

4901:2-21-07

**Suspension and revocation of a certificate of public convenience and necessity.**

- (A) For purposes of this rule, service upon staff ~~shall be by~~includes ordinary or certified United States mail, facsimile transmission, or electronic mail. Service upon a for-hire motor carrier ~~shall be by~~includes ordinary or certified United States mail, facsimile transmission, or electronic mail if the for-hire motor carrier to be served has consented to receive service by electronic mail in the certificate application.
- (B) A certificate shall be suspended if a for-hire motor carrier does any of the following:
- (1) Fails to meet the annual update requirements of rule 4901:2-21-06 of the Administrative Code.
  - (2) Fails to maintain accurate and current business information with the commission
  - (3) Fails to maintain proper proof of insurance or proper levels of insurance pursuant to Chapter 4901:2-13 of the Administrative Code.
  - (4) Fails to pay all applicable taxes and fees.
  - (5) Is in default on any civil forfeitures imposed pursuant to section 4923.99 of the Revised Code.
- (C) If a for-hire motor carrier's certificate is subject to suspension pursuant to paragraph (B) of this rule, the staff shall serve upon the for-hire motor carrier a notice that its certificate has been suspended and that all intrastate operations must cease immediately. The notice ~~shall indicate~~includes the nature of the deficiency prompting the suspension, the means by which the deficiency may be remedied, and instructions regarding the manner in which the respondent may serve a response upon the staff. The notice ~~shall also~~ inform the for-hire motor carrier that its certificate ~~shall may~~ be subject to revocation if it fails to correct the deficiency within sixty days from the date of the notice.
- (D) A for-hire motor carrier upon whom a notice described in paragraph (C) of this rule has been served may serve a response upon the staff within sixty days of service of the notice. The response ~~shall should~~ contain a detailed statement indicating why the issuance of the notice may be unjustified, mitigating circumstances or subsequent remedial measures undertaken in regards to the issues raised in the notice, and any other information relevant to the issues raised in the notice.
- (E) If the response served pursuant to paragraph (D) of this rule demonstrates to the satisfaction of the staff that the deficiency has been remedied, the for-hire motor carrier's certificate ~~shall may~~ be reinstated and the staff ~~shall should~~ serve upon

the for-hire motor carrier a notice indicating that its operations may be resumed. If the staff denies reinstatement of the for-hire motor carrier's certificate, the for-hire motor carrier may file a petition and request for hearing with the commission for reinstatement of its certificate.

- (F) A for-hire motor carrier may request that its certificate be temporarily suspended by serving such request including the effective date of the suspension, upon the staff. ~~The request must indicate the effective date of the suspension.~~ Upon receipt of the request, the staff ~~shall~~ should serve upon the for-hire motor carrier a notice that its certificate has been suspended per its request and that all intrastate operations must cease as of the effective date of the suspension. The notice ~~shall~~ should inform the for-hire motor carrier that the suspension ~~shall be for no longer than~~ is limited to one hundred eighty days from the effective date of the suspension and that its certificate shall be subject to revocation if the for-hire motor carrier does not serve upon staff, prior to the expiration of the one hundred eighty day period, a request to have its certificate reinstated.
- (G) Upon receipt of a request from a for-hire motor carrier to reinstate its certificate suspended pursuant to paragraph (F) of this rule, the staff ~~shall~~ should serve upon the for-hire motor carrier a notice indicating that its operations may be resumed.
- (H) If a for-hire motor carrier that has had its certificate suspended pursuant to this rule fails to take the required action to have its certificate reinstated, the commission may revoke its certificate pursuant to the provisions of rule 4901-5-03 of the Administrative Code.

Effective: 7/1/2023

Five Year Review (FYR) Dates: 3/27/2023 and 06/20/2028

CERTIFIED ELECTRONICALLY

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Certification

06/20/2023

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Date

Promulgated Under: 111.15

Statutory Authority: 4905.81, 4921.07

Rule Amplifies: 4921.07

Prior Effective Dates: 04/13/1995, 07/03/2003, 10/07/2011, 07/18/2013,  
06/17/2019