The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Tyler S. McCloud.

DIGEST

SB 316 Original

2020 Regular Session

Fields

<u>Present law</u> provides for the "Hazardous Materials Information Development, Preparedness, and Response Act" also known as the "Right-to-Know" law that creates a comprehensive information system containing specific data regarding the presence and location of hazardous materials in the state to be shared with the public and among state agencies and local governing authorities.

<u>Present law</u> requires all owners and operators to report required information regarding the manufacture, storage, or use of hazardous materials by no later than by March first of each year.

<u>Present law</u> provides that owners and operators who knowingly fail to file an inventory form on hazardous materials are subject to a civil penalty, which shall not exceed \$25,000 per hazardous material not reported. Small businesses who have an omission from the inventory reporting forms shall receive a warning only for their first offense.

Proposed law increases the civil penalty from \$25,000 to \$50,000.

<u>Present law</u> prohibits any person from handling, storing, or otherwise maintaining a hazardous material in a negligent or unreasonable manner without regard for the hazards of the material and causing a significant impact to public health and safety as a result of a reportable release of a hazardous material. <u>Present law</u> authorizes the department to levy upon violators of <u>present law</u> a civil penalty not to exceed \$10,000 per violation.

Proposed law increases the civil penalty from \$10,000 to \$20,000.

<u>Present law</u> prohibits the intentionally handling, storing, or otherwise maintaining any hazardous material regulated by <u>present law</u> in a manner which endangers human life.

<u>Present law</u> provides for civil penalties for violating <u>present law</u> not to exceed \$25,000 per violation per day or upon first conviction, not more than \$500 or imprisoned for not more than six months, or both. Upon second or subsequent conviction that endangers human life, the minimum fine is \$500 and the maximum is \$10,000, or imprisoned with or without hard labor for not less than six months nor more than 10 years.

<u>Proposed law</u> increases the civil penalty from \$25,000 per violation per day to \$50,000 per violation per day or upon first conviction from not more than \$500 to not more than \$1,000 or imprisonment from not more than six months to one year, or both.

<u>Proposed law</u> increases the penalty for the second or subsequent conviction that endangers human life <u>from</u> a minimum of \$500 to a minimum of \$1,000 and <u>from</u> the maximum of \$10,000 to

20,000, or imprisonment with or without hard labor from not less six months to one year and from no more than 10 years to 20 years.

Effective August 1, 2020.

(Amends R.S. 30:2373(C)(1), (2), and (3), (D)(2), and (E)(2))