

BY: Senator Brochin

AMENDMENTS TO SENATE BILL NO. 790, AS AMENDED

(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the bill, in line 19, before “requiring” insert “requiring the Secretary to consider a violator’s good faith attempt to comply with certain provisions of law in determining whether to impose certain penalties; providing for a certain appeals process;”.

AMENDMENT NO. 2

On page 1 of the Finance Committee Amendments (SB0790/337373/1), in line 10 of Amendment No. 2, after “(A)” insert “(1)”; in line 11, strike “SHALL” and substitute “MAY”; in line 12, after “FILED.” insert:

“(2) IN DECIDING WHETHER TO IMPOSE A CIVIL PENALTY UNDER THIS SUBSECTION, THE SECRETARY SHALL CONSIDER THE GOOD FAITH OF THE VIOLATOR IN TRYING TO COMPLY WITH THE REQUIREMENTS OF § 8.5-103 OF THIS TITLE.”;

and in line 13, after “(B)” insert “(1)”.

On page 4 of the bill, in line 35, strike “SHALL” and substitute “MAY”; and after line 36, insert:

“(2) IN DECIDING WHETHER TO IMPOSE A CIVIL PENALTY UNDER THIS SUBSECTION, THE SECRETARY SHALL CONSIDER THE GOOD FAITH OF THE VIOLATOR IN TRYING TO COMPLY WITH THE REQUIREMENTS OF § 8.5-104 OF THIS TITLE.

(C) AN EMPLOYER MAY APPEAL A PAYMENT AMOUNT OR PENALTY IMPOSED BY THE SECRETARY UNDER THIS SECTION TO THE OFFICE OF ADMINISTRATIVE HEARINGS IN ACCORDANCE WITH THE PROVISIONS OF TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE.”.