

1 **ENROLLED**

2 COMMITTEE SUBSTITUTE

3 FOR

4 **H. B. 2505**

5 (By Mr. Speaker, (Mr. Thompson) and Delegate Armstead)
6 [By Request of the Executive]

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

8 AN ACT to amend and reenact §24B-4-6 of the Code of West Virginia,
9 1931, as amended, relating to civil penalties imposed by the
10 Public Service Commission for pipeline safety violations;
11 increasing civil penalties; providing that civil penalties
12 collected by the Public Service Commission are submitted to
13 the Treasurer for deposit in the General Revenue Fund; and
14 prohibiting consideration of assessed penalties for rate
15 increases.

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

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

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

20 **§24B-4-6. Penalties.**

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

1 *Provided,* That the maximum aggregate civil penalty may not exceed
2 \$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 commission shall consider the appropriateness of
6 the penalty to the size of the business of the person charged, the
7 gravity of the violation, and the good faith of the person charged
8 in attempting to achieve compliance after notification of the
9 violation. 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 by the commission under this
14 section shall be submitted to the Treasurer for deposit into the
15 General Revenue Fund.

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