

By: Hegar, Davis

S.B. No. 1293

A BILL TO BE ENTITLED

AN ACT

relating to the amounts of administrative, civil, and criminal penalties for violations relating to certain pipelines.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 81.0531, Natural Resources Code, is amended by amending Subsection (b) and adding Subsection (b-1) to read as follows:

(b) The penalty may not exceed:

(1) \$25,000 [~~\$10,000~~] a day for each violation that is not related to pipeline safety; or

(2) \$100,000 a day for each violation that is related to pipeline safety.

(b-1) Each day a violation continues may be considered a separate violation for purposes of penalty assessments.

SECTION 2. Section 117.051, Natural Resources Code, is amended to read as follows:

Sec. 117.051. CIVIL PENALTY. A person who violates this chapter or a rule adopted by the commission under this chapter is subject to a civil penalty of not less than \$50 or [~~not~~] more than \$100,000 [~~\$25,000~~] for each act of violation and for each day of violation, provided that the maximum civil penalty that may be assessed for any related series of violations may not exceed \$1 million [~~\$500,000~~].

SECTION 3. Subsection (b), Section 117.053, Natural

1 Resources Code, is amended to read as follows:

2 (b) An offense under this section is punishable by a fine of  
3 not more than \$1 million [~~\$25,000~~], confinement in the Texas  
4 Department of Criminal Justice for a term of not more than five  
5 years, or both such fine and imprisonment.

6 SECTION 4. Subsection (b), Section 117.054, Natural  
7 Resources Code, is amended to read as follows:

8 (b) An offense under this section is punishable by a fine of  
9 not more than \$1 million [~~\$25,000~~], confinement in the Texas  
10 Department of Criminal Justice for a term of not more than 15 years,  
11 or both such fine and imprisonment.

12 SECTION 5. Section 121.204, Utilities Code, is amended to  
13 read as follows:

14 Sec. 121.204. CIVIL PENALTY. Each day of each violation of  
15 a safety standard adopted under this subchapter is subject to a  
16 civil penalty of not more than \$100,000 [~~\$25,000~~], except that the  
17 maximum penalty that may be assessed for any related series of  
18 violations may not exceed \$1 million [~~\$500,000~~]. The penalty is  
19 payable to the state.

20 SECTION 6. Subsection (b), Section 121.206, Utilities Code,  
21 is amended to read as follows:

22 (b) The penalty for each violation may not exceed \$100,000  
23 [~~\$10,000~~]. Each day a violation continues may be considered a  
24 separate violation for the purpose of penalty assessment.

25 SECTION 7. Section 121.302, Utilities Code, is amended by  
26 amending Subsection (a) and adding Subsection (a-1) to read as  
27 follows:

1 (a) A gas utility is subject to a civil penalty if the gas  
2 utility:

3 (1) violates this chapter;

4 (2) fails to perform a duty imposed by this chapter; or

5 (3) fails to comply with an order of the railroad  
6 commission if the order is not stayed or suspended by a court order.

7 (a-1) A penalty under this section is payable to the state  
8 and shall be not less than \$1,000 [~~\$100~~] and not more than \$100,000  
9 [~~\$1,000~~] for each violation or failure.

10 SECTION 8. Subsection (b), Section 121.304, Utilities Code,  
11 is amended to read as follows:

12 (b) The penalty for each violation or failure may not exceed  
13 \$100,000 [~~\$10,000~~] a day. Each day a violation continues may be  
14 considered a separate violation for purposes of penalty assessment.

15 SECTION 9. Subsection (b), Section 121.310, Utilities Code,  
16 is amended to read as follows:

17 (b) An offense under this section is punishable by a fine of  
18 not less than \$50 and not more than \$1 million [~~\$1,000~~]. In  
19 addition to the fine, the offense may be punishable by confinement  
20 in jail for not less than 10 days nor more than six months.

21 SECTION 10. The changes in law made by this Act apply only  
22 to a violation committed on or after the effective date of this Act.  
23 A violation committed before the effective date of this Act is  
24 governed by the law in effect when the violation was committed, and  
25 the former law is continued in effect for that purpose. For  
26 purposes of this section, a violation was committed before the  
27 effective date of this Act if any element of the violation was

1 committed before that date.

2 SECTION 11. This Act takes effect September 1, 2011.