

15A NCAC 02P .0403 THIRD-PARTY CLAIMS

(a) An owner, operator, or landowner seeking reimbursement from the Commercial Leaking Petroleum Underground Storage Tank Cleanup Fund for any third-party claim for bodily injury or property damage shall notify the Department of any such claim in accordance with G.S. 143-215.94E(e3). The owner, operator, or landowner shall provide the Department with all pleadings and other documents filed in support of a claim for third-party bodily injury or property damage, if a lawsuit for third-party bodily injury or property damage has been filed. Prior to entry into any settlement agreement or consent judgement, Departmental approval is required pursuant to G.S. 143-215.94E(e3). The owner, operator, or landowner shall provide to the Department copies of any medical reports, statements, investigative reports, or certifications from licensed professionals necessary to prove that third-party bodily injury or property damage costs are reimbursable pursuant to G.S. 143-215.94A and 143-215.94B.

(b) The terms "third-party," "third-party bodily injury," and "third-party property damage" mean the terms as defined in G.S. 143-215.94A.

(c) Third-party property damage shall be reimbursed from the Commercial Leaking Petroleum Underground Storage Tank Cleanup Fund based on the rental costs of comparable property during the period of loss of use up to a maximum amount equal to the fair market value. In the case of property that is destroyed as a result of a petroleum release, reimbursement shall be at an amount necessary to replace or repair the destroyed property.

History Note: Authority G.S. 143-215.3; 143-215.94B; 143-215.94E; 143-215.94L; 143-215.94T; 143B-282;
Eff. February 1, 1993;
Readopted Eff. October 1, 2022.