

**§46. Failure to cooperate or comply**

A person who, being duly summoned under section 43, willfully neglects or refuses to attend, or refuses to answer any question propounded to that person concerning the subject of an examination as provided in section 43, or a person who, being furnished by the director with a written or printed list of interrogatories, neglects or refuses to answer and return the same under oath, must be punished by a fine of not less than \$25 nor more than \$100, or by imprisonment for not more than 30 days, or by both. A witness may not be compelled to go outside the county in which the witness resides to testify. [RR 2023, c. 2, Pt. E, §3 (COR).]

Any employer who willfully or repeatedly violates any requirements of section 45 or any standard, rule or order promulgated pursuant to section 565 may be assessed a civil penalty of not more than \$1,000 for each day during which such violation continues. [PL 1975, c. 519, §8 (RPR).]

Any employer who has received a citation for a serious violation of the requirements of section 45 or of any standard, rule or order issued pursuant to section 565, shall be assessed a civil penalty of up to \$1,000 for each such violation. [PL 1975, c. 519, §8 (RPR).]

Any employer who has received a citation for a violation of the requirements of section 45 or of any standard, rule or order issued pursuant to section 565, and such violation is specifically determined not to be of a serious nature, may be assessed a civil penalty of up to \$1,000 for each such violation. [PL 1975, c. 519, §8 (RPR).]

Any employer who fails to correct a violation for which a citation has been issued under section 45 within the period permitted for its correction, which period shall not begin to run until the date of the final order of the board in the case of any review proceeding initiated by the employer in good faith and not solely for delay or avoidance of penalties, may be assessed a civil penalty of not more than \$1,000 for each day during which such failure or violation continues. [PL 1975, c. 519, §8 (RPR).]

Any employer who willfully or repeatedly violates any standard, rule or order adopted pursuant to section 565, if that violation is specifically determined to be a serious violation, must, upon determination, be punished by a fine of not more than \$10,000, except that if the determination is for a violation committed after a first determination of violation by such person, punishment must be by a fine of not more than \$20,000. [PL 2017, c. 219, §5 (AMD).]

Any person who gives advance notice of any inspection to be conducted pursuant to this chapter without authority from the director shall, upon conviction, be punished by a penalty of not less than \$500 nor more than \$1,000, or by imprisonment for not more than 6 months, or by both. [PL 1975, c. 519, §8 (RPR).]

Any employer who violates any of the posting requirements, as prescribed in section 45, shall be assessed a penalty of not more than \$1,000 for each violation. [PL 1975, c. 519, §8 (RPR).]

Civil penalties owed under this chapter shall be paid to the director for deposit with the Treasurer of State, and may be recovered in a civil action in the name of the State brought in the Superior Court of the county where the violation is alleged to have occurred or where the employer has its principal office. Interest shall accrue on such penalties at the rate of 1 1/2% per month except that the interest shall be suspended during the pendency of an appeal. [PL 1975, c. 519, §8 (RPR).]

For purposes of this section, a serious violation shall be deemed to exist in a place of employment if there is a substantial probability that death or serious physical harm could result from a condition which exists or from one or more practices, means, methods, operations or processes which have been adopted or are in use in such place of employment, unless the employer did not, and could not with the exercise of reasonable diligence, know of the presence of the violation. [PL 1975, c. 519, §8 (RPR).]

**SECTION HISTORY**

PL 1971, c. 620, §13 (AMD). PL 1975, c. 519, §8 (AMD). PL 1983, c. 296 (AMD). PL 2017, c. 219, §5 (AMD). RR 2023, c. 2, Pt. E, §3 (COR).

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