
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**

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CHAPTER _____

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~~ altering, in certain circumstances, the
7 time period within which the Commissioner of Labor and Industry is required to
8 issue certain citations for certain violations of the law; and generally relating to
9 the issuance of citations by the Commissioner of Labor and Industry.

10 BY repealing and reenacting, without amendments,
11 Article - Labor and Employment
12 Section 5-208(a)
13 Annotated Code of Maryland
14 (1991 Volume and 1997 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article - Labor and Employment
17 Section 5-212
18 Annotated Code of Maryland
19 (1991 Volume and 1997 Supplement)

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

1 **Article - Labor and Employment**

2 5-208.

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

6 (1) inspect the place of employment;

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

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

10 5-212.

11 (a) (1) ~~IF, EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, IF~~
12 after an inspection or investigation, the Commissioner or authorized representative
13 of the Commissioner is of the opinion that an employer has violated a duty under this
14 title or an order passed under this title or an occupational safety and health standard
15 or other regulation adopted to carry out this title, the Commissioner or authorized
16 representative shall, [with reasonable promptness] ~~WITHIN 90 DAYS,~~ issue a citation
17 to the employer WITH REASONABLE PROMPTNESS, NOT TO EXCEED THE EARLIER OF
18 90 DAYS FROM THE DATE OF THE CLOSING CONFERENCE ON THE INSPECTION OR
19 INVESTIGATION OR 6 MONTHS FROM THE OCCURRENCE OF THE VIOLATION.

20 (2) IF THE INCIDENT INVESTIGATED BY THE COMMISSIONER INVOLVES
21 A FATALITY OR SERIOUS PHYSICAL HARM, THE COMMISSIONER SHALL ISSUE A
22 CITATION WITH REASONABLE PROMPTNESS, NOT TO EXCEED 6 MONTHS FROM
23 OCCURRENCE OF THE VIOLATION.

24 (3) If an employer to whom a citation is issued is a unit of the State
25 government, the Commissioner or authorized representative shall send a copy of the
26 citation to the secretary of the principal department to which the unit is assigned or,
27 if the unit is not part of a principal department, the head of the unit.

28 (b) Each citation under this section shall:

29 (1) be in writing;

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

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

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

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

4 (d) ~~No citation may be issued after 6 months after the occurrence of a~~
5 ~~violation.~~

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

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