
SENATE BILL 6358

State of Washington

55th Legislature

1998 Regular Session

By Senators Rossi, Finkbeiner, Brown and Jacobsen; by request of
Utilities & Transportation Commission

Read first time . Referred to Committee on .

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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