

FIRST REGULAR SESSION

SENATE BILL NO. 172

90TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR GOODE.

Pre-filed December 16, 1998, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

S0649.011

AN ACT

To repeal section 386.570, RSMo 1994, relating to the public service commission, and to enact in lieu thereof one new section relating to the same subject.

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

Section A. Section 386.570, RSMo 1994, is repealed and one new section enacted in lieu thereof, to be known as section 386.570, to read as follows:

386.570. 1. Any corporation, person, **municipality which owns a gas plant** or public utility which violates or fails to comply with any provision of the constitution of this state or of this or any other law, or which fails, omits or neglects to obey, observe or comply with any order, decision, decree, rule[, direction, demand] or requirement, or any part or provision thereof, of the commission in a case in which a penalty has not herein been provided for such corporation, person, **municipality which owns a gas plant**, or public utility, is subject to a penalty of not less than one hundred dollars nor more than two thousand dollars for each offense, **except to the extent that Section 60105(b)(7) of the Natural Gas Pipeline Safety Act, 49 U.S.C. Section 60101, et seq., requires that state remedies for violations of federal safety standards pursuant to such federal law shall be substantially the same as remedies provided by such law, then the maximum penalties for violations of such federally-mandated safety standards, which also constitute violations of the commission's rules, shall be punishable by a penalty of not more than ten thousand dollars for each violation, not to exceed five hundred thousand dollars for any related series of such violations. In determining the amount of the penalty, the nature, circumstances and the gravity of the violation shall be considered and, with respect to the person, corporation, municipality which owns a gas plant or public utility found to have committed the violation, the degree of**

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

culpability, any history of prior violations, the effect on the ability to continue operation, and any good faith effort in attempting to achieve compliance, ability to pay the penalty and such other matters as are relevant shall be considered.

2. Every violation of the provisions of this or any other law or of any order, decision, decree, rule[, direction, demand] or requirement of the commission, or any part or portion thereof, by any corporation [or], person, **municipality which owns a gas plant** or public utility is a separate and distinct offense, and in case of a continuing violation each day's continuance thereof shall be and be deemed to be a separate and distinct offense.

3. In construing and enforcing the provisions of this chapter relating to penalties, the act, omission or failure of any officer, agent or employee of any corporation, person, **municipality which owns a gas plant** or public utility, acting within the scope of his official duties of employment, shall in every case be and be deemed to be the act, omission or failure of such corporation, person, **municipality which owns a gas plant** or public utility.

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Bill

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