AUTHENTICATED,
OHIO LEGISLATIVE SERVICE
COMMISSION
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Ohio Administrative Code

Rule 4901:2-5-04 Qualifications of drivers.

Effective: January 1, 2026

(A) No motor carrier, excepted carrier, or hazardous materials transporter shall operate or permit the operation of a motor vehicle in intrastate commerce by a person under the age of eighteen years. No motor carrier, or excepted carrier, shall operate or permit the operation of a commercial motor vehicle transporting hazardous materials in a quantity or of a type that requires the motor vehicle to be placarded pursuant to 49 C.F.R. 172, as effective on the date referenced in paragraph (C) of rule 4901:2-5-02 of the Administrative Code, in intrastate commerce, by a person under the age of twenty-one years, except with the proper hazardous materials endorsement issued under division (A)(2) of section 4506.131 of the Revised Code.

(B) The provisions in 49 C.F.R. 391.21 (applications for employment), and 391.23 (investigations and inquiries), as effective on the date referenced in paragraph (C) of rule 4901:2-5-02 of the Administrative Code, do not apply to a driver operating in intrastate commerce who has been a single employer driver as defined in 49 C.F.R. 390.5, as effective on the date referenced in paragraph (C) of rule 4901:2-5-02 of the Administrative Code, of a motor carrier, for a continuous period which began before January 1, 1987, so long as the driver continues to be a regularly employed driver of that motor carrier.

(C) Persons who on or before December 7, 1988, were employed or self-employed in occupations which required the operation of commercial motor vehicles, who cannot be medically certified under the requirements of 49 C.F.R. 391.41, as effective on the date referenced in paragraph (C) of rule 4901:2-5-02 of the Administrative Code, may obtain provisional medical certification for operating commercial motor vehicles in intrastate commerce under the following conditions:

(1) A driver may obtain a packet of materials prescribed by the commission to be used by the driver and the medical examiner in conducting a medical examination for provisional medical certification. The medical examiner must be listed on the "National Registry of Certified Medical Examiners" administered by the U.S. department of transportation and current on all requirements to perform an examination for a provisional medical certification. Included in the packet will be instructions to

assist the medical examiner in making an evaluation.

(2) Prior to visiting the medical examiner, a driver shall submit to the commission a completed "Certification of Driver Employment" form on which the driver shall certify the conditions of the driver's past and current employment, including employer name and contact information, dates of employment, size and type of vehicles operated, types of cargo transported, accident history, and any additional information deemed necessary by the commission. After reviewing the driver's employment history and experience, the commission shall return a copy of the "Certification of Driver Employment" form to the driver and provide the driver with the "Medical Examiner's Provisional Certificate" form, prescribed by the commission, for the medical examiner to complete.

(3) The medical examination performed in accordance with 49 C.F.R. 391.43, as effective on the date referenced in paragraph (C) of rule 4901:2-5-02 of the Administrative Code, should also be recorded on the examination form prescribed by that part. If the medical examiner finds that the driver cannot be certified in accordance with 49 C.F.R. 391.41 as effective the date referenced in paragraph (C) of rule 4901:2-5-02 of the Administrative Code, but that the driver can safely operate commercial motor vehicles under certain conditions, the medical examiner may provisionally certify the driver.

(4) To provisionally certify a driver, the medical examiner may complete the "Medical Examiner's Provisional Certificate" in lieu of the "Medical Examiner's Certificate" prescribed in 49 C.F.R. 391.43, as effective on the date referenced in paragraph (C) of rule 4901:2-5-02 of the Administrative Code. The medical examiner's considerations for the provisional certificate include the limitations under which the medical examiner finds the driver can safely operate a commercial motor vehicle, including but not limited to, restrictions on the size and type of vehicle operated, hours operated per day, and any other work activities performed in addition to driving. The driver is entitled to receive a copy of the provisional certificate.

(5) Upon receipt of a copy of the completed provisional certificate, the commission shall confirm receipt by placing a stamp upon the provisional certificate and then returning a copy of it to the driver. A provisional certificate is not effective unless stamped by the commission. The driver shall provide a copy of the provisional certificate to the driver's employer, which shall be kept in the employer's driver qualification file in the same manner as the medical examiner's certificate, as

required by 49 C.F.R. 391.51, as effective on the date referenced in paragraph (C) of rule 4901:2-5-02 of the Administrative Code. A driver must possess a copy of the provisional certificate at all times when operating a commercial motor vehicle.

(6) A driver who has obtained provisional medical certification shall be re-examined one year from the date of the medical examination, or such shorter time as the medical examiner may prescribe, and shall obtain a new provisional certificate pursuant to the requirements of this rule, except that the driver need not submit a new "Certification of Driver Employment" form prior to obtaining a "Medical Examiner's Provisional Certificate" form from the commission.

(7) Except as otherwise provided by this rule, the medical examiner's provisional certificate is treated as a medical examiner's certificate for all purposes as provided in 49 C.F.R. 390 to 396, as effective on the date referenced in paragraph (C) of rule 4901:2-5-02 of the Administrative Code.

(8) Provisional medical certification under this rule is ineffective to qualify a driver to drive in interstate commerce, to transport hazardous materials in a quantity or of a type that requires the motor vehicle to be placarded pursuant to 49 C.F.R. 172, as effective on the date referenced in paragraph (C) of rule 4901:2-5-02 of the Administrative Code, to transport passengers for hire, to operate a motor vehicle designed to transport sixteen or more passengers, including the driver, or to operate a commercial motor vehicle beyond the scope of any restrictions indicated by the medical examiner.

(9) After notice and opportunity for a hearing conducted pursuant to Chapter 4901-1 of the Administrative Code, the commission may invalidate the provisional medical certification issued by the medical examiner upon its finding that continued operations by the driver constitute an unreasonable risk of harm to the public.

(10) Beginning July 1, 2021, no provisional medical certificates for drivers with diabetes mellitus treated with insulin for control will be issued or renewed.