

1 HB61
2 164364-1
3 By Representative Greer
4 RFD: Public Safety and Homeland Security
5 First Read: 03-MAR-15

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8 SYNOPSIS: Under existing law, the Public Service
9 Commission may inspect gas pipeline systems and
10 hazardous liquid pipeline facilities in the state
11 and assess penalties for violations of safety
12 standards.

13 Under existing law, federal regulations also
14 provide safety standards for such systems and for
15 penalties for violations of safety standards.

16 This bill would increase the state penalties
17 for violations of the gas pipeline safety standards
18 and hazardous liquid pipeline safety standards so
19 that they conform with federal penalties.

20
21 A BILL
22 TO BE ENTITLED
23 AN ACT
24

25 To amend Sections 37-4-87 and 37-4-96, Code of
26 Alabama 1975, relating to gas pipeline systems and hazardous
27 liquid pipeline facilities; to increase certain penalties for

1 violations of gas pipeline safety standards and hazardous
2 liquid pipeline safety standards.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. Sections 37-4-87 and 37-4-96, Code of
5 Alabama 1975, are amended to read as follows:

6 "§37-4-87.

7 "(a) Any person who violates any provision of this
8 article or of any regulation issued hereunder shall be subject
9 to a civil penalty ~~of not to exceed \$10,000.00~~ two hundred
10 thousand dollars (\$200,000) for each violation for each day
11 that the violation persists. However, the maximum civil
12 penalty shall not exceed ~~\$500,000.00~~ two million dollars
13 (\$2,000,000) for any related series of violations.

14 "(b) Any civil penalty may be compromised by the
15 commission. In determining the amount of the penalty, or the
16 amount agreed upon in compromise, the appropriateness of the
17 penalty to the size of the business of the person charged, the
18 gravity of the violation, and the good faith of the person
19 charged in attempting to achieve compliance, after
20 notification of a violation, shall be considered. The amount
21 of the penalty, when finally determined, or the amount agreed
22 upon in compromise, may be deducted from any sums owing by the
23 State of Alabama to the person charged, or may be recovered in
24 a civil action brought by the commission in the circuit court
25 of any county in which a violation exists.

26 "§37-4-96.

1 "(a) Any person who violates any provision of this
2 article or any regulation issued hereunder shall be subject to
3 a civil penalty not to exceed ~~\$10,000.00~~ two hundred thousand
4 dollars (\$200,000) for each violation for each day that the
5 violation persists. However, the maximum civil penalty shall
6 not exceed ~~\$500,000.00~~ two million dollars (\$2,000,000) for
7 any related series of violations.

8 "(b) In determining the amount of the penalty, the
9 appropriateness of the penalty to the size of the business of
10 the person charged, the gravity of the violation, and the good
11 faith of the person charged in attempting to achieve
12 compliance, after notification of a violation, shall be
13 considered. The amount of the penalty, when finally
14 determined, or the amount agreed upon in compromise, may be
15 deducted from any sums owing by the State of Alabama to the
16 person charged, or may be recovered in a civil action brought
17 by the commission in the circuit court of any county in which
18 a violation exists."

19 Section 2. This act shall become effective on the
20 first day of the third month following its passage and
21 approval by the Governor, or its otherwise becoming law.