
OLR Bill Analysis

sHB 5266

AN ACT PERMITTING THE SUSPENSION OF ADMINISTRATIVE PENALTIES IMPOSED ON CERTAIN BUSINESS ENTITIES PURSUANT TO STATE AGENCY REGULATIONS.

SUMMARY

This bill allows a state agency, with certain exceptions, to suspend civil penalties it assesses against business entities for a first-time violation of any provision of the agency's regulations, if certain conditions are met. The business must (1) request the penalty suspension in writing and (2) take measures that correct the violation within 30 days after the penalty's assessment.

The bill prohibits a state agency from suspending a civil penalty when the violation (1) is willful or grossly negligent; (2) results in bodily injury; or (3) poses a considerable environmental or human health threat. The bill also prohibits the suspension of any penalty required by federal law or regulation, including those required as a condition of receiving federal funding.

(It is unclear whether a business entity would be eligible for a one-time penalty suspension or each time the business violates a regulation for the first time. It appears the suspension applies to any daily penalties that would otherwise accrue for each day certain violations continue, as well as the penalty for the violation itself.)

Under the bill, a "state agency" is any state department, board, council, commission, institution, or other executive branch agency. It defines a "business entity" as a corporation, association, partnership, limited liability company, and any other similar form of business organization.

EFFECTIVE DATE: October 1, 2018, and applicable to penalties imposed on and after that date.

COMMITTEE ACTION

Government Administration and Elections Committee

Joint Favorable Substitute

Yea 9 Nay 8 (03/23/2018)