

HOUSE BILL 233

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2001 Regular Session
1r0123

By: **Chairman, Environmental Matters Committee (Departmental - Public Service Commission)**

Introduced and read first time: January 24, 2001

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Public Service Commission - Civil Penalties**

3 FOR the purpose of authorizing the Public Service Commission to impose a civil
4 penalty for violations of the Public Utility Companies Article or certain rules,
5 orders, or directives of the Commission.

6 BY adding to
7 Article - Public Utility Companies
8 Section 13-201.1
9 Annotated Code of Maryland
10 (1998 Volume and 2000 Supplement)

11 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
12 MARYLAND, That the Laws of Maryland read as follows:

13 **Article - Public Utility Companies**

14 13-201.1.

15 (A) THIS SECTION DOES NOT APPLY TO:

16 (1) A COMMON CARRIER; OR

17 (2) A VIOLATION OF THE FOLLOWING PROVISIONS OF THIS ARTICLE:

18 (I) TITLE 5, SUBTITLE 4;

19 (II) TITLE 7, SUBTITLE 1;

20 (III) TITLE 8, SUBTITLES 1 AND 3;

21 (IV) TITLE 9, SUBTITLE 3; AND

22 (V) TITLE 8, SUBTITLE 4.

1 (B) THE COMMISSION MAY IMPOSE A CIVIL PENALTY NOT EXCEEDING \$10,000
2 AGAINST A PERSON WHO VIOLATES A PROVISION OF THIS ARTICLE, OR AN
3 EFFECTIVE AND OUTSTANDING DIRECTION, RULING, ORDER, RULE, OR REGULATION
4 OF THE COMMISSION.

5 (C) (1) A CIVIL PENALTY MAY BE IMPOSED IN ADDITION TO ANY OTHER
6 PENALTY AUTHORIZED BY THIS ARTICLE.

7 (2) EACH VIOLATION IS A SEPARATE OFFENSE.

8 (3) EACH DAY OR PART OF A DAY THE VIOLATION CONTINUES IS A
9 SEPARATE OFFENSE.

10 (D) THE COMMISSION SHALL DETERMINE THE AMOUNT OF ANY CIVIL
11 PENALTY AFTER CONSIDERING:

12 (1) THE NUMBER OF PREVIOUS VIOLATIONS OF ANY PROVISION OF THIS
13 ARTICLE;

14 (2) THE GRAVITY OF THE CURRENT VIOLATION;

15 (3) THE GOOD FAITH EFFORTS OF THE VIOLATOR IN ATTEMPTING TO
16 ACHIEVE COMPLIANCE AFTER NOTIFICATION OF THE VIOLATION; AND

17 (4) ANY OTHER MATTER THAT THE COMMISSION CONSIDERS
18 APPROPRIATE AND RELEVANT.

19 (E) A CIVIL PENALTY COLLECTED UNDER THIS SECTION SHALL BE PAID INTO
20 THE GENERAL FUND OF THE STATE.

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
22 effect October 1, 2001.