§ 71-1929. Violations; civil liability.

1. A person who violates any of the provisions of, or who fails to perform any duty imposed by titles 1 through 11 inclusive and title 19 of article 17, or the rules, regulations, orders or determinations of the commissioner promulgated thereto or the terms of any permit issued thereunder, shall be liable to a penalty of not to exceed thirty-seven thousand five hundred dollars per day for each violation, and, in addition thereto, such person may be enjoined from continuing such violation as hereinafter provided. Violation of a permit condition shall constitute grounds for revocation of such permit, which revocation may be accomplished either as provided in paragraph f of subdivision 4 of section 17-0303 or by order of judgment of the supreme court as an alternate or additional civil penalty in an action brought pursuant to subdivision 3 of this section.

2. Any penalties for violations of titles 1 through 11 inclusive and title 19 of article 17 resulting in the killing of fish or shellfish, shall be credited to the conservation fund established by section 83 of the State Finance Law and shall be available for the uses and purposes of such fund.

3. The penalties provided by subdivisions one and two shall be recoverable in an action brought by the Attorney General.

4. An action or cause of action for the recovery of a penalty under this title may be settled or compromised by the Attorney General after proceedings are brought to recover such penalties and prior to the entry for judgment therefor.