

2012 -- H 7774

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LC01687
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2012

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A N A C T

RELATING TO PUBLIC UTILITIES AND CARRIERS

Introduced By: Representatives O'Grady, and Kennedy

Date Introduced: February 16, 2012

Referred To: House Corporations

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 39-3-40 of the General Laws in Chapter 39-3 entitled "Regulatory
2 Powers of Administration" is hereby amended to read as follows:

3 **39-3-40. Storage, transportation and distribution of gas -- Regulation -- Penalties. --**

4 (a) In regulating the storage, transportation and distribution of gas and the pressure under which
5 these operations may respectively be carried on, the division of public utilities and carriers may
6 ascertain, determine and fix adequate and serviceable standards for the measurement of quality,
7 pressure or other condition pertaining to the performing of its service, or to the furnishing of its
8 product or commodity by any gas storage, transportation and distribution facility, and prescribe
9 reasonable regulations for examination and testing of such service, product or commodity.

10 (b) (1) Any person, firm or corporation who violates any provision of any code adopted
11 by the division pertaining to the safety of pipeline facilities and the transportation of gas, or of
12 any regulation or rule thereunder, at a time when the division has submitted and has in effect the
13 annual certification to the United States secretary of transportation provided for in section 5(a) of
14 the Natural Gas Pipeline Safety Act of 1968, as amended, (see section ~~1671~~ [60101](#) et seq. of Title
15 49 of the United States Code), shall be subject to a civil ~~penalty~~ [penalties as specified in 49](#)
16 [U.S.C. section 60122\(a\), as amended](#) ~~not to exceed ten thousand dollars (\$10,000) for each~~
17 ~~violation for each day that the violation persists; provided, however, that the maximum civil~~
18 ~~penalty shall not exceed five hundred thousand dollars (\$500,000) for any related series of~~
19 ~~violations.~~

1 (2) Any such penalty shall be determined by the division. In determining the amount of
2 the penalty, the appropriateness of the penalty to the size of the business of the person, firm or
3 corporation charged, the gravity of the violation, and the good faith of the person, firm or
4 corporation charged in attempting to achieve compliance after notification of a violation, shall be
5 considered. The amount of the penalty, where finally determined, may be deducted from any
6 sums which the state may owe to the person, firm or corporation charged or may be recovered in
7 a civil action commenced in the state courts.

8 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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- 1 This act would amend the penalties for pipeline safety violations committed in Rhode
- 2 Island to be consistent with federal law, thereby ensuring that the state is able to retain its annual
- 3 federal enforcement certification status.
- 4 This act would take effect upon passage.

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