

SECOND REGULAR SESSION

# HOUSE BILL NO. 1340

## 92ND GENERAL ASSEMBLY

---

INTRODUCED BY REPRESENTATIVES WILLOUGHBY (Sponsor), BURNETT,  
BOUGH AND SAGER (Co-sponsors).

Read 1<sup>st</sup> time January 29, 2004, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

3779L.011

---

### AN ACT

To repeal section 386.570, RSMo, and to enact in lieu thereof one new section relating to gas safety penalties.

---

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

Section A. Section 386.570, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 386.570, to read as follows: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 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 or public utility, is subject to a penalty of not less than one hundred dollars nor more than two thousand dollars for each offense. **A municipality that owns a gas plant shall be subject to penalties only for violations of natural gas safety laws, rules, or orders.**

2. **The maximum penalties for violations of federally mandated natural gas safety standards, which also constitute violations of the commission's rules, shall be ten thousand dollars for each violation and for any related series of such violations, notwithstanding any provisions of subsection 1 of this section to the contrary. In determining the amount of the penalty, the commission shall consider the nature, the circumstances, and the gravity of the violation, and also shall consider, with respect to the entity found to have committed the violation:**

**(1) The degree of culpability;**

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

- 17           **(2) Any history of prior violations;**
- 18           **(3) The effect of the penalty on the entity's ability to continue operation;**
- 19           **(4) Any good faith effort in attempting to achieve compliance;**
- 20           **(5) Ability to pay the penalty; and**
- 21           **(6) Such other matters as are relevant in the case.**

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

27           [3.] **4.** In construing and enforcing the provisions of this chapter relating to penalties, the  
28 act, omission or failure of any officer, agent or employee of any corporation, person [or], public  
29 utility, **or municipality that owns a gas plant**, acting within the scope of [his] official duties  
30 of employment, shall in every case be [and be deemed to be] the act, omission or failure of such  
31 corporation, person [or], public utility **or municipality that owns a gas plant.**