

1 HB61
2 164364-2
3 By Representative Greer
4 RFD: Public Safety and Homeland Security
5 First Read: 03-MAR-15

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

ENROLLED, An Act,

To amend Sections 37-4-87 and 37-4-96, Code of Alabama 1975, relating to gas pipeline systems and hazardous liquid pipeline facilities; to increase certain penalties for violations of gas pipeline safety standards and hazardous liquid pipeline safety standards.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 37-4-87 and 37-4-96, Code of Alabama 1975, are amended to read as follows:

"§37-4-87.

"(a) Any person who violates any provision of this article or of any regulation issued hereunder shall be subject to a civil penalty ~~of not to exceed \$10,000.00~~ two hundred thousand dollars (\$200,000) for each violation for each day that the violation persists. However, the maximum civil penalty shall not exceed ~~\$500,000.00~~ two million dollars (\$2,000,000) for any related series of violations.

"(b) Any civil penalty may be compromised by the commission. In determining the amount of the penalty, or the amount agreed upon in compromise, the appropriateness of the penalty to the size of the business of the person charged, the gravity of the violation, and the good faith of the person charged in attempting to achieve compliance, after notification of a violation, shall be considered. The amount

1 of the penalty, when finally determined, or the amount agreed
2 upon in compromise, may be deducted from any sums owing by the
3 State of Alabama to the person charged, or may be recovered in
4 a civil action brought by the commission in the circuit court
5 of any county in which a violation exists.

6 "§37-4-96.

7 "(a) Any person who violates any provision of this
8 article or any regulation issued hereunder shall be subject to
9 a civil penalty not to exceed ~~\$10,000.00~~ two hundred thousand
10 dollars (\$200,000) for each violation for each day that the
11 violation persists. However, the maximum civil penalty shall
12 not exceed ~~\$500,000.00~~ two million dollars (\$2,000,000) for
13 any related series of violations.

14 "(b) In determining the amount of the penalty, the
15 appropriateness of the penalty to the size of the business of
16 the person charged, the gravity of the violation, and the good
17 faith of the person charged in attempting to achieve
18 compliance, after notification of a violation, shall be
19 considered. The amount of the penalty, when finally
20 determined, or the amount agreed upon in compromise, may be
21 deducted from any sums owing by the State of Alabama to the
22 person charged, or may be recovered in a civil action brought
23 by the commission in the circuit court of any county in which
24 a violation exists."

1 Section 2. This act shall become effective on the
2 first day of the third month following its passage and
3 approval by the Governor, or its otherwise becoming law.

