

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 6358

55th Legislature
1998 Regular Session

Passed by the Senate March 7, 1998
YEAS 45 NAYS 0

President of the Senate

Passed by the House March 4, 1998
YEAS 97 NAYS 0

**Speaker of the
House of Representatives**

Approved

Governor of the State of Washington

CERTIFICATE

I, Mike O Connell, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 6358** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 6358

Passed Legislature - 1998 Regular Session

AS AMENDED BY THE HOUSE

State of Washington 55th Legislature 1998 Regular Session

By Senate Committee on Energy & Utilities (originally sponsored by Senators Rossi, Finkbeiner, Brown and Jacobsen; by request of Utilities & Transportation Commission)

Read first time 02/06/98.

1 AN ACT Relating to utilities and transportation commission
2 intrastate pipeline safety jurisdiction and penalties; adding a new
3 section to chapter 81.88 RCW; and prescribing penalties.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 81.88 RCW
6 to read as follows:

7 (1) The definitions in this subsection apply throughout this
8 section unless the context clearly requires otherwise.

9 (a) "Pipeline company" means a person or entity constructing,
10 owning, or operating an intrastate pipeline for transporting hazardous
11 liquid, whether or not such a person or entity is a public service
12 company otherwise regulated by the commission. For the purposes of
13 this section, a pipeline company does not include: (i) Distribution
14 systems owned and operated under franchise for the sale, delivery, or
15 distribution of natural gas at retail; or (ii) excavation contractors
16 or other contractors that contract with a pipeline company.

17 (b) "Hazardous liquid" means: (i) Petroleum, petroleum products,
18 or anhydrous ammonia as those terms are defined in 49 C.F.R. Part 195
19 in effect March 1, 1998; and (ii) carbon dioxide. The commission by

1 rule may incorporate by reference other substances designated as
2 hazardous by the secretary of transportation under 49 U.S.C. Sec.
3 60101(a)(4).

4 (2) The commission shall adopt by rule intrastate pipeline safety
5 standards for pipeline transportation and pipeline facilities that:
6 (a) Apply to pipeline companies transporting hazardous liquids; (b)
7 cover the design, construction, and operation of pipelines transporting
8 hazardous liquids; and (c) require pipeline companies to design,
9 construct, and maintain their pipeline facilities so they are safe and
10 efficient.

11 (3) A person, officer, agent, or employee of a pipeline company
12 who, as an individual or acting as an officer, agent, or employee of
13 such a company, violates or fails to comply with this section or a rule
14 adopted under this section, or who procures, aids, or abets another
15 person or entity in the violation of or noncompliance with this section
16 or a rule adopted under this section, is guilty of a gross misdemeanor.

17 (4)(a) A pipeline company, or any person, officer, agent, or
18 employee of a pipeline company that violates a provision of this
19 section, or a rule adopted under this section, is subject to a civil
20 penalty to be assessed by the commission.

21 (b) The commission shall adopt rules: (i) Setting penalty amounts,
22 but may not exceed the penalties specified in the federal pipeline
23 safety laws, 49 U.S.C. Sec. 60101 et seq.; (ii) establishing procedures
24 for mitigating penalties assessed; and (iii) incorporating by reference
25 other substances designated as hazardous by the secretary of
26 transportation under 49 U.S.C. Sec. 60101(a)(4).

27 (c) In determining the amount of the penalty, the commission shall
28 consider: (i) The appropriateness of the penalty in relation to the
29 position of the person charged with the violation; (ii) the gravity of
30 the violation; and (iii) the good faith of the person or company
31 charged in attempting to achieve compliance after notification of the
32 violation.

33 (d) The amount of the penalty may be recovered in a civil action in
34 the superior court of Thurston county or of some other county in which
35 the violator may do business. In all actions for recovery, the rules
36 of evidence shall be the same as in ordinary civil actions. All
37 penalties recovered under this section must be paid into the state
38 treasury and credited to the public service revolving fund.

1 (5) Nothing in this section duplicates the authority of the energy
2 facility site evaluation council under chapter 80.50 RCW.

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