

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. )

FINDING AND ORDER

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 Commission has established this docket in order to conduct an evaluation of rules in Ohio Adm.Code Chapter 4901:2-1, which address inspection of motor carrier records, annual registration of motor carriers, and maintenance of motor carrier records and tax receipts. This docket also evaluates the rules in Ohio Adm.Code Chapter 4901:2-13, which address motor carrier insurance requirements.
- (2) R.C. 119.032(C) requires that the Commission determine whether:
  - (a) The rules should be continued without amendment, be amended, or be rescinded, taking into consideration the purpose, scope, and intent of the statute under which the rules were adopted;
  - (b) The rules need amendment or rescission to give more flexibility at the local level;
  - (c) The rules need amendment to eliminate unnecessary paperwork, or whether the rules incorporate 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;

- (d) The rules duplicate, overlap with, or conflict with other rules; and,
  - (e) The rules have an adverse impact on businesses, reviewing the rules as if they were draft rules being reviewed under R.C. 107.52 and 107.53, and whether any such adverse impact has been eliminated or reduced.
- (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 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 evaluate the rules against the business impact analysis (BIA). If there will be an adverse impact on businesses, 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 BIA.
- (5) On January 16, 2014, the Commission held a workshop in this proceeding to enable interested stakeholders to propose, for the Commission's consideration, revisions to the rules found in Ohio Adm.Code Chapters 4901:2-1 and 4901:2-13. No stakeholders attended the workshop.
- (6) Staff evaluated the rules contained in Ohio Adm.Code Chapter 4901:2-1 and recommended that they be rescinded to remove redundancies and inconsistencies with other rules. Staff also recommended that the rules in Ohio Adm.Code Chapter

4901:2-13 be amended to address various insurance matters, by adding rules for definitions and the purpose and scope of the rules in the chapter, and by addressing and modifying financial responsibility requirements and expiration, cancellation and reinstatement matters.

- (7) On March 12, 2014, the Commission issued an Entry seeking comments on Staff's proposed amendments and sending Staff's recommended changes and the BIA to CSI for review and recommendations in accordance with R.C. 121.82. No comments were filed in response to the Entry.
- (8) Upon review of Staff's recommended changes, the Commission finds that Staff's proposed amendments to the rules are reasonable and should be adopted.
- (9) In making the determination required by R.C. 119.032(C), the Commission considered the matters set forth in the executive order and in R.C. 119.032(C) and 121.82, as well as the continued need for the rules, the nature of any complaints or comments received concerning the rules, and any factors that have changed in the subject matter area affected by the rules. With these factors in mind, and upon consideration of Staff's recommendations, the Commission concludes that Ohio Adm.Code Chapter 4901:2-1 should be rescinded; existing Ohio Adm.Code 4901:2-13-01, 4901:2-13-02, 4901:2-13-03, 4901:2-13-04, 4901:2-13-05, and 4901:2-13-08 should be rescinded; new Ohio Adm.Code 4901:2-13-01, 4901:2-13-02, 4901:2-13-03, 4901:2-13-04, 4901:2-13-05, and 4901:2-13-08 should be adopted; and existing Ohio Adm.Code 4901:2-13-06, 4901:2-13-07, 4901:2-13-09, 4901:2-13-10, and 4901:2-13-11 should be approved and adopted.
- (10) The rules are posted at: [www.puco.ohio.gov/puco/rules](http://www.puco.ohio.gov/puco/rules). To minimize the expense of this proceeding, the Commission will serve a copy of this Finding and Order only. All interested persons are directed to download the rules from the above website, or to contact the Commission's Docketing Division to be sent a paper copy.

It is, therefore,

ORDERED, That existing Ohio Adm.Code Chapter 4901:2-1 be rescinded; existing Ohio Adm.Code 4901:2-13-01, 4901:2-13-02, 4901:2-13-03, 4901:2-13-04, 4901:2-13-05, and 4901:2-13-08 be rescinded; new Ohio Adm.Code 4901:2-13-01, 4901:2-13-02, 4901:2-13-03,

4901:2-13-04, 4901:2-13-05, and 4901:2-13-08 be adopted; and existing Ohio Adm.Code 4901:2-13-06, 4901:2-13-07, 4901:2-13-09, 4901:2-13-10, and 4901:2-13-11 be approved and adopted. It is, further,

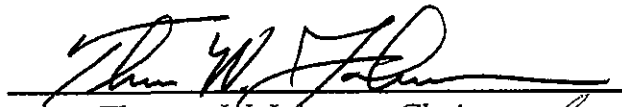
ORDERED, That the rescinded and adopted rules be filed with the Joint Committee on Agency Rule Review, the Secretary of State, and the Legislative Service Commission, in accordance with divisions (D) and (E) of R.C. 111.15. It is, further,

ORDERED, That the final rules be effective on the earliest date permitted by law. Unless otherwise ordered by the Commission, the five-year review date for Ohio Adm.Code Chapter 4901:2-13 shall be in compliance with R.C. 119.032. It is, further,

ORDERED, That a copy of this Finding and Order without the attached rules be served upon the Transportation and Railroad list-serves. It is, further,

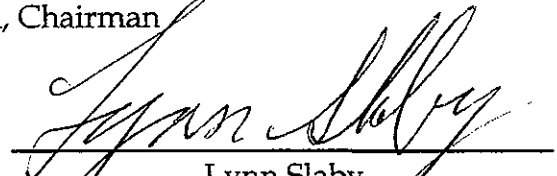
ORDERED, That a copy of this Finding and Order without the attached rules be served upon the Ohio Trucking Association, National Tank Truck Carriers, Inc., Ohio Department of Transportation, Ohio State Highway Patrol, the Railroad Association, and all other interested persons of record.

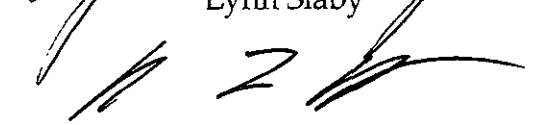
THE PUBLIC UTILITIES COMMISSION OF OHIO

  
Thomas W. Johnson, Chairman

  
Steven D. Lesser


  
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Lynn Slaby

  
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LDJ/vrm

Entered in the Journal  
**JUL 23 2014**

  
Barcy F. McNeal

Barcy F. McNeal  
Secretary