

FIRST REGULAR SESSION

SENATE BILL NO. 172

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR WHITE.

0411S.01H

ADRIANE D. CROUSE, Secretary

AN ACT

To repeal section 386.572, RSMo, and to enact in lieu thereof one new section relating to civil penalties for violating federally mandated natural gas safety standards.

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

Section A. Section 386.572, RSMo, is repealed and one new
2 section enacted in lieu thereof, to be known as section 386.572,
3 to read as follows:

386.572. 1. No corporation, person, public utility,
2 or municipality that owns any gas plant shall violate any
3 law or any order, decision, decree, rule, direction, demand,
4 or requirement of the commission or any part or portion
5 thereof relating to federally mandated natural gas safety
6 standards. Notwithstanding the above, a municipality that
7 owns any gas plant shall be subject to the provisions of
8 this section only for violations of natural gas safety laws,
9 rules, or orders.

10 2. The maximum penalties for violations of federally
11 mandated natural gas safety standards, or such stricter
12 natural gas safety standards or rules as may be approved by
13 the commission, shall [not be greater than fifteen thousand
14 dollars for each violation with a maximum penalty for a
15 continuing violation or a multiple series of violations of
16 the same standard or rule provision not to exceed one
17 hundred fifty thousand dollars,] **not exceed an amount as**
18 **determined by the Secretary of Transportation of the United**

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

19 **States pursuant to 49 CFR Part 190.223(a)**, notwithstanding
20 any provisions of subsection 1 of section 386.570 to the
21 contrary. [The maximum penalty for each violation shall
22 increase to twenty thousand dollars, effective January 1,
23 2015, twenty-five thousand dollars, effective January 1,
24 2025, thirty thousand dollars, effective January 1, 2035,
25 and forty thousand dollars, effective January 1, 2040. The
26 maximum penalty for a continuing violation or a multiple
27 series of violations of the same standard or rule provision
28 shall increase to two hundred thousand dollars, effective
29 January 1, 2015, two hundred fifty thousand dollars,
30 effective January 1, 2025, three hundred thousand dollars,
31 effective January 1, 2035, and four hundred thousand
32 dollars, effective January 1, 2040.] In determining the
33 amount of the penalty, the commission shall consider the
34 nature, circumstances, and gravity of the violation, and
35 also shall consider, with respect to the entity found to
36 have committed the violation:

- 37 (1) The degree of culpability;
- 38 (2) Any history of prior violations;
- 39 (3) The effect of the penalty on the entity's ability
40 to continue operation;
- 41 (4) Any good faith effort in attempting to achieve
42 compliance;
- 43 (5) Ability to pay the penalty; and
- 44 (6) Such other matters as are relevant in the case.

45 3. Every violation of a specific natural gas safety
46 standard or rule by any corporation, person, public utility,
47 or municipality that owns any gas plant is a separate and
48 distinct offense, regardless of whether such violations
49 relate to the same incident. In case of a continuing

50 violation, each day's continuance thereof shall be a
51 separate and distinct offense.

52 4. In construing and enforcing the provisions of this
53 section, the act, omission, or failure of any officer,
54 agent, or employee of any corporation, person, public
55 utility, or municipality that owns any gas plant acting
56 within the scope of official duties of employment shall in
57 every case be considered the act, omission, or failure of
58 such corporation, person, public utility, or municipality
59 that owns any gas plant.

✓