

§9062. Penalties

1. Conduct subject to penalties. An employer may be subject to the penalties under this chapter for any of the following:

- A. Failure to conduct a mandatory background check; [PL 2015, c. 299, §25 (NEW).]
- B. Failure or refusal to terminate or remove from direct access employment an employee who is disqualified for employment based on the requirements of this chapter; [PL 2023, c. 241, §79 (AMD).]
- C. Substantial noncompliance with the procedures established by this chapter; and [PL 2023, c. 241, §80 (AMD).]
- D. Failure to enroll in the Background Check Center. [PL 2023, c. 241, §81 (NEW).]

[PL 2023, c. 241, §§79-81 (AMD).]

2. Fines. An employer who fails to comply with the provisions of this chapter is subject to the penalties set out under this subsection.

A. An employer who fails to secure a background check in accordance with this chapter or knowingly employs a disqualified individual for direct access employment commits a civil violation for which a fine of not less than \$500 but not more than \$10,000 per day may be adjudged, beginning on the first day the violation occurs and for each day of continued violation. Each day constitutes a separate offense. [PL 2015, c. 299, §25 (NEW).]

B. An employer is subject to the penalties under paragraph A if that employer conditionally employs an individual before receiving verification that the individual has met the requirements of conditional employment described in this chapter. [PL 2015, c. 299, §25 (NEW).]

C. An employer who fails to comply with the confidentiality requirements and conditional employment requirements of this chapter commits a civil violation for which a fine of not less than \$500 but not more than \$5,000 may be adjudged for each violation. [PL 2015, c. 299, §25 (NEW).]

[PL 2015, c. 299, §25 (NEW).]

SECTION HISTORY

PL 2015, c. 299, §25 (NEW). PL 2023, c. 241, §§79-81 (AMD).

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