

BY adding to

Article 78 – Public Service Commission Law

Section 102B

Annotated Code of Maryland

(1988 Replacement Volume and 1990 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article 78 – Public Service Commission Law

102B.

(A) (1) EXCEPT AS PROVIDED IN § 102A OF THIS ARTICLE PARAGRAPH (4) OF THIS SUBSECTION, ANY PUBLIC SERVICE COMPANY VIOLATING ANY PROVISION OF THIS ARTICLE RELATING TO SAFETY SHALL BE SUBJECT TO A CIVIL PENALTY NOT TO EXCEED \$500 FOR EACH VIOLATION FOR EACH DAY THAT THE VIOLATION PERSISTS.

(2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, THE MAXIMUM CIVIL PENALTY UNDER THIS SECTION MAY NOT EXCEED \$50,000 FOR ANY RELATED SERIES OF VIOLATIONS.

(3) THE MAXIMUM CIVIL PENALTY FOR COMMON CARRIERS UNDER THIS SECTION MAY NOT EXCEED \$500 FOR EACH VIOLATION OR RELATED SERIES OF VIOLATIONS STEMMING FROM A SINGLE SAFETY INSPECTION.

(4) THIS SECTION DOES NOT APPLY TO VIOLATIONS BY GAS COMPANIES WHICH ARE SUBJECT TO THE PROVISIONS OF § 102A OF THIS ARTICLE.

(5) FOR PURPOSES OF THIS SECTION, "SAFETY VIOLATION" MEANS A CONDITION OR ACTIVITY LIKELY TO CAUSE INJURY OR HARM TO A PERSON OR PROPERTY.

(B) (1) THE COMMISSION SHALL DETERMINE THE AMOUNT OF ANY CIVIL PENALTY.

(2) THE PUBLIC SERVICE COMPANY INVOLVED MAY REQUEST RECONSIDERATION WITHIN 30 DAYS OF THE DATE OF NOTIFICATION OF THE DETERMINATION.

(3) IN MAKING ITS DETERMINATION AS TO THE AMOUNT OF ANY CIVIL PENALTY, THE COMMISSION SHALL CONSIDER:

(I) THE APPROPRIATENESS OF THE PENALTY TO THE SIZE OF THE BUSINESS OF THE PUBLIC SERVICE COMPANY CHARGED;

(II) THE NUMBER OF PREVIOUS VIOLATIONS OF ANY OF THE PROVISIONS OF THIS ARTICLE BY THE COMPANY CHARGED;