

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 901:6-5-01

Rule Type: Rescission

Rule Title/Tagline: Retail sales of motor fuels.

Agency Name: Department of Agriculture

Division:

Address: 8995 East Main Street Reynoldsburg OH 43068

Contact: David E Miran

Email: david.miran@agri.ohio.gov **Phone:** 614-728-6390

I. Rule Summary

1. **Is this a five year rule review?** Yes
 - A. **What is the rule's five year review date?** 11/30/2017
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?** 1327.49
5. **What statute(s) does the rule implement or amplify?** 1327.49
6. **What are the reasons for proposing the rule?**

The rule is up for five year rule review.

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

OAC 901:6-5-01 is being rescinded pursuant to the Legislative Service Commission's guidelines on rule drafting as the proposed amendments modify over 50% of the existing rule. The proposed version sets out the definitions as used in OAC 901:6-5-02. The definitions set a standard of identity for many motor fuel types. The vast majority of these standards mirror the standards adopted in National Institute of Standards

Technology (NIST) Handbook 130 (2016). NIST is a non-regulatory federal agency within the U.S. Department of Commerce whose stated purpose is to achieve, to the maximum extent possible, uniformity in weights and measures laws and regulations among the various states and local jurisdictions in order to facilitate trade between the states, permit fair competition among businesses, and provide uniform and sufficient protection to all consumers in commercial weights and measures practices.

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.

0.00

Not applicable.

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

The vast majority of these standards adopted in this rule package mirror the standards adopted in National Institute of Standards Technology (NIST) Handbook 130 (2016). NIST is a non-regulatory federal agency within the U.S. Department of Commerce whose stated purpose is to achieve, to the maximum extent possible, uniformity in weights and measures laws and regulations among the various states and local jurisdictions in order to facilitate trade between the states, permit fair competition

among businesses, and provide uniform and sufficient protection to all consumers in commercial weights and measures practices.

All motor fuels must comply with the labeling standards in this rule. The regulatory intent of these rules is to protect consumers and ensure accuracy in business dealings by establishing minimum standards for these businesses. Accordingly, the adverse impact is considered to be justified. These rules will provide equity in the marketplace based on measurable testing methods recognized by the Federal Trade Commission.

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?** Yes

Failure to comply with this rule could subject an individual to civil and criminal penalties.

C. **Does this rule require specific expenditures or the report of information as a condition of compliance?** Yes

The current rule requires metering devices to display the unit price and also be able to complete other functions.