

(A) (1) A PERSON OR FIRM WHO VIOLATES A PROVISION OF THIS SUBTITLE OR A REGULATION OR ORDER ISSUED UNDER THIS SUBTITLE MAY BE ASSESSED A CIVIL PENALTY OF NOT MORE THAN \$5,000 FOR EACH VIOLATION.

(2) IN ASSESSING THE APPROPRIATENESS OF PENALTIES UNDER THIS SUBTITLE, THE COMMISSIONER SHALL GIVE DUE CONSIDERATION TO THE NATURE OR GRAVITY OF THE VIOLATION, AND THE PERSON'S OR FIRM'S GOOD FAITH AND HISTORY OF PREVIOUS VIOLATIONS.

(3) (I) A PERSON OR FIRM MAY CONTEST A PROPOSED PENALTY OR ALLEGED VIOLATION UNDER THIS SUBTITLE BY REQUESTING A HEARING BEFORE THE COMMISSIONER OF LABOR AND INDUSTRY OR THE COMMISSIONER'S AUTHORIZED REPRESENTATIVE.

(II) THE COMMISSIONER SHALL ADOPT REGULATIONS AS ARE REASONABLY NECESSARY TO IMPLEMENT THIS SUBSECTION, CONSISTENT WITH THE REQUIREMENTS OF TITLE 10, SUBTITLE 1 OF THE STATE GOVERNMENT ARTICLE.

(B) A PERSON OR FIRM IS GUILTY OF A VIOLATION OF THIS SUBTITLE AND UPON CONVICTION THEREOF, FOR EACH SUCH OFFENSE, SHALL BE SUBJECT TO A FINE OF NOT MORE THAN \$5,000 OR TO IMPRISONMENT FOR NOT MORE THAN 5 YEARS OR BOTH SUCH FINE AND IMPRISONMENT, IF THE PERSON OR FIRM:

(1) OPERATES IN THIS STATE A BOILER OR PRESSURE VESSEL, EXCEPT A PRESSURE VESSEL COVERED BY OWNER OR USER INSPECTION SERVICE AS PROVIDED BY THIS SUBTITLE, WITHOUT A VALID INSPECTION CERTIFICATE;

(2) OPERATES IN THIS STATE A BOILER OR PRESSURE VESSEL AT A PRESSURE EXCEEDING THAT SPECIFIED ON THE INSPECTION CERTIFICATE; OR

(3) INTERFERES WITH OR IMPEDES THE OFFICIAL DUTIES OF THE COMMISSIONER, THE COMMISSIONER'S AUTHORIZED REPRESENTATIVE, OR A MEMBER OF THE BOARD OF BOILER RULES.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 1989.

Approved May 5, 1989.
