

to this title or orders issued under it. However, the legislative intent appears to have been that no action under this section may be brought unless a reasonable time for compliance is first allowed, and the revised language makes that intent express.

3-406. CIVIL PENALTY.

(A) IN GENERAL.

A PERSON WHO WILLFULLY VIOLATES ANY PROVISION OF THIS TITLE OR ANY RULE, REGULATION, OR ORDER ADOPTED OR ISSUED UNDER THIS TITLE IS LIABLE TO A CIVIL PENALTY NOT EXCEEDING \$10,000, TO BE COLLECTED IN A CIVIL ACTION BROUGHT BY THE DEPARTMENT IN THE CIRCUIT COURT FOR ANY COUNTY. EACH DAY A VIOLATION CONTINUES IS A SEPARATE VIOLATION UNDER THIS SECTION.

(B) COMPROMISE.

IF THE ATTORNEY GENERAL CONCURS, THE SECRETARY MAY COMPROMISE AND SETTLE ANY CLAIM FOR A CIVIL PENALTY UNDER THIS SECTION.

(C) REMISSION OF PENALTY.

IF, WITHIN 1 YEAR AFTER A CIVIL PENALTY IS COMPROMISED AND SETTLED UNDER SUBSECTION (A) (B) OF THIS SECTION, THE PERSON AGAINST WHOM THE PENALTY IS IMPOSED SATISFIES THE SECRETARY THAT THE VIOLATION HAS BEEN ELIMINATED OR THE ORDER HAS BEEN SATISFIED, THE SECRETARY, WITH THE CONCURRENCE OF THE ATTORNEY GENERAL, MAY RETURN TO THE PERSON NOT MORE THAN 75 PERCENT OF THE PENALTY PAID.

(D) ACTION NOT EXCLUSIVE.

AN ACTION UNDER THIS SECTION IS IN ADDITION TO AND NOT INSTEAD OF AN ACTION FOR INJUNCTIVE RELIEF UNDER § 3-405 OF THIS SUBTITLE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Article 43, § 830(b) and (c).

3-407. PLAN FOR COMPLIANCE.

(A) SUBMISSION AND EFFECT.

A PERSON IS NOT SUBJECT TO ACTION FOR A VIOLATION OF A PROVISION OF THIS TITLE OR ANY RULE OR REGULATION ADOPTED UNDER THIS TITLE SO LONG AS THE PERSON ACTS IN ACCORDANCE WITH A PLAN FOR COMPLIANCE THAT:

(1) THE PERSON HAS SUBMITTED TO THE SECRETARY;  
AND