

REMOVE SUCH IMMINENT DANGER AND PROHIBIT THE EMPLOYMENT OR PRESENCE OF ANY INDIVIDUAL IN LOCATIONS OR UNDER CONDITIONS WHERE SUCH IMMINENT DANGER EXISTS, EXCEPT INDIVIDUALS WHOSE PRESENCE IS NECESSARY TO AVOID, CORRECT OR REMOVE SUCH IMMINENT DANGER OR TO MAINTAIN THE CAPACITY OF A CONTINUOUS PROCESS OPERATION TO RESUME NORMAL OPERATIONS WITHOUT A COMPLETE CESSATION OF OPERATIONS, OR WHERE A CESSATION OF OPERATIONS IS NECESSARY, TO PERMIT SUCH TO BE ACCOMPLISHED IN A SAFE AND ORDERLY MANNER.

(B) UPON THE FILING OF ANY SUCH PETITION THE CIRCUIT COURTS OF THIS STATE SHALL HAVE JURISDICTION TO GRANT SUCH INJUNCTIVE RELIEF OR TEMPORARY RESTRAINING ORDER PENDING THE OUTCOME OF ENFORCEMENT PROCEDURES PURSUANT TO THIS SUBTITLE, EXCEPT THAT NO TEMPORARY RESTRAINING ORDER ISSUED WITHOUT NOTICE SHALL BE EFFECTIVE FOR A PERIOD LONGER THAN SEVEN DAYS.

(C) WHENEVER ANY AUTHORIZED REPRESENTATIVE OF THE COMMISSIONER CONCLUDES THAT CONDITIONS OR PRACTICES DESCRIBED IN SUBSECTION (A) EXIST IN ANY PLACE OF EMPLOYMENT, HE SHALL INFORM THE AFFECTED EMPLOYEES AND EMPLOYER OF THE DANGER AND MAY RECOMMEND TO THE COMMISSIONER THAT RELIEF BE SOUGHT UNDER THIS SECTION.

(D) IF THE COMMISSIONER ARBITRARILY OR CAPRICIOUSLY FAILS TO SEEK RELIEF UNDER THIS SECTION, ANY EMPLOYEE WHO MAY BE INJURED BY REASON OF SUCH FAILURE OR THE REPRESENTATIVE OF SUCH EMPLOYEES, MAY BRING AN ACTION AGAINST THE COMMISSIONER IN THE CIRCUIT COURT FOR THE SUBDIVISION IN WHICH THE IMMINENT DANGER IS ALLEGED TO EXIST OR IF THE DANGER IS ALLEGED TO EXIST IN BALTIMORE CITY, IN THE BALTIMORE CITY COURT, FOR A WRIT OF MANDAMUS TO COMPEL THE COMMISSIONER TO SEEK SUCH AN ORDER AND FOR SUCH FURTHER RELIEF AS MAY BE APPROPRIATE.

#### 40. CIVIL PENALTIES.

(A) ANY EMPLOYER WHO WILLFULLY OR REPEATEDLY VIOLATES ANY PROVISION OF THIS SUBTITLE OR ANY RULE, REGULATION, STANDARD, OR ORDER PROMULGATED PURSUANT TO THIS SUBTITLE MAY BE ASSESSED A CIVIL PENALTY NOT TO EXCEED \$10,000.00 FOR EACH VIOLATION.

(B) ANY EMPLOYER WHO HAS RECEIVED A CITATION FOR A SERIOUS VIOLATION OF ANY PROVISION OF THIS SUBTITLE, OR OF ANY RULE, REGULATION, STANDARD, OR ORDER PROMULGATED PURSUANT TO THIS SUBTITLE ~~||MAY||~~ SHALL BE ASSESSED A CIVIL PENALTY NOT TO EXCEED \$1,000.00 FOR EACH SUCH VIOLATION.

(1) FOR PURPOSES OF THIS SUBSECTION, A SERIOUS VIOLATION SHALL BE DEEMED TO EXIST IN A PLACE OF EMPLOYMENT IF THERE IS A SUBSTANTIAL PROBABILITY THAT DEATH OR SERIOUS PHYSICAL HARM COULD RESULT FROM A CONDITION WHICH EXISTS OR FROM ONE OR MORE PRACTICES, MEANS, METHODS, OPERATIONS, OR PROCESSES WHICH HAVE