WEST VIRGINIA CODE: §16-27B-15

§16-27B-15. Felony created; criminal penalties; injunctions; civil penalties; charges for violations.

(a) Any person who willfully violates any of the provisions of the rules, regulations, or orders of the department or secretary or any provision under this article is guilty of a felony, and, upon conviction thereof, shall be fined not less than $1,000 nor more than $25,000, for each day of such violation, or imprisoned not less than one nor more than five years, or both fined and imprisoned. Upon a second or subsequent conviction, the person shall be guilty of a felony, and, upon conviction thereof, shall be fined not less than $5,000 nor more than $50,000 for each day of such violation, or imprisoned not less than two nor more than ten years, or both fined and imprisoned.

(b) Any person who violates or intends to violate, or fails, neglects, or refuses to obey any law, lawful rule, or order of the department or secretary or any provision of this article may be compelled in a proceeding instituted in an appropriate court by the department or secretary to obey such rule, order or provision of this article and to comply therewith by injunction, mandamus, or other appropriate remedy.

(c) Without limiting the remedies which may be obtained in subsection (b) of this section, any person violating or failing, neglecting or refusing to obey any injunction, mandamus or other remedy obtained pursuant to subsection (b) shall be subject, in the discretion of the court, to a civil penalty not to exceed $25,000 for each violation, which shall be paid to the Radiation Licensure and Inspection Fund created pursuant to §16-27B-8 of this code. Each day of violation shall constitute a separate and distinct offense.

(d) With the consent of any person who has violated or failed, neglected, or refused to obey any rule or order of the department or secretary or any provision of this article, the department or secretary may provide, in an order issued by the department or secretary against such person, for the payment of civil charges for past violations in specific sums, not to exceed the limits specified in §16-27B-14 of this code. Such civil charges shall be instead of any appropriate civil penalty which could be imposed under §16-27B-14 of this code.

WV Legislature