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By: **Delegates Patterson, Fulton, Harrison, Gordon, Frank, Kirk, Love, Kach, Schade, Branch, Donoghue, Barve, Eckardt, Pendergrass, La Vay, Crumlin, Kelly, Krysiak, Goldwater, Baldwin, Mossburg, McClenahan, Walkup, Muse, Valderrama, and V. Mitchell**

Introduced and read first time: February 9, 1998  
Assigned to: Economic Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Occupational Safety and Health - Citations**

3 FOR the purpose of requiring the Commissioner of Labor and Industry or the  
4 authorized representative of the Commissioner to issue a citation within a  
5 certain period after a determination, based on an inspection, that an employer  
6 has violated certain requirements of law; and generally relating to the issuance  
7 of citations by the Commissioner of Labor and Industry.

8 BY repealing and reenacting, without amendments,  
9 Article - Labor and Employment  
10 Section 5-208(a)  
11 Annotated Code of Maryland  
12 (1991 Volume and 1997 Supplement)

13 BY repealing and reenacting, with amendments,  
14 Article - Labor and Employment  
15 Section 5-212  
16 Annotated Code of Maryland  
17 (1991 Volume and 1997 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
19 MARYLAND, That the Laws of Maryland read as follows:

20 **Article - Labor and Employment**

21 5-208.

22 (a) The Commissioner or authorized representative of the Commissioner may  
23 enter a place of employment where work is performed, without delay at any  
24 reasonable time, to:

25 (1) inspect the place of employment;

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

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

4 5-212.

5 (a) (1) If, after an inspection or investigation, the Commissioner or  
6 authorized representative of the Commissioner is of the opinion that an employer has  
7 violated a duty under this title or an order passed under this title or an occupational  
8 safety and health standard or other regulation adopted to carry out this title, the  
9 Commissioner or authorized representative shall, [with reasonable promptness]  
10 WITHIN 90 DAYS, issue a citation to the employer.

11 (2) If an employer to whom a citation is issued is a unit of the State  
12 government, the Commissioner or authorized representative shall send a copy of the  
13 citation to the secretary of the principal department to which the unit is assigned or,  
14 if the unit is not part of a principal department, the head of the unit.

15 (b) Each citation under this section shall:

16 (1) be in writing;

17 (2) describe, with particularity, the nature of the alleged violation;

18 (3) reference the provision of this title, order, or occupational safety and  
19 health standard or other regulation that the employer is alleged to have violated; and

20 (4) set a reasonable period for abatement and correction of the alleged  
21 violation.

22 (c) In accordance with any regulation that the Commissioner adopts to carry  
23 out this title, an employer who is issued a citation shall post the citation or a copy of  
24 it conspicuously at or near each place where the citation alleges a violation occurred.

25 (d) No citation may be issued after 6 months after the occurrence of a  
26 violation.

27 (e) The Commissioner may establish, by regulation, procedures for issuance of  
28 a notice instead of a citation for a de minimis violation that has no direct or  
29 immediate relationship to safety or health.

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
31 October 1, 1998.