

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1806 Session of 2011

INTRODUCED BY SONNEY, MILLER, QUINN, BARBIN, D. COSTA, FABRIZIO, GEIST, GEORGE, GRELL, HALUSKA, HARKINS, MILLARD, MILNE, ROCK, YOUNGBLOOD AND DeLUCA, AUGUST 10, 2011

REFERRED TO COMMITTEE ON VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, AUGUST 10, 2011

AN ACT

1 Amending the act of December 7, 1990 (P.L.639, No.165), entitled
2 "An act establishing a Statewide hazardous material safety
3 program; creating the Hazardous Material Response Fund;
4 providing for the creation of Hazardous Material Emergency
5 Response Accounts in each county; further providing for the
6 powers and duties of the Pennsylvania Emergency Management
7 Agency, of the Pennsylvania Emergency Management Council and
8 of the counties and local governments; imposing obligations
9 on certain handlers of hazardous materials; and imposing
10 penalties," further providing for facility insurance.

11 The General Assembly of the Commonwealth of Pennsylvania
12 hereby enacts as follows:

13 Section 1. Sections 302 and 305 of the act of December 7,
14 1990 (P.L.639, No.165), known as the Hazardous Material
15 Emergency Planning and Response Act, are amended to read:

16 Section 302. Penalties and fines.

17 (a) Civil penalty.--

18 (1) A person [who violates] is subject to a civil
19 penalty under paragraph (2) if the person does any of the
20 following:

21 (i) Violates any of the emergency reporting,

1 planning or notification requirements of, or fails to pay
2 the fees outlined in, sections 201 through 207 or any
3 regulations promulgated under those sections [shall be
4 subject to a civil penalty of].

5 (ii) Fails to maintain insurance under section
6 305(a).

7 (2) The amount of the penalty shall be not less than
8 \$1,000 and not more than \$25,000. Each day of continuing
9 violation shall be considered a separate offense.

10 (b) Misdemeanor.--A person who:

11 (1) Knowingly and willfully fails to report the release
12 of a hazardous substance or extremely hazardous substance as
13 required by sections 205 and 206 commits a misdemeanor of the
14 third degree and shall, upon conviction, be sentenced to pay
15 a fine of not less than \$1,000 and not more than \$2,500 for
16 each separate offense or imprisonment in the county jail for
17 a period of not more than one year, or both. For the purpose
18 of this paragraph, each day of continued violation
19 constitutes a separate offense.

20 (2) Intentionally obstructs or impairs, by force,
21 violence, physical interference or obstacle, a representative
22 of PEMA, a certified hazardous material response team or the
23 local committee attempting to perform the duties and
24 functions set forth in section 211 commits a misdemeanor of
25 the second degree and shall, upon conviction, be sentenced to
26 pay a fine of not less than \$1,000 and not more than \$5,000
27 for each separate offense or imprisonment in the county jail
28 for a period of not more than two years, or both.

29 (c) Disposition.--One half of all civil penalties and fines
30 collected under this section shall be deposited into the

1 Hazardous Material Response Fund and one-half shall be deposited
2 into the appropriate county Hazardous Material Emergency
3 Response Account.

4 Section 305. Facility insurance.

5 (a) Requirement.--A person that owns or operates a facility
6 in this Commonwealth shall maintain appropriate comprehensive
7 insurance for liability which:

8 (1) arises out of the release of hazardous material; and

9 (2) is for:

10 (i) wrongful death;

11 (ii) personal injury;

12 (iii) property damage; or

13 (iv) damage to the environment.

14 (b) Discount.--A facility that complies with the emergency
15 reporting requirements of section 205(a), (b) and (c), as
16 applicable to that facility, may receive a discount from that
17 facility's insurance company as that insurance company loss
18 experience justifies.

19 Section 2. This act shall take effect in 60 days.