

STATEMENT OF PURPOSE

RS24043C1

The Pipeline and Hazardous Materials Administration (PHMSA) is requiring all states that participate in the pipeline safety grant program to have statutory authority to seek a civil penalty with maximum limits acceptable to the PHMSA. Those maximum limits are currently \$100,000 per incident per day, up to a maximum of \$1,000,000 per related series of violations. The Public Utilities Commission is seeking to amend Section 61-712A, Idaho Code to increase the penalty limit from \$2,000 per violation per day to \$100,000 per violation per day, and increase the \$200,000 maximum limit for a related series of violations to \$1,000,000. This would put the State of Idaho in compliance with the limits accepted by PHMSA.

Amendments to Section 61-712B, Idaho Code would clarify the factors the Public Utilities Commission uses to determine either the amount of the civil penalty it may seek in district court or whether the amount of the penalty may be compromised. The penalty or compromise amount may also be used to improve the safety of public utility facilities.

FISCAL NOTE

Actions to recover a civil penalty must be brought in district court under Section 61-712, Idaho Code. All civil penalties collected under the current statute are deposited into the General Fund. Therefore, any civil penalty assessed and collected under the amended statute would increase funds in the General Fund.

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