

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 100, § 80B(a)(4).

Defined terms: "License" § 7-101

"Person" § 1-101

7-506. CIVIL PENALTIES.

(A) IMPOSITION.

SUBJECT TO THE LIMITATIONS IN THIS SECTION, THE COMMISSIONER MAY ASSESS A CIVIL PENALTY AGAINST A PERSON WHO WILLFULLY OR REPEATEDLY VIOLATES:

- (1) ANY PROVISION OF THIS TITLE;
- (2) ANY ORDER PASSED UNDER THIS TITLE; OR
- (3) ANY REGULATION ADOPTED TO CARRY OUT THIS TITLE.

(B) AMOUNT.

A CIVIL PENALTY UNDER THIS SECTION MAY NOT EXCEED \$5,000 FOR EACH VIOLATION.

(C) CONSIDERATIONS.

(1) BEFORE THE COMMISSIONER ASSESSES A CIVIL PENALTY AGAINST AN AGRICULTURAL OPERATION, THE COMMISSIONER SHALL CONSIDER THE APPROPRIATENESS OF THE PENALTY IN RELATION TO:

- (I) THE SIZE OF THE BUSINESS;
- (II) ANY GOOD FAITH EFFORT TO COMPLY WITH § 7-503 OF THIS SUBTITLE; AND
- (III) THE HISTORY OF PREVIOUS VIOLATIONS.

(2) BEFORE THE COMMISSIONER ASSESSES A CIVIL PENALTY AGAINST A FARM LABOR CONTRACTOR, THE COMMISSIONER SHALL CONSIDER THE APPROPRIATENESS OF THE PENALTY IN RELATION TO:

- (I) THE SIZE OF THE BUSINESS;
  - (II) THE GRAVITY OF THE VIOLATION;
  - (III) THE GOOD FAITH OF THE FARM LABOR CONTRACTOR;
- AND
- (IV) THE HISTORY OF PREVIOUS VIOLATIONS IN THIS STATE OR IN ANY OTHER STATE THAT RELATE TO LICENSING OR TO THE TREATMENT OF A MIGRANT AGRICULTURAL WORKER.