

(D) NOTICE OF FAILURE TO CORRECT.

IF THE COMMISSIONER HAS REASON TO BELIEVE THAT A RAILROAD COMPANY HAS FAILED TO CORRECT A VIOLATION WITHIN THE TIME ALLOWED, THE COMMISSIONER SHALL SEND BY CERTIFIED MAIL TO THE RAILROAD COMPANY A NOTICE THAT:

(1) STATES THAT THE RAILROAD COMPANY HAS FAILED TO CORRECT THE VIOLATION;

(2) STATES THE CIVIL PENALTY, IF ANY, THAT THE COMMISSIONER INTENDS TO ASSESS UNDER § 5.5-121 OF THIS TITLE FOR THE FAILURE; AND

(3) 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 NOTICE OR CIVIL PENALTY.

(E) NOTIFICATION AND PENALTY AS FINAL ORDER

UNLESS A RAILROAD COMPANY NOTIFIES THE COMMISSIONER WITHIN 15 DAYS AFTER RECEIPT OF THE NOTIFICATION ISSUED BY THE COMMISSIONER OF AN INTENT TO CONTEST AS PROVIDED IN SUBSECTION (A) OF THIS SECTION, THE NOTICE, INCLUDING ANY CIVIL PENALTY, IS A FINAL ORDER.

REVISOR'S NOTE: Chapter 8, Acts of 1998, which enacted the Public Utility Companies Article, also enacted this section.

Subsections (a), (b), (d), and (e) of this section are new language derived without substantive change from former Art. 89, § 91(a), (b), (c), and (d).

Subsection (c) of this section is new language added to state expressly that which only was implied in former law.

In subsection (b) of this section, the words "shall be considered a final order of the Commissioner" are new language added to state expressly that which was only implied in former law.

In subsection (e) of this section, the word "order" is added for clarity.

Defined terms: "Commissioner" § 5.5-101

"Railroad company" § 5.5-101

5.5-118. HEARINGS.

(A) REQUIRED.

THE COMMISSIONER SHALL GRANT A HEARING, IF PRACTICABLE, WITHIN 30 DAYS AFTER RECEIPT OF A NOTICE THAT A RAILROAD COMPANY OR REPRESENTATIVE OF A RAILROAD COMPANY SUBMITS UNDER § 5.5-116 OR § 5.5-117 OF THIS TITLE.

(B) APPLICATION OF CONTESTED CASE PROVISIONS.