

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE BILL NO.

Penalty for violation of federal pipeline safety act.

Sponsored by: Joint Corporations, Elections & Political
Subdivisions Interim Committee

A BILL

for

1 AN ACT relating to pipeline safety; amending the maximum
2 civil penalties for violations of the federal Pipeline
3 Safety, Regulatory Certainty, and Job Creation Act of 2011;
4 and providing for an effective date.

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6 *Be It Enacted by the Legislature of the State of Wyoming:*

7

8 **Section 1.** W.S. 37-2-128 is amended to read:

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10 **37-2-128. Civil penalty for violation of federal**
11 **Pipeline Safety, Regulatory Certainty, and Job Creation Act**
12 **of 2011; generally.**

1
2 Where the commission has exercised authority under the
3 provisions of the federal Pipeline Safety, Regulatory
4 Certainty and Job Creation Act of 2011, 49 U.S.C. § 60101,
5 et seq., and amendments thereto, to regulate gas safety in
6 the state of Wyoming, any person or persons as defined in
7 that act who hereafter violate any provision of that act as
8 made applicable to jurisdictional activities within the
9 state of Wyoming may be subject to a civil penalty ~~not to~~
10 ~~exceed one hundred thousand dollars (\$100,000.00) for~~
11 ~~violation~~ for each day that the violation persists in an
12 amount that does not exceed the daily civil penalty amount
13 specified in 49 C.F.R. 190.223(a). ~~However,~~ The maximum
14 civil penalty shall not exceed ~~one million dollars~~
15 ~~(\$1,000,000.00)~~ the maximum penalty specified in 49 C.F.R.
16 190.223(a) for any related series of violations.

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18 *****
19 *****
20 STAFF COMMENT
21 The current amounts specified in 49 C.F.R. 190.223(a) are
22 \$272,926 per day and \$2,729,245 maximum for a related
23 series of violations.

24

25 There are several examples in statute where the Legislature
26 has referred to the CFR to encompass future amendments.
27 Alternatively, the Committee could consider limiting the
28 reference to the current CFR as amended on July 1, 2027 or

by placing the specific current dollar amounts in the statute. Allowing for future amendments to the CFR may not give notice to operators in Wyoming that the penalties have changed. However, because Wyoming is required to be in substantial compliance with the Federal law, there may also be valid policy reasons to match any revisions to the federal penalties.

Section 2. This act is effective July 1, 2027.

(END)