

~~(I) 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; AND~~

~~(II) MAY ASSESS A CIVIL PENALTY AGAINST A PUBLIC BODY THAT 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)] (C) The Commissioner:~~

~~(1) shall assess a civil penalty against an employer who violates a requirement for posting imposed under this title; AND~~

~~(2) MAY ASSESS A CIVIL PENALTY AGAINST A PUBLIC BODY THAT VIOLATES A REQUIREMENT FOR POSTING IMPOSED UNDER THIS TITLE.~~

~~[(c)] (D) The Commissioner may assess a civil penalty against an employer OR PUBLIC BODY [who] THAT:~~

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

~~(2) 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.~~

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

5-812.

~~(A) [Each] EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, EACH civil penalty under this title shall be paid into the General Fund of the State.~~

~~(B) (1) THERE IS A WORKPLACE HAZARD ABATEMENT FUND.~~

~~(2) THE COMMISSIONER SHALL PAY EACH CIVIL PENALTY COLLECTED FROM A PUBLIC BODY UNDER § 5-809(B)(2), (C)(2), (D), OR (E) OF THIS SUBTITLE TO THE COMPTROLLER WHO SHALL DISTRIBUTE THE FUNDS TO THE WORKPLACE HAZARD ABATEMENT FUND.~~

~~(3) (I) THE FUND SHALL BE USED TO ASSIST A PUBLIC BODY IN ABATING A WORKPLACE HAZARD.~~

~~(II) THE FUND IS A CONTINUING NONLAPSING FUND, NOT SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.~~

~~(III) ANY UNSPENT PORTIONS OF THE FUND MAY NOT REVERT OR BE TRANSFERRED TO THE GENERAL FUND OF THE STATE, BUT SHALL REMAIN IN THE FUND TO BE USED FOR THE PURPOSE SPECIFIED IN SUBSECTION (B)(3)(I) OF THIS SECTION.~~