**Section 107.308 Notice of Apparent Violation**

a) When any representative of the State acting under delegation of authority in Section 107.301 has reason to believe that a person is engaging in conduct which involves a violation of any provision of these regulations, or of any exemption under Subpart B, the representative shall issue a notice of apparent violation.

b) A notice of apparent violation shall be issued:

1) In the case of a violation observed at any location where hazardous materials are handled, to the person in charge of or responsible for the place or location who is present at the time the violation is observed and, if that person is not the owner or lessor of the place or location, to the owner or lessor of the place or location.

2) In the case of a violation involving a motor vehicle intended to be used or being used for the transportation of hazardous materials, or in the case of a violation observed occurring in the course of the transportation of hazardous materials, to the driver or operator of the vehicle and to the employer of the driver or operator and, to the owner or lessor of the vehicle if the owner or lessor is a person other than the driver or operator or the employer of the driver or operator.

3) In the case where an individual person is observed to be knowingly committing an act which is a violation or to have knowingly committed an act which is a violation of these regulations, to that individual person and, if applicable, to the employer of that person.

4) In all other cases, to a responsible person present at the time the violation is observed, and if that person is not the owner or lessor of the place or location, to the owner or lessor of the place or location.

c) The notice of apparent violation shall be served in accordance with Section 107.11.

d) A copy of each notice of apparent violation issued shall be forwarded to the Director.

(Source: Amended at 6 Ill. Reg. 4287, effective April 16, 1982)