§ 141. Civil penalties. 1. If the commissioner finds that an employer has violated any provision of this article or of a rule or regulation promulgated thereunder, the commissioner may by an order which shall describe particularly the nature of the violation, assess the employer a civil penalty of not more than ten thousand dollars for the first such violation, at least two thousand but not more than twenty-five thousand dollars for a second violation, and at least ten thousand but not more than fifty-five thousand dollars for a third or subsequent violation. Such penalty shall be paid to the commissioner for deposit in the treasury of the state. In assessing the amount of the penalty, the commissioner shall give due consideration to the size of the employer's business, the good faith of the employer to believe that its conduct was in compliance with the law, the gravity of the violation, the history of previous violations and the failure to comply with record-keeping or other requirements, provided, however, that where such violation involves illegal employment during which a minor is seriously injured or dies, such penalty shall be at least three thousand dollars but not more than thirty thousand dollars for the first such violation, at least six thousand but not more than seventy-five thousand dollars for the second violation, and at least thirty thousand dollars but not more than one hundred seventy-five thousand dollars for the third or subsequent violation. For the purposes of this subdivision, a minor shall be deemed to be seriously injured if such injury results in a permanent partial or permanent total disability as determined by the workers' compensation board.

2. Any order issued under subdivision one of this section shall be deemed a final order of the commissioner and not subject to review by any court or agency unless the employer files a petition with the industrial board of appeals for a review of the order, pursuant to section one hundred one of this chapter.

3. Provided that no proceeding for administrative or judicial review as provided in this chapter shall then be pending and the time for initiation of such proceeding shall have expired, the commissioner may file with the county clerk of the county where the employer resides or has a place of business the order of the commissioner or the decision of

the industrial board of appeals containing the amount of the civil penalty. The filing of such order or decision shall have the full force and effect of a judgment duly docketed in the office of such clerk. The order or decision may be enforced by and in the name of the commissioner in the same manner, and with like effect, as that prescribed by the civil practice law and rules for the enforcement of a money judgment.

4. The civil penalty provided for in this section shall be in addition to and may be imposed concurrently with any other remedy or penalty provided for in this chapter.