

FIRST REGULAR SESSION

SENATE BILL NO. 542

99TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHATZ.

Read 1st time March 1, 2017, and ordered printed.

ADRIANE D. CROUSE, Secretary.

2252S.011

AN ACT

To repeal section 319.045, RSMo, and to enact in lieu thereof one new section relating to the civil penalty for violating certain underground facility safety standards, with penalty provisions.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 319.045, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 319.045, to read as follows:

319.045. 1. Any person who violates in any material respect the
2 provisions of section 319.022, 319.025, 319.026, 319.030, 319.037, or this section
3 or who willfully damages an underground facility shall be liable to the state of
4 Missouri for a civil penalty of up to [ten] **fifty** thousand dollars for each violation
5 for each day such violation persists, except that the maximum penalty for
6 violation of the provisions of sections 319.010 to 319.050 shall not exceed five
7 hundred thousand dollars for any related series of violations. An action to
8 recover such civil penalty may be brought by the attorney general or a
9 prosecuting attorney on behalf of the state of Missouri in any appropriate circuit
10 court of this state. Trial thereof shall be before the court, which shall consider
11 the nature, circumstances and gravity of the violation, and with respect to the
12 person found to have committed the violation, the degree of culpability, the
13 absence or existence of prior violations, whether the violation was a willful act,
14 the effect on ability to continue to do business, any good faith in attempting to
15 achieve compliance, ability to pay the penalty, and such other matters as justice
16 may require in determining the amount of penalty imposed.

17 2. The attorney general may bring an action in any appropriate circuit
18 court of this state for equitable relief to redress or restrain a violation by any

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

19 person of any provision of sections 319.010 to 319.050. The court may grant such
20 relief as is necessary or appropriate, including mandatory or prohibitive
21 injunctive relief, temporary or permanent.

22 3. The attorney general shall make public the aggregate number of
23 enforcement actions for the previously completed calendar year prior to March
24 thirty-first of the current year.

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