

**14.045 AGENCIES; LIMITS ON PENALTIES AND FINES.**

Subdivision 1. **Limit on penalties.** An agency may not, under authority of rule, levy a total fine or penalty of more than \$700 for a single violation unless the agency has specific statutory authority to levy a fine in excess of that amount.

Subd. 2. **Criminal penalty.** An agency may not, by rule, establish a criminal penalty unless the agency has specific statutory authority to do so.

Subd. 3. **Factors.** (a) If a statute or rule gives an agency discretion over the amount of a fine, the agency must take the following factors into account in determining the amount of the fine:

- (1) the willfulness of the violation;
- (2) the gravity of the violation, including damage to humans, animals, and the natural resources of the state;
- (3) the history of past violations;
- (4) the number of violations;
- (5) the economic benefit gained by the person by allowing or committing the violation; and
- (6) other factors that justice may require.

(b) For a violation after an initial violation, the following factors must be considered in addition to the factors in paragraph (a):

- (1) similarity of previous violations to the current violation to be penalized;
- (2) time elapsed since the last violation;
- (3) number of previous violations; and
- (4) response of the person to the most recent previous violation identified.

Subd. 4. **Effect on other law.** This section does not affect the right of an agency to deny a permit, revoke a license, or take similar action, other than the imposition of a fine, even if the cost of the denial, revocation, or other action to the affected party exceeds \$700.

Subd. 5. **Application.** Subdivisions 1, 2, and 4 apply only to fines and penalties imposed under rules for which notice of intent to adopt rules is published after July 1, 1996.

**History:** 1996 c 390 s 11