

By: Wu

H.B. No. 1863

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the amounts of the administrative, civil, and criminal
3 penalties for violating certain statutes under the jurisdiction of,
4 rules or orders adopted by, or licenses, permits, or certificates
5 issued by the Railroad Commission of Texas.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

7 SECTION 1. Section 81.0531, Natural Resources Code, is
8 amended by amending Subsection (b) and adding Subsection (b-1) to
9 read as follows:

10 (b) The penalty may not exceed:

11 (1) \$25,000 [~~\$10,000~~] a day for each violation that is
12 not related to pipeline safety; or

13 (2) \$200,000 a day for each violation that is related
14 to pipeline safety.

15 (b-1) Each day a violation continues may be considered a
16 separate violation for purposes of penalty assessments.

17 SECTION 2. Section 117.051, Natural Resources Code, is
18 amended to read as follows:

19 Sec. 117.051. CIVIL PENALTY. A person who violates this
20 chapter or a rule adopted by the commission under this chapter is
21 subject to a civil penalty of not less than \$500 or [~~\$50 nor~~] more
22 than \$200,000 [~~\$25,000~~] for each act of violation and for each day
23 of violation, provided that the maximum civil penalty that may be
24 assessed for any related series of violations may not exceed \$2

1 million [~~\$500,000~~].

2 SECTION 3. Section 117.053(b), Natural Resources Code, is
3 amended to read as follows:

4 (b) An offense under this section is punishable by a fine of
5 not more than \$2 million [~~\$25,000~~], confinement in the Texas
6 Department of Criminal Justice for a term of not more than five
7 years, or both such fine and imprisonment.

8 SECTION 4. Section 117.054(b), Natural Resources Code, is
9 amended to read as follows:

10 (b) An offense under this section is punishable by a fine of
11 not more than \$2 million [~~\$25,000~~], confinement in the Texas
12 Department of Criminal Justice for a term of not more than 15 years,
13 or both such fine and imprisonment.

14 SECTION 5. Section 121.204, Utilities Code, is amended to
15 read as follows:

16 Sec. 121.204. CIVIL PENALTY. Each day of each violation of
17 a safety standard adopted under this subchapter is subject to a
18 civil penalty of not more than \$200,000 [~~\$25,000~~], except that the
19 maximum penalty that may be assessed for any related series of
20 violations may not exceed \$2 million [~~\$500,000~~]. The penalty is
21 payable to the state.

22 SECTION 6. Section 121.206(b), Utilities Code, is amended
23 to read as follows:

24 (b) The penalty for each violation may not exceed \$200,000
25 [~~\$10,000~~]. Each day a violation continues may be considered a
26 separate violation for the purpose of penalty assessment.

27 SECTION 7. Section 121.302, Utilities Code, is amended by

1 amending Subsection (a) and adding Subsection (a-1) to read as
2 follows:

3 (a) A gas utility is subject to a civil penalty if the gas
4 utility:

- 5 (1) violates this chapter;
6 (2) fails to perform a duty imposed by this chapter; or
7 (3) fails to comply with an order of the railroad
8 commission if the order is not stayed or suspended by a court order.

9 (a-1) A penalty under this section is payable to the state
10 and shall be not less than \$1,000 [~~\$100~~] and not more than \$200,000
11 [~~\$1,000~~] for each violation or failure.

12 SECTION 8. Section 121.304(b), Utilities Code, is amended
13 to read as follows:

14 (b) The penalty for each violation or failure may not exceed
15 \$200,000 [~~\$10,000~~] a day. Each day a violation continues may be
16 considered a separate violation for purposes of penalty assessment.

17 SECTION 9. Section 121.310(b), Utilities Code, is amended
18 to read as follows:

19 (b) An offense under this section is punishable by a fine of
20 not less than \$500 [~~\$50~~] and not more than \$2 million [~~\$1,000~~]. In
21 addition to the fine, the offense may be punishable by confinement
22 in jail for not less than 10 days nor more than six months.

23 SECTION 10. The changes in law made by this Act apply only
24 to a violation committed on or after the effective date of this Act.
25 A violation committed before the effective date of this Act is
26 governed by the law in effect when the violation was committed, and
27 the former law is continued in effect for that purpose. For

1 purposes of this section, a violation was committed before the
2 effective date of this Act if any element of the violation was
3 committed before that date.

4 SECTION 11. This Act takes effect September 1, 2013.