§ 71-2103. Violations; civil liability.

1. Except as provided in section 71-2113, any person who violates any provision of article nineteen or any code, rule or regulation which was promulgated pursuant thereto; or any order except an order directing such person to pay a penalty by a specified date issued by the commissioner pursuant thereto, shall be liable, in the case of a first violation, for a penalty not less than five hundred dollars nor more than eighteen thousand dollars for said violation and an additional penalty of not to exceed fifteen thousand dollars for each day during which such violation continues. In the case of a second or any further violation, the liability shall be for a penalty not to exceed twenty-six thousand dollars for said violation and an additional penalty not to exceed twenty-two thousand five hundred dollars for each day during which such violation continues. In addition thereto, such person may be enjoined from continuing such violation as hereinafter provided.

2. The penalty provided for in subdivision 1 of this section shall be recoverable in an action brought by the Attorney General.

3. An action or cause of action for the recovery of a penalty under article 19 may be settled or compromised by the Attorney General after proceedings are brought to recover such penalties prior to the entry of judgment therefor.

4. Any fines collected for violations of section 19-0320 of this chapter shall be deposited in the clean air fund, to the credit of the mobile source account, in accordance with the provisions of section ninety-seven-oo of the state finance law.