

## House Bill No. 259

AN ACT concerning

**Occupational Safety and Health – Assessment of Civil Penalties**

FOR the purpose of prohibiting the Commissioner of Labor and Industry from assessing a civil penalty against an employer who receives a citation for certain violations of the Maryland Occupational Safety and Health Act, an order passed under the Act, or a regulation adopted to carry out the Act, if the Commissioner of Labor and Industry has not previously notified the employer of the violation, the violation is a nonserious ~~first violation that is identified during a certain inspection~~, and the employer corrects the violation within a certain time; providing for a certain contingency; and generally relating to civil penalties for ~~a first violation~~ certain violations of the Maryland Occupational Safety and Health Act, an order passed under the Act, or a regulation adopted to carry out the Act.

BY repealing and reenacting, with amendments,

Article – Labor and Employment

Section 5-809

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.