

(2) THE DEPARTMENT MAY WAIVE THE REQUIREMENT FOR A LICENSE IN AN EMERGENCY THAT RESULTS FROM A SUDDEN, UNEXPECTED EVENT THAT IS NOT A PLANNED RENOVATION OR DEMOLITION.

(K) SUBJECT TO THE HEARING PROVISIONS OF THIS SECTION, THE DEPARTMENT MAY REPRIMAND ANY LICENSEE, OR SUSPEND OR REVOKE ANY LICENSE, IF THE LICENSEE:

(1) FRAUDULENTLY OR DECEPTIVELY OBTAINS OR ATTEMPTS TO OBTAIN A LICENSE;

(2) FAILS AT ANY TIME TO MEET THE QUALIFICATIONS FOR A LICENSE OR ANY OTHER RULES OR REGULATIONS THAT THE DEPARTMENT ADOPTS UNDER THIS SECTION; OR

(3) FAILS TO MEET APPLICABLE FEDERAL OR STATE STANDARDS FOR REMOVAL OR ENCAPSULATION OF ASBESTOS.

(L) (1) EXCEPT AS OTHERWISE PROVIDED IN THE ADMINISTRATIVE PROCEDURE ACT, BEFORE THE DEPARTMENT TAKES ANY ACTION UNDER SUBSECTION (K) OF THIS SECTION, IT SHALL GIVE THE LICENSEE AGAINST WHOM THE ACTION IS CONTEMPLATED AN OPPORTUNITY FOR A HEARING.

(2) THE DEPARTMENT SHALL GIVE NOTICE AND HOLD THE HEARING IN ACCORDANCE WITH THE ADMINISTRATIVE PROCEDURE ACT.

(M) A PERSON WHO WILLFULLY VIOLATES ANY PROVISION OF THIS SECTION OR ANY RULE OR REGULATION ADOPTED UNDER THIS SECTION IS LIABLE TO A CIVIL PENALTY NOT EXCEEDING \$5,000 TO BE COLLECTED IN A CIVIL ACTION. EACH DAY A VIOLATION CONTINUES IS A SEPARATE VIOLATION UNDER THIS SUBSECTION.

(N) ANY PERSON WHO, AFTER HAVING PREVIOUSLY BEEN ASSESSED A CIVIL PENALTY UNDER THIS SECTION, WILLFULLY VIOLATES ANY PROVISION OF THIS SECTION OR ANY RULE OR REGULATION ADOPTED UNDER THIS SECTION, IS GUILTY OF A MISDEMEANOR AND, ON CONVICTION, IS SUBJECT TO:

(1) FOR A FIRST OFFENSE, A FINE NOT EXCEEDING \$20,000; OR

(2) FOR A SECOND OR SUBSEQUENT OFFENSE, A FINE NOT EXCEEDING \$25,000, OR IMPRISONMENT NOT EXCEEDING 2 YEARS OR BOTH.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1981.

Approved May 19, 1981.
