

## Rule Summary and Fiscal Analysis

### Part A - General Questions

**Rule Number:** 3737-1-16

**Rule Type:** Amendment

**Rule Title/Tagline:** Third-party claims.

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

**Division:**

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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?** 8/9/2024
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. **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?**

This rule is being filed in accordance with the five-year rule review requirement of section 106.03 of the Revised Code.
8. **Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

The rule limits the compensation to be paid to a third-party to the reasonable costs of bodily injury or property damage that are not covered by the responsible person's insurance or another party and that do not exceed the maximum disbursement amount set forth in section 3737.91 of the Revised Code. In addition, the rule sets forth the requirements for the responsible person to keep the Board informed of any actions involving the third party.

The proposed amendment is to correct the citation of the term "property damage" in paragraph (C).

9. **Does the rule incorporate material by reference? No**
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.**

*Not Applicable*

11. **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**

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? Yes**
18. **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 administrative time and minimal cost for the responsible person to report information to the Board concerning the status of the third-party claim such as pending negotiations, litigation, mediations, settlements, or judgments.

- 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? Yes**

The rule could arguably reduce the revenue or increase the expenses of the lines of business to which it will apply or applies.

A responsible person submitting a third-party claim may incur expenses to provide records and documents needed to demonstrate that the bodily injury or property damages caused by the accidental petroleum release are reimbursable from the Fund. In addition, the responsible person may incur expenses to keep the Board informed of the status of the third-party claim, such as pending negotiations, litigation, mediations, settlements, or judgments.

**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? No**

**A. How many new regulatory restrictions do you propose adding to this rule?**

Not Applicable

**B. How many existing regulatory restrictions do you propose removing from this rule?**

Not Applicable

**C. If you are not removing existing regulatory restrictions from this rule, please list the rule number(s) from which you are removing restrictions.**

Not Applicable

**D. Please justify the adoption of the new regulatory restriction(s).**

Not Applicable