

Article - Labor and Employment
Section 5-809 ~~and 5-810~~
Annotated Code of Maryland
(1991 Volume and 1994 Supplement)

BY repealing and reenacting, without amendments,

Article - Labor and Employment
Section 5-810
Annotated Code of Maryland
(1991 Volume and 1994 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article - Labor and Employment

5-809.

(a) (1) For the purpose of this subsection, a violation is considered to be a serious violation if there is a substantial probability that death or serious physical harm could result from a condition that exists or a practice, means, method, operation, or process that has been adopted or is in use, unless the employer did not and with the exercise of reasonable diligence could not know of the violation.

(2) The Commissioner shall assess a civil penalty against an employer who receives a citation for a serious violation of this title, an order passed under this title, or a regulation adopted to carry out this title.

(b) The Commissioner shall assess a civil penalty against an employer who violates a requirement for posting imposed under this title.

(c) (1) [The] SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE Commissioner may assess a civil penalty against an employer who:

[(1)](I) willfully or repeatedly violates this title, an order passed under this title, or a regulation adopted to carry out this title; or

[(2)](II) receives a citation for a violation of a provision of this title, an order passed under this title, or a regulation adopted to carry out this title and there is a specific determination that the violation is not of a serious nature.

(2) THE COMMISSIONER MAY NOT ASSESS A CIVIL PENALTY AGAINST AN EMPLOYER UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION IF:

(I) THE VIOLATION IS A FIRST VIOLATION THE COMMISSIONER HAS NOT PREVIOUSLY NOTIFIED THE EMPLOYER OF THE VIOLATION;

(II) THE VIOLATION IS NOT A SERIOUS VIOLATION; AND

(III) THE EMPLOYER CORRECTS THE VIOLATION WITHIN ~~30~~ 10 DAYS AFTER ISSUANCE OF THE CITATION.