

FIRST REGULAR SESSION

HOUSE BILL NO. 1034

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SIMMONS.

2398H.02I

JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal section 386.572, RSMo, and to enact in lieu thereof one new section relating to penalties for violating federally mandated natural gas safety standards, with penalty provisions and an emergency clause.

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Section A. Section 386.572, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 386.572, to read as follows:

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

2. The maximum penalties for violations of federally mandated natural gas safety standards, or such stricter natural gas safety standards or rules as may be approved by the commission, shall ~~[not be greater than fifteen thousand dollars for each violation with a maximum penalty for a continuing violation or a multiple series of violations of the same standard or rule provision not to exceed one hundred fifty thousand dollars]~~ **not exceed an amount as determined by the Secretary of Transportation of the United States under 49 CFR Part 190.223(a)**, notwithstanding any provisions of subsection 1 of section 386.570 to the contrary. ~~[The maximum penalty for each violation shall increase to twenty thousand dollars, effective January 1, 2015, twenty-five thousand dollars, effective January 1, 2025, thirty thousand dollars, effective January 1, 2035, and forty thousand dollars, effective~~

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.

17 ~~January 1, 2040. The maximum penalty for a continuing violation or a multiple series of~~
18 ~~violations of the same standard or rule provision shall increase to two hundred thousand~~
19 ~~dollars, effective January 1, 2015, two hundred fifty thousand dollars, effective January 1,~~
20 ~~2025, three hundred thousand dollars, effective January 1, 2035, and four hundred thousand~~
21 ~~dollars, effective January 1, 2040.]~~ In determining the amount of the penalty, the commission
22 shall consider the nature, circumstances, and gravity of the violation, and also shall consider,
23 with respect to the entity found to have committed the violation:

- 24 (1) The degree of culpability;
- 25 (2) Any history of prior violations;
- 26 (3) The effect of the penalty on the entity's ability to continue operation;
- 27 (4) Any good faith effort in attempting to achieve compliance;
- 28 (5) Ability to pay the penalty; and
- 29 (6) Such other matters as are relevant in the case.

30 3. Every violation of a specific natural gas safety standard or rule by any corporation,
31 person, public utility, or municipality that owns any gas plant is a separate and distinct
32 offense, regardless of whether such violations relate to the same incident. In case of a
33 continuing violation, each day's continuance thereof shall be a separate and distinct offense.

34 4. In construing and enforcing the provisions of this section, the act, omission, or
35 failure of any officer, agent, or employee of any corporation, person, public utility, or
36 municipality that owns any gas plant acting within the scope of official duties of employment
37 shall in every case be considered the act, omission, or failure of such corporation, person,
38 public utility, or municipality that owns any gas plant.

Section B. Because immediate action is necessary to allow Missouri to set its own
2 standards for natural gas safety, section A of this act is deemed necessary for the immediate
3 preservation of the public health, welfare, peace, and safety, and is hereby declared to be an
4 emergency act within the meaning of the constitution, and section A of this act shall be in full
5 force and effect upon its passage and approval.

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