

(d) The Commissioner may assess a civil penalty against an employer who does not correct a violation for which a citation is issued within the period set under this title for correction.

5-810.

(a) (1) Except as provided in paragraph (2) of this subsection, a civil penalty under § 5-809 of this subtitle may not exceed:

(i) ~~\$1,000 FOR A FIRST VIOLATION~~ OR \$7,000 for each ~~SUBSEQUENT~~ violation; and

(ii) if an employer does not correct a violation within the period allowed for correction, ~~\$1,000 FOR EACH DAY THAT A FIRST VIOLATION CONTINUES~~ OR \$7,000 for each day that ~~the~~ ~~A SUBSEQUENT~~ violation continues.

(2) A civil penalty for a willful or repeated violation of a provision of this title, an order passed under this title, or a regulation adopted to carry out this title may not exceed \$70,000 for each violation.

(3) A civil penalty for a ~~SECOND OR GREATER~~ willful violation of a provision of this title, an order passed under this title, or a regulation adopted to carry out this title may not be less than \$5,000.

(b) Before the Commissioner assesses a civil penalty under § 5-809 of this subtitle, the Commissioner shall consider the appropriateness of the penalty in relation to:

(1) the size of the business of the employer against whom the penalty is to be assessed;

(2) the gravity of the violation for which the penalty is to be assessed;

(3) the good faith of the employer;

(4) the history of violations by the employer;

(5) the injury and illness experience of the employer;

(6) the existence and quality of a safety and training program;

(7) the actual harm to human health including injury or illness;

(8) the extent to which the current violation is part of a recurrent pattern of the same or similar type of violation; and

(9) the extent to which the existence of the violation was known to the employer but remained not corrected.

SECTION 2. AND BE IT FURTHER ENACTED, That, if any provision of this Act would result in the loss of the authority of the State, under the provisions of § 18(b) of the Williams-Steiger Occupational Safety and Health Act of 1970, as amended, to administer a State occupational safety and health program, this Act shall be abrogated and of no further force and effect.