WEST VIRGINIA CODE: §22-15A-27

§22-15A-27. Civil actions and administrative fines; powers and duties of secretary.

- (a) Civil action. -- In addition to being subject to injunctive relief under this article, a manufacturer who violates any provision of section twenty-four or twenty-five of this article or of any rule adopted pursuant to said sections is liable for a civil penalty not to exceed \$10,000 to be collected in a civil action brought by the secretary. Venue for such actions shall be in the circuit court of Kanawha County. Each day a violation occurs is a separate violation.
- (b) Administrative action. -- (1) In addition to any other remedies available at law and after an opportunity for a hearing which may be waived in writing by the person accused of a violation, the secretary may impose a penalty for violation of any provision of section twenty-four or twenty-five of this article or any rule adopted thereunder. The secretary's decision may be appealed to the Environmental Quality Board.
- (2) The penalty imposed on a person under this subsection shall be up to \$1,000 for each violation, but not to exceed a total of \$50,000 a year. Each day a violation occurs is a separate violation under this subsection.
- (3) Any penalty imposed under this subsection is payable to the State of West Virginia and collectible in any manner provided by law for the collection of debts.
- (4) Any penalty collected under this section shall be placed in the Covered Electronic Devices Takeback Fund.
- (c) Powers and duties of secretary. -- The secretary may conduct audits and inspections to determine compliance with the provisions of sections twenty-four and twenty-five of this article and may take enforcement action as provided herein. The secretary may remove a manufacturer from the registration list for failure to pay any penalty imposed under this section and upheld on appeal.