

BEEN ADOPTED OR ARE IN USE IN SUCH PLACE OF EMPLOYMENT UNLESS THE EMPLOYER DID NOT AND COULD NOT WITH THE EXERCISE OF REASONABLE DILIGENCE, KNOW OF THE PRESENCE OF THE VIOLATION.

(C) ANY EMPLOYER WHO HAS RECEIVED A CITATION FOR A VIOLATION OF ANY PROVISION OF THIS SUBTITLE OR ANY RULE, REGULATION, STANDARD, OR ORDER PROMULGATED PURSUANT TO THIS SUBTITLE AND SUCH VIOLATION IS SPECIFICALLY DETERMINED NOT TO BE OF A SERIOUS NATURE, MAY BE ASSESSED A CIVIL PENALTY NOT TO EXCEED \$1,000.00 FOR EACH SUCH VIOLATION.

(D) ANY EMPLOYER WHO FAILS TO CORRECT A VIOLATION FOR WHICH A CITATION HAS BEEN ISSUED WITHIN THE PERIOD PERMITTED FOR ITS CORRECTION (WHICH PERIOD SHALL NOT BEGIN TO RUN UNTIL THE DATE OF THE FINAL ORDER OF THE COMMISSIONER IN THE CASE OF ANY REVIEW PROCEEDING UNDER SECTION 37 INITIATED BY THE EMPLOYER IN GOOD FAITH AND NOT SOLELY FOR DELAY OR AVOIDANCE OF PENALTIES), MAY BE ASSESSED A CIVIL PENALTY NOT TO EXCEED \$1,000.00 FOR EACH DAY DURING WHICH SUCH FAILURE OR VIOLATION CONTINUES.

(E) ANY EMPLOYER WHO VIOLATES ANY OF THE POSTING REQUIREMENTS, AS PRESCRIBED UNDER THE PROVISIONS OF THIS SUBTITLE, ~~||MAY||~~ SHALL BE ASSESSED A CIVIL PENALTY NOT TO EXCEED \$1,000.00 FOR EACH VIOLATION.

(F) THE COMMISSIONER SHALL HAVE THE AUTHORITY TO ASSESS ALL CIVIL PENALTIES SET FORTH IN THIS SUBTITLE GIVING DUE CONSIDERATION TO THE APPROPRIATENESS OF THE PENALTY WITH RESPECT TO THE SIZE OF THE BUSINESS OF THE EMPLOYER BEING CHARGED, THE GRAVITY OF THE VIOLATION, THE GOOD FAITH OF THE EMPLOYER, AND THE EMPLOYER'S HISTORY OF PREVIOUS VIOLATIONS.

(G) ALL CIVIL PENALTIES IMPOSED UNDER THIS SUBTITLE SHALL BE PAID INTO THE STATE TREASURY.

#### 41. CRIMINAL PENALTIES.

(A) ANY EMPLOYER WHO WILLFULLY VIOLATES ANY PROVISION OF THIS SUBTITLE OR ANY RULE, REGULATION, STANDARD, OR ORDER PROMULGATED PURSUANT TO THIS SUBTITLE AND THAT VIOLATION CAUSED DEATH TO ANY EMPLOYEE SHALL, UPON CONVICTION, BE PUNISHED BY A FINE OF NOT MORE THAN \$10,000.00 OR BY IMPRISONMENT FOR NOT MORE THAN SIX MONTHS, OR BY BOTH. EXCEPT THAT IF THE CONVICTION IS FOR A VIOLATION COMMITTED AFTER A FIRST CONVICTION OF SUCH PERSON, PUNISHMENT SHALL BE BY A FINE OF NOT MORE THAN \$20,000.00 OR BY IMPRISONMENT FOR NOT MORE THAN ONE YEAR, OR BY BOTH.

(B) ANY PERSON WHO GIVES ADVANCE NOTICE OF ANY INSPECTION TO BE CONDUCTED UNDER THIS SUBTITLE, WITHOUT AUTHORITY OF THE COMMISSIONER OR HIS AUTHORIZED REPRESENTATIVE, SHALL, UPON CONVICTION, BE PUNISHED BY A FINE OF NOT MORE THAN \$1,000.00 OR BY IMPRISONMENT FOR