

Defined terms: "Commissioner" § 5-101

"Employee" § 5-101 "Employer" § 5-101

"Occupational safety and health standard" § 5-101

"Person" §§ 1-101 and 5-101

"Place of employment" § 5-101

5-210. NOTICE PROHIBITING USE OF APPARATUS.

(A) "APPARATUS" DEFINED.

IN THIS SECTION, "APPARATUS" MEANS ANY APPARATUS, DEVICE, MACHINERY, OR MECHANICAL EQUIPMENT.

(B) AUTHORIZED.

THE COMMISSIONER OR AN AUTHORIZED REPRESENTATIVE OF THE COMMISSIONER MAY PROHIBIT USE OF ANY APPARATUS, IF, AFTER AN INSPECTION, THE COMMISSIONER OR AUTHORIZED REPRESENTATIVE OF THE COMMISSIONER DETERMINES THAT:

(1) THE APPARATUS OR PART OF THE APPARATUS VIOLATES AN OCCUPATIONAL SAFETY AND HEALTH STANDARD; AND

(2) THERE IS A SUBSTANTIAL PROBABILITY THAT DEATH OR SERIOUS PHYSICAL HARM COULD RESULT FROM CONTINUED USE.

(C) NOTICE.

TO PROHIBIT