

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

Act 539 of the Regular Session

1 State of Arkansas
2 85th General Assembly
3 Regular Session, 2005

A Bill

HOUSE BILL 1297

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5 By: Representative Childers
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For An Act To Be Entitled

8
9 AN ACT TO AMEND § 23-15-211 TO MODIFY THE CIVIL
10 PENALTIES FOR VIOLATIONS OF § 23-15-209 OR THE
11 ARKANSAS GAS PIPELINE CODE; AND FOR OTHER
12 PURPOSES.
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Subtitle

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15 AN ACT TO AMEND § 23-15-211 TO MODIFY
16 THE CIVIL PENALTIES FOR VIOLATIONS OF §
17 23-15-209 OR THE ARKANSAS GAS PIPELINE
18 CODE.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. Arkansas Code 23-15-211 is amended to read as follows:
24 23-15-211. Civil penalty - Compromise - Proceedings.

25 (a) Any person who violates any provision of § 23-15-209, or any
26 regulation issued under this subchapter, shall be subject to a civil penalty
27 of not to exceed ~~twenty five thousand dollars (\$25,000)~~ one hundred thousand
28 dollars (\$100,000) for each violation for each day that the violation
29 persists, except that the maximum civil penalty shall not exceed ~~five hundred~~
30 ~~thousand dollars (\$500,000)~~ one million dollars (\$1,000,000) for any related
31 series of violations.

32 (b) Any such civil penalty may be compromised by the Arkansas Public
33 Service Commission.

34 (c) In determining the amount of the penalty or the amount agreed upon
35 in compromise, the appropriateness of the penalty to the size of the business



1 of the person charged, the gravity of the violation, and the good faith of
2 the person charged in attempting to achieve compliance, after notification of
3 a violation, shall be considered.

4 (d) Proceedings under this section shall be subject to the Arkansas
5 Administrative Procedure Act, § 25-15-201 et seq.

6 (e) Any penalty imposed under this section, if not promptly paid to
7 the commission, shall be recovered with interest thereon from the date of the
8 order in a civil action brought by the commission.

9 (f) Any civil penalty collected and imposed under this section shall
10 be paid to the Secretary of the Arkansas Public Service Commission.

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13 APPROVED: 3/03/2005
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