

FIRST REGULAR SESSION

HOUSE BILL NO. 429

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES JONES (117) (Sponsor) AND SCHAD (Co-sponsor).

Read 1st time January 16, 2007 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

1118L.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 above, a municipality that
5 owns a gas plant shall be subject to the provisions of this section only for violations of
6 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 not be greater
9 than one hundred thousand dollars for each violation with a maximum penalty for a
10 continuing violation not to exceed one million dollars, notwithstanding any provisions of
11 subsection 1 of section 386.570 to the contrary. In determining the amount of the penalty,
12 the commission shall consider the nature, circumstances, and gravity of the violation, and
13 also shall consider, with respect to the entity found to have committed the violation:**

- 14 (1) The degree of culpability;**
15 (2) Any history of prior violations;

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.

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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