

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL NO. 651

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after the first comma insert “provisions concerning the employment of minors, the Wage and Hour Law,”; in line 6, after the comma insert “the Advisory Council on Prevailing Wage Rates,”; strike beginning with “repealing” in line 14 down through the semicolon in line 15; strike beginning with “providing” in line 17 down through the semicolon in line 18; and in line 29, after the semicolon insert “repealing certain provisions of law relating to the development of a certain training program; repealing certain provisions of law regarding the Advisory Committee on Safety Training Programs for Power Equipment Operators;”.

On pages 1 and 2, strike beginning with “altering” in line 29 on page 1 down through “Fund;” in line 1 on page 2.

On page 2, in line 2, strike “a certain report” and substitute “certain reports”; and in line 3, after “date;” insert “making a stylistic change;”.

AMENDMENT NO. 2

On page 2, strike in their entirety lines 23 through 27, inclusive.

On page 3, in line 29, strike “5-101(d),”; in the same line, strike “5-206(d),” and substitute “5-501, 5-504 through 5-507,”; in line 30, strike “5-801, 5-809, 5-812,”; after line 32, insert:

“BY repealing

Article - Labor and Employment

Section 5-502 and 5-503

Annotated Code of Maryland

(1999 Replacement Volume and 2002 Supplement)”;

(Over)

and in line 35, after “5-101(a)” insert “and (d)”.

On pages 3 and 4, strike in their entirety the lines beginning with line 38 on page 3 through line 4 on page 4, inclusive.

On page 4, in line 5, after “repealing” insert “and reenacting, with amendments,”; in line 10, strike “with” and substitute “without”; in line 32, strike “and (46)” and substitute “, (46), and (55)”; and strike line 36 in its entirety.

On page 5, strike in their entirety lines 1 through 4, inclusive.

AMENDMENT NO. 3

On page 6, strike in their entirety lines 35 through 37, inclusive.

On page 10, in line 7, strike the bracket; and strike line 8 in its entirety.

AMENDMENT NO. 4

On page 30, in line 11, strike “EXCEPT AS PROVIDED IN SUBTITLE 8, PART III OF THIS TITLE,”; and strike line 24 in its entirety.

On page 31, strike in their entirety lines 1 through 3, inclusive.

AMENDMENT NO. 5

On page 31, after line 3, insert:

“5-501.

(a) In this subtitle, [the following words have the meanings indicated.

(b) “Advisory Committee” means the Advisory Committee on Safety Training Programs for Power Equipment Operators.

(c) (1) “Power] “POWER equipment” means:

[(i)] (1) a backhoe;

[(ii)] (2) a bulldozer;

[(iii)] (3) a front-end loader;

[(iv)] (4) skid steer equipment;

[(v)] (5) a gradall;

[(vi)] (6) a scraper pan;

[(vii)] (7) a crane; or

[(viii)] (8) a hoist.

[(2)] (B) “Power equipment” does not include agricultural equipment that is used in a farming operation.

[5-502.

In consultation with the Advisory Committee, the Commissioner shall develop:

(1) a recommended model training program for use by employers;

(2) a reasonable periodic employer education program on safety training programs;

(3) a format for the collection of statistics that uses employer first report of injury forms on serious accidents and fatalities involving operators of power equipment; and

(4) a methodology for ascertaining the causes of serious accidents and fatalities involving operators of power equipment.]

[5-503.

(a) There is an Advisory Committee on Safety Training Programs for Power Equipment Operators.

(b) (1) The Advisory Committee consists of the following 11 members:

(Over)

(i) as an ex officio member, the Commissioner or the Commissioner's designee; and

(ii) 10 members appointed by the Governor.

(2) Of the 10 appointed members of the Advisory Committee:

(i) 3 shall represent labor; and

(ii) 7 shall represent employers.

(3) Of the 7 representatives of employers:

(i) 4 shall represent employers with at least 50 employees; and

(ii) 3 shall represent employers with fewer than 50 employees.

(4) In addition to the requirements of paragraph (3) of this subsection, of the 7 representatives of employers:

(i) 1 shall represent associated building contractors;

(ii) 1 shall represent utility contractors;

(iii) 1 shall represent highway contractors; and

(iv) 1 shall represent the public utilities of Maryland.

(5) The membership of the Advisory Committee shall represent all the regions of the State.

(c) Before taking office, each appointee to the Committee shall take the oath required by Article I, § 9 of the Maryland Constitution.

(d) The Commissioner may convene the Advisory Committee as needed to review the

safety and training of operators of power equipment.]

[5-504.] 5-502.

This subtitle does not apply to an employer with fewer than 6 employees.

[5-505.] 5-503.

(a) Each employer that hires employees to operate power equipment shall:

(1) develop and carry out an employee safety training program designed to inform employees of and train employees in applicable standards for safe operation of power equipment including:

[(i)] (1) limitations and use;

[(ii)] (2) rated load capacities; and

[(iii)] (3) special hazards[; or

(2) adopt and carry out the recommended model training program developed by the Commissioner under § 5-502 of this subtitle].

(b) On request by the Commissioner, an employer shall give the Commissioner a copy of its safety training program.

(c) Each employer that hires employees to operate power equipment shall:

(1) keep on file for inspection:

(i) a written description of its employee training program; and

(ii) a notation of where an employee received safety training, if the

(Over)

employer did not provide the employee with safety training;

(2) assure that specifications of a manufacturer applicable to operation of a piece of power equipment are available to each operator; and

(3) post operating instructions as required by occupational safety and health standards.

[5-506.] 5-504.

This subtitle may not be construed to allow or require licensing, registration, or certification of an operator of power equipment.

[5-507.] 5-505.

Sections 5-804, 5-805, and 5-806 OF THIS TITLE do not apply to this subtitle.”.

On pages 31 and 32, strike in their entirety the lines beginning with line 8 on page 31 through line 30 on page 32, inclusive.

AMENDMENT NO. 6

On page 33, in line 14, strike the bracket.

On page 34, in line 30, strike “2004” and substitute “2014”; and in the same line, strike the bracket.

On page 35, in lines 10, 12, and 13, in each instance, strike the bracket; and in line 13, strike “(II)”.

On page 36, in lines 1 and 2, in each instance, strike the bracket; and in line 2, strike “2003” and substitute “2013”.

AMENDMENT NO. 7

On page 36, after line 8, insert:

“SECTION 5. AND BE IT FURTHER ENACTED, That, in addition to the report required

under Section 4 of this Act, the Division of Labor and Industry shall report to the Senate Finance Committee and the House Economic Matters Committee on or before October 1, 2003, in accordance with § 2-1246 of the State Government Article, on:

(a) The efforts of the Maryland Apprenticeship and Training Council to coordinate with the Maryland State Department of Education regarding accessing adult literacy and education programs such as the Lifetime Experiences Program and the External Diploma Program;

(b) Efforts of the Boiler and Pressure Vessel Inspection Unit to coordinate with the insurance industry when developing inspection procedures for boilers and pressure vessels; and

(c) Efforts of the Boiler and Pressure Vessel Inspection Unit to reduce the inspection backlog of public buildings, which are the direct responsibility of the unit.”;

and in line 9, strike “5.” and substitute “6.”.