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**Adoption of U.S. department of transportation safety standards.**

- (A) The commission hereby adopts the provisions of the motor carrier safety regulations of the U.S. department of transportation contained in ~~Title 49, CFR Parts~~ C.F.R. 40, 382, 383, 387 and 390 through to 397, ~~in appendix A to this rule~~, unless specifically excluded or modified by a rule of this commission, and those portions of the hazardous materials transportation regulations contained in ~~Title 49, CFR Parts~~ C.F.R. 171 through to 180, ~~in appendix B to this rule~~, as are applicable to transportation or offering for transportation by motor vehicle that are effective on August 22, 2002. Title 49 C.F.R. 40, 171 to 180, 382, 383, 387, and 390 to 397 is available at the offices of the commission, 180 East Broad Street, Columbus, Ohio 43215, and the following website: <http://www.access.gpo.gov/ecfr/>. All motor carriers operating in intrastate commerce within Ohio shall conduct their operations in accordance with those regulations and the provisions of this chapter. With respect to such regulations as applicable to intrastate motor carriers, any notices or requests permitted or required to be made to the U.S. department of transportation or officials thereof under ~~Title 49, CFR Parts~~ C.F.R. 390 through to 397 shall instead be made to the director of the commission's transportation department.
- (B) All motor carriers engaged in interstate commerce in Ohio shall operate in conformity with all regulations of the U.S. department of transportation, which have been adopted by this commission. Violation of any such federal regulation by any motor carrier engaged in interstate commerce in Ohio shall constitute a violation of this commission's rules.
- (C) All offerors shall operate in conformity with all applicable regulations of the U.S. department of transportation, which have been adopted by this commission. Violation of any such federal regulation by any offeror shall constitute a violation of this commission's rules.
- (D) Enforcement of those portions of ~~Title 49, CFR Parts~~ C.F.R. 171 through to 180 as are applicable to transportation or offering for transportation of hazardous materials by motor vehicle shall be subject to any exemptions granted by the U.S. department of transportation pursuant to ~~Title 49, CFR Part~~ C.F.R. 107 and shall be consistent with interpretations issued by the research and special programs administration, U.S. department of transportation.
- (E) ~~Title 49, CFR Part~~ C.F.R. 395.3, maximum driving time, does not apply to private 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 private 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 eight consecutive hours off duty; or

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

(2) No private 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.

(F) For purposes of this rule, "transportation of construction materials and equipment" means the transportation of construction and pavement materials, construction equipment, and construction maintenance vehicles, by a driver to or from an active construction site (a construction site between mobilization of equipment and materials to the site to the final completion of the construction project) within a fifty air mile radius of the normal work reporting location of the driver. This definition shall not apply to the transportation of material found by the United States Secretary of Transportation to be hazardous under Title 49 U.S.C. 5103 in a quantity requiring placarding pursuant to Title 49 ~~CFR part~~ C.F.R. 172, subpart f.

Effective:

R.C. 119.032 review dates: 11/30/2004

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Certification

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Date

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