

**SB0692/803997/1**

BY: Economic Matters Committee

AMENDMENTS TO SENATE BILL 692  
(Third Reading File Bill)

AMENDMENT NO. 1

On page 2, in line 2, strike “a”; in line 3, strike “penalty” and substitute “penalties on or after a certain date”; in line 4, strike “a”; in line 5, strike “provision” and substitute “provisions”; in the same line, strike “penalties imposed” and substitute “corrective action taken”; in line 14, before “declaring” insert “altering the maximum daily civil penalty that may be imposed on a public service company for certain safety violations; removing a certain cap on the total civil penalty that may be imposed for a related series of safety violations;”; strike beginning with “requiring” in line 22 down through “date;” in line 24; and after line 36, insert:

“BY repealing and reenacting, with amendments,

Article - Public Utilities

Section 13-201 and 13-202

Annotated Code of Maryland

(2010 Replacement Volume)”.

AMENDMENT NO. 2

On page 7, in line 4, after “OUTAGE;” insert “AND”; in line 6, strike “; AND” and substitute a period; and strike in their entirety lines 7 through 9, inclusive.

On page 9, strike in their entirety lines 13 through 27, inclusive; in line 28, strike “3.” and substitute “2.”; and in line 31, strike “4.” and substitute “3.”.

AMENDMENT NO. 3

On page 5, in line 26, strike “MAY IMPOSE A PENALTY” and substitute “SHALL TAKE APPROPRIATE CORRECTIVE ACTION”.

(Over)

On pages 5 and 6, strike beginning with “IN” in line 30 on page 5 down through “YEAR” in line 1 on page 6 and substitute “, INCLUDING, ON OR AFTER JULY 1, 2014, THE IMPOSITION OF APPROPRIATE CIVIL PENALTIES FOR NONCOMPLIANCE AS PROVIDED IN § 13-201 OF THIS ARTICLE”.

On page 9, after line 12, insert:

“13-201.

(a) This section does not apply to a violation of the following provisions of this article:

(1) Title 5, Subtitle 4;

(2) Title 7, Subtitle 1;

(3) § 7-213 AS IT APPLIES TO ELECTRIC COOPERATIVES;

(4) Title 8, Subtitles 1 and 3;

~~[(4)]~~ (5) Title 9, Subtitle 3; and

~~[(5)]~~ (6) Title 8, Subtitle 4.

(b) (1) Except as provided in paragraph (2) of this subsection, the Commission may impose a civil penalty not exceeding \$10,000 against a person who violates a provision of this division, or an effective and outstanding direction, ruling, order, rule, or regulation of the Commission.

(2) The civil penalty that the Commission may impose on a common carrier for each violation may not exceed \$2,500.

(c) (1) A civil penalty may be imposed in addition to any other penalty authorized by this division.

(2) Each violation is a separate offense.

(3) Each day or part of a day the violation continues is a separate offense.

(d) The Commission shall determine the amount of any civil penalty after considering:

(1) the number of previous violations of any provision of this article;

(2) the gravity of the current violation;

(3) the good faith efforts of the violator in attempting to achieve compliance after notification of the violation; and

(4) any other matter that the Commission considers appropriate and relevant.

(e) A civil penalty collected under this section shall be paid into the General Fund of the State.

13-202.

(a) In this section, "safety violation" means a condition or activity likely to cause injury or harm to an individual or property.

(b) This section does not apply to a safety violation by a gas company that is subject to § 13-203 of this subtitle.

(Over)

(c) (1) Subject to paragraph (2) of this subsection, a public service company that violates a provision of this division that relates to safety is subject to a civil penalty not exceeding ~~[\$500]~~ **\$10,000** for each violation for each day that the violation persists.

(2) ~~[The maximum civil penalty may not exceed:~~

(i) ~~\$50,000 for a related series of violations; or~~

(ii) ~~for]~~ **FOR** a common carrier, **THE MAXIMUM CIVIL PENALTY MAY NOT EXCEED \$500** for each violation or related series of violations stemming from a single safety inspection.

(d) In determining the amount of a civil penalty imposed under this section, the Commission shall consider the:

(1) appropriateness of the penalty to the size of the public service company;

(2) number of previous violations of this article by the public service company;

(3) gravity of the current violation; and

(4) good faith of the public service company in attempting to achieve compliance after notification of the violation.

(e) The public service company involved may request reconsideration of a penalty imposed under this section within 30 days after the date of notification of the determination.”.