



Ohio Administrative Code Rule 4901:2-5-05 Relief from regulation.

Effective: July 1, 2023

(A) The commission may grant a motor carrier operating in intrastate commerce, a temporary exemption from some or all provisions of this chapter when any of the following apply:

(1) When such action is consistent with regulatory relief issued by the U.S. department of transportation for carriers in interstate commerce.

(2) When the chairperson of the commission or the chairperson's designee has declared a transportation-specific emergency due to severe weather conditions, earthquake, flood, drought, fire, famine, epidemic, pestilence, unusual interruption of any public utility services, or other calamitous visitation or disaster.

(3) When the governor of this state has declared an emergency.

(B) Because situations necessitating temporary exemption pursuant to paragraph (A) of this rule are often unforeseeable, the commission may designate one or more of its employees to issue a document granting such exemptions.

(C) The director of the commission's transportation department may grant regulatory relief to motor carriers operating in intrastate commerce from the hours of service regulations when any of the following apply:

(1) When the U.S. department of transportation has issued a notice granting regulatory relief to motor carriers in interstate commerce, where the relief is equivalent in scope, coverage, and duration to that granted by the U.S. department of transportation.

(2) When the U.S. department of transportation has not acted and an application for regulatory relief is made by a motor carrier or trade association representing motor carriers pursuant to the following procedure:



(a) The applicant submits to the director a request for regulatory relief that includes an explanation of the circumstances necessitating the requested regulatory relief and how the circumstances have impacted motor carrier operations demonstrating the need for the relief.

(b) Following receipt of a request, the director may grant temporary regulatory relief in cases where the applicant has stated adequate grounds for relief. Considerations for the written notice granting temporary regulatory relief include the scope, coverage, and duration of the relief.

(c) Regulatory relief granted pursuant to paragraph (C)(2) of this rule is subject to the following limitations and conditions:

(i) No motor carrier that has been declared out-of-service, has had its authority to operate revoked, or otherwise has been ordered to cease operations, by the U.S. department of transportation or the commission, is eligible to operate under the regulatory relief.

(ii) A motor carrier operating under the regulatory relief shall keep a copy of the notice granting regulatory relief in each motor vehicle operating under such relief and shall maintain it at the motor carrier's principal place of business for one hundred eighty days from the expiration of the relief.

(iii) Nothing in a grant of regulatory relief limits or otherwise alters a motor carrier's duty to monitor its drivers, to maintain record of duty status in conformance with 49 C.F.R. 395, as effective on the date referenced in paragraph (C) of rule 4901:2-5-02 of the Administrative Code, and to ensure its drivers are not operating while ill, fatigued, impaired, or otherwise unable to safely operate a commercial motor vehicle.

(D) No exemption or other relief from regulation granted pursuant to paragraph (A) or (C) of this rule relieves a person from compliance with 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 rule 4901:2-5-03 of the Administrative Code.



(E) The commission may, upon its own motion or upon a request by a motor carrier or other interested party:

(1) Submit an application to the U.S. department of transportation to obtain an exemption for state laws and regulations for specific industries involved in intrastate commerce, pursuant to 49 C.F.R. 350.343, as effective on the date referenced in paragraph (C) of rule 4901:2-5-02 of the Administrative Code.

(2) Submit an application to the U.S. department of transportation for a variance from the federal motor carrier safety regulations for intrastate commerce pursuant to 49 C.F.R. 350.345, as effective on the date referenced in paragraph (C) of rule 4901:2-5-02 of the Administrative Code.