

E N R O L L E D

COMMITTEE SUBSTITUTE

FOR

H. B. 2505

(BY MR. SPEAKER, (MR. THOMPSON)

and Delegate Armstead)

[By Request of the Executive]

[Passed April 12, 2013; in effect ninety days from passage.]

AN ACT to amend and reenact §24B-4-6 of the Code of West Virginia, 1931, as amended, relating to civil penalties imposed by the Public Service Commission for pipeline safety violations; increasing civil penalties; providing that civil penalties collected by the Public Service Commission are submitted to the Treasurer for deposit in the General Revenue Fund; and prohibiting consideration of assessed penalties for rate increases.

Be it enacted by the Legislature of West Virginia:

That §24B-4-6 of the Code of West Virginia, 1931, as amended, by 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 or
2 any valid regulation or order issued thereunder is subject to a
3 civil penalty to be imposed by the commission not to exceed
4 \$200,000 for each violation for each day the violation persists:
5 *Provided,* That the maximum aggregate civil penalty may not
6 exceed \$2 million for any related series of violations.

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

18 (c) Civil penalties collected by the commission under this
19 section shall be submitted to the Treasurer for deposit into the
20 General Revenue Fund.

21 (d) No civil penalty paid under this section may be
22 considered by the commission in support of any application for
23 a rate increase submitted by the violator.

That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman, House Committee

Chairman, Senate Committee

Originating in the House.

In effect ninety days from passage.

Clerk of the House of Delegates

Clerk of the Senate

Speaker of the House of Delegates

President of the Senate

The within _____ this the _____
day of _____, 2013.

Governor

