



Ohio Administrative Code

Rule 4901:2-5-07 Out-of-service vehicles and drivers.

Effective: July 1, 2023

(A) Authorized personnel may declare "out-of-service":

(1) Any commercial motor vehicle, operated by a motor carrier, which by reason of its mechanical condition or loading would likely cause an accident or breakdown.

(2) Any motor vehicle or driver that is found to be in violation of rule 4901:2-5-03 of the Administrative Code, as applicable, and such violation meets the "North American Standard Out-of-Service Criteria" adopted and disseminated by the "Commercial Motor Vehicle Safety Alliance."

(3) Any motor vehicle or driver operating in violation of an "imminent hazard" order issued in accordance with rule 4901:2-5-14 of the Administrative Code.

(4) Any motor vehicle being operated in intrastate commerce by a for-hire motor carrier that does not have a current and valid certificate of public convenience and necessity pursuant to the rules in Chapter 4901:2-21 of the Administrative Code.

(B) Motor vehicles declared "out of service" shall be marked with an appropriate sticker, until the defects prompting the out-of-service declaration have been satisfactorily remedied so that the out-of-service condition no longer exists.

(C) Drivers declared "out-of-service" remain out-of-service until such time that all conditions required by law, rule, or the out-of-service declaration have been met.

(D) A person cannot operate or permit the operation of a motor vehicle that has been declared "out of service," or permit a driver that has been declared "out-of-service", to operate a commercial motor vehicle except under the following conditions:

(1) The motor vehicle may be towed in accordance with 49 C.F.R. 396.9, as effective on the date



referenced in paragraph (C) of rule 4901:2-5-02 of the Administrative Code.

(2) If the motor vehicle is located beside the traveled portion of a highway, or contains hazardous materials and is located at a place where parking of hazardous materials is not permitted it may be escorted by authorized personnel to the nearest safe location, provided that doing so would enhance public safety more so than if the motor vehicle was not relocated.

(E) In addition to vehicles and drivers declared "out-of-service" pursuant to paragraph (A) of this rule, the following are also considered to be "out-of-service":

(1) A motor vehicle or driver that has been declared "out-of-service" by another federal, state, Canadian, or Mexican jurisdiction, until such time that the out-of-service condition has been satisfactorily remedied.

(2) Motor vehicles being operated in interstate commerce by a motor carrier that has been declared "out-of-service", has had its authority to operate revoked, or otherwise has been ordered to cease operations by the U.S. department of transportation in accordance with 49 C.F.R. 385.13, 385.105, 385.111, 385.308, 385.325, 385.337, 386.72, 386.83, 386.84, and 392.9a, as effective on the date referenced in paragraph (C) of rule 4901:2-5-02 of the Administrative Code.

(3) Motor vehicles being operated in intrastate commerce by a motor carrier that is under an out-of-service order issued pursuant to 49 C.F.R. 385.13 or 386.72, as effective on the date referenced in paragraph (C) of rule 4901:2-5-02 of the Administrative Code.

(F) All persons subject to this rule shall comply with any additional measures or conditions as directed by authorized personnel for the purpose of enforcing this rule.

(G) This rule does not supersede any more stringent federal requirement adopted by the commission.