

(C) IF ANY AUTHORIZED REPRESENTATIVE OF THE COMMISSIONER CONCLUDES THAT CONDITIONS OR PRACTICES DESCRIBED IN SUBSECTION (A) EXIST IN THE OPERATION OF ANY RAILROAD, HE SHALL INFORM THE AFFECTED RAILROAD COMPANY AND PERSONNEL OF THE DANGER AND MAY RECOMMEND TO THE COMMISSIONER THAT RELIEF BE SOUGHT UNDER THIS SECTION.

94.

UPON REQUEST OF THE COMMISSIONER, THE ATTORNEY GENERAL MAY PROCEED IN COURT OF THIS OR ANY OTHER STATE OR IN ANY FEDERAL COURT OR AGENCY TO ENFORCE ANY ORDER, DECISION, OR THE COLLECTION OF ANY CIVIL PENALTY ASSESSED BY THE COMMISSIONER UNDER THIS SUBTITLE.

95.

(A) ANY RAILROAD COMPANY THAT WILLFULLY ~~OR--REPEATEDLY VIOLATES--ANY--PROVISIONS~~ COMMITS A SERIOUS VIOLATION OF ANY PROVISION OF THIS SUBTITLE OR ANY RULE, REGULATION, STANDARD, OR ORDER PROMULGATED PURSUANT TO THIS SUBTITLE MAY BE FINED NOT MORE THAN \$10,000 FOR EACH VIOLATION.

(B) ANY RAILROAD COMPANY THAT HAS RECEIVED A CITATION FOR A SERIOUS VIOLATION OF ANY PROVISION OF THIS SUBTITLE, OR OF ANY RULE, REGULATION, STANDARD, OR ORDER PROMULGATED PURSUANT TO THIS SUBTITLE, MAY BE FINED NOT MORE THAN ~~\$5,000~~ 1,000 FOR EACH VIOLATION.

FOR THE PURPOSES OF THIS SUBSECTION, A SERIOUS VIOLATION EXISTS IF THERE IS A SUBSTANTIAL PROBABILITY THAT DEATH OR SERIOUS PHYSICAL HARM COULD RESULT FROM A CONDITION OR FROM ONE OR MORE PRACTICES, MEANS, METHODS, OR OPERATIONS WHICH ARE IN USE BY THE RAILROAD COMPANY UNLESS THE RAILROAD COMPANY DID NOT AND COULD NOT, WITH THE EXERCISE OF REASONABLE DILIGENCE, KNOW OF THE PRESENCE OF THE VIOLATION.

(C) ANY RAILROAD COMPANY THAT HAS RECEIVED A CITATION FOR A VIOLATION OF ANY PROVISION OF THIS SUBTITLE OR ANY RULE, REGULATION, STANDARD, OR ORDER PROMULGATED PURSUANT TO THIS SUBTITLE, AND THE VIOLATION IS SPECIFICALLY DETERMINED NOT TO BE OF A SERIOUS NATURE, MAY BE FINED NOT MORE THAN ~~\$1,000~~ 500 FOR EACH VIOLATION.

(D) ANY RAILROAD COMPANY THAT DOES NOT CORRECT A VIOLATION FOR WHICH A CITATION HAS BEEN ISSUED WITHIN THE PERIOD PERMITTED FOR ITS CORRECTION AS PROVIDED IN SECTION 90 OF THIS SUBTITLE, MAY BE FINED NOT MORE THAN ~~\$1,000~~ 100 FOR EACH DAY DURING WHICH THE VIOLATION CONTINUES.

(E) ANY RAILROAD COMPANY THAT VIOLATES ANY OF THE POSTING REQUIREMENTS, AS PRESCRIBED UNDER THE PROVISIONS OF THIS SUBTITLE, MAY BE FINED NOT MORE THAN ~~\$500~~ 100 FOR EACH VIOLATION.

(F) IN ASSESSING PENALTIES UNDER THIS SUBTITLE THE COMMISSIONER SHALL GIVE DUE CONSIDERATION TO THE