

DRAFT - NOT FOR FILING

4501-47-01 Definitions and general provisions.

~~(A) (A)~~ The following are contact sites for the material incorporated by reference in Chapter 4501-47 of the Administrative Code: Except as otherwise provided, the versions of federal regulations, federal laws, and other texts incorporated by reference throughout Chapter 4501-47 of the Administrative Code are those in effect on the effective date of this rule.

~~(1) (1)~~ Code of Federal Regulations (C.F.R.)

~~Obtained via: government printing office, 400 7th Street SW, Washington DC 20590~~

~~(2) (2)~~ United States Code (U.S.C.)

~~Web site: <http://usecode.house.gov/search/criteria.shtml>~~

(A) Materials incorporated by reference:

(1) "Application for Certification of Commercial Driver License Third Party Examiner," form "BMV5812," (February, 2015) may be obtained by writing to the "Ohio Bureau of Motor Vehicles, 1970 West Broad Street, Columbus, Ohio 43223" or at <http://www.bmv.ohio.gov>.

(2) "Application for Certification of Commercial Driver License Third Party Tester," form "BMV5811," (February, 2015) may be obtained by writing to the "Ohio Bureau of Motor Vehicles, 1970 West Broad Street, Columbus, Ohio 43223" or at <http://www.bmv.ohio.gov>.

(3) Code of Federal Regulations (C.F.R.) provisions may be obtained by writing to "U.S. Government Printing Office, 400 7th Street SW, Washington D.C. 20590" or at <http://www.ecfr.gov>. Chapter 4501-47 of the Administrative Code incorporates the following C.F.R. provisions:

(a) 49 C.F.R. 383.75 (March 25, 2013);

(b) 49 C.F.R. 383.77 (May 9, 2011);

(c) 49 C.F.R. 383.3 (September 24, 2013).

(B) Definitions:

~~(B) (1)~~ "Applicant" - Any person authorized by the department of public safety as eligible to take the skills test required for commercial drivers by Chapter 4506. of the Revised Code.

~~(C) (2)~~ "Audit" - An examination by the department or the federal motor carrier safety administration of records of a third-party tester's transactions involving administration of the skills test, in order to verify and authenticate the accuracy of the disbursement or procedures and determine compliance with this chapter and 49 C.F.R. 383.75.

~~(D) (3)~~ "Chargeable accident" - Any violation of a state or local law relating to motor vehicle traffic control other than a parking violation arising in connection with any traffic accident.

~~(E) (4)~~ "Class A commercial driver's license" - License required to operate any vehicle or combination of vehicles with a gross vehicle weight rating of twenty-six thousand one pounds or more, if the gross vehicle weight rating of the vehicles being towed is in excess of ten thousand pounds.

DRAFT - NOT FOR FILING

- ~~(F)~~ (5) "Class B commercial driver's license" - License required to operate any school bus; any vehicle designed to transport manufactured homes; any single vehicle with two or more axles and a gross vehicle weight rating of twenty-six thousand one pounds or more; and any vehicle or combination of vehicles with two or more axles and a gross vehicle weight rating of twenty-six thousand one pounds or more, if the gross vehicle weight rating of the vehicle being towed is less than ten thousand pounds.
- ~~(G)~~ (6) "Class C commercial driver's license" - License required to operate any vehicle with a gross vehicle weight rating of less than twenty-six thousand one pounds used in the transportation of hazardous materials or any vehicle designed to transport sixteen or more passengers including the driver.
- ~~(H)~~ (7) "Commercial driver's license or CDL" - A license, including a probationary commercial driver's license, issued in accordance with this chapter that authorizes an individual to drive a commercial motor vehicle.
- ~~(I)~~ (8) "Commercial motor vehicle" - Any motor vehicle designed or used to transport persons or property that meets any of the ~~following~~ qualifications set forth in division (D) of section 4506.01 of the Revised Code .:
- ~~(1)~~ (1) ~~Has a gross vehicle weight rating of twenty six thousand one pounds or more, including any vehicle being towed that has a gross vehicle weight rating of ten thousand pounds or more;~~
- ~~(2)~~ (2) ~~Is a school bus;~~
- ~~(3)~~ (3) ~~Is designed to transport sixteen or more passengers, including the driver;~~
- ~~(4)~~ (4) ~~Is designed to transport manufactured homes;~~
- ~~(5)~~ (5) ~~Is a single vehicle with two or more axles and has a gross vehicle weight rating of twenty six thousand one pounds or more;~~
- ~~(6)~~ (6) ~~Is a combination vehicle with two or more axles and has a gross vehicle weight rating of twenty six thousand one pounds or more if the gross vehicle weight rating of the vehicle being towed is less than ten thousand pounds;~~
- ~~(7)~~ (7) ~~Is transporting hazardous materials for which placarding is required under 49 C.F.R. Parts 100-18.~~
- ~~(J)~~ (9) "Department" - The Ohio department of public safety.
- ~~(K)~~ (10) "Director" - The chief officer of the Ohio department of public safety.
- ~~(L)~~ (11) "Inspection" - A review of test administration and related documents and records of the third-party tester by the department or its representatives or the federal motor carrier safety administration as required by 49 C.F.R. 383.75.
- ~~(M)~~ (12) "Third-party agreement" - The contract ~~which~~that defines the terms of the third-party tester's responsibilities and authorizes the third-party tester to administer skills tests to applicants.
- ~~(N)~~ (13) "Third-party examiner" - Any person trained in a course approved by the department of public safety who has been certified as an approved third-party examiner, to conduct skills testing of applicants for a commercial driver's license.

*****DRAFT - NOT FOR FILING*****

- ~~(Q)~~ (14) "Third-party facility manager" - The person designated by the third-party tester to be responsible for maintenance and recording of documents required to be kept by each third-party tester.
- ~~(P)~~ (15) "Third-party tester" - Any person, an agency of this state or another state, an agency, department, or instrumentality of local government, authorized by the department of public safety to administer a third-party skills test program specified for commercial drivers by Chapter 4506. of the Revised Code.
- ~~(Q)~~ (16) "Third-party testing facility" - Facility approved by the department of public safety to be used for third-party testing which is owned, leased or under the control of the third-party tester.
- ~~(R)~~ (17) "Skills test" - The test of an applicant's ability to drive the type of commercial motor vehicle for which the applicant seeks a commercial driver's license by having the applicant perform the pretrip, basic control, and road test maneuvers under the supervision of an approved third-party examiner or state driver's license examiner; the pretrip, basic control, and road test administered by the Ohio ~~highway patrol~~ department of public safety or an approved third-party examiner to an applicant for a commercial driver license.