

***** DRAFT – NOT FOR FILING *****

3745-72-05 **Liability.**

(A) Except as provided in rule 3745-72-07 of the Administrative Code, a violation of paragraph (A) of rule 3745-72-03 of the Administrative Code by a carrier, whose gasoline is in a transport vehicle, storage vessel, or elsewhere at the facility, shall be deemed a violation for all of the following parties:

- (1) The refiner at whose refinery the gasoline was produced or the importer at whose import facility the gasoline was imported, except as provided in paragraph (A)(1) of rule 3745-72-06 of the Administrative Code.
- (2) The distributor, except as provided in paragraph (A)(2) of rule 3745-72-06 of the Administrative Code.
- (3) The ethanol blender at whose ethanol blending plant the gasoline was ~~produced~~ blended, except as provided in paragraph (A)(3) of rule 3745-72-06 of the Administrative Code.
- (4) The carrier(s) who previously transported the gasoline to a facility in the gasoline distribution network, except as provided in paragraph (A)(4) of rule 3745-72-06 of the Administrative Code.

(B) Except as provided in rule 3745-72-07 of the Administrative Code, a violation of paragraph (A) of rule 3745-72-03 of the Administrative Code by a distributor who is or is not operating under the corporate, trade, or brand name of a gasoline refiner or any of its marketing subsidiaries shall be deemed a violation for all of the following parties:

- (1) The refiner at whose refinery the gasoline was produced or the importer at whose import facility the gasoline was imported, except as provided in paragraph (A)(1) of rule 3745-72-06 of the Administrative Code.
- (2) The distributor, except as provided, in paragraph (A)(2) of rule 3745-72-06 of the Administrative Code.
- (3) The carrier(s) who previously transported the gasoline to a facility in the gasoline distribution network, except as provided in paragraph (A)(4) of rule 3745-72-06 of the Administrative Code.

(C) Except as provided in rule 3745-72-07 of the Administrative Code, a violation of paragraph (A) of rule 3745-72-03 of the Administrative Code by an ethanol blender who is or is not operating under the corporate, trade, or brand name of a gasoline refiner or any of its marketing subsidiaries shall be deemed a violation for all of the following parties:

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- (1) The refiner at whose refinery the gasoline was produced or the importer at whose import facility the gasoline was imported, except as provided in paragraph (A)(1) rule 3745-72-06 of the Administrative Code.
 - (2) The distributor, except as provided in paragraph (A)(2) rule 3745-72-06 of the Administrative Code.
 - (3) The ethanol blender, except as provided in paragraph (A)(3) of rule 3745-72-06 of the Administrative Code.
 - (4) The carrier(s) who previously transported the gasoline to a facility in the gasoline distribution network, except as provided in paragraph (A)(4) rule 3745-72-06 of the Administrative Code.
- (D) Except as provided in rule 3745-72-07 of the Administrative Code, a violation of paragraph (A) of rule 3745-72-03 of the Administrative Code by a retailer or wholesale purchaser-consumer who sells gasoline under the corporate, trade, or brand name of a gasoline refiner or any of its marketing subsidiaries shall be deemed a violation for all of the following parties:
- (1) The refiner at whose refinery the gasoline was produced or the importer at whose import facility the gasoline was imported, except as provided in paragraph (A)(1) of rule 3745-72-06 of the Administrative Code.
 - (2) The distributor, except as provided in paragraph (A)(2) of rule 3745-72-06 of the Administrative Code.
 - (3) The ethanol blender at whose ethanol blending plant the gasoline was blended, except as provided in paragraph (A)(3) of rule 3745-72-06 of the Administrative Code.
 - (4) The retailer or wholesale purchaser-consumer, except as provided in paragraph (A)(5) of rule 3745-72-06 of the Administrative Code.
 - (5) The carrier who previously transported the gasoline to a facility in the gasoline distribution network, except as provided in paragraph (A)(4) of rule 3745-72-06 of the Administrative Code.
- (E) Except as provided in rule 3745-72-07 of the Administrative Code, a violation of paragraph (A) of rule 3745-72-03 of the Administrative Code by a retailer or wholesale purchaser-consumer who is not operating under corporate, trade, or brand name of a gasoline refiner or any of its marketing subsidiaries shall be deemed a violation for the following associated parties:

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- (1) The refiner at whose refinery the gasoline was produced or the importer at whose import facility the gasoline was imported, except as provided in paragraph (A)(1) of rule 3745-72-06 of the Administrative Code.
- (2) The distributor, except as provided in paragraph (A)(2) of rule 3745-72-06 of the Administrative Code.
- (3) The ethanol blender at whose ethanol blending plant the gasoline was ~~produced~~ blended, except as provided in paragraph (A)(3) rule 3745-72-06 of the Administrative Code.
- (4) The retailer or wholesale purchaser-consumer, except as provided in paragraph (A)(5) of rule 3745-72-06 of the Administrative Code.
- (5) The carrier(s) who previously transported the gasoline to a facility in the gasoline distribution network, except as provided in paragraph (A)(4) of rule 3745-72-06 of the Administrative Code.