

New Safety Rules for Private Intrastate Non-CDL Vehicles

The Public Utilities Commission (PUCO) has revised its rules relative to motor carrier transportation safety. The new rules apply to businesses that use vehicles with a gross vehicle weight (GVW), gross vehicle weight rating (GVWR) or gross combination weight rating (GCWR) of 10,001 to 26,000 pounds to transport property or passengers on a not-for-hire basis within Ohio. Previously, vehicles of this size were not covered by safety rules. Individuals transporting personal items that are not in furtherance of a commercial enterprise will not be subject to the new rules.

The Federal Motor Carrier Safety Administration (FMCSA) found Ohio's regulations with regard to hazardous materials and private carriers were inconsistent with federal standards and required a series of changes to be made. The changes were made to ensure that state and federal regulations remained compatible and to increase safety on Ohio's roadways.

The new regulations were adopted by the PUCO so that the state of Ohio may continue to receive federal grant money for the Motor Carrier Safety Assistance Program. This federal grant program provides financial assistance to states to enforce the Federal Motor Carrier Safety Regulations and the Federal Hazardous Materials Regulations in an effort to reduce the number and severity of commercial motor vehicle accidents. In order to receive these funds, Ohio's safety rules must mirror federal rules.

The PUCO is currently involved in an education and awareness campaign to help identify and educate entities that may be subject to the new regulations. Fines will not be assessed on roadside safety inspections until January 1, 2012, unless egregious violations are discovered. However, vehicles and drivers found not to be in compliance can be declared out-of-service.

Please note: If a vehicle crosses state lines, a USDOT number must also be visible on the vehicle. Information on obtaining a USDOT number may be found at www.fmcsa.dot.gov. The application for a USDOT number requires a safety audit from the PUCO.

Driver Qualifications

Basic Qualifications

Drivers must be at least 18 years old and possess a currently valid operator's license. He or she must be able to read and speak the English language, understand highway traffic signs and signals, respond to official inquiries and make entries on reports and records.

Medical Requirements

Drivers must also be physically qualified to drive and must pass a medical exam performed at least once every 2 years and carry a copy when operating a commercial motor vehicle. Disqualifying medical conditions include poor hearing, poor vision, high blood pressure, diabetes (requiring insulin), loss of or defects in hand or foot, epilepsy or seizure disorder, certain heart conditions, drug or alcohol

dependence and respiratory dysfunction. Some medically disqualified drivers may qualify for a provisional medical certificate issued by the PUCO.

Driver's List of Violations

Drivers must annually provide their employer with a list of all violations involving a conviction, forfeited bond or collateral. The employer must retain this information in the driver's qualification file for 3 years. Disqualifying offenses include leaving the scene of an accident, driving under the influence, refusal to undergo drug testing, committing a felony and violating a state issued out-of-service order.

Road Test

Each driver must successfully complete a road test and issued a certificate before operating a commercial motor vehicle. A copy of the road test certificate must be placed in the driver qualification file and a copy provided to the driver. The road test shall be given by the employer or a designated person. The person conducting the road test must be competent to evaluate whether the driver is capable of operating a commercial motor vehicle. At a minimum, the driver must be tested while operating the type of vehicle the company intends to assign the driver and the driver must demonstrate skills performing a pre-trip inspection, placing the vehicle in operation, use of vehicle controls and emergency equipment, operating the vehicle in traffic and while passing other motor vehicles, turning the motor vehicle, braking and slowing the vehicle by means other than braking, backing and parking the vehicle and coupling and uncoupling of combination units if the equipment assigned to the driver includes combination vehicles.

Employment Application

Drivers must complete an application that contains all the information that is required by the Federal Motor Carrier Safety Regulations including:

- Name and address of employing motor carrier;
- Name and addresses of applicant for prior 3 years;
- Date of birth;
- Social Security number;
- Date of application;
- Issuing state, number and expiration date of license;
- Driving experience;
- List of accidents within the previous 3 years;
- List of violations within the previous 3 years;
- List of all violations, convicted, forfeited bond or collateral within the previous 3 years;
- Statement on any denial, revocation or suspension of license, permit or privileges to drive a motor vehicle;
- List of names and addresses of past employers and reason for leaving, 3 years for non-CDL positions; and
- Certification with applicant's signature and date.

