

2022 -- H 7844

LC005244

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

A N A C T

RELATING TO PUBLIC UTILITIES AND CARRIERS -- DUTIES OF UTILITIES AND CARRIERS

Introduced By: Representative Susan R. Donovan

Date Introduced: March 04, 2022

Referred To: House Corporations

(Division of Public Utilities and Carriers)

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 39-2-8 of the General Laws in Chapter 39-2 entitled "Duties of
2 Utilities and Carriers" is hereby amended to read as follows:

3 **39-2-8. Penalty for violations.**

4 Any public utility which shall violate any provision of chapters 1 -- 5 of this title, or shall
5 do any act herein prohibited, or shall fail or refuse to perform any duty enjoined upon it for which
6 a penalty has not been provided, shall be subject to a penalty of not less than ~~two hundred dollars~~
7 ~~(\$200)~~ one thousand dollars (\$1,000) nor more than ~~one thousand dollars (\$1,000)~~ twenty-five
8 thousand dollars (\$25,000), and in the case of a continuing violation of any of the provisions of the
9 chapters, every day's continuance thereof shall be deemed to be a separate and distinct offense.

10 SECTION 2. Section 39-4-22 of the General Laws in Chapter 39-4 entitled "Hearings and
11 Investigations" is hereby amended to read as follows:

12 **39-4-22. Penalties for violations.**

13 ~~Every public utility or water supplier pursuant to chapter 15.4 of title 46 [repealed], and all~~
14 ~~officers and agents thereof, shall obey, observe, and comply with every order of the division made~~
15 ~~under the authority of chapters 1 -- 5 of this title as long as the order shall be and remain in force.~~
16 ~~Every public utility or water supplier that shall violate any of the provisions of the chapters or that~~
17 ~~fails, omits, or neglects to obey, observe, or comply with any order of the division, shall be subject~~
18 ~~to a penalty of not less than two hundred dollars (\$200) nor more than one thousand dollars (\$1,000)~~

1 ~~for each and every offense. Every violation of the order shall be a separate and distinct offense and,~~
2 ~~in case of a continuing violation, every day's continuance thereof shall be, and be deemed to be, a~~
3 ~~separate and distinct offense.~~

4 (a) Every officer, agent, or employee of a public utility ~~or water supplier~~ who shall ~~violate~~
5 fail to obey, observe, and comply with any of the provisions of ~~the~~ chapters 1 through 5 of this title
6 or any division rule, regulation, or order, or who procures, aids, or abets any violation by any public
7 utility ~~or water supplier~~, or who shall fail to obey, observe, or comply with any order of the division,
8 or any provision of an order of the division, or who procures, aids, or abets any public utility ~~or~~
9 ~~water supplier~~ in its failure to obey, observe, or comply with any order or provision, shall be guilty
10 of a misdemeanor and shall be fined not less than ~~one hundred dollars (\$100) nor more than five~~
11 ~~hundred dollars (\$500)~~ one thousand dollars (\$1,000). In construing and enforcing the provisions
12 of this section, the act, omission, or failure of any officer, agent, or other person acting for or
13 employed by any public utility ~~or water supplier~~, acting within the scope of his or her employment,
14 shall in every case be deemed to be also the act, omission, or failure of the public utility ~~or water~~
15 ~~supplier~~.

16 (b) The administrator may, in his or her discretion, in lieu of seeking criminal sanctions
17 provided in subsection (a) of this section, impose upon each public utility an administrative civil
18 penalty ("fine") for the failure to obey, observe, and comply with any of the provisions of chapters
19 1 through 5 of this title, or division rule, regulation or order.

20 (1) Any public utility determined by the division to have failed to reasonably comply with
21 any provision of chapters 1 through 5 of this title, or division rule, regulation or order, shall forfeit
22 a sum not exceeding twenty-five thousand (\$25,000) constituting a civil penalty for each and every
23 offense and, in the case of a continuing violation, each day shall be deemed a separate and distinct
24 offense.

25 (2) Any payment made by a public utility as a result of an assessment as provided in this
26 section, and the cost of litigation and investigation related to any such assessment, shall not be
27 recoverable from ratepayers. All monies recovered pursuant to subsection (b) of this section,
28 together with the costs thereof, shall be remitted to, or for the benefit of, the ratepayers in a manner
29 to be determined by the division.

30 (3) In construing and enforcing the provisions of this section relating to penalties, the act
31 of any director, officer, agent or employee of a public utility acting within the scope of his or her
32 official duties or employment shall be deemed to be the act of such public utility.

33 (4) The penalties provided by this section are in addition to any other penalties or remedies
34 provided in law.

1 SECTION 3. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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CARRIERS

- 1 This act would increase penalties for violations of the duties of the utilities and carriers
- 2 chapter.
- 3 This act would take effect upon passage.

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