§ 348. Powers of commissioner; surety bond; civil and criminal penalties. 1. If an order has been issued by the commissioner pursuant to section two hundred eighteen or two hundred nineteen of this chapter within the previous five years to any person engaged as an employer in the apparel industry directing compliance with any provision of article six or nineteen of this chapter and such order has not been revoked or annulled on review and the time for review has expired, or if it shall appear to the commissioner that any person engaged as an employer or as an agent or officer of a corporate employer in the apparel industry has within the previous five years been convicted of a violation of any provision of article six or nineteen of this chapter, or if it shall appear that any person engaged as an employer in the apparel industry has within the previous five years failed to comply within the time specified by law with an order issued by the commissioner to comply with the registration requirements of this article, the commissioner may demand that such employer deposit with him a surety bond either in a sum equal to his annual payroll, as determined by the commissioner or in the discretion of the commissioner, in the sum of fifty thousand dollars. Such bond shall be payable to the commissioner and shall be conditioned that the employer and the officers thereof will, for a period of five years, maintain full compliance with this article and articles six and nineteen of this chapter, and shall be further conditioned upon the payment by the employer of all judgments which may be recovered against him pursuant to the provisions of this chapter. If within ten days after demand for such bond, which demand shall be either personally served or made by certified mail directed to the residence or last known business address of the employer, such employer shall fail to deposit the same, the employer shall be thereafter liable for a civil penalty of one thousand dollars per day until the furnishing of the bond or cessation of business by the employer, which civil penalty shall be payable to the commissioner. The commissioner may bring an action in any court of appropriate jurisdiction to compel the employer and the officers thereof to furnish such a bond and to recover all civil penalties accrued.

2. Every person engaged as an employer, or any officer or agent of any corporation in the apparel industry who knowingly fails to comply with an order issued under subdivision one of this section shall be guilty of

a misdemeanor and upon conviction therefor shall be fined not less than one hundred nor more than ten thousand dollars or imprisoned for not more than one year or punished by both such a fine and imprisonment for each such offense.