

(2) All boilers, other than cast-iron sectional boilers and pressure vessels, to be installed in this State after the twelve-month period from the date upon which the rules and regulations of the Board shall become effective shall be inspected during construction or field assembly as required by the applicable rules and regulations of the Board by an inspector authorized to inspect boilers and pressure vessels in this State or, if constructed outside the State, by an inspector holding a commission as an inspector of boilers and pressure vessels for a state that has a standard of examination substantially equal to that of this State or a commission issued by the National Board of Boiler and Pressure Vessel Inspectors.

178A.

(a) (1) [A person or firm who violates a provision of this subtitle or a regulation or order issued under this subtitle may be assessed a civil penalty of not more than \$5,000 for each violation.] THE COMMISSIONER MAY ASSESS A CIVIL PENALTY OF NOT MORE THAN \$5,000 FOR EACH VIOLATION AGAINST A PERSON OR FIRM WHO:

(I) VIOLATES A PROVISION OF THIS SUBTITLE;

(II) VIOLATES A REGULATION OR ORDER ISSUED UNDER THIS SUBTITLE; OR

(III) OPERATES IN THIS STATE A BOILER OR PRESSURE VESSEL, EXCEPT A PRESSURE VESSEL COVERED BY OWNER OR USER INSPECTION SERVICE AS PROVIDED BY THIS SUBTITLE, WITHOUT A VALID INSPECTION CERTIFICATE.

(2) In assessing the appropriateness of penalties under this subtitle, the Commissioner shall give due consideration to the nature or gravity of the violation, and the person's or firm's good faith and history of previous violations.

(3) (i) A person or firm may contest a proposed penalty or alleged violation under this subtitle by requesting a hearing before the Commissioner of Labor and Industry or the Commissioner's authorized representative.

(ii) The Commissioner shall adopt regulations as are reasonably necessary to implement this subsection, consistent with the requirements of Title 10, Subtitle 1 of the State Government Article.

(b) A person or firm is guilty of a violation of this subtitle and upon conviction thereof, for each such offense, shall be subject to a fine of not more than \$5,000 or to imprisonment for not more than 5 years or both such fine and imprisonment, if the person or firm:

(1) [Operates] WILLFULLY AND PERSISTENTLY OPERATES in this State a boiler or pressure vessel, except a pressure vessel covered by owner or user inspection service as provided by this subtitle, without a valid inspection certificate;

(2) Operates in this State a boiler or pressure vessel at a pressure exceeding that specified on the inspection certificate; or