Τ	н. в. 2505
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3	(By Mr. Speaker, (Mr. Thompson) and Delegate Armstead)
4	[By Request of the Executive]
5	[Introduced February 15, 2013; referred to the
6	Committee on the Judiciary.]
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10	A BILL to amend and reenact $\$24B-4-6$ of the Code of West Virginia,
11	1931, as amended, relating to increasing civil penalties
12	imposed by the Public Service Commission for pipeline safety
13	violations; providing that civil penalties collected by the
14	Public Service Commission are submitted to the Treasurer for
15	deposit into the General Revenue Fund; and making technical
16	changes.
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	by 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

- 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.