A BILL ENTITLED

AN ACT concerning

Occupational Safety and Health – Inspections and Assessments of Civil Penalties – Limitations

FOR the purpose of requiring, under certain circumstances, the Commissioner of Labor and Industry or an authorized representative of the Commissioner to provide an employer certain notice before inspecting a place of employment; prohibiting, under certain circumstances, the Commissioner or an authorized representative of the Commissioner from assessing a civil penalty against the employer for violations found during certain inspections except under certain circumstances; making a conforming change; and generally relating to occupational safety and health inspections and assessments of civil penalties.

BY repealing and reenacting, with amendments,
Article – Labor and Employment
Section 5–208(a) and 5–209(d)
Annotated Code of Maryland
(2008 Replacement Volume and 2014 Supplement)

BY adding to
Article – Labor and Employment
Section 5–208.1
Annotated Code of Maryland
(2008 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, without amendments,
Article – Labor and Employment
Section 5–209(a)
Annotated Code of Maryland
(2008 Replacement Volume and 2014 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.
SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

That the Laws of Maryland read as follows:

Article – Labor and Employment

5–208.

(a) [The] SUBJECT TO § 5–208.1 OF THIS SUBTITLE, THE Commissioner or
authorized representative of the Commissioner may enter a place of employment where
work is performed, without delay at any reasonable time, to:

(1) inspect the place of employment;

(2) investigate all pertinent apparatus, conditions, devices, equipment,
materials, and structures at the place of employment; and

(3) question privately an agent, employee, or employer.

5–208.1.

(A) IF THE COMMISSIONER OR AN AUTHORIZED REPRESENTATIVE OF THE
COMMISSIONER HAS NOT INSPECTED A PLACE OF EMPLOYMENT IN THE
IMMEDIATELY PRECEDING 3 YEARS, THE COMMISSIONER OR AUTHORIZED
REPRESENTATIVE OF THE COMMISSIONER:

(1) SHALL PROVIDE THE EMPLOYER WRITTEN NOTICE OF AN INTENT
TO INSPECT THE PLACE OF EMPLOYMENT AT LEAST 14 DAYS BEFORE THE
INSPECTION IS TO OCCUR; AND

(2) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, MAY
NOT ASSESS A CIVIL PENALTY AGAINST THE EMPLOYER FOR A VIOLATION FOUND
DURING THE INSPECTION OR ANY INSPECTION CONDUCTED WITHIN 6 MONTHS
AFTER THAT INSPECTION.

(B) THE COMMISSIONER OR AN AUTHORIZED REPRESENTATIVE OF THE
COMMISSIONER MAY ASSESS A CIVIL PENALTY AGAINST AN EMPLOYER FOR A
VIOLATION THAT:

(1) PRESENTS AN IMMINENT DANGER TO AN EMPLOYEE; OR

(2) DUE TO A VIOLATION OF AN OCCUPATIONAL SAFETY AND HEALTH
STANDARD, PRESENTS A THREAT OF PHYSICAL HARM TO AN EMPLOYEE.

5–209.
(a) An employee or authorized representative of employees may request inspection of a place of employment if the employee or representative believes, in good faith, that:

(1) there is imminent danger to an employee; or

(2) due to a violation of an occupational safety and health standard, there is a threat of physical harm to an employee.

(d) (1) If the Commissioner determines that there are reasonable grounds, the Commissioner shall conduct an inspection as soon as practical to determine whether the danger or threat exists.

(2) If the Commissioner determines that there are no reasonable grounds, the Commissioner shall give the person who submitted the request written notice of that determination.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.