§ 190.217 Compliance orders generally.

When the Associate Administrator, OPS has reason to believe that a person is engaging in conduct which involves a violation of the 49 U.S.C. 60101 et seq. or any regulation issued thereunder, and if the nature of the violation, and the public interest warrant, the Associate Administrator, OPS may conduct proceedings under §§190.207 through 190.213 of this part to determine the nature and extent of the violations and to issue an order directing compliance.

[Amdt. 190–6, 61 FR 18514, Apr. 26, 1996]

§ 190.219 Consent order.

(a) At any time before the issuance of a compliance order under §190.213 the Associate Administrator, OPS and the respondent may agree to dispose of the case by joint execution of a consent order. Upon such joint execution, the consent order shall be considered a final order under §190.213.

(b) A consent order executed under paragraph (a) of this section shall include:

(1) An admission by the respondent of all jurisdictional facts;
(2) An express waiver of further procedural steps and of all right to seek judicial review or otherwise challenge or contest the validity of that order;
(3) An acknowledgement that the notice of probable violation may be used to construe the terms of the consent order; and
(4) A statement of the actions required of the respondent and the time by which such actions shall be accomplished.


CIVIL PENALTIES

§ 190.221 Civil penalties generally.

When the Associate Administrator, OPS has reason to believe that a person has committed an act which is a violation of any provision of the 49 U.S.C. 60101 et seq. or any regulation or order issued thereunder, proceedings under §§190.207 through 190.213 may be conducted to determine the nature and extent of the violations and to assess and, if appropriate, compromise a civil penalty.

[Amdt. 190–6, 61 FR 18515, Apr. 26, 1996]

§ 190.223 Maximum penalties.

(a) Any person who is determined to have violated a provision of 49 U.S.C. 60101 et seq., or any regulation or order issued thereunder, is subject to a civil penalty not to exceed $100,000 for each violation for each day the violation continues except that the maximum