

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 4901:2-21-07

Rule Type: Amendment

Rule Title/Tagline: Suspension and revocation of a certificate of public convenience and necessity.

Agency Name: Public Utilities Commission of Ohio

Division:

Address: 180 East Broad Street Columbus OH 43215-3793

Contact: Angela Hawkins

Email: angela.hawkins@puco.ohio.gov **Phone:** 614-466-0122

I. Rule Summary

1. Is this a five year rule review? Yes
 - A. What is the rule's five year review date? 3/25/2019
2. Is this rule the result of recent legislation? No
3. What statute is this rule being promulgated under? 111.15
4. What statute(s) grant rule writing authority? 4905.81, 4921.07
5. What statute(s) does the rule implement or amplify? 4921.07
6. What are the reasons for proposing the rule?

The rule summarizes circumstances under which a certificate is suspended or revoked and how a motor carrier may respond to the suspension or revocation.

7. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.

The rule states that service upon Staff and upon a for-hire motor carrier shall be by U.S. Mail, fax, or e-mail. A certificate shall be suspended if a for-hire motor carrier fails to annually update the certificate, does not maintain current information, does not

maintain proper insurance, does not pay applicable taxes and fees, or is in default on any civil forfeitures. If suspension occurs, service upon the motor carrier shall indicate that intrastate operations must end immediately, and shall inform the carrier how to respond; if there is no correction of the deficiency within 60 days, the certificate is revoked. If the correction is made, Staff will serve notice indicating that operations may be resumed. The rule also states that a carrier may request temporary suspension of a certificate; if granted, the suspension shall be no longer than 180 days, and will result in revocation if the carrier does not request prior to the end of the 180 days to reinstate the certificate. New language added to the rule indicates that the carrier may, in the Certificate Application Form, consent to service via e-mail.

8. **Does the rule incorporate material by reference? Yes**
9. **If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.71 to 121.76, please explain the basis for the exemption and how an individual can find the referenced material.**

The rule refers to Ohio Revised Code and the Ohio Administrative Code, each of which are readily available online.

10. **If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.**

Not Applicable

II. Fiscal Analysis

11. **As a result of this proposed rule, please estimate the increase / decrease in revenues or expenditures affecting this agency, or the state generally, in the current biennium or future years. If the proposed rule is likely to have a different fiscal effect in future years, please describe the expected difference and operation.**

This will have no impact on revenues or expenditures.

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Not Applicable

12. **What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?**

There is no estimated cost of compliance with this rule filing.

13. Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No
14. Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No

III. Common Sense Initiative (CSI) Questions

15. Was this rule filed with the Common Sense Initiative Office? Yes
16. Does this rule have an adverse impact on business? No
 - A. Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? No
 - B. Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? No
 - C. Does this rule require specific expenditures or the report of information as a condition of compliance? Yes

To possess a currently valid certificate, a carrier must annually update the certificate with current information, annually provide evidence of proper insurance, and pay applicable taxes, fees, and civil forfeitures.