

**SB0692/533421/1**

BY: Conference Committee

AMENDMENTS TO SENATE BILL 692  
(Third Reading File Bill)

AMENDMENT NO. 1

On page 2, 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 violations; 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;”; in line 22, after “recommendations;” insert “providing that this Act may not be construed to limit the Commission’s authority to impose penalties for certain 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 5, in line 26, strike “MAY IMPOSE A PENALTY” and substitute “SHALL TAKE APPROPRIATE CORRECTIVE ACTION”.

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 THE IMPOSITION OF APPROPRIATE CIVIL PENALTIES FOR NONCOMPLIANCE AS PROVIDED IN § 13-201 OF THIS ARTICLE”.

(Over)

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]~~ **\$25,000** 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.

(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]~~ **\$25,000** for each violation for each day that the violation persists.

(Over)

(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.”.

AMENDMENT NO. 3

On page 9, after line 30, insert:

“SECTION 4. AND BE IT FURTHER ENACTED, That nothing in this Act shall be construed as limiting the authority of the Public Service Commission to impose

penalties for violations of law or regulation in existence before the effective date of this Act.”;

and in line 31, strike “4.” and substitute “5.”.