

1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 SENATE BILL 1319

By: Smalley

4
5
6 AS INTRODUCED

7 An Act relating to the Corporation Commission
8 penalties; amending 17 O.S. 2011, Section 6.1, which
9 relates to civil penalties; modifying certain
10 penalty; amending 52 O.S. 2011, Section 47.6, which
11 relates to civil penalties; modifying certain
12 penalty; providing an effective date; and declaring
13 an emergency.

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

15 SECTION 1. AMENDATORY 17 O.S. 2011, Section 6.1, is
16 amended to read as follows:

17 Section 6.1. A. Any person who has been determined by the
18 Commission to have violated any provision of any rule, regulation,
19 or order issued pursuant to the provisions of the Corporation
20 Commission related to pipeline safety shall be liable for a civil
21 penalty of not more than ~~Ten Thousand Dollars (\$10,000.00)~~ One
22 Hundred Thousand Dollars (\$100,000.00) for each day that ~~said the~~
23 violation continues. The maximum civil penalty shall not exceed
24 ~~Five Hundred Thousand Dollars (\$500,000.00)~~ One Million Dollars
(\$1,000,000.00) for any related series of violations.

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

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

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

19 SECTION 2. AMENDATORY 52 O.S. 2011, Section 47.6, is
20 amended to read as follows:

21 Section 47.6. A. Any person who has been determined by the
22 Corporation Commission to have violated any provisions of the
23 Hazardous Liquid Transportation System Safety Act or any rule,
24 regulation, or order issued pursuant to the provisions of the

1 Hazardous Liquid Transportation System Safety Act shall be liable
2 for an administrative penalty of not more than ~~Ten Thousand Dollars~~
3 ~~(\$10,000.00)~~ One Hundred Thousand Dollars (\$100,000.00) for each day
4 that ~~said~~ the violation continues. The maximum administrative
5 penalty shall not exceed ~~Five Hundred Thousand Dollars (\$500,000.00)~~
6 One Million Dollars (\$1,000,000.00) for any related series of
7 violations.

8 B. 1. The amount of the penalty shall be assessed by the
9 Commission pursuant to the provisions of subsection A of this
10 section, after notice and hearing. In determining the amount of the
11 penalty, the Commission shall include but not be limited to
12 consideration of the nature, circumstances, and gravity of the
13 violation and, with respect to the person found to have committed
14 the violation, the degree of culpability, the effect on ability of
15 the person to continue to do business, and any show of good faith in
16 attempting to achieve compliance with the provisions of the
17 Hazardous Liquid Transportation System Safety Act.

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

20 C. Any person who willfully and knowingly injures or destroys,
21 or attempts to injure or destroy, any hazardous liquid
22 transportation system, upon conviction thereof, shall be guilty of a
23 felony and shall be subject for each offense to a fine of not more
24 than Twenty-five Thousand Dollars (\$25,000.00), imprisonment for a

1 term not less than five (5) years and not to exceed fifteen (15)
2 years, or by both such fine and imprisonment.

3 SECTION 3. This act shall become effective July 1, 2016.

4 SECTION 4. It being immediately necessary for the preservation
5 of the public peace, health and safety, an emergency is hereby
6 declared to exist, by reason whereof this act shall take effect and
7 be in full force from and after its passage and approval.

8

9 55-2-2590 JD 1/21/2016 11:35:07 AM

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24