

(B) VIOLATIONS CAUSING DEATH.

IF A RAILROAD COMPANY WILLFULLY VIOLATES ANY PROVISION OF THIS TITLE OR ANY ORDER, REGULATION, OR HEALTH AND SAFETY STANDARD ADOPTED UNDER THIS TITLE, AND THE VIOLATION CAUSED DEATH TO AN INDIVIDUAL, ON CONVICTION THE RAILROAD COMPANY IS SUBJECT TO:

- (1) FOR A FIRST OFFENSE, A FINE NOT EXCEEDING \$25,000; OR
- (2) FOR A SUBSEQUENT OFFENSE, A FINE NOT EXCEEDING \$50,000.

(C) FALSE STATEMENTS.

(1) A PERSON MAY NOT KNOWINGLY MAKE A FALSE CERTIFICATION, FALSE REPRESENTATION, OR FALSE STATEMENT IN AN APPLICATION, PLAN, RECORD, REPORT, OR OTHER DOCUMENT THAT IS FILED OR REQUIRED TO BE KEPT UNDER THIS TITLE.

(2) A PERSON WHO VIOLATES PARAGRAPH (1) OF THIS SUBSECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$5,000 OR IMPRISONMENT NOT EXCEEDING 6 MONTHS OR BOTH.

(D) ADVANCE NOTICE OF INSPECTIONS.

(1) UNLESS THE COMMISSIONER OR AN AUTHORIZED REPRESENTATIVE OF THE COMMISSIONER AUTHORIZES ADVANCE NOTICE OF AN INSPECTION, A PERSON MAY NOT GIVE ADVANCE NOTICE OF AN INSPECTION TO BE CONDUCTED UNDER THIS TITLE.

(2) A PERSON WHO VIOLATES PARAGRAPH (1) OF THIS SUBSECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000 OR IMPRISONMENT NOT EXCEEDING 6 MONTHS OR BOTH.

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, §§ 96 and 103(e).

In subsection (b) of this section, the word "individual" is substituted for the former word "person" because the word "death" contemplates only a human being and not the other types of entities included in the definition of "person".

Also in subsection (b) of this section, the limitation to "expos[ure] to the violation" is deleted as redundant, since the provision expressly states that "the violation caused death".

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

In subsections (c)(2) and (d)(2) of this section, the reference to being "guilty of a misdemeanor" is added to state expressly that which only was implied by the references in former Art. 89, § 96(c) to a "conviction". See State v.