WEST VIRGINIA CODE CHAPTER 24 ARTICLE 4

WV Legislature

§24-4-1. General penalties for violating provisions of this chapter.

Every officer, agent, employee, or stockholder of any public utility subject to the provisions of this chapter, and every patron, passenger, shipper or consignee, or other person, who shall violate any provision of this chapter, or who procures, aids or abets any violation of any such provision by any such public utility shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not more than $1,000 or be confined in jail not more than one year, or both, in the discretion of the court. When any person is convicted of a violation of any provision of this chapter, and it is alleged in the indictment on which he is convicted, and is admitted, or by the jury found, that he has been before convicted of the violation of any provisions hereof, committed prior to the violation for which the indictment upon trial was found, then he shall be fined not less than $200 nor more than $2,000, or be confined in jail not less than thirty days nor more than one year, or both, in the discretion of the court. When any person is convicted of a violation of any provision of this chapter and it is alleged in the indictment upon which he is convicted and is admitted, or by the jury found, that he has been twice, or oftener, before convicted of a violation of any provisions hereof, committed prior to the violation for which the indictment upon trial was found, then he shall be fined not less than $500 nor more than $5,000, and shall, in addition thereto, be confined in the county jail not less than three months nor more than one year.

WV Legislature

§24-4-2. Penalty for falsifying, destroying or altering entries and for making false statements.

Any person, officer, agent or employee of any public utility subject to this chapter who shall knowingly or wilfully make any false entries in the accounts, account books, records or memoranda kept by any public utility, or who shall knowingly or wilfully destroy or mutilate any account books, record or memoranda useful for the enforcement or administration of this chapter by the commission, or who shall alter or by any other means or device falsify the record of any such accounts, account books, records or memoranda, or who shall knowingly or wilfully neglect or fail to make full, true and correct entries of or in such account, account book, record or memoranda of all the facts and transactions appertaining to such public utility, or who shall falsely make any statement required to be made to the commission, shall be deemed guilty of a felony, and, upon conviction thereof, shall be confined in the penitentiary not less than one year nor more than five years.

WV Legislature

§24-4-3. Additional penalties for violating certain orders of commission.

If any public utility or other person shall fail or refuse to comply with the order of the commission under sections three, seven or nine respectively of article two, such public utility or other person shall, in addition to the other penalties provided for in this chapter, be subject to a fine not to exceed $5,000.

WV Legislature

§24-4-4. Penalty for violating orders of commission for which no other penalty is provided.

If any person, firm, corporation or officer of a corporation subject to the provisions of this chapter shall fail or refuse to comply with any requirement of the commission hereunder, for which a penalty has not been hereinbefore prescribed, such person, firm, corporation or officer of such corporation shall be guilty of a misdemeanor, and, upon conviction thereof, shall be subject to a fine of not less than one hundred nor more than $500 for each offense, and such person or firm, and the officers of such corporation, upon indictment and conviction, may, in the discretion of the court, be confined in jail not to exceed thirty days.

WV Legislature

§24-4-5. Violation of commission's orders as contempt punishable by commission.

Any person or public utility who shall violate any of the orders or findings of the commission shall be guilty of contempt, and the commission shall have the same power to punish therefor as is now conferred on the circuit court, with the right of appeal in all cases to the Supreme Court of Appeals.

WV Legislature

§24-4-6. Procedure before commission as to violations.

Any person, firm, association of persons, corporation, municipality or county, complaining of anything done or omitted to be done by any public utility subject to this chapter, in contravention of the provisions thereof, or any duty owing by it under the provisions of this chapter, may present to the commission a petition which shall succinctly state all the facts. Whereupon, if there shall appear to be any reasonable ground to investigate such complaint, a statement of the charges thus made shall be forwarded by the commission to such public utility, which shall be called upon to satisfy such complaint or to answer to the same in writing within a reasonable time to be specified by the commission. If such public utility within the time specified shall make reparation for the injury alleged to have been done, or correct the practice complained of and obey the law and discharge its duties in the premises, then it shall be relieved of liability to the complainant for the particular violation of the law or duty complained of. If such public utility shall not satisfy the complainant within the time specified, it shall be the duty of the commission to investigate the same in such manner and by such means as it shall deem proper.

WV Legislature

§24-4-7. Damages recoverable for violations.

Any person, firm or corporation claiming to be damaged by any violation of this chapter by any public utility subject to the provisions of this chapter, may make complaint to the commission, as provided herein, and bring suit in his own behalf for the recovery of the damages for which such public utility may be liable under this chapter in any circuit court having jurisdiction. In any such action, the court may compel the attendance of any agent, officer, director or employee of such corporation as a witness and require also the production of all books, papers and documents which may be used as evidence, and in the trial thereof such witnesses may be compelled to testify, but any such witness shall not be prosecuted for any offense concerning which he is compelled hereunder to testify.

WV Legislature

§24-4-8. What constitutes separate violation.

Every day during which any person, firm or corporation, or any officer, agent or employee thereof, shall fail to observe and comply with any order or direction of the commission, or to perform any duty enjoined by this chapter, shall constitute a separate and distinct violation of such order or direction of this chapter, as the case may be.

WV Legislature