

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.

NOTE: The purpose of this bill is to increase civil penalties for pipeline safety violations to make West Virginia law consistent with federal law. Moreover, the bill clarifies that civil penalties collected by the Public Service Commission are to be submitted to the Treasurer for deposit into the General Revenue Fund.

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

be added.