**Section 108.10 Hazardous Materials Civil Money Penalty Policy**

a) For purposes of issuing a Notice of Probable Violation under Section 107.315 of the Illinois Hazardous Materials Transportation Regulations (92 Ill. Adm. Code 107.315) commencing a civil money penalty proceeding pursuant to Section 11 of the Illinois Hazardous Materials Transportation Act (Ill. Rev. Stat. 1981, ch. 95½, par. 700-11), the Illinois Department of Transportation ("Department") will be guided by the policy contained in Appendix A of this Part in determining the amount of the civil money penalty which the Department will seek to have assessed against a violator of that Act and those Regulations.

b) The policy shall apply only to the initial discretionary determination by the Department of the civil money penalty which the Department intends to pray for in the Notice of Probable Violation which the Department issues to commence a civil money penalty proceeding against a violator. If a hearing is necessary, the amount of any civil money penalty assessed by order of the presiding officer or the Secretary of the Department may be greater than, less than or equal to the amount of the civil money penalty requested by the Department in its Notice of Probable Violation.