

1 COMMITTEE SUBSTITUTE

2 FOR

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4 FOR

5 **Senate Bill No. 412**

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

8 \_\_\_\_\_  
9 [Originating in the Committee on the Judiciary;  
10 reported February 24, 2012.]

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12  
13 A BILL to amend and reenact §24B-4-6 of the Code of West Virginia,  
14 1931, as amended, relating to increasing civil penalties that  
15 can be imposed by the Public Service Commission for pipeline  
16 safety violations.

17 *Be it enacted by the Legislature of West Virginia:*

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

20 **ARTICLE 4. HEARINGS; BURDEN OF PROOF; ENFORCEMENT.**

21 **§24B-4-6. Penalties.**

22 (a) Any person who violates any provision of this chapter or  
23 any valid regulation or order issued thereunder ~~shall be~~ is subject  
24 to a civil penalty to be imposed by the commission not to exceed  
25 ~~\$1,000~~ \$200,000 for each violation for each day the violation

1 persists: *Provided*, That the maximum civil penalty ~~shall~~ may not  
2 exceed ~~\$200,000~~ \$2 million for any related series of violations.

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

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