

REFERENCE TITLE: pipeline safety; civil penalties

State of Arizona
House of Representatives
Fifty-second Legislature
First Regular Session
2015

HB 2259

Introduced by
Representatives Gray: Borrelli, Boyer, Campbell, Fann, Kern, Leach, Pratt,
Rivero, Senators Begay, Pierce, Worsley

AN ACT

AMENDING SECTION 40-442, ARIZONA REVISED STATUTES; RELATING TO PIPELINE SAFETY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 40-442, Arizona Revised Statutes, is amended to
3 read:

4 40-442. Civil penalty for violation; deduction; other remedies

5 A. Any person, firm or corporation that violates any provision of this
6 article or any rule or order adopted pursuant to this article pertaining to
7 the safety of the transportation of gas and hazardous liquids and pipeline
8 facilities shall be subject to a civil penalty of not to exceed ~~one~~ TWO
9 hundred thousand dollars for each violation with each day constituting a
10 separate violation. The maximum civil penalty shall not exceed ~~one~~ TWO
11 million dollars for any related series of violations.

12 B. Any civil penalty pertaining to gas and hazardous liquid pipeline
13 safety may be compromised by the commission. In determining the amount of
14 the penalty, or the amount agreed upon in compromise, the appropriateness of
15 the penalty to the size of the business of the person, firm or corporation
16 charged, the gravity of the violation and the good faith of the person, firm
17 or corporation charged in attempting to achieve compliance, after
18 notification of a violation, shall be considered. The amount of the penalty,
19 when finally determined, or the amount agreed upon in compromise, may be
20 deducted from any sums owing by the state to the person, firm or corporation
21 charged or may be recovered in a civil action in the superior court of this
22 state.

23 C. All monies collected from civil penalties assessed pursuant to this
24 article and any fines collected by the commission in enforcing this article
25 and rules relating to pipeline safety shall be deposited, pursuant to
26 sections 35-146 and 35-147, in the state general fund.

27 D. The commission may avail itself of any other authority or remedies
28 available under the Constitution of Arizona and this chapter to effect the
29 purpose of this article, including the provisions of article 9 of this
30 chapter.