

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 479

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO THE PUBLIC UTILITIES LAW; AMENDING SECTION 61-712A, IDAHO CODE, TO REVISE THE MAXIMUM CIVIL PENALTIES FOR VIOLATIONS OF LAWS, RULES OR ORDERS GOVERNING THE SAFETY OF PIPELINE FACILITIES AND THE TRANSPORTATION OF GAS; AND AMENDING SECTION 61-712B, IDAHO CODE, TO REVISE THE FACTORS TO BE CONSIDERED IN DETERMINING THE AMOUNT OF THE CIVIL PENALTY TO BE ASSESSED OR COMPROMISED AND TO REVISE THE PERMITTED USE OF THE CIVIL PENALTY OR COMPROMISED AMOUNT.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 61-712A, Idaho Code, be, and the same is hereby amended to read as follows:

61-712A. CIVIL PENALTY FOR VIOLATION. Any person who violates or fails to comply with, or who procures, aids or abets any violation of title 61, Idaho Code, governing safety of pipeline facilities and the transportation of gas, or of any order, decision, rule or regulation duly issued by the Idaho public utilities commission governing the safety of pipeline facilities and the transportation of gas, shall be subject to a civil penalty of not to exceed ~~two one hundred thousand~~ one hundred thousand dollars (\$~~2100,000~~100,000) for each violation for each day that the violation persists. However, the maximum civil penalty shall not exceed ~~two hundred thousand~~ one million dollars (\$~~21,000,000~~1,000,000) for any related series of violation.

SECTION 2. That Section 61-712B, Idaho Code, be, and the same is hereby amended to read as follows:

61-712B. COMPROMISE OF CIVIL PENALTY. Any civil penalty may be compromised by the Idaho public utilities commission. In determining the amount of the penalty, or the amount agreed upon in compromise, the commission shall consider the following factors: obtaining compliance instead of imposing a civil penalty; the appropriateness of the penalty to the size of the business of the person charged; the gravity of the violation; and the good faith of the person charged in attempting to achieve compliance, after notification of a violation; and whether other entities have been assessed a civil penalty for the same violation. The amount of the penalty, when finally determined, or the amount agreed upon in compromise, may be used to improve the safety of public utility facilities, deducted from any sums owing by the state to the person charged, or may be recovered in a civil action in the state courts.