

SB0713/960918/1

BY: Environment and Transportation Committee

AMENDMENTS TO SENATE BILL 713
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after “from” insert “knowingly”; in line 5, after “consumer” insert “on or after a certain date; establishing certain penalties for certain violations; authorizing the Department of the Environment to impose certain penalties in a certain manner for certain violations”; and in line 6, strike “providing for a delayed effective date”.

AMENDMENT NO. 2

On page 2, in line 27, after “MERCURY” insert “OR A PRODUCT COMPONENT WITH AN ELECTRIC SWITCH CONTAINING MERCURY”; in line 28, after “MERCURY” insert “OR A PRODUCT COMPONENT WITH AN ELECTRIC RELAY CONTAINING MERCURY”; and in line 29, after “MERCURY” insert “OR A PRODUCT COMPONENT WITH A GAS VALVE SWITCH CONTAINING MERCURY”.

AMENDMENT NO. 3

On page 3, in line 8, after “SECTION,” insert “ON OR AFTER OCTOBER 1, 2018,”; in line 9, after “NOT” insert “KNOWINGLY”; in line 23, strike “OR”; in line 25, after “REGULATION” insert “; OR”

(5) THE MANUFACTURER OF THE LARGER PRODUCT HAS NOT APPROVED FOR USE IN THE LARGER PRODUCT A SWITCH OR RELAY THAT DOES NOT CONTAIN MERCURY;

and after line 25, insert:

(Over)

“(C) (1) A PERSON THAT VIOLATES THIS SECTION IS LIABLE FOR A CIVIL PENALTY TO BE COLLECTED IN A CIVIL ACTION IN THE CIRCUIT COURT FOR ANY COUNTY IN THE STATE NOT EXCEEDING:

(I) \$1,000 FOR A FIRST OFFENSE;

(II) \$2,500 FOR A SECOND OFFENSE; OR

(III) \$5,000 FOR A THIRD OR SUBSEQUENT OFFENSE.

(2) (I) IN ADDITION TO ANY OTHER REMEDIES AVAILABLE AT LAW OR IN EQUITY, AFTER AN OPPORTUNITY FOR A HEARING, THE DEPARTMENT MAY IMPOSE A FINE FOR EACH VIOLATION OF THIS SECTION, NOT EXCEEDING:

1. \$1,000 FOR A FIRST OFFENSE;

2. \$2,500 FOR A SECOND OFFENSE; OR

3. \$5,000 FOR A THIRD OR SUBSEQUENT OFFENSE.

(II) THE DEPARTMENT SHALL CONSIDER THE FOLLOWING IN ASSESSING THE FINE IN SUBPARAGRAPH (I) OF THIS PARAGRAPH:

1. THE WILLFULNESS OF THE VIOLATION;

2. THE EXTENT TO WHICH THE VIOLATION WAS KNOWN, BUT UNCORRECTED, BY THE VIOLATOR;

3. THE EXTENT TO WHICH THE VIOLATION RESULTED IN ACTUAL HARM TO HUMAN HEALTH OR THE ENVIRONMENT;

4. THE NATURE AND DEGREE OF INJURY TO, OR INTERFERENCE WITH, GENERAL WELFARE AND HEALTH; AND

5. THE EXTENT TO WHICH THE CURRENT VIOLATION IS PART OF A PATTERN OF THE SAME OR A SIMILAR TYPE OF VIOLATION BY THE VIOLATOR.

(3) EACH DAY A VIOLATION CONTINUES IS A SEPARATE OFFENSE UNDER THIS SECTION.”.

AMENDMENT NO. 4

On page 3, in line 27, strike “2018” and substitute “2017”.