The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Dawn Romero Watson.

DIGEST 2016 Regular Session

Cortez

<u>Present law</u> provides that the offering or accepting for transportation, loading or unloading, or transporting of hazardous materials, freight, and passengers in accordance with minimum state standards of safety is the responsibility of the state.

Proposed law retains present law.

SB 113 Original

<u>Present law</u> requires that a person report to the DPS&C an incident or accident that presents a continuing danger to life, health, or property at the place of the incident or accident when the incident or accident results in the release of a hazardous material as defined in federal law or involving circumstances as defined in state law.

Proposed law retains present law.

<u>Present law</u> provides that any person who is determined by the secretary (after hearing) to have committed an act in violation of the state standards of safety shall be subject to a penalty of not more than \$25,000, and if the violation is a continuing one, each day of the violation constitutes a separate offense. In determining the amount of the civil penalty, <u>present law</u> authorizes the secretary to consider:

- (1) The nature, circumstance, extent and gravity of the violation.
- (2) The degree of culpability of the person charged.
- (3) The person's history of previous offenses and ability to pay.
- (4) The effect of the penalty on the person's ability to continue to operate.
- (5) Any other matters that justice requires.

<u>Proposed law</u> retains <u>present law</u> and adds as a consideration by the secretary in determining the amount of the civil penalty the amount of measurable harm, the potential for measurable harm or total lack of harm resulting from the violation.

<u>Proposed law</u> also adds that the secretary shall not subject a person to a civil penalty when that person or his representative reports a release of a hazardous material that is not of a reportable quantity.

Present law provides that any person who offers or accepts for transportation, loads or unloads, or

transports a hazardous material or hazardous waste in a careless or imprudent manner without regard for the hazards of the material or the circumstances of such actions shall be guilty of careless handling.

<u>Proposed law</u> retains <u>present law</u> and provides that a person shall not be cited for violating <u>present law</u> (careless handling) when that person or his representative reports a release of a hazardous material that is not of a reportable quantity.

Effective August 1, 2016.

(Amends R.S. 32:1512(B); adds R.S. 32:1512(E) and 1520(C))