

# THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE PROPER  
PROCEDURES AND PROCESS FOR THE  
COMMISSION'S OPERATIONS AND  
PROCEEDINGS DURING THE DECLARED  
STATE OF EMERGENCY AND RELATED  
MATTER.

CASE NO. 20-591-AU-UNC

## ENTRY

Entered in the Journal on April 22, 2020

### I. SUMMARY

{¶ 1} Due to the declaration of a state of emergency, the Commission temporarily waives the requirements of Ohio Adm.Code 4901:2-5-04(C)(4), regarding provisional medical certification of commercial drivers.

### II. DISCUSSION

{¶ 2} Under Ohio Adm.Code 4901:2-5-03(A), the Commission adopted certain provisions of the Federal Motor Carrier Safety Regulations, 49 C.F.R. Sections 40, 42, 383, 387, and 390-397, to govern the transportation of persons or property in intrastate commerce within Ohio. Ohio Adm.Code 4901:2-5-03(B) and (C) require all motor carriers engaged in intrastate and interstate commerce in Ohio to operate in conformity with all federal regulations that have been adopted by the Commission. Further, Ohio Adm.Code 4901:2-5-04(C) provides that "persons who on or before December 7, 1988, were employed or self-employed in occupations which required the operation of commercial motor vehicles, who cannot be medically certified under the requirements of 49 C.F.R. 391.41 \* \* \* may obtain provisional medical certification for operating commercial motor vehicles in intrastate commerce" under the specific conditions outlined in the rule. Pursuant to the rule, the medical examiner's provisional certificate shall be treated as medical examiner's certificate for all purposes as provided in 49 C.F.R. 390 to 396. Further, a driver who has obtained provisional medical certification shall be re-examined one year from the date of the medical examination, or such shorter time as the medical examiner may prescribe, and shall obtain a new provisional certificate pursuant to the requirements of this rule.

{¶ 3} On March 9, 2020, the governor signed Executive Order 2020-01D (Executive Order), declaring a state of emergency in Ohio to protect the well-being of Ohioans from the dangerous effects of COVID-19. As described in the Executive Order, state agencies are required to implement procedures consistent with recommendations from the Department of Health to prevent or alleviate the public health threat associated with COVID-19. Additionally, all citizens are urged to heed the advice of the Department of Health regarding this public health emergency in order to protect their health and safety. The Executive Order was effective immediately and will remain in effect until the COVID-19 emergency no longer exists. The Department of Health is making COVID-19 information, including information on preventative measures, available via the internet at [coronavirus.ohio.gov/](https://coronavirus.ohio.gov/).

{¶ 4} Pursuant to R.C. 3703.13, the Ohio Director of the Department of Health has the authority to issue orders and has supervisory authority over “all matters relating to the preservation of life and the health of the people” and the “ultimate authority in matters of quarantine and isolation.” On March 12, 2020, the Director of the Department of Health issued an Order indicating that “all persons are urged to maintain social distancing (approximately six feet away from other people) whenever possible.”

{¶ 5} On March 24, 2020, in response to the federal declaration of a national emergency, the Federal Motor Carrier Safety Administration (FMCSA) granted a waiver of various regulatory provisions. Specifically, FMCSA granted a waiver of the requirement under 49 C.F.R. 391.45 that commercial drivers license (CDL) holders have a medical examination and certification, provided that they have proof of a valid medical certification that was issued for a period of 90 days or longer and that expired on or after March 1, 2020. The waiver expires on June 30, 2020.

{¶ 6} In consideration of the Executive Order and the directives from the Ohio Department of Health, and in conjunction with the FMCSA waiver, the Commission finds it appropriate to issue a temporary waiver of the requirements of Ohio Adm.Code 4901:2-5-04(C)(4), regarding provisional medical certification of commercial drivers. This waiver is

conditioned on the driver having proof of a valid provisional medical certification that was issued for a period of 90 days or longer and expired on or after March 1, 2020. Further, this waiver will expire on June 30, 2020.

### III. ORDER

{¶ 7} It is, therefore,

{¶ 8} ORDERED, That requirements of Ohio Adm.Code 4901:2-5-04(C)(4), regarding provisional medical certification of commercial drivers, be waived, as described in Paragraph 6. It is, further,

{¶ 9} ORDERED, That a copy of this Entry be served upon the Ohio Trucking Association, National Tank Truck Carriers, Inc., Ohio Department of Transportation, Ohio State Highway Patrol, Ohio State Legislative Board, the Transportation listserve, and all other interested persons of record.

#### COMMISSIONERS:

##### *Approving:*

Sam Randazzo, Chairman  
M. Beth Trombold  
Lawrence K. Friedeman  
Daniel R. Conway  
Dennis P. Deters

NJW/hac

**This foregoing document was electronically filed with the Public Utilities**

**Commission of Ohio Docketing Information System on**

**4/22/2020 3:40:25 PM**

**in**

**Case No(s). 20-0591-AU-UNC**

Summary: Entry temporarily waiving the requirements of Ohio Adm.Code 4901:2-5-04(C)(4), regarding provisional medical certification of commercial drivers. electronically filed by Ms. Mary E Fischer on behalf of Public Utilities Commission of Ohio