

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 89, § 40(f) and, as they related to the amount of a penalty, (a), (c) through (e), and the first sentence of (b).

Subsection (b) of this section is revised to make consideration of the enumerated factors a duty. See County Council for Montgomery County v. Investors Funding Corp., 270 Md. 403 (1973).

Defined terms: "Commissioner" § 5-101

"Employer" § 5-101

"Occupational safety and health standard" § 5-101

"Person" §§ 1-101 and 5-101

5-811. COLLECTION OF CIVIL PENALTIES.

(A) ACTION BY OR FOR COMMISSIONER.

IF A CIVIL PENALTY THAT IS ASSESSED UNDER THIS TITLE IS NOT PAID IN FULL WITHIN 30 DAYS AFTER THE PENALTY BECOMES FINAL, THE COMMISSIONER OR THE CENTRAL COLLECTION UNIT MAY PROCEED IN THE DISTRICT COURT TO ENFORCE PAYMENT.

(B) REQUIRED SHOWING.

IN A PROCEEDING UNDER THIS SUBSECTION, THE COMMISSIONER OR THE CENTRAL COLLECTION UNIT IS ENTITLED TO JUDGMENT IN THE AMOUNT OF THE CIVIL PENALTY THAT REMAINS UNPAID ON A SHOWING THAT:

- (1) THE PENALTY WAS ASSESSED AGAINST THE DEFENDANT;
- (2) THE PENALTY HAS BECOME FINAL;
- (3) NO APPEAL IS PENDING;
- (4) THE PENALTY IS WHOLLY OR PARTLY UNPAID; AND
- (5) THE DEFENDANT:

(I) WAS DULY SERVED WITH A COPY OF THE CITATION IN ACCORDANCE WITH THE APPLICABLE REGULATIONS OF THE COMMISSIONER; OR

(II) CONTESTED THE CITATION FOR WHICH THE PENALTY WAS ASSESSED.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 89, § 40(h).

In subsection (a) of this section, the former reference to the Central Collection Unit as "the Commissioner's statutory assignee" is deleted as unnecessary in light of SF § 3-302(a)(1).