

2020 Regular Session

SENATE BILL NO. 316

BY SENATOR FIELDS

ENVIRONMENTAL QUALITY. Provide for penalties for violations of the "Right-to-Know" law. (2/3 - CA7s2.1(A)) (8/1/20)

1 AN ACT

2 To amend and reenact R.S. 30:2373(C)(1), (2), and (3), (D)(2), and (E)(2), relative to the
3 "Right-to-Know" law; to increase penalties for violations of the "Right-to-Know"
4 law by owners or operators of facilities that manufacture, emit, or store hazardous
5 materials; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 30:2373(C)(1), (2), and (3), (D)(2), and (E)(2) are hereby amended
8 and reenacted to read as follows:

9 §2373. Failure to report; penalties

10 * * *

11 C.(1) For owners and operators who knowingly fail to file an inventory form
12 on hazardous materials as required by this Chapter by ~~March 1, 1988,~~ and by March
13 first of each year ~~thereafter~~, the department may levy a civil penalty which shall not
14 exceed ~~twenty-five~~ **fifty** thousand dollars per hazardous material not reported. Small
15 businesses who have an omission from the inventory reporting forms shall receive
16 a warning only for their first offense.

17 (2) The department may also levy a civil penalty not to exceed ~~twenty-five~~

1 **fifty** thousand dollars per violation for failure to timely report nonpermitted releases
2 pursuant to R.S. 30:2373(B).

3 (3) For owners and operators who knowingly fail to report a reportable
4 release of a hazardous material regulated by this Chapter, the department may assess
5 a civil penalty not to exceed ~~twenty-five~~ **fifty** thousand dollars per violation per day.

6 * * *

7 D.

8 * * *

9 (2) For any person, owner, operator, or facility that violates this Subsection,
10 the department may levy a civil penalty not to exceed ~~ten~~ **twenty** thousand dollars
11 per violation.

12 E.

13 * * *

14 (2) Any person, owner, operator, or facility that willfully violates this
15 Subsection may be assessed a civil penalty by the department not to exceed ~~twenty-~~
16 ~~five~~ **fifty** thousand dollars per violation per day or upon first conviction shall be
17 fined not more than ~~five-hundred~~ **one thousand** dollars or imprisoned for not more
18 than ~~six months~~ **one year**, or both. Upon second or subsequent conviction of a
19 violation of R.S. 30:2373(E)(1), said person, owner, operator, or facility shall be
20 fined not less than ~~five-hundred~~ **one thousand** dollars nor more than ~~ten~~ **twenty**
21 thousand dollars or imprisoned with or without hard labor for not less than ~~six~~
22 **months one year** nor more than ~~ten~~ **twenty** years.

23 * * *

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

Present law 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.

Present law 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.

Present law 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.

Present law 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. Present law authorizes the department to levy upon violators of present law a civil penalty not to exceed \$10,000 per violation.

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

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

Present law provides for civil penalties for violating present law 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.

Proposed law 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.

Proposed law increases the penalty for the second or subsequent conviction that endangers human life from a minimum of \$500 to a minimum of \$1,000 and from 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))