

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas  
2 81st General Assembly  
3 Regular Session, 1997  
4

As Engrossed: H2/20/97

## A Bill

ACT 642 OF 1997  
HOUSE BILL 1743

5 By: Representatives McJunkin, Kidd, Laverty, Jones, Bryant, Wilkinson, McGehee, Willems, Hausam, Milum, Miller, Schexnayder,  
6 Rorie, Davis, Teague, Broadway, Trammell, Allison, Luker and Simmons  
7 By: Senator Boozman  
8

### For An Act To Be Entitled

9  
10 "AN ACT TO AMEND THE PETROLEUM STORAGE TANK TRUST FUND ACT  
11 PROVISIONS CONTAINED IN TITLE 8, CHAPTER 7 OF THE ARKANSAS  
12 CODE ANNOTATED, TO LOWER THE ARKANSAS PETROLEUM STORAGE  
13 TANK TRUST FUND DEDUCTIBLES FOR CORRECTIVE ACTION AND  
14 THIRD-PARTY COVERAGE; AND FOR OTHER PURPOSES."

### Subtitle

15  
16  
17 "AMEND THE PETROLEUM STORAGE TANK TRUST  
18 FUND ACT PROVISIONS CONTAINED IN TITLE  
19 8, CHAPTER 7 TO LOWER THE PETROLEUM  
20 STORAGE TANK TRUST FUND DEDUCTIBLES."  
21

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
23

24 SECTION 1. Arkansas Code 8-7-907(a) is amended to read as follows:

25 "(a) No payment for corrective action shall be paid from the fund  
26 until the owner or operator has expended ~~twenty-five thousand dollars~~  
27 ~~(\$25,000)~~ fifteen thousand dollars (\$15,000) on corrective action for the  
28 occurrence, except in cases where the director is using his emergency  
29 authority under § 8-7-905(e). It is the intent of the General Assembly that  
30 this initial level of expenditure be considered the equivalent of an  
31 insurance policy deductible. Owners or operators of underground  
32 storage tanks must demonstrate financial responsibility for the  
33 ~~twenty-five thousand dollar (\$25,000)~~ fifteen thousand dollar (\$15,000)  
34 deductible for corrective actions.

35

36 SECTION 2. Arkansas Code 8-7-908(a) is amended to read as follows:

1           "(a) No payment to any owner or operator against whom a third-party  
2 claim is brought for bodily injury or property damage, or both, shall  
3 be paid from the fund until the owner or operator has expended  
4 ~~twenty-five thousand dollars (\$25,000)~~ fifteen thousand dollars (\$15,000) on  
5 third-party claims for the occurrence, except in cases where the director is  
6 using his emergency authority under § 8-7-905(e). It is the intent of the  
7 General Assembly that this initial level of expenditure be considered the  
8 equivalent of an insurance policy deductible. Owners and operators of  
9 underground storage tanks must demonstrate financial responsibility  
10 for the ~~twenty-five thousand dollar (\$25,000)~~ fifteen thousand dollar  
11 (\$15,000) deductible for third-party liability costs."

12

13           SECTION 3. All provisions of this act of a general and permanent nature  
14 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
15 Revision Commission shall incorporate the same in the Code.

16

17           SECTION 4. If any provision of this act or the application thereof to  
18 any person or circumstance is held invalid, such invalidity shall not affect  
19 other provisions or applications of the act which can be given effect without  
20 the invalid provision or application, and to this end the provisions of this  
21 act are declared to be severable.

22

23           SECTION 5. All laws and parts of laws in conflict with this act are  
24 hereby repealed.

25

*/s/Rep. McJunkin, et al*

26

27

APPROVED:3-18-97

28

29

30

31

32

33

34

35