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Inquiry to State Agencies

The employer must conduct an inquiry of each state where the driver held a license within the past 3 years. Driving records can be obtained from the driver, the bureau or department of motor vehicles, insurance company or the internet. The results must be placed in the driver's qualification file within 30 days of the date driver begins employment. Thereafter, the employer must conduct an inquiry of the motor vehicle record for each driver at least once every 12 months.

Safety Performance History

The employer must conduct inquiries of each U.S. Department of Transportation regulated employer that the driver worked for within the previous 3 years. Each driver's safety performance history must be maintained in a secure location with controlled access and must include the driver's written authorization, good faith efforts to contact previous employers, previous employer responses. The records must be maintained as long as the driver is employed and 3 years after employment. Since a safety performance history is not possible for drivers without previous experience working for a DOT regulated employer, a note indicating such must be placed in the driver qualification file within 30 days of the date of hire.

Driver Qualification File Summary

Requirement	Retention Schedule	Compliance Date
Employment Application	Employment + 3 years	New Hires on or after 10/1/2009
Inquiry to Former Employers	Employment + 3 years	New Hires on or after 10/1/2009
Initial Motor Vehicle Review (MVR)	Employment + 3 years	New Hires on or after 10/1/2009
Road Test	Employment + 3 years	New Hires on or after 10/1/2009
Annual Motor Vehicle Review (MVR)	3 years	All Drivers on and after 10/1/2009
Annual Review of Driving Record	3 years	All Driver on and after 10/1/2009
Annual List of Violations	3 years	All Driver on and after 10/1/2009
Medical Examiner's Certificate	3 years	All Driver on and after 10/1/2009

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Accident Register

Companies must maintain an accident register for a period of 3 years after a recordable accident occurs. Recordable accidents include crashes on highways while in commerce, regardless of fault, that result in injuries that require immediate medical treatment away from scene, fatalities or a vehicle towed away from scene due to disabling damage. The accident register is comprised of a list of accidents that includes the driver's name, the date and location of each accident, the number of injuries and fatalities, details of any hazardous materials involved and copies of the accident reports.

Hours of Service

Drivers must adhere to hours of service requirements and log their time in one of several categories: driving, on duty, off duty or sleeper berth. Employers must retain logbooks and all supporting documents for six months.

- **Driving time** is all time spent at the driving controls of the vehicle.
- **On duty time** is all time a driver begins to work or is required to be in readiness of work and ends when the driver is relieved of all work responsibilities.
- **Off duty time** is when the driver is relieved of all duty and responsibility of the vehicle and its load for a specific period of time and the driver is free to leave the premises where the vehicle is situated.
- **Sleeper berth time** is all time spent in the sleeper berth.

Maximum Driving Time

A driver cannot drive more than 11 hours following 10 consecutive hours off duty, beyond the 14th hour coming on duty following 10 consecutive hours off duty, after 60 hours on duty in 7 consecutive days if the motor carrier does not operate every day of the week or after 70 hours on duty in 8 consecutive days if the motor carrier operates every day of the week.

Drivers operating non-CDL vehicles may be exempt from carrying a logbook if they operate within a 150 air-mile of the location where the driver reports to and is released from work. A driver can qualify for the 150 air-mile radius exemption provided the driver has 10 consecutive hours off-duty between each duty period, does not exceed 11 hours maximum driving time, does not drive beyond the 14th hour after coming on duty, and the carrier maintains time records for 6 months.

Inspection, Repair and Maintenance of Vehicles

Companies must systematically inspect, repair and maintain their vehicles. Companies must also maintain identifying information for each vehicle including company number, make, serial number, year and size as well as a schedule of inspections to be performed, including type and due date.

- **Driver-Vehicle Inspection Report**
Every driver must prepare a written post-trip inspection report at the end of each driving day.

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The report must list any condition found or reported that would affect the safe operation of the vehicle. Inspection items include brakes, windshield wipers, rearview mirrors, steering, coupling devices, lights, wheels and rims, tires, horn and emergency equipment.

- **Driver Pre-Trip Inspection**

Before driving a vehicle the driver must be satisfied that the vehicle is in safe operating condition, review the last driver-vehicle inspection report, and sign the report if defects were noted on the report.

