

TO BE RESCINDED

4901:2-6-01 **Definitions.**

- (A) "Applicant" means any carrier who submits a uniform registration and permit application to the commission.
- (B) "Carrier" means any carrier subject to rules adopted under section 4919.76 of the Revised Code, motor transportation company as defined in section 4921.02 of the Revised Code, contract carrier by motor vehicle as defined in section 4923.02 of the Revised Code, or private motor carrier as defined in section 4923.20 of the Revised Code, which transports the following in commerce into, within, or through this state:
- (1) Hazardous materials of a type and amount that requires the transport vehicle to be placarded pursuant to 49 C.F.R. 172, as referenced in paragraph (B) of rule 4901:2-6-02 of the Administrative Code.
 - (2) Hazardous substances or marine pollutants when transported in bulk packagings as defined by 49 C.F.R. 171.8, as referenced in paragraph (B) of rule 4901:2-6-02 of the Administrative Code.
 - (3) Hazardous waste of a type and amount that requires the shipment to be accompanied by a uniform hazardous waste manifest pursuant to 40 C.F.R. 262, as referenced in paragraph (B) of rule 4901:2-6-02 of the Administrative Code.
- (C) "Commission" means the public utilities commission of Ohio.
- (D) "Governing Board" means the group of states that comprise the "Alliance of Uniform Hazardous Materials Transportation Procedures" that develop uniform rules and regulations for the transportation of hazardous materials.
- (E) "Hazardous material" means a substance or material, including a hazardous substance, which has been determined by the United States secretary of transportation to be capable of posing an unreasonable risk to health, safety, and property when transported in commerce and which has been so designated in 49 C.F.R. 171 to 180, as referenced in paragraph (B) of rule 4901:2-6-02 of the Administrative Code.
- (F) "Hazardous waste" means any material that is subject to the hazardous waste manifest requirements of the United States environmental protection agency specified in 40 C.F.R. 262, as referenced in paragraph (B) of rule 4901:2-6-02 of the Administrative Code.

(G) "Knowingly" means a person acts knowingly if either of the following applies:

- (1) The person has actual knowledge of the facts giving rise to a violation.
- (2) A reasonable person acting in the circumstances and exercising due care would have such knowledge.

(H) "Reciprocity state" means a jurisdiction with which the commission has entered a reciprocity agreement regarding the uniform registration and uniform permitting of carriers of hazardous materials or which has uniform registration and uniform permitting of motor carriers that is in compliance with the uniform standards established by the United States department of transportation.

(I) "Staff" means those employees of the commission to whom responsibility has been delegated for administering the provisions of section 4905.80 of the Revised Code and rule 4901:2-6-06 of the Administrative Code.

(J) "Terminal" means a facility owned, leased or operated by the applicant where:

- (1) Applicant's motor vehicles used to transport hazardous materials are loaded, unloaded or dispatched incidental to transportation.
- (2) Applicant's motor vehicles used to transport hazardous materials are cleaned, maintained or inspected.
- (3) Applicant's motor vehicles used to transport hazardous materials are fueled or repowered.
- (4) Applicant stores hazardous materials incidental to transportation.
- (5) Applicant maintains records related to the transport of hazardous materials including vehicle maintenance files and hours-of-service records.

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Certification

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Date

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