

SECOND REGULAR SESSION

HOUSE BILL NO. 2095

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES RUCKER (Sponsor), ROBINSON,
JOHNSON (47) AND MEINERS (Co-sponsors).

Read 1st time March 30, 2006 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

4864L.01I

AN ACT

To amend chapter 386, RSMo, by adding thereto one new section relating to natural gas safety penalties.

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

Section A. Chapter 386, RSMo, is amended by adding thereto one new section, to be
2 known as section 386.572, to read as follows:

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

**7 2. The maximum penalties for violations of federally mandated natural gas safety
8 standards, which also constitute violations of the commission's rules, shall be ten thousand
9 dollars for each violation and for any related series of such violations, notwithstanding any
10 provisions of subsection 1 of section 386.570 to the contrary. In determining the amount
11 of the penalty, the commission shall consider the nature, circumstances, and gravity of the
12 violation, and also shall consider, with respect to the entity found to have committed the
13 violation:**

14 (1) The degree of culpability;

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

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

20 3. Every violation of the provisions of this section by any corporation, person,
21 public utility, or municipality that owns a gas plant is a separate and distinct offense. In
22 case of a continuing violation, each day's continuance thereof shall be a separate and
23 distinct offense.

24 4. In construing and enforcing the provisions of this section, the act, omission, or
25 failure of any officer, agent, or employee of any corporation, person, public utility, or
26 municipality that owns a gas plant acting within the scope of official duties of employment
27 shall, in every case, be considered the act, omission, or failure of such corporation, person,
28 public utility, or municipality that owns a gas plant.

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