

(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 IDENTIFIED DURING A FIRST INSPECTION OF THE EMPLOYER'S PLACE OF EMPLOYMENT;~~

~~(III) THE VIOLATION IS NOT A SERIOUS VIOLATION; AND~~

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

(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) \$7,000 for each violation; and

(ii) if an employer does not correct a violation within the period allowed for correction, \$7,000 for each day that the 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 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;