

2017 -- S 0899

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2017

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A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT - ADMINISTRATIVE PENALTIES
FOR ENVIRONMENTAL VIOLATIONS

Introduced By: Senators Conley, Sosnowski, Coyne, and McCaffrey

Date Introduced: May 11, 2017

Referred To: Senate Judiciary

(Environmental Management)

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 42-17.6-4 of the General Laws in Chapter 42-17.6 entitled
2 "Administrative Penalties for Environmental Violations" is hereby amended to read as follows:

3 **42-17.6-4. Right to adjudicatory hearing.**

4 (a) Whenever the director seeks to assess an administrative penalty on any person other
5 than through an expedited citation issued pursuant to subsection 42-17.6-3(c), the person shall
6 have the right to an adjudicatory hearing under chapter 35 of this title, the provisions of which
7 shall apply except when they are inconsistent with the provisions of this chapter.

8 (b) A person shall be deemed to have waived his or her right to an adjudicatory hearing
9 unless, within ten (10) days of the date of the director's notice that he or she seeks to assess an
10 administrative penalty, the person files with the director or the clerk of the administrative
11 adjudication division a written statement denying the occurrence of any of the acts or omissions
12 alleged by the director in the notice, or asserting that the money amount of the proposed
13 administrative penalty is excessive. In any adjudicatory hearing authorized pursuant to chapter 35
14 of title 42, the director shall, by a preponderance of the evidence, prove the occurrence of each act
15 or omission alleged by the director.

16 (c) If a person waives his or her right to an adjudicatory hearing, the proposed
17 administrative penalty shall be final immediately upon the waiver.

18 (d) If, after waiver of their right to an adjudicatory hearing, a person fails to pay the

1 administrative penalty by the due date in the notice, that payment will be considered late and the
2 person will be in default. If the payment is not received within thirty (30) days of its due date,
3 interest shall begin to accrue on the entire unpaid balance at the rate of twelve percent (12%) per
4 annum. Interest will accrue at this rate beginning with the day after the due date specified in the
5 notice until such date all payments and interest owed are remitted. Interest shall be calculated
6 using the following generally established accounting principle: interest due = (number of days
7 late/365) x (0.12) x (amount of unpaid balance).

8 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT - ADMINISTRATIVE PENALTIES
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1 This act would require a person, who has waived their right to an adjudicatory hearing, in
2 matters involving environmental violations, to pay an administrative penalty. Interest would
3 accrue, where payment is late, at a rate of 12% per annum.

4 This act would take effect upon passage.

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