

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.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 89, § 40(a) through (e), except as those subsections related to amount of a penalty and computation of the period for correction.

Subsections (a) through (d) of this section are revised in the active voice to clarify that assessment of a civil penalty is a responsibility of the Commissioner.

Defined terms: "Commissioner" § 5-101

"Employer" § 5-101

"Occupational safety and health standard" § 5-101

"Place of employment" § 5-101

5-810. AMOUNT OF CIVIL PENALTY.

(A) MAXIMUM AMOUNT.

(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 EACH VIOLATION; AND

(II) IF AN EMPLOYER DOES NOT CORRECT A VIOLATION WITHIN THE PERIOD ALLOWED FOR CORRECTION, \$1,000 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 \$10,000 FOR EACH VIOLATION.

(B) CONSIDERATIONS.

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; AND

(4) THE HISTORY OF VIOLATIONS BY THE EMPLOYER.