

**Senate Bill No. 412**

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

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[Introduced January 25, 2012; referred to the Committee on  
Energy, Industry and Mining; and then to the Committee on the  
Judiciary.]  
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A BILL to amend and reenact §24B-4-6 of the Code of West Virginia,  
1931, as amended, relating to 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.**

(a) Any person who violates any provision of this chapter or  
any valid regulation or order issued thereunder, ~~shall be~~ is  
subject to a civil penalty to be imposed by the commission not to

1 exceed ~~\$1,000~~ \$100,000 for each violation for each day the  
2 violation persists: *Provided*, That the maximum civil penalty ~~shall~~  
3 may not exceed ~~\$200,000~~ \$1 million for any related series of  
4 violations.

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

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

NOTE: The purpose of this bill is to raise the civil penalties that the Public Service Commission can impose for violations of Gas Pipeline Safety Act from the existing \$1,000 for each violation to \$100,000 for each day of violation to a maximum of \$1 million for any related series of violations. This change would mirror the federal regulations.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.