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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2015

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A N A C T

RELATING TO PUBLIC UTILITIES AND CARRIERS - REGULATORY POWERS OF
ADMINISTRATION

Introduced By: Senators Gallo, and P Fogarty

Date Introduced: March 24, 2015

Referred To: Senate Commerce

(PUC)

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 39-3-40 of the General Laws in Chapter 39-3 entitled "Regulatory
2 Powers of Administration" is hereby amended to read as follows:

3 **39-3-40. Storage, transportation and distribution of gas – Regulation – Penalties. --**

4 (a) In regulating the storage, transportation and distribution of gas and the pressure under which
5 these operations may respectively be carried on, the division of public utilities and carriers may
6 ascertain, determine and fix adequate and serviceable standards for the measurement of quality,
7 pressure or other condition pertaining to the performing of its service, or to the furnishing of its
8 product or commodity by any gas storage, transportation and distribution facility, and prescribe
9 reasonable regulations for examination and testing of such service, product or commodity.

10 (b)(1) Any person, firm or corporation who violates any provision of any code adopted
11 by the division pertaining to the safety of pipeline facilities and the transportation of gas, or of
12 any regulation or rule thereunder, at a time when the division has submitted and has in effect the
13 annual certification to the United States secretary of transportation provided for in § 5(a) of the
14 Natural Gas Pipeline Safety Act of 1968, as amended, (see § 60101 et seq. of Title 49 of the
15 United States Code), shall be subject to civil penalties as specified in 49 U.S.C. § 60122(a), as
16 amended. To provide adequate protection against risks to life and property posed by pipeline
17 transportation and pipeline facilities, the division shall possess the authority to adopt any of the
18 safety standards for pipeline transportation and for pipeline facilities that are contained in 49

1 [U.S.C. § 60101 et seq.](#)

2 (2) Any such penalty shall be determined by the division. In determining the amount of
3 the penalty, the appropriateness of the penalty to the size of the business of the person, firm or
4 corporation charged, the gravity of the violation, and the good faith of the person, firm or
5 corporation charged in attempting to achieve compliance after notification of a violation, shall be
6 considered. The amount of the penalty, where finally determined, may be deducted from any
7 sums which the state may owe to the person, firm or corporation charged or may be recovered in
8 a civil action commenced in the state courts.

9 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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1 This act would expand the division of public utilities and carriers' authority to adopt
2 safety standards related to pipeline facilities including, storage, transportation and distribution of
3 natural gas and flammable gas.

4 This act would take effect upon passage.

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