

(2) INCLUDE EXPENSES THAT WILL BE REIMBURSED BY THE FEDERAL GOVERNMENT.

11-205.

THE COMMISSION MAY BRING AN ACTION FOR INJUNCTIVE RELIEF IN A CIRCUIT COURT TO:

(1) ENJOIN A VIOLATION OF THIS SUBTITLE;

(2) ENJOIN THE TRANSPORTATION OF A HAZARDOUS LIQUID BY PIPELINE OR THE OPERATION OF A PIPELINE FACILITY; ~~AND~~ OR

(3) ENFORCE A STANDARD ESTABLISHED BY THE COMMISSION UNDER THIS SUBTITLE.

11-206.

(A) THE COMMISSION MAY IMPOSE ON A PERSON WHO VIOLATES THIS SUBTITLE OR A REGULATION ADOPTED IN ACCORDANCE WITH THIS SUBTITLE A CIVIL PENALTY THAT DOES NOT EXCEED THE MAXIMUM PENALTIES PROVIDED IN ~~TITLE 49 V.S.C.~~ U.S.C. CHAPTER 601 (HAZARDOUS LIQUID PIPELINE SAFETY ACT).

(B) EACH DAY A VIOLATION CONTINUES IS A SEPARATE VIOLATION UNDER THIS SECTION.

(C) TO DETERMINE THE AMOUNT OF A PENALTY IMPOSED UNDER THIS SECTION, THE COMMISSION SHALL CONSIDER:

(1) THE NATURE, CIRCUMSTANCES, AND GRAVITY OF THE VIOLATION;

(2) WITH RESPECT TO THE VIOLATOR:

(I) THE DEGREE OF CULPABILITY;

(II) ANY HISTORY OF PRIOR VIOLATIONS;

(III) THE ABILITY TO PAY;

(IV) ANY EFFECT ON THE ABILITY TO CONTINUE DOING BUSINESS;

AND

(V) GOOD FAITH IN ATTEMPTING TO COMPLY; AND

(3) OTHER MATTERS THAT JUSTICE REQUIRES.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2001.

May 17, 2001

The Honorable Thomas V. Mike Miller, Jr.
President of the Senate
State House
Annapolis MD 21401