

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 1301:10-1-01
Rule Type: Amendment
Rule Title/Tagline: Definitions.
Agency Name: Department of Commerce
Division: Division of Unclaimed Funds
Address: 77 S. High St. Columbus OH 43215
Contact: Kelli Lister **Phone:** 6144661385
Email: kelli.lister@com.state.oh.us

I. Rule Summary

1. **Is this a five year rule review?** Yes
 - A. **What is the rule's five year review date?** 4/21/2023
2. **Is this rule the result of recent legislation?** No
3. **What statute is this rule being promulgated under?** 119.03
4. **What statute(s) grant rule writing authority?** R.C. 169.09, 119.03
5. **What statute(s) does the rule implement or amplify?** R.C. 169.01, 169.02, 169.03, 169.13, 169.16
6. **Does the rule implement a federal law or rule in a manner that is more stringent or burdensome than the federal law or regulation requires?** No
 - A. **If so, what is the citation to the federal law or rule?** Not Applicable
7. **What are the reasons for proposing the rule?**

The rule is due for five-year rule review. It is being updated to: (1) correct statutory references found in the rule that do not conform with subsequent statutory amendments; (2) remove unnecessary regulatory restrictions as defined in

R.C. 121.95(B); and (3) provide greater clarity regarding terms as used in Chapter 169, Ohio's Unclaimed Funds Law.

8. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.

This rule defines terms related to unclaimed funds reportable under ORC Chapter 169. Amendments are proposed as follows:

Section (J) "Records review period" amended to clarify that if a potential holder of unclaimed funds does not have records for the entirety of the period of examination period, as defined in subsection (K), one of the estimation techniques described in Ohio Adm. Code 1301:10-3-04(J)(2) may be used for the period of time for which records do not exist.

Section (K) "Examination period" amended to remove an exception to the ten-reporting cycle period of examination and provide for a uniform period for the examination of records to determine compliance with Ohio's Unclaimed Funds Law.

Subsection (M) is amended to identify royalty payments as not eligible for an exemption from reporting pursuant to division (B)(2) of section 169.01 of the Revised Code.

Subsection (N) is amended to correct a reference to statutory reference to R.C. 169.03(F) that did not conform with subsequent statutory amendment which resulted to provision being found at R.C. 169.03(G).

Section (O) "Finder" definition amended to clarify term refers to a natural person, consistent with the requirements for registration found in R.C. 169.16, who engages in any activity for the purpose of locating delivering, recovering, or assisting the recovery of unclaimed funds on behalf of another in exchange for compensation or other remuneration.

Finally, amendments to the language used throughout the rule are proposed to remove unnecessary regulatory restrictions as defined in R.C. 121.95(B).

9. Does the rule incorporate material by reference? Yes

10. If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.75, please explain the basis for the exemption and how an individual can find the referenced material.

Exempt pursuant to R.C. 121.75(A)(1)(a). Rule references other sections of the Revised Code.

11. If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.

Originally filed rule in pdf; needed to delete and revised in xml.

II. Fiscal Analysis

12. Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.

This will have no impact on revenues or expenditures.

\$0

Not Applicable.

13. What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?

Not Applicable.

14. Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No

15. Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No

16. If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.

Not Applicable.

III. Common Sense Initiative (CSI) Questions

17. Was this rule filed with the Common Sense Initiative Office? No

18. Does this rule have an adverse impact on business? No

- A. Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? No

The rule defines terms relevant to Ohio Unclaimed Funds Law codified in Chapter 169.

- B. Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? No

- C. Does this rule require specific expenditures or the report of information as a condition of compliance? No
- D. Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business of which it will apply or applies? No

IV. Regulatory Restriction Requirements under S.B. 9. Note: This section only applies to agencies described in R.C. 121.95(A).

19. Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? Yes

- A. How many new regulatory restrictions do you propose adding to this rule? 0
- B. How many existing regulatory restrictions do you propose removing from this rule? 4

1301:10-1-01(D) Definitions removes word shall from definition of Contract auditor pursuant to R.C. 121.95(B) and (F).

1301:10-1-01(M) Definitions removes word shall from definition pursuant to R.C. 121.95(B) and (F).

1301:10-1-01(P) Definitions removes word shall from definition pursuant to R.C. 121.95(B) and (F).

1301:10-1-01(P) Definitions removes word shall from definition pursuant to R.C. 121.95(B) and (F).

- C. If you are not removing existing regulatory restrictions from this rule, please list the rule number(s) from which you are removing restrictions.
- D. Please justify the adoption of the new regulatory restriction(s).

Not Applicable