

(2) SUBJECT TO § 3-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE, TO COLLECT A CIVIL PENALTY THAT IS ASSESSED BY ORDER OF THE COMMISSIONER UNDER THIS TITLE; OR

(3) TO ENFORCE ANY OTHER ORDER OF THE COMMISSIONER UNDER THIS TITLE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 89, § 44(a).

The introductory language of item (2) of this section, "[s]ubject to § 3-302 of the State Finance and Procurement Article", is added as a general reference to the responsibility of the Central Collection Unit of the Department of Budget and Fiscal Planning for recovery of debts. For civil penalties that the Central Collection Unit may collect in the District Court under this title, there is a limit of \$10,000. See also § 5-811 of this title.

Defined term: "Commissioner" § 5-101

5-208. INSPECTIONS.

(A) RIGHT OF ENTRY.

THE COMMISSIONER OR AUTHORIZED REPRESENTATIVE OF THE COMMISSIONER MAY ENTER A PLACE OF EMPLOYMENT WHERE WORK IS PERFORMED, WITHOUT DELAY AT ANY REASONABLE TIME, TO:

(1) INSPECT THE PLACE OF EMPLOYMENT;

(2) INVESTIGATE ALL PERTINENT APPARATUS, CONDITIONS, DEVICES, EQUIPMENT, MATERIALS, AND STRUCTURES AT THE PLACE OF EMPLOYMENT; AND

(3) QUESTION PRIVATELY AN AGENT, EMPLOYEE, OR EMPLOYER.

(B) REPRESENTATIVES OF EMPLOYER AND EMPLOYEES.

(1) SUBJECT TO ANY REGULATION THAT THE COMMISSIONER ADOPTS TO CARRY OUT THIS TITLE, A REPRESENTATIVE CHOSEN BY EMPLOYEES AND A REPRESENTATIVE OF THE EMPLOYER SHALL BE GIVEN AN OPPORTUNITY TO ACCOMPANY THE COMMISSIONER OR AN AUTHORIZED REPRESENTATIVE OF THE COMMISSIONER DURING AN INSPECTION UNDER THIS SUBTITLE.

(2) IF THERE IS NO AUTHORIZED EMPLOYEE REPRESENTATIVE, THE COMMISSIONER SHALL CONSULT WITH A REASONABLE NUMBER OF EMPLOYEES ABOUT SAFETY AND HEALTH IN THE PLACE OF EMPLOYMENT.

(C) NOTICE OF VIOLATION FROM EMPLOYEE.