

By: Senator(s) Carter

To: Energy

SENATE BILL NO. 2368

1 AN ACT TO AMEND SECTION 77-11-3, MISSISSIPPI CODE OF 1972, TO  
2 PROHIBIT PENALTIES GREATER THAN THE MAXIMUM CIVIL PENALTY IN  
3 FEDERAL LAW; AND FOR RELATED PURPOSES.

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

5 **SECTION 1.** Section 77-11-3, Mississippi Code of 1972, is  
6 amended as follows:

7 77-11-3. (1) Any person operating a public utility subject  
8 to the jurisdiction of the Mississippi Public Service Commission  
9 under subparagraph (ii) of paragraph (d) of Section 77-3-3, and  
10 Section 77-3-5, who violates any provision of any Natural Gas  
11 Pipeline Safety Standard adopted both by the United States  
12 Department of Transportation, pursuant to the provisions of the  
13 Federal Natural Gas Pipeline Safety Act of 1968, and by the  
14 commission pursuant to Article 1, Chapter 3, of this title, shall  
15 be subject to a civil penalty of not \* \* \* more than the maximum  
16 civil penalty provided pursuant to 49 USC § 60122 and 49 CFR  
17 190.223.



(2) Any such civil penalty may be imposed by the chancery court of the county in which the violation occurs or in which the person violating the same resides or has his or its principal place of business, upon complaint of the commission and after opportunity for a hearing thereon. Any such civil penalty may be compromised by the commission, subject to the approval of the court. In determining the amount of such penalty, or the amount agreed upon in compromise, the appropriateness of such penalty to the size of the business of the person charged, the gravity of the violation and the good faith of the person charged in attempting to achieve compliance, after notification of a violation, shall be considered. The amount of such penalty, when finally determined, or the amount agreed upon in compromise, may be deducted from any sums owing by the State of Mississippi to the person charged or may be recovered under judgment of said chancery court, and upon collection shall be paid to the Treasury of the State of Mississippi.

**SECTION 2.** This act shall take effect and be in force from and after its passage.