- **Periodic Inspection Reports**

Every vehicle must be inspected at least once during the preceding 12 months. Parts and accessories must be inspected in accordance with Appendix G to 49 CFR Part 396. A copy of the inspection record must be displayed on vehicles.

- **Roadside Inspections**

A driver who is inspected roadside by the PUCO or Highway Patrol must provide the inspection report to his or her employer. The company must sign the inspection report to certify the violations were corrected and return certification of repair to PUCO within 15 days of the inspection.

Vehicle Maintenance File Summary

Requirement	Retention Schedule	Compliance Date
Roadside Inspections	12 months	10/1/2009
Driver-Vehicle Inspection Report	90 days	10/1/2009
Periodic Inspection	14 months	10/1/2009
Maintenance Files	1 year or 6 months after carrier's control	10/1/2009

Vehicle Markings

Company Markings

Company markings must appear in sharply contrasting color on both sides of the vehicle and include the legal name or trade name of the company, the PUCO or USDOT number (if required), and the words "operated by" preceded by operating motor carrier if another name is also displayed. The markings must also be readily legible, during daylight hours, from a distance of 50 feet while the vehicle is stationary.

Markings on Leased Vehicles

For vehicles leased for 30 days or less, the vehicle can display name of lessor, but a signed copy or summary of the lease showing the name and location of lessor and the duration of the lease must be kept in the vehicle.

Equipment Necessary for Safe Operation

- Lights and reflectors
- Brake system
- Windshield and wipers
- Fuel system
- Coupling device
- Wheels and Tires
- Heating and defrosting
- Mirrors
- Horn
- Exhaust system
- Floor
- Frames
- Cab and body
- Steering
- Suspension
- Rear impact guards
- Projecting loads
- Load securement
- Emergency equipment
- Seat belts
- Speedometer
- Wheel protectors/ mud flaps

Driving Rules

Condition of Driver

Drivers cannot operate a vehicle while ill or fatigued, using or possessing drugs or alcohol. Drivers cannot use alcohol or be under the influence within 4 hours before going on duty or operating a commercial motor vehicle. Drivers are prohibited from possessing a radar detector. Drivers are also required to wear a seat belt.

Hazardous Materials

Hazardous materials are defined as substance or material that the U.S. Department of Transportation has determined to be “capable of posing an unreasonable risk to health, safety, and property when transported in commerce.” Companies based in Ohio must register as a hazardous materials carrier if they transport hazardous materials of a type or amount which requires placards displayed. Private motor carriers transporting hazardous materials are required to maintain insurance. Automobiles, machinery and equipment with combustible engines are considered hazardous materials. Refer to Ohio Administrative Code section 4901:2-13-02 for the complete insurance requirements.

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Safety Rule Violations and Enforcement

How are the safety rules enforced?

The PUCO and the Ohio State Highway Patrol conduct roadside safety inspections. In addition, the PUCO conducts compliance reviews to review the required motor carrier records.

Must drivers stop for a roadside safety inspection?

Yes. Evasion of a safety inspection is a violation of the Ohio safety rules.

What happens when a safety rule violation is found during a roadside inspection?

The driver receives a copy of the inspection report noting any violations. Depending upon the violation(s), the driver or vehicle may be declared out-of-service until the violation or condition has been corrected or removed. All non out-of-service violations must be corrected before the vehicle can return to the road. Some violations may result in a civil forfeiture, or fine.

Motor Carrier Contacts

Public Utilities Commission of Ohio

614-466-3392

www.PUCO.ohio.gov

Ohio Department of Taxation

International Fuel Tax

614-466-4056

www.tax.ohio.gov

Ohio Bureau of Motor Vehicles

Vehicle Registration

614-752-7500

www.dot.state.oh.us/permits

Ohio Department of Transportation

Oversize Permits

614-351-2300

www.ohiobmvt.com

International Registration Plan

800-477-0007 or 614-777-8400

www.bmv.ohio.gov/international_registration_plan.stm

The Ohio State Highway Patrol

614-466-4056

www.statepatrol.ohio.gov

Federal Motor Carrier Safety Administration

Ohio Division Office

614-280-5657

www.fmcsa.dot.gov

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