

SENATE BILL NO. 366

May 30, 2023, Introduced by Senators MCCANN, IRWIN, SHINK, SINGH, WOJNO and POLEHANKI and referred to the Committee on Energy and Environment.

A bill to amend 1969 PA 165, entitled

"An act to authorize the public service commission to establish and enforce gas safety standards; and to provide penalties for violations thereof,"

by amending section 11 (MCL 483.161), as amended by 1992 PA 11.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 11. (1) A person ~~who~~**that** violates this act or a rule
2 promulgated under this act is subject to ~~a~~**an administrative** fine
3 of not more than ~~\$10,000.00~~**\$200,000.00** for each violation for each
4 day that the violation persists, except that the maximum ~~civil~~
5 ~~penalty~~**administrative fine** shall not exceed ~~\$500,000.00~~

1 \$2,500,000.00 for any related series of violations.

2 (2) No sooner than September 1, 2024, and by October 1 of each
3 year thereafter, the commission shall issue an order adjusting the
4 administrative fines under subsection (1) for inflation using the
5 Consumer Price Index.

6 (3) ~~(2)~~—In determining the amount of the **administrative** fine
7 **under subsection (1)**, the commission shall consider all of the
8 following:

9 (a) The effect on the ability of the person ~~charged~~ to
10 continue in business.

11 (b) The nature, circumstances, and gravity of the violation.

12 (c) Any ~~good-faith~~ **good-faith** effort by the person ~~charged~~ to
13 comply with the requirements of this act.

14 (d) The degree of culpability of the person. ~~charged.~~

15 (e) The history of prior violations of the person. ~~charged.~~

16 (f) The ability of the person ~~charged~~ to pay.

17 (g) Other matters as justice may require.

18 (4) ~~(3)~~—The amount of the penalty stipulated may be deducted
19 from a sum the state owes the person ~~charged~~ or may be recovered in
20 a civil action in the Ingham ~~county~~ **County** circuit court.

21 (5) ~~(4)~~—A person who willfully and knowingly defaces, damages,
22 removes, or destroys a pipeline sign or right-of-way marker
23 required by this act is guilty of a misdemeanor punishable by
24 imprisonment for not more than 1 year ~~,~~ or by a fine of not more
25 than \$5,000.00, or both, for each offense.

26 (6) As used in this section, "Consumer Price Index" means the
27 most comprehensive index of consumer prices available for the
28 Detroit area from the United States Department of Labor, Bureau of
29 Labor Statistics.