

1 STATE OF OKLAHOMA

2 2nd Session of the 59th Legislature (2024)

3 HOUSE BILL 3050

By: Boles

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6 AS INTRODUCED

7 An Act relating to petroleum storage tanks; amending
8 17 O.S. 2021, Section 310, which relates to
9 inspections and investigations; modifying time frame
10 for appeal; removing certain statutory references;
11 and providing an effective date.

12 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

13 SECTION 1. AMENDATORY 17 O.S. 2021, Section 310, is
14 amended to read as follows:

15 Section 310. A. If upon inspection or investigation, or
16 whenever the Corporation Commission determines that there are
17 reasonable grounds to believe that a storage tank system owner,
18 operator or responsible person is in violation of the Oklahoma
19 Petroleum Storage Tank Consolidation Act or of any rule promulgated
20 pursuant thereto or of any order of the Commission, the Commission
21 shall give written notice or issue a Notice of Violation to the
22 alleged violator specifying the cause of complaint. Such notice
23 shall require that action or corrective action be immediately
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1 initiated. The notice shall be delivered to the alleged violator in
2 accordance with the provisions of subsection C of this section.

3 B. 1. If action or corrective action is not taken in response
4 to the notice issued pursuant to subsection A of this section, the
5 Commission shall initiate proceedings and hold a hearing to
6 determine if:

- 7 a. the alleged violator should be found in contempt or in
8 violation of Commission rules, requirements, enabling
9 statutes, and/or Commission orders,
- 10 b. any permit or license issued to the alleged violator
11 should be suspended, revoked or not reissued, or
- 12 c. whether any other appropriate relief should be
13 granted.

14 2. Notice of the hearing shall be delivered to the alleged
15 violator at least twenty (20) days prior to the time set for
16 hearing. The notice shall be delivered to the alleged violator in
17 accordance with the provisions of subsection C of this section.

18 3. After hearing, the Commission shall make findings of fact
19 and conclusions of law, and enter its order reflecting its decision
20 in the matter. The order of the Commission shall become final and
21 binding on all parties unless appealed to the Supreme Court ~~as~~
22 ~~provided in Section 318 of Title 75 of the Oklahoma Statutes~~ within
23 ~~sixty (60)~~ thirty (30) days of the Commission's order. ~~Except as~~
24 ~~otherwise provided by this section, Sections 319 through 322 of~~

1 ~~Title 75 of the Oklahoma Statutes shall be applicable to such~~
2 ~~appeals.~~

3 C. 1. Except as otherwise expressly provided by law, any
4 notice, order, or other instrument issued by or pursuant to
5 authority of the Commission may be served on any person affected
6 thereby personally, by publication, or by mailing a copy of the
7 notice, order, or other instrument by certified mail directed to the
8 person affected at the last-known post office address as shown by
9 the files or records of the Commission. Service shall be considered
10 complete if certified mail service is returned unclaimed,
11 undeliverable, unable to forward, vacant or refused. Proof of
12 service shall be made as in the case of service of a summons or by
13 publication or may be made by the affidavit of the person who did
14 the mailing.

15 2. Such proof of service shall be filed in the court clerk's
16 office of the Commission.

17 3. Every certificate or affidavit of service made and filed as
18 provided in this section shall be prima facie evidence of the facts
19 therein stated. A certified copy thereof shall have like force and
20 effect.

21 SECTION 2. This act shall become effective November 1, 2024.

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23 59-2-8882 JBH 12/05/23
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