

person" is substituted for the former phrase "except to a person lawfully entitled thereto" for clarity.

In subsection (b) of this section, the former reference to "in the discretion of the court" is deleted as surplusage.

The Public Utility Companies Article Review Committee notes, for consideration by the General Assembly, that subsection (b)(2) of this section sets a minimum fine of \$100, rather than a maximum fine, for each subsequent violation of this section. This setting of a minimum fine appears to violate the prohibition against excessive fines embedded in the Eighth Amendment of the U.S. Constitution and in Article 25 of the Maryland Declaration of Rights.

453. "RAILROAD VEHICLE" DEFINED.

IN THIS SUBHEADING, "RAILROAD VEHICLE" INCLUDES A CAR, CARRIAGE, ENGINE, LOCOMOTIVE, OR TENDER.

REVISOR'S NOTE: Chapter 8, Acts of 1998, which enacted the Public Utility Companies Article, also added this section, which is added to avoid the repetition of references to "car", "carriage", "engine", "locomotive", and "tender".

453A. INTERFERENCE WITH RAILROAD.

(A) "RAILROAD" DEFINED.

IN THIS SECTION, "RAILROAD" INCLUDES A SWITCH, FROG, RAIL, ROADBED, SLEEPER, VIADUCT, BRIDGE, TRESTLE, CULVERT, EMBANKMENT, STRUCTURE, OR APPLIANCE THAT PERTAINS TO OR CONNECTS WITH A RAILROAD.

(B) IN GENERAL.

A PERSON WHO BREAKS OR DAMAGES A RAILROAD OR PLACES OR CAUSES TO BE PLACED ANYTHING ON A RAILROAD IN THE STATE TO OBSTRUCT, OVERTHROW, OR DIRECT FROM THE TRACK A RAILROAD VEHICLE IS GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$5,000 OR IMPRISONMENT NOT EXCEEDING 10 YEARS OR BOTH.

REVISOR'S NOTE: Chapter 8, Acts of 1998, which enacted the Public Utility Companies Article, also added this section, which is derived without substantive change from former Art. 27, § 453.

In subsection (a) of this section, the reference to "railroad" is substituted for the former reference to "railway" to conform to the terminology used in this subheading.

In subsection (b) of this section, the reference to "damages" a railroad is substituted for the former reference to "injure[s]" a railroad for clarity.

Also in subsection (b) of this section, the former reference to a car, vehicle,