



## Ohio Administrative Code Rule 4901:2-5-13 Inspection program.

Effective: July 1, 2023

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(A) For the purpose of enforcing the provisions of Chapters 4921. and 4923. of the Revised Code, and Chapter 4901:2-5 of the Administrative Code, authorized personnel may enter in or upon any motor vehicle of any motor carrier, excepted carrier, or hazardous materials transporter, to inspect the motor vehicle, driver, documents, or cargo. Such inspections are conducted in accordance with the following guidelines:

(1) Motor vehicles, drivers, documents, or cargo are subject to inspection when located:

(a) Upon any public roadway, public property, or private property open to the public.

(b) On any other premises if the inspection is conducted with permission of the owner or person in control of the property.

(2) Considerations by authorized personnel in determining which motor vehicles, drivers, documents, or cargo to inspect include:

(a) Complaints received and processed by the headquarters staff of the commission's transportation department, or staff of the highway patrol, and issued to field employees.

(b) Observed possible violations of any statutes and rules identified in paragraph (A) of this rule.

(c) Knowledge that a driver or motor vehicle was recently inspected and had been declared "out-of-service" at the time of inspection, or that the motor carrier, excepted carrier, or hazardous materials transporter was found to be operating without required authority, registration, permits, or insurance, as applicable.

(d) Motor vehicles, motor carriers, excepted carriers, and hazardous materials transporters designated by the headquarters staff of the commission's transportation department as "special interest".



- (e) Any uniform statistical selection procedure, such as every fifth motor vehicle or every motor vehicle entering an inspection site.
  - (f) Any inspection selection system developed by the U.S. department of transportation.
  - (g) By request of a peace officer or state trooper at an accident scene or traffic stop.
  - (h) In response to an incident involving the release or possible release of hazardous materials.
  - (i) Any motor vehicle transporting radioactive materials for which pre-notification is required by, and made pursuant to, section 4163.07 of the Revised Code.
  - (j) Passenger carrying motor vehicles at a point of origin or destination.
  - (k) Any bus, as defined in section 4513.50 of the Revised Code, operating in intrastate commerce, that does not have on display the safety inspection decal required pursuant to section 4513.51 of the Revised Code.
  - (l) By request of the U.S. department of transportation.
- (3) Results of an inspection conducted pursuant to paragraph (A) of this rule are recorded on an inspection report.
- (4) Authorized personnel may enter in and upon any area of a motor vehicle as necessary to complete their duties (except for knowingly entering portions of the motor vehicle used exclusively for the personal possessions of the driver), and enter any cargo area or compartment. If a cargo area of a motor vehicle is locked or sealed, the operator of the motor vehicle shall provide immediate access to the cargo area. When the operator is unable to provide immediate access to a locked or sealed cargo area, authorized personnel may use the necessary force to enter the cargo area. Any breakage of a lock or seal shall be annotated on the inspection report. A lock or seal that is broken by authorized personnel shall be replaced with a numbered seal.



(5) Motor carriers, excepted carriers, and hazardous materials transporters shall provide authorized personnel with reasonably expeditious access to any documents or property necessary to conduct an inspection pursuant to paragraph (A) of this rule.

(6) To determine whether a substance being transported on a motor vehicle is a hazardous material, authorized personnel may obtain a sample.

(7) An inspection report may be amended at any time subsequent to an inspection as further investigation or the discovery of additional information warrants provided the written amendments are communicated to the motor carrier, excepted carrier, or hazardous materials transporter that was subject to the inspection.

(B) Authorized employees of the commission's transportation department may enter in or upon the premises of any motor carrier, excepted carrier, hazardous materials transporter, or offeror to interview employees and examine any motor vehicles, records, documents, or property, for the purpose of assessing its compliance with the provisions of Chapters 4921. and 4923. of the Revised Code, and Chapter 4901:2-5 of the Administrative Code. Authorized employees of the commission's transportation department may also require that any motor carrier, excepted carrier, hazardous materials transporter, or offeror provide records, documents, or property to be examined off-site in accordance with the following guidelines:

(1) Considerations of authorized employees of the commission's transportation department in determining which motor carriers, excepted carriers, hazardous materials transporters, and offerors to select for examination include:

(a) Pursuant to standards established by the U.S. department of transportation in connection with this state's participation in the "Motor Carrier Safety Assistance Program."

(b) Pursuant to criteria authorized by this state's commercial vehicle safety plan submitted to and approved by the U.S. department of transportation in connection with this state's participation in the "Motor Carrier Safety Assistance Program."

(c) Complaints processed by the commission's transportation department headquarters staff.



(2) Examinations conducted in a manner consistent with 49 C.F.R. 385, as effective on the date referenced in paragraph (C) of rule 4901:2-5-02 of the Administrative Code, and the standards and protocols of the U.S. department of transportation as required by virtue of this state's participation in the "Motor Carrier Safety Assistance Program."

(3) Authorized employees of the commission's transportation department are entitled to reasonably expeditious access to employees, motor vehicles, records, documents, or property as necessary to conduct an examination pursuant to paragraph (B) of this rule.

(C) Any driver who fails to cooperate with reasonable requests during a driver/vehicle inspection, may be placed out of service until such a time as the inspection can be completed.