

APPROPRIATENESS OF THE PENALTY WITH RESPECT TO THE SIZE OF THE RAILROAD COMPANY, GRAVITY OF THE VIOLATION, THE GOOD FAITH OF THE RAILROAD COMPANY, AND THE RAILROAD COMPANY'S HISTORY OF PREVIOUS VIOLATIONS.

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

(G) THE FINES SHALL BE PAYABLE INTO THE STATE TREASURY 90 DAYS AFTER THE VIOLATION BECOMES FINAL AND NONREVIEWABLE. THE COMMISSIONER SHALL REDUCE THE SUM DUE BY 50 PERCENT IF DURING THE 90-DAY PERIOD: (1) THE RAILROAD HAD NO REPORTABLE ACCIDENTS ATTRIBUTABLE TO A MARYLAND OR FEDERAL REGULATION OR (2) THE RAILROAD HAS NOT COMMITTED A VIOLATION OF ANY WILLFUL OR SERIOUS VIOLATION AS DESCRIBED IN SECTION 95 OF THIS SUBTITLE.

96.

(A) ANY RAILROAD COMPANY THAT 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 PERSON EXPOSED TO THE VIOLATION, UPON CONVICTION, SHALL BE FINED NOT MORE THAN \$25,000, EXCEPT THAT IF THE CONVICTION IS FOR A VIOLATION COMMITTED AFTER A FIRST CONVICTION, THE FINE MAY NOT EXCEED \$50,000.

(B) A PERSON WHO KNOWINGLY MAKES ANY FALSE STATEMENT, REPRESENTATION, OR CERTIFICATION IN ANY APPLICATION, RECORD, REPORT, PLAN, OR OTHER DOCUMENT FILED OR REQUIRED TO BE MAINTAINED PURSUANT TO THIS SUBTITLE, UPON CONVICTION SHALL BE FINED NOT MORE THAN \$5,000 OR IMPRISONED FOR NOT MORE THAN 6 MONTHS, OR BOTH.

(C) ANY PERSON WHO GIVES ADVANCE NOTICE OF ANY INSPECTION TO BE CONDUCTED UNDER THIS SUBTITLE WITHOUT AUTHORITY OF THE COMMISSIONER OR HIS AUTHORIZED REPRESENTATIVE, UPON CONVICTION SHALL BE FINED NOT MORE THAN \$1,000 OR IMPRISONED FOR NOT MORE THAN 6 MONTHS, OR BOTH.

97.

THE COMMISSIONER SHALL APPOINT AN ASSISTANT COMMISSIONER OF LABOR AND INDUSTRY FOR RAILROAD SAFETY AND HEALTH, SUBJECT TO APPROVAL OF THE SECRETARY OF LICENSING AND REGULATION. THE COMMISSIONER MAY ASSIGN TO THE ASSISTANT COMMISSIONER SUCH FUNCTIONS AND DUTIES UNDER THIS SUBTITLE THAT HE DETERMINES APPROPRIATE. THE ASSISTANT COMMISSIONER SHALL RECEIVE A SALARY AS MAY BE PROVIDED IN THE BUDGET AND SERVE AT THE PLEASURE OF THE COMMISSIONER.

98.

(A) THE COMMISSIONER SHALL EXERCISE ALL RIGHTS, POWERS, DUTIES, OBLIGATIONS, AND FUNCTIONS TRANSFERRED TO HIM FROM THE FOLLOWING PROVISIONS OF THE ANNOTATED CODE