

hbd-32

Amendment No. \_\_\_\_ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Representative(s) Feeney offered the following:

**Amendment**

On page 1, line 15,  
remove from the bill: everything after the enacting clause,  
and insert in lieu thereof:

Section 1. (1) A state agency that collects taxes or regulates the activities of any profession, occupation, or business and that has knowledge that a person has violated one of the regulations applicable to the payment of those taxes or applicable to the profession, occupation, or business may not institute a criminal, civil, or administrative proceeding against the person to impose a penalty for the violation or to compel compliance with the regulation until it informs the person of the requirements of the regulation and gives the person a reasonable time to comply. However, this prohibition does not apply if the violation constitutes a felony under state law or if the violator had prior actual knowledge of the requirements of the regulation or if it would affect an agency's ability to obtain or retain a federally delegated or

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Bill No. HB 1719

Amendment No. \_\_\_\_ (for drafter's use only)

1 approved environmental program.

2 (2) In any criminal, civil, or administrative  
3 proceeding to impose a penalty for a violation of, or to  
4 compel compliance with, the regulation, it is a defense that  
5 the state agency has a pattern of failure to enforce the  
6 regulation with respect to substantially the same violation  
7 committed by others.

8 Section 2. A state agency that collects taxes or  
9 regulates the activities of any profession, occupation, or  
10 business and that has actual knowledge that a person has  
11 violated one of the regulations applicable to the payment of  
12 those taxes or applicable to the profession, occupation, or  
13 business or, with the exercise of due diligence, should have  
14 known of the violation, is estopped from enforcing the  
15 regulation against the person if the state agency had actual  
16 or imputed knowledge of the violation for a period of more  
17 than 1 year and did not give the violator notice of the  
18 requirements of the regulation within that time. This  
19 prohibition does not apply if the violator had prior actual  
20 knowledge of the requirements of the regulation or if the  
21 agency determines the violation constitutes an imminent  
22 detriment to the public health, safety, and welfare.

23 Section 3. This act shall take effect upon becoming a  
24 law.

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