ENROLLED HOUSE
BILL NO. 2277

BY: RICE of the HOUSE

and

WILLIAMS (Don) of the SENATE

AN ACT RELATING TO OIL AND GAS; AMENDING 52 O.S. 1991, SECTION 47.6, WHICH RELATES TO THE HAZARDOUS LIQUID TRANSPORTATION SYSTEM SAFETY ACT; INCREASING CERTAIN PENALTIES; DELETING PROVISION FOR CERTAIN CRIMINAL PENALTIES; PROVIDING FOR ASSESSMENT OF PENALTIES; SPECIFYING CONSIDERATIONS; PROVIDING FOR DEPOSITS; PROVIDING FOR CRIMINAL PENALTIES FOR CERTAIN OFFENSES; PROVIDING FOR CODIFICATION; AND DECLARING AN EMERGENCY.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 52 O.S. 1991, Section 47.6, is amended to read as follows:

Section 47.6 A. Any person who has been determined by the Commission to have violated any provisions of the Hazardous Liquid Transportation System Safety Act or any rule, regulation, or order issued pursuant to the provisions of the Hazardous Liquid Transportation System Safety Act shall be liable for a civil penalty of not more than ~~One Thousand Dollars ($1,000.00)~~ Ten Thousand Dollars ($10,000.00) for each day that said violation continues. The maximum civil penalty shall not exceed ~~Two Hundred Thousand Dollars ($200,000.00)~~ Five Hundred Thousand Dollars ($500,000.00) for any related series of violations.

B. The amount of the penalty shall be assessed by the Commission pursuant to the provisions of subsection A of this section, after notice and hearing. In determining the amount of the penalty, the Commission shall include but not be limited to consideration of the nature, circumstances, and gravity of the violation and, with respect to the person found to have committed the violation, the degree of culpability, the effect on ability of the person to continue to do business, and any show of good faith in attempting to achieve compliance with the provisions of the Hazardous Liquid Transportation System Safety Act.

All penalties collected pursuant to the provisions of this subsection shall be deposited in the Pipeline Enforcement Fund.

C. ~~Any person who willfully and knowingly violates any provision of the Hazardous Liquid Transportation System Safety Act or a rule, regulation, or order issued pursuant to the provisions of the Hazardous Liquid Transportation System Safety Act, upon conviction, shall be subject for each offense to a fine of not more than Twenty-five Thousand Dollars ($25,000.00) or imprisonment for a term not to exceed five (5) years or both such fine and imprisonment.~~

~~D.~~ Any person who willfully and knowingly injures or destroys, or attempts to injure or destroy, any hazardous liquid

transportation system, upon conviction, shall be subject for each offense to a fine of not more than Twenty-five Thousand Dollars ($25,000.00) or imprisonment for a term not to exceed fifteen (15) years or both such fine and imprisonment.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 6.1 of Title 17, unless there is created a duplication in numbering, reads as follows:

A. Any person who has been determined by the Commission to have violated any provision of any rule, regulation, or order issued pursuant to the provisions of the Commission related to pipeline safety shall be liable for a civil penalty of not more than Ten Thousand Dollars ($10,000.00) for each day that said violation continues. The maximum civil penalty shall not exceed Five Hundred Thousand Dollars ($500,000.00) for any related series of violations.

B. The amount of the penalty shall be assessed by the Commission pursuant to the provisions of subsection A of this section, after notice and hearing. In determining the amount of the penalty, the Commission shall include but not be limited to consideration of the nature, circumstances, and gravity of the violation and, with respect to the person found to have committed the violation, the degree of culpability, the effect on ability of the person to continue to do business, and any show of good faith in attempting to achieve compliance with the provisions of the rules and regulations of the Commission.

All penalties collected pursuant to the provisions of this section shall be deposited into the Pipeline Enforcement Fund.

C. Any person who willfully and knowingly injures or destroys, or attempts to injure or destroy, any pipeline transportation system, upon conviction, shall be subject for each offense to a fine of not more than Twenty-five Thousand Dollars ($25,000.00) or imprisonment for a term not to exceed fifteen (15) years or both such fine and imprisonment.

SECTION 3. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the House of Representatives the 20th day of May, 1992.

Speaker of the House of Representatives

Passed the Senate the 20th day of May, 1992.

President of the Senate