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HOUSE BILL 1344

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State of Washington

54th Legislature

1995 Regular Session

By Representatives Casada and Kessler; by request of Utilities & Transportation Commission

Read first time 01/23/95. Referred to Committee on Energy & Utilities.

1 AN ACT Relating to civil penalties for violation of gas pipeline  
2 safety regulations; amending RCW 80.28.212; and prescribing penalties.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 80.28.212 and 1969 ex.s. c 210 s 3 are each amended to  
5 read as follows:

6 Any gas company which violates any provision of RCW 80.28.210 as  
7 now exists or is later amended or of any regulation issued thereunder,  
8 shall be subject to a civil penalty to be directly assessed by the  
9 commission((~~7~~)). The level of such penalty shall be set by rule by the  
10 commission and shall not ((to)) exceed ((one thousand dollars for each  
11 violation for each day that the violation persists, but the maximum  
12 civil penalty shall not exceed two hundred thousand dollars for any  
13 related series of violations)) the penalties specified in the pipeline  
14 safety act of 1968 (49 U.S.C. 1671), as amended by P.L. 102-508,  
15 effective October 24, 1992. Any civil penalty may be compromised by  
16 the commission. In determining the amount of the penalty, or the  
17 amount agreed upon and compromised, the appropriateness of the penalty  
18 to the size of the business of the person charged, the gravity of the  
19 violation, and the good faith of the gas company charged in attempting

1 to achieve compliance after notification of the violation, shall be  
2 considered. The amount of the penalty, when finally determined, or  
3 the amount agreed upon and compromised, may be recovered in a civil  
4 action in the superior court of Thurston county or of some other county  
5 in which such violator may do business. In all such actions for  
6 recovery the procedure and rules of evidence shall be the same as in  
7 ordinary civil actions. All penalties recovered under this title shall  
8 be paid into the state treasury and credited to the public service  
9 revolving fund.

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