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HOUSE BILL 2662

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State of Washington

55th Legislature

1998 Regular Session

By Representatives Poulsen, Crouse and Honeyford; by request of Utilities & Transportation Commission

Read first time 01/16/98. Referred to Committee on Energy & Utilities.

1 AN ACT Relating to utilities and transportation commission  
2 intrastate pipeline safety jurisdiction and penalties; adding new  
3 sections to chapter 81.88 RCW; and prescribing penalties.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 81.88 RCW  
6 to read as follows:

7 Every person, copartnership, corporation, or other association with  
8 pipeline facilities and transporting gas, oil, carbon dioxide, or other  
9 hazardous liquids such as, but not limited to, gasoline, diesel, jet  
10 fuel, butane, propane, or anhydrous ammonia by pipeline, or having for  
11 one or more of its principal purposes the design, construction,  
12 maintenance, or operation of pipelines, for transporting oils, gas,  
13 gasoline, hazardous liquids, or other petroleum products as defined by  
14 49 U.S.C. Sec. 60101 et seq., or specified under 49 C.F.R. Sec. 195.1  
15 (1996) in this state, even though the person or corporation is not a  
16 public service company or common carrier under chapter 81.28 RCW, and  
17 even though the person or corporation does not deliver, sell, or  
18 furnish these products to a person or corporation within this state, is  
19 subject to rules adopted by the commission insofar as the design,

1 construction, and operation of the facilities affect matters of public  
2 safety. Every person, copartnership, corporation, or other association  
3 must design, construct, and maintain the facilities to be safe and  
4 efficient. The commission has the authority to prescribe rules to  
5 carry out the purposes of chapter . . . , Laws of 1998 (this act).  
6 Every person, officer, agent, or employee of a corporation who, as an  
7 individual or as an officer or agent of such a corporation, violates or  
8 fails to comply with this section, or who procures, aids, or abets  
9 another person or entity in the violation of or noncompliance with this  
10 section or a rule of the commission adopted under this section, is  
11 guilty of a gross misdemeanor. However, the provisions of this section  
12 do not apply to distribution systems owned and operated under franchise  
13 for the sale, delivery, or distribution of natural gas at retail.

14 NEW SECTION. **Sec. 2.** A new section is added to chapter 81.88 RCW  
15 to read as follows:

16 A person, copartnership, corporation, or other association that  
17 violates a provision of section 1 of this act, or a rule adopted  
18 thereunder, is subject to a civil penalty to be directly assessed by  
19 the commission. The level of the penalty must be set by rule by the  
20 commission and shall not exceed the penalties specified in federal  
21 pipeline safety laws, 49 U.S.C. Sec. 60101 et seq., in effect on the  
22 effective date of this section. Any civil penalty may be compromised  
23 by the commission. In determining the amount of the penalty, or the  
24 amount agreed upon and compromised, the following issues must be  
25 considered: The appropriateness of the penalty in relation to the size  
26 of the business, the position of the person charged with the violation,  
27 the gravity of the violation, and the good faith of the person or  
28 company charged in attempting to achieve compliance after notification  
29 of the violation. The amount of the penalty may be recovered in a  
30 civil action in the superior court of Thurston county or of some other  
31 county in which the violator may do business. In all actions for  
32 recovery, the rules of evidence shall be the same as in ordinary civil  
33 actions. All penalties recovered under this section must be paid into  
34 the state treasury and credited to the public service revolving fund.

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