

COMMITTEE SUBSTITUTE

FOR

# **H. B. 2505**

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(BY MR. SPEAKER, (MR. THOMPSON)  
and Delegate Armstead)  
[By Request of the Executive]

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(Originating in the House Committee on the Judiciary)  
[February 25, 2013]

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

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

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

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

**§24B-4-6. Penalties.**

1 (a) Any person who violates any provision of this chapter or  
2 any valid regulation or order issued thereunder ~~shall be~~ is subject  
3 to a civil penalty to be imposed by the commission not to exceed  
4 ~~\$1,000~~ \$200,000 for each violation for each day the violation  
5 persists: *Provided*, That the maximum aggregate civil penalty  
6 ~~shall~~ may not exceed ~~\$200,000~~ \$2 million for any related series  
7 of violations.

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

16 amount agreed upon in compromise, may be deducted from any  
17 sums owing by the state to the person charged or may be  
18 recovered in a civil action in the state courts.

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

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

