

As Passed by the House

**128th General Assembly
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Am. H. B. No. 71

Representatives Hagan, Batchelder

**Cosponsors: Representatives Foley, Harris, Ujvagi, Luckie, Book, Harwood,
Winburn, Domenick, Letson, Yuko, Patten, Combs, Koziura, Huffman,
Stewart, Murray, Brown, Bolon, Boyd, Chandler, DeBose, Garland, Garrison,
Gerberry, Mallory, Oelslager, Szollosi, Williams, S., Yates**

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A B I L L

To enact section 4923.30 of the Revised Code to 1
establish requirements for contract carriers that 2
transport railroad employees. 3

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 4923.30 of the Revised Code be 4
enacted to read as follows: 5

Sec. 4923.30. (A) This section applies to all contract 6
carriers that contract with a railroad company to transport 7
on-duty employees of that railroad within this state and from 8
within this state to other states. 9

(B) All vehicles a contract carrier uses to transport 10
railroad employees shall be equipped with adequate seating and 11
heating sources for the employees and a method whereby the 12
employees are able to communicate directly with the railroad 13
company. 14

(C) A contract carrier that contracts to transport railroad 15

<u>employees shall do all of the following:</u>	16
<u>(1) Require each operator who transports railroad employees to have a valid driver's license;</u>	17 18
<u>(2) Provide alcohol and drug screening under 49 C.F.R. Part 40 for each operator who transports railroad employees;</u>	19 20
<u>(3) Conduct a criminal records check as described in section 109.572 of the Revised Code of each person who transports railroad employees;</u>	21 22 23
<u>(4) Require a completed application for employment from each prospective vehicle operator who will transport railroad employees;</u>	24 25 26
<u>(5) Conduct an annual review of the driving record of each driver who transports railroad employees and maintain a personal file that includes a driving record for each such driver;</u>	27 28 29
<u>(6) Limit the hours of service of a driver who transports railroad employees to ten hours on-duty time following eight consecutive hours off duty;</u>	30 31 32
<u>(7) Prohibit any driver from operating a vehicle that is transporting railroad employees after the driver has been on duty sixty hours in any seven consecutive days if the contract carrier does not operate commercial motor vehicles every day of the week or after the driver has been on duty seventy hours in any period of eight consecutive days if the contract carrier operates commercial motor vehicles every day of the week;</u>	33 34 35 36 37 38 39
<u>(8) Require the driver of a vehicle used to transport railroad employees to inspect the vehicle at the beginning and end of each day the vehicle is so used. Each inspection shall include the completion of an inspection checklist in a manner and format prescribed by the public utilities commission. The inspection checklist constitutes a maintenance record, and the contract</u>	40 41 42 43 44 45

carrier shall retain the inspection checklist for not less than 46
ninety days after the date of the inspection. 47

(9) Keep every vehicle used to transport railroad employees 48
in a safe and proper operating condition by maintaining the 49
vehicle according to the maintenance schedule recommended for that 50
vehicle by its manufacturer. The contract carrier shall maintain a 51
record of all maintenance and repairs performed on each such 52
vehicle and retain each record for not less than one year and six 53
months after the date of such maintenance or repair. 54

(10) Keep time records for six months indicating the time all 55
for-hire motor carrier drivers who operate vehicles that transport 56
railroad employees report for duty, the time of relief from duty, 57
the hours driven, and the hours on duty and off duty. 58

(D) The contract carrier shall make all records this section 59
requires the contract carrier to keep available for inspection 60
upon demand by the commission or the commission's designee. 61

(E) All motor vehicles a contract carrier uses to transport 62
railroad employees within this state and from within this state to 63
other states shall at a minimum meet all state and federal laws, 64
rules, and regulations pertaining to safe construction and 65
maintenance. The drivers of such motor vehicles shall operate them 66
in full compliance with all applicable state and federal laws, 67
rules, and regulations pertaining to their operation and the 68
transportation of passengers at all times. 69

(F) Each contract carrier shall maintain no-fault insurance 70
or liability insurance in an amount not less than five million 71
dollars for each vehicle it uses to transport railroad employees 72
that is designed by its manufacturer to carry sixteen or more 73
passengers and not less than one million five hundred thousand 74
dollars for each vehicle it uses to transport railroad employees 75
that is designed by its manufacturer to carry fifteen or fewer 76

passengers. Each such vehicle also shall meet all state and 77
federal requirements for safety devices, first-aid kits, and 78
sidewalls, canopies, tailgates, or other means of retaining 79
freight safely. 80

(G) The provisions of this section establish minimum 81
standards and shall not be construed to supersede or abrogate any 82
law, rule, or regulation that imposes stricter standards upon the 83
operation of contract carriers that transport railroad employees. 84

(H) The commission, in accordance with Chapter 119. of the 85
Revised Code, shall adopt rules to implement and administer this 86
section. 87

(I) Whoever violates any provision of this section or any 88
rule adopted by the commission pursuant to this section is subject 89
to section 4923.99 of the Revised Code. 90