

CHAPTER 529
(Senate Bill 268)

AN ACT to repeal and re-enact, with amendments, Section 39 of Article 89 of the Annotated Code of Maryland (1964 Replacement Volume), title "Department of Labor and Industry," subtitle "Occupational Safety," to authorize the Commissioner of Labor and Industry to prohibit the use of any machinery or mechanical equipment found to be in ~~an unsafe or dangerous condition~~ VIOLATION OF SECTION 29 OF THIS ARTICLE until ~~the unsafe or dangerous~~ SUCH condition shall have been corrected.

SECTION 1. *Be it enacted by the General Assembly of Maryland,* That Section 39 of Article 89 of the Annotated Code of Maryland (1964 Replacement Volume), title "Department of Labor and Industry," subtitle "Occupational Safety," be and it is hereby repealed and re-enacted, with amendments, to read as follows:

39.

The Commissioner of Labor and Industry or his authorized representative shall have the power and authority to enter and inspect such places, question such employees, and investigate such facts, conditions, practices, or matters as he may deem appropriate to determine the cause of any accident that has occurred, or whether any person has violated any provisions of this subtitle, or any rule or regulation issued thereunder. The Commissioner of Labor and Industry may further investigate all matters which may aid in the enforcement of this subtitle. *If* AFTER INSPECTION FOR COMPLIANCE WITH THE PUBLISHED STANDARDS OF THE DEPARTMENT OF LABOR AND INDUSTRY, *any machinery or mechanical equipment or any part thereof is found to be in an unsafe or dangerous condition, or is not properly guarded,* VIOLATION OF SECTION 29 OF THIS ARTICLE, *notice thereof shall be given to the manager or owner in charge of such operation, in writing, and unless such machinery or mechanical equipment is repaired or made safe* WITHIN A REASONABLE PERIOD OF TIME, *the use thereof may be prohibited by the Commissioner of Labor and Industry and a notice to that effect shall be attached thereto. Such notice shall not be removed until the machinery or mechanical equipment is made safe and the required safeguards are provided and in the meantime such unsafe or dangerous machinery or mechanical equipment shall not be used.* ANY PERSON AGGRIEVED BY ANY DECISION OF THE COMMISSIONER MADE PURSUANT TO THE PROVISIONS OF THIS SECTION MAY COMMENCE AN ACTION IN THE CIRCUIT OR EQUITY COURT OF THE POLITICAL SUBDIVISION IN WHICH HE RESIDES AGAINST THE COMMISSIONER OF LABOR AND INDUSTRY TO VACATE OR MODIFY SUCH DECISION ON THE GROUND THAT IT IS UNLAWFUL OR UNREASONABLE. THE FILING OF ANY SUCH ACTION AGAINST THE COMMISSIONER SHALL NOT ACT AS A STAY OF THE DECISION OF THE COMMISSIONER, EXCEPT THAT THE COURT, AFTER NOTICE TO THE COMMISSIONER, AND HEARING, MAY GRANT A STAY UPON SUCH CONDITION OR SUCH SECURITY OR BOND AS MAY, IN ITS DISCRETION, SEEM PROPER.