

By: Burnam

H.B. No. 3598

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the amounts of the administrative penalties for
3 violating certain statutes under the jurisdiction of, rules or
4 orders adopted by, or licenses, permits, or certificates issued by
5 the Railroad Commission of Texas.

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

7 SECTION 1. Sections 81.0531(b) and (d), Natural Resources
8 Code, are amended to read as follows:

9 (b) The penalty may not exceed \$25,000 [~~\$10,000~~] a day for
10 each violation. Each day a violation continues may be considered a
11 separate violation for purposes of penalty assessments.

12 (d) The commission by rule shall adopt guidelines to be used
13 in determining the amount of the penalty for a violation of a
14 provision of this title or a rule, order, license, permit, or
15 certificate that relates to pipeline safety. The guidelines shall
16 include a penalty calculation worksheet that specifies the typical
17 penalty for certain violations, circumstances justifying
18 enhancement of a penalty and the amount of the enhancement, and
19 circumstances justifying a reduction in a penalty and the amount of
20 the reduction. The guidelines shall take into account:

21 (1) the permittee's history of previous violations,
22 including the number of previous violations;

23 (2) the seriousness of the violation and of any
24 pollution resulting from the violation;

- 1 (3) any hazard to the health or safety of the public;
2 (4) the degree of culpability;
3 (5) the demonstrated good faith of the person charged;
4 ~~and~~
5 (6) any economic benefit gained through the violation;
6 (7) the penalty necessary to deter future violations;
7 and
8 (8) any other factor the commission considers
9 relevant.

10 SECTION 2. Section 81.058(d), Natural Resources Code, is
11 amended to read as follows:

12 (d) An administrative penalty imposed under this section
13 may not exceed \$25,000 [~~\$5,000~~] a day for each violation. Each day
14 a violation continues or occurs is a separate violation for
15 purposes of imposing a penalty under this section.

16 SECTION 3. The changes in law made by this Act apply only to
17 a violation committed on or after the effective date of this Act. A
18 violation committed before the effective date of this Act is
19 governed by the law in effect when the violation was committed, and
20 the former law is continued in effect for that purpose. For
21 purposes of this section, a violation was committed before the
22 effective date of this Act if any element of the violation was
23 committed before that date.

24 SECTION 4. This Act takes effect September 1, 2013.