

4901:2-7-03 **Service.**

In proceedings governed by this chapter:

- (A) Unless provided otherwise by this chapter, service upon staff may be made by ordinary or certified United States mail, by courier service, by facsimile transmission or by personal service in the offices designated as the hazardous materials division. Service upon staff shall be made to:

~~"Civil Forfeiture~~ Compliance Division

Transportation Department

Public Utilities Commission of Ohio

180 East Broad Street, ~~Fifth~~ Fourteenth Floor

Columbus, Ohio 43215-3793"

Service is effective upon receipt except that service by United States mail is complete upon mailing and service by facsimile transmission is complete upon transmission.

- (B) Service upon a respondent shall be made by ordinary or certified United States mail, by courier service, by facsimile transmission or by personal service except that service upon a domestic respondent of a notice of intent to assess forfeiture or a notice of intent to make compliance order shall be made by certified United States mail. Service upon a foreign respondent of a notice of intent to assess forfeiture or a notice of intent to make compliance order shall be by ordinary United States mail. Service is effective upon receipt by any person, except that service by ordinary or certified United States mail is effective upon mailing and service by facsimile transmission is complete upon transmission. Service upon a respondent shall be made at any of the following, in order of priority:

(1) If the respondent is a natural person:

(a) The address listed on the report of the violation ~~or~~.

(b) The address listed on the respondent's operator's license; ~~or~~.

(2) If the respondent is other than a natural person:

(a) If the respondent has filed a request for conference or otherwise appeared, itself or through an authorized representative, at the address indicated in the appearance or other communication; ~~or~~.

- (b) If the respondent is a carrier, at the address designated by the respondent, in writing, with the staff;
 - (c) If the respondent is a carrier, shipper or other business entity, at the address disclosed on the shipping papers or other shipping documents, if any;
 - (d) If the respondent is a carrier, shipper or other business entity, and whose address is not disclosed by the shipping papers, at any business address of the respondent.
- (C) Failure to observe the prescribed priority of service will not constitute a failure of service.
- (D) If the service envelope is returned with an endorsement showing failure of delivery or if no receipt of delivery is returned, then service may be made by ordinary United States mail and is effective upon mailing.
- (E) Once a respondent has served a request for administrative hearing in accordance with rule 4901:2-7-13 of the Administrative Code, any further service shall be made in accordance with Chapter 4901-1 of the Administrative Code.

Effective: 10/22/2007

R.C. 119.032 review dates: 07/19/2007 and 05/31/2011

CERTIFIED ELECTRONICALLY

Certification

10/12/2007

Date

Promulgated Under: 111.15
Statutory Authority: 4905.83, 4919.99, 4921.99, 4923.99
Rule Amplifies: 4905.83, 4919.99, 4921.99, 4923.99
Prior Effective Dates: 3/19/87, 9/28/88, 12/23/88, 10/28/90, 12/14/95,
4/12/02