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## DIGEST

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HB 469 Original

2015 Regular Session

Terry Landry

**Abstract:** Prohibits the Dept. of Public Safety and Corrections (DPS&C) from imposing a civil penalty against a person or his representative reporting a release of a hazardous material that is not of a reportable quantity, as defined in Title 49 of the Code of Federal Regulations.

Present law provides that the offering or accepting for transportation, loading or unloading, or transporting of hazardous materials, freight, and passengers in accordance with minimum state standards of safety is the responsibility of the state.

Proposed law retains present law.

Present law requires that a person report to the DPS&C an incident or accident that presents a continuing danger to life, health, or property at the place of the incident or accident when the incident or accident results in the release of a hazardous material, as defined in Title 49 of the Code of Federal Regulations.

Proposed law retains present law.

Present law provides that any person who offers or accepts for transportation, loads or unloads, or transports a hazardous material or hazardous waste in a careless or imprudent manner without regard for the hazards of the material or the circumstances of such actions shall be guilty of careless handling.

Proposed law retains present law and provides that a person shall not be cited for violating present law (careless handling) when that person or his representative reports a release of a hazardous material that is not of a reportable quantity, as defined in Title 49 of the Code of Federal Regulations.

Present law provides that any person who is determined by the secretary of the DPS&C, after reasonable notice and opportunity for a fair and impartial hearing held in accordance with the Administrative Procedure Act, to have committed an act in violation of present law or any regulation issued thereunder, is subject to a civil penalty of not more than \$25,000. If the violation is a continuing one, each day of violation is a separate offense.

Proposed law retains present law and adds that the secretary shall not subject a person to a civil penalty when that person or his representative reports a release of a hazardous material that is not of a reportable quantity, as defined in Title 49 of the Code of Federal Regulations.

(Adds R.S. 32:1512(E) and 1520(C))