

Effective 5/12/2015

54-13-8 Violation of chapter -- Penalty.

- (1) Any person engaged in intrastate pipeline transportation who is determined by the commission, after notice and an opportunity for a hearing, to have violated any provision of this chapter or any rule or order issued under this chapter, is liable for a civil penalty of not more than \$100,000 for each violation for each day the violation persists.
- (2) The maximum civil penalty assessed under this section may not exceed \$1,000,000 for any related series of violations.
- (3) The amount of the penalty shall be assessed by the commission by written notice.
- (4) In determining the amount of the penalty, the commission shall consider:
 - (a) the nature, circumstances, and gravity of the violation; and
 - (b) with respect to the person found to have committed the violation:
 - (i) the degree of culpability;
 - (ii) any history of prior violations;
 - (iii) the effect on the person's ability to continue to do business;
 - (iv) any good faith in attempting to achieve compliance;
 - (v) the person's ability to pay the penalty; and
 - (vi) any other matter, as justice may require.
- (5)
 - (a) A civil penalty assessed under this section may be recovered in an action brought by the attorney general on behalf of the state in the appropriate district court, or before referral to the attorney general, it may be compromised by the commission.
 - (b) The amount of the penalty, when finally determined, or agreed upon in compromise, may be deducted from any sum owed by the state to the person charged.
- (6) Any penalty collected under this section shall be deposited in the General Fund.

Amended by Chapter 102, 2015 General Session