An Act

ENROLLED HOUSE
BILL NO. 2444

By: O'Donnell of the House

and

Smalley of the Senate

An Act relating to pipeline safety; amending 17 O.S. 2011, Section 6.1, which relates to penalties for violations of pipeline safety rules, regulations and orders; modifying civil penalty for violations; amending 52 O.S. 2011, Section 47.6, which relates to the Hazardous Liquid Transportation System Safety Act; modifying administrative penalties for violations; providing an effective date; and declaring an emergency.

SUBJECT: Pipeline safety

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

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

Section 6.1 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)~~ One Hundred Thousand Dollars ($100,000.00) for each day that said violation continues. The maximum civil penalty shall not exceed ~~Five Hundred Thousand Dollars ($500,000.00)~~ One Million Dollars ($1,000,000.00) 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 guilty of a felony and 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. AMENDATORY 52 O.S. 2011, 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 an administrative penalty of not more than ~~Ten Thousand Dollars ($10,000.00)~~ One Hundred Thousand Dollars ($100,000.00) for each day that said violation continues. The maximum administrative penalty shall not exceed ~~Five Hundred Thousand Dollars ($500,000.00)~~ One Million Dollars ($1,000,000.00) for any related series of violations.

B. 1. 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.

2. 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 injures or destroys, or attempts to injure or destroy, any hazardous liquid transportation system, upon conviction thereof, shall be guilty of a felony and shall be subject for each offense to a fine of not more than Twenty-five Thousand Dollars ($25,000.00), imprisonment for a term not less than five (5) years and not to exceed fifteen (15) years, or by both such fine and imprisonment.

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

SECTION 4. 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 25th day of February, 2016.

Presiding Officer of the House of Representatives

Passed the Senate the 19th day of April, 2016.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 20th day of April, 2016, at 1:08 o'clock P M.

By: Audrey Rockwell

Approved by the Governor of the State of Oklahoma this 26th day of April, 2016, at 2:05 o'clock P M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 26th day of April, 2016, at 3:24 o'clock P. M.

By: Chris Benge