



## Ohio Administrative Code

### Rule 4901:2-5-03 Adoption and applicability of U.S. department of transportation safety standards.

Effective: July 1, 2023

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(A) The commission hereby adopts the provisions of the regulations of the U.S. department of transportation contained in 49 C.F.R. 40, 367, 380, 382, 383, 385, 386, 387, and 390 to 397, as effective on the date referenced in paragraph (C) of rule 4901:2-5-02 of the Administrative Code, unless specifically excluded or modified by a rule of this commission, and those portions of the regulations contained in 49 C.F.R. 107, subparts f and g, and 171 to 180, as effective on the date referenced in paragraph (C) of rule 4901:2-5-02 of the Administrative Code, as are applicable to transportation or offering for transportation of hazardous materials by motor vehicle. A violation of these regulations constitutes a violation of the commission's rules.

(B) All motor carriers operating in intrastate commerce are subject to the provisions of this chapter and the regulations adopted pursuant to paragraph (A) of this rule. With respect to such regulations as applicable to motor carriers operating in intrastate commerce, any notices or requests permitted or required to be made to the U.S. department of transportation or officials thereof may instead be made to the director of the commission's transportation department.

(C) All motor carriers engaged in interstate commerce within Ohio are subject to all regulations of the U.S. department of transportation, which have been adopted by the commission pursuant to paragraph (A) of this rule.

(D) All offerors are subject to the regulations contained in 49 C.F.R. 107, subparts f and g, and 171 to 180, as effective on the date referenced in paragraph (C) of rule 4901:2-5-02 of the Administrative Code, as applicable, which have been adopted by the commission pursuant to paragraph (A) of this rule.

(E) All hazardous materials transporters are subject to the regulations contained in 49 C.F.R. 107, subparts f and g, and 171 to 180, as effective on the date referenced in paragraph (C) of rule 4901:2-5-02 of the Administrative Code, as applicable, which have been adopted by the commission pursuant to paragraph (A) of this rule.



(F) All excepted carriers are subject to the regulations of the U.S. department of transportation contained in 49 C.F.R. 383, as effective on the date referenced in paragraph (C) of rule 4901:2-5-02 of the Administrative Code. as applicable, and the regulations contained in 49 C.F.R. 107, subparts f and g, and 171 to 180, as effective on the date referenced in paragraph (C) of rule 4901:2-5-02 of the Administrative Code, as applicable, which have been adopted by the commission pursuant to paragraph (A) of this rule.

(G) Enforcement of the regulations adopted pursuant to paragraph (A) of this rule, is subject to any exemptions granted by the U.S. department of transportation including any interpretations issued by the U.S. department of transportation.

(H) Title 49 C.F.R. 395.3, as effective on the date referenced in paragraph (C) of rule 4901:2-5-02 of the Administrative Code, does not apply to motor carriers engaged in the intrastate transportation of construction materials and equipment. As to such carriers, the following maximum driving time limitations apply:

(1) No motor carrier engaged in the intrastate transportation of construction materials and equipment shall permit or require any driver used by it to drive nor shall any such driver drive:

(a) More than twelve hours following ten consecutive hours off duty; or

(b) For any period after having been on duty sixteen hours following ten consecutive hours off duty.

(2) No motor carrier engaged in the intrastate transportation of construction materials and equipment shall permit or require a driver of a commercial motor vehicle to drive, nor shall any driver drive, regardless of the number of motor carriers using the driver's services, for any period after:

(a) Having been on duty seventy hours in any seven consecutive days if the employing motor carrier does not operate commercial motor vehicles every day of the week; or

(b) Having been on duty eighty hours in any eight consecutive days if the employing motor carrier operates commercial motor vehicles every day of the week.



(3) In the instance of a driver of a commercial motor vehicle who is used primarily in the transportation of construction materials and equipment, any period of seven or eight consecutive days may end with the beginning of any off-duty period of twenty-four or more successive hours.

(4) Paragraphs (H)(1) (H)(2), and (H)(3) of this rule do not apply when the commission grants applicable regulatory relief from the hours-of-service requirements pursuant to rule 4901:2-5-05 of the Administrative Code.