist small businesses with compliance of the regulation?**

There are no resources available specifically to small businesses. However, agency staff members are available to answer questions and educate and assist regulated entities.