

CHAPTER 5**(HB 148)**

AN ACT relating to gas pipeline safety.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 278.992 is amended to read as follows:

- (1) Any person who violates any minimum safety standard adopted by the United States Department of Transportation pursuant to the federal pipeline safety laws, 49 U.S.C. secs. 60101 et seq., or any amendments thereto, or any regulation adopted and filed pursuant to KRS Chapter 13A by the Public Service Commission governing the safety of pipeline facilities or the transportation of gas as those terms are defined in the Natural Gas Pipeline Safety Act, shall be subject to a civil penalty to be assessed by the Public Service Commission not to exceed *the maximum civil penalty as contained in 49 C.F.R. sec. 190.223, as of December 31, 2011, for a violation of any provision of 49 U.S.C. sec. 60101 et seq., or any regulation or order issued thereunder,* ~~twenty five thousand dollars (\$25,000)~~ for each violation for each day that the violation persists. ~~However, the maximum civil penalty shall not exceed five hundred thousand dollars (\$500,000) for any related series of violations.~~ Any civil penalty assessed for ~~such~~ a violation may be compromised by the commission. In determining the amount of the penalty, or the amount agreed upon in compromise, the appropriateness of the penalty to the size of the business of the person charged, the gravity of the violation, and the good faith of the person charged in attempting to achieve compliance, after notification of the violation, shall be considered. The amount of the penalty, when finally determined, or the amount agreed upon in compromise, may be deducted from any sums owing by the Commonwealth of Kentucky to the person charged or may be recovered in a civil action in the Franklin Circuit Court.
- (2) Any person who willfully and knowingly defaces, damages, removes, or destroys any pipeline sign or right-of-way marker required by the Natural Gas Pipeline Safety Act or any regulation or order issued pursuant to it shall, upon conviction, be subject for each offense to a fine of not more than five thousand dollars (\$5,000), imprisonment for a term not to exceed one (1) year, or both.

Signed by Governor March 28, 2012.