

COMMITTEE SUBSTITUTE

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Senate Bill No. 412

(By Senators Kirkendoll, Browning, Jenkins,
Plymale, Klempa, Wills and Stollings)

[Originating in the Committee on the Judiciary;
reported February 24, 2012.]

A BILL to amend and reenact §24B-4-6 of the Code of West Virginia, 1931, as amended, relating to increasing civil penalties that can be imposed by the Public Service Commission for pipeline safety violations.

Be it enacted by the Legislature of West Virginia:

That §24B-4-6 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 4. HEARINGS; BURDEN OF PROOF; ENFORCEMENT.

§24B-4-6. Penalties.

1 (a) Any person who violates any provision of this chapter
2 or any valid regulation or order issued thereunder ~~shall be~~ is
3 subject to a civil penalty to be imposed by the commission
4 not to exceed ~~\$1,000~~ \$200,000 for each violation for each day
5 the violation persists: *Provided*, That the maximum civil
6 penalty ~~shall~~ may not exceed ~~\$200,000~~ \$2 million for any
7 related series of violations.

8 (b) Any civil penalty may be compromised by the com-
9 mission. In determining the amount of penalty, or the
10 amount agreed upon in compromise, the appropriateness of
11 the penalty to the size of the business of the person charged,
12 the gravity of the violation, and the good faith of the person
13 charged in attempting to achieve compliance, after notifica-
14 tion of the violation, shall be considered. The amount of the
15 penalty, when finally determined, or the amount agreed upon
16 in compromise, may be deducted from any sums owing by the
17 state to the person charged or may be recovered in a civil
18 action in the state courts.

19 (c) Civil penalties collected under this section shall be
20 paid into the State Treasury.