

1 COMMITTEE SUBSTITUTE

2 FOR

3 **H. B. 2505**

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

6 (Originating in the House Committee on the Judiciary)

7
8 [February 25, 2013]

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

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

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

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

22 **§24B-4-6. Penalties.**

23 (a) Any person who violates any provision of this chapter or
24 any valid regulation or order issued thereunder ~~shall be~~ is subject

1 to a civil penalty to be imposed by the commission not to exceed
2 ~~\$1,000~~ \$200,000 for each violation for each day the violation
3 persists: *Provided*, That the maximum aggregate civil penalty ~~shall~~
4 may not exceed ~~\$200,000~~ \$2 million for any related series of
5 violations.

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

16 (c) Civil penalties collected by the commission under this
17 section shall be ~~paid into the State Treasury~~ submitted to the
18 Treasurer for deposit into the General Revenue Fund.

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