

SHALL PROMINENTLY POST THE CITATION OR A COPY OF IT AS SET FORTH IN REGULATIONS ADOPTED BY THE COMMISSIONER.

(D) LIMITATION PERIOD.

NO CITATION MAY BE ISSUED AFTER 6 MONTHS AFTER THE OCCURRENCE OF A VIOLATION.

REVISOR'S NOTE: Chapter 8, Acts of 1998, which enacted the Public Utility Companies Article, also enacted this section, which is derived without substantive change from former Art. 89, §§ 84(a)(4) and 90.

In subsection (b)(1) of this section, the word "alleged" is added to conform with the use of that word in subsection (b)(2) and (3) of this section.

In subsection (c) of this section, the reference to a "railroad company" is added for clarity.

As to the addition of the words "health and safety" to modify references to "standard" in subsections (a) and (b)(2) of this section, see Revisor's Note to § 5.5-108 of this title.

Defined terms: "Commissioner" § 5.5-101

"Railroad company" § 5.5-101

5.5-117. ENFORCEMENT OF CITATION.

(A) NOTICE OF PROPOSED PENALTY.

WITHIN A REASONABLE TIME AFTER ISSUANCE OF A CITATION UNDER § 5.5-116 OF THIS TITLE, THE COMMISSIONER SHALL SEND BY CERTIFIED MAIL TO THE RAILROAD COMPANY AT ITS PRINCIPAL PLACE OF BUSINESS A NOTICE THAT:

(1) STATES THAT THE CITATION HAS BEEN ISSUED AND ANY CIVIL PENALTY THAT WILL BE ASSESSED UNDER THIS TITLE; AND

(2) INFORMS THE RAILROAD COMPANY THAT, WITHIN 15 WORKING DAYS AFTER RECEIPT OF THE NOTICE, THE RAILROAD COMPANY MAY SUBMIT TO THE COMMISSIONER A WRITTEN NOTICE OF CONTEST ON THE CITATION OR CIVIL PENALTY.

(B) CITATION AND PENALTY AS FINAL ORDER

A CITATION AND ANY PENALTY THAT THE COMMISSIONER PROPOSES TO ASSESS SHALL BE CONSIDERED A FINAL ORDER OF THE COMMISSIONER UNLESS WITHIN 15 WORKING DAYS AFTER RECEIPT OF A NOTICE UNDER SUBSECTION (A) OF THIS SECTION THE RAILROAD COMPANY NOTIFIES THE COMMISSIONER OF AN INTENT TO CONTEST THE CITATION OR ANY PENALTY.

(C) PERIOD FOR CORRECTION OF VIOLATION.

A RAILROAD COMPANY SHALL CORRECT EACH VIOLATION FOR WHICH THE COMMISSIONER ISSUES A CITATION WITHIN THE PERIOD SET FOR CORRECTION IN A FINAL ORDER UNDER THIS TITLE.