

Article - Labor and Employment

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§5–810.

(a) (1) Except as provided in paragraph (2) of this subsection, a civil penalty under § 5-809 of this subtitle may not exceed:

(i) \$7,000 for each violation; and

(ii) if an employer does not correct a violation within the period allowed for correction, \$7,000 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 \$70,000 for each violation.

(3) A civil penalty for a willful violation of a provision of this title, an order passed under this title, or a regulation adopted to carry out this title may not be less than \$5,000.

(b) 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;

(4) the history of violations by the employer;

(5) the injury and illness experience of the employer;

(6) the existence and quality of a safety and training program;

(7) the actual harm to human health including injury or illness;

(8) the extent to which the current violation is part of a recurrent pattern of the same or similar type of violation; and

(9) the extent to which the existence of the violation was known to the employer but remained not corrected.

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