

SECOND REGULAR SESSION

HOUSE BILL NO. 2509

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MILLER.

6274H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 319.045, RSMo, and to enact in lieu thereof one new section relating to the civil penalty for violating certain underground facility safety standards, with penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 319.045, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 319.045, to read as follows:

319.045. 1. Any person who violates in any material respect the provisions of section 319.022, 319.025, 319.026, 319.030, 319.037, or this section or who willfully damages an underground facility shall be liable to the state of Missouri for a civil penalty of up to [ten] **fifty** thousand dollars for each violation for each day such violation persists, except that the maximum penalty for violation of the provisions of sections 319.010 to 319.050 shall not exceed five hundred thousand dollars for any related series of violations. An action to recover such civil penalty may be brought by the attorney general or a prosecuting attorney on behalf of the state of Missouri in any appropriate circuit court of this state. Trial thereof shall be before the court, which shall consider the nature, circumstances and gravity of the violation, and with respect to the person found to have committed the violation, the degree of culpability, the absence or existence of prior violations, whether the violation was a willful act, the effect on ability to continue to do business, any good faith in attempting to achieve compliance, ability to pay the penalty, and such other matters as justice may require in determining the amount of penalty imposed.

2. The attorney general may bring an action in any appropriate circuit court of this state for equitable relief to redress or restrain a violation by any person of any provision of sections

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 319.010 to 319.050. The court may grant such relief as is necessary or appropriate, including
18 mandatory or prohibitive injunctive relief, temporary or permanent.

19 3. The attorney general shall make public the aggregate number of enforcement actions
20 for the previously completed calendar year prior to March thirty-first of the current year.

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