

## Rule Summary and Fiscal Analysis

### Part A - General Questions

**Rule Number:** 3737-1-19

**Rule Type:** Amendment

**Rule Title/Tagline:** Establishing fund eligibility for third-party claims.

**Agency Name:** Petroleum Underground Storage Tank Release Compensation Board

**Division:**

**Address:** 4151 Executive Parkway Suite 350 Westerville OH 43081

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#### I. Rule Summary

1. **Is this a five year rule review?** Yes
  - A. **What is the rule's five year review date?** 11/29/2019
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?** 3737.90
5. **What statute(s) does the rule implement or amplify?** 3737.92
6. **What are the reasons for proposing the rule?**

This rule is being filed in accordance with the five-year rule review requirement of section 106.03 of the Revised Code.

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

The rule sets forth the requirements for the filing for and determination of eligibility to file claims under the Fund for compensation paid or anticipated to be paid to a third party for the costs of bodily injury or property damage resulting from an accidental release of petroleum from an assured UST.

The text in paragraph (A)(3)(a) "was required to be reported to the fire marshal" is being removed as the term "release incident," which was added to the rule effective January 1, 2019, establishes the date at which the tanks must have been registered with the fire marshal in order to be granted thirdparty eligibility to claim under the Fund.

8. **Does the rule incorporate material by reference?** No
9. **If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.71 to 121.76, please explain the basis for the exemption and how an individual can find the referenced material.**

*Not Applicable*

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

*Not Applicable*

## **II. Fiscal Analysis**

11. **As a result of this proposed rule, please estimate the increase / decrease in revenues or expenditures affecting this agency, or the state generally, in the current biennium or future years. If the proposed rule is likely to have a different fiscal effect in future years, please describe the expected difference and operation.**

This will have no impact on revenues or expenditures.

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Not Applicable.

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

Not Applicable.

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

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

### **III. Common Sense Initiative (CSI) Questions**

**15. Was this rule filed with the Common Sense Initiative Office? Yes**

**16. Does this rule have an adverse impact on business? Yes**

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

The rule requires the responsible person to file a Third-Party Claim Eligibility Application in order to receive a determination of eligibility to file claims under the Fund for compensation to be paid to a third-party for bodily injury or property damage resulting from an accidental release of petroleum. The rule ensures that only an eligible responsible person is able to file for and receive monies from the Fund. The rule requires the director of the Fund to verify that at the time of the release incident, a responsible person possessed a valid certificate of coverage for the tank from which the release occurred, the subject tank was being operated and maintained in compliance with the fire marshal's rules, and the release incident was timely reported as required by the fire marshal's rules.