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SENATE BILL NO. 345

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Commerce and Labor
on January 31, 1994)

(Patron Prior to Substitute—Senator Houck)

A BILL to amend the Code of Virginia by adding in Title 56 a chapter numbered 21 consisting of sections numbered 56-553 through 56-555, relating to the State Corporation Commission; implementing the federal Hazardous Liquid Pipeline Safety Act.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 56 a chapter numbered 21 consisting of sections numbered 56-553 through 56-555 as follows:

Chapter 21.

Hazardous Liquid Pipeline Safety Act.

§ 56-553. Title.

This chapter may be cited as the "Hazardous Liquid Pipeline Safety Act of 1994."

§ 56-554. Definitions.

For the purposes of this chapter:

"Hazardous Liquid" means "hazardous liquid" and "highly volatile liquid" as defined in the Code of Federal Regulations, Title 49, § 195.2.

"Person" means an individual, corporation, partnership, association or other business entity or a trustee, receiver, assignee, or personal representative of any of these.

"Pipeline Operator" means a person who owns and operates pipeline facilities as defined in the Code of Federal Regulations, Title 49, § 195.2.

"Interstate pipeline" and "intrastate pipeline" shall have the same meanings as defined in the Code of Federal Regulations, Title 49, § 195.2

§ 56-555. Commission to implement the Federal Hazardous Liquid Pipeline Safety Act.

A. The Commission is authorized to act for the United States Secretary of Transportation to implement the Federal Hazardous Liquid Pipeline Safety Act, 49 U.S.C. Appx. §§ 2001 to 2014, with respect to intrastate and interstate pipelines located within the Commonwealth to the extent authorized by certification or agreement with the Secretary as found in Section 205 of the Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C. Appx. § 2004). To carry out its responsibilities under this Section, the Commission shall have the same powers as given the Secretary in Sections 210 and 211 of the Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C. Appx. §§ 2009 and 2010).

B. For the purposes of intrastate pipelines, any person failing or refusing to obey Commission Orders relating to the adoption or enforcement of regulations for the design, construction, operation and maintenance of pipeline facilities and temporary or permanent injunctions issued by the Commission shall be fined such sums not exceeding the fines and penalties specified by § 208 (a) (1) of the Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C. Appx. § 2007 et seq), as amended.

C. The Commission shall assess and collect from every hazardous pipeline operator an inspection fee to be used by the Commission for administering the regulatory program authorized by this Section. Such fees shall as nearly as practicable reflect only costs of inspection and investigation under this Section. The costs shall not include expenses reimbursed by the Federal Government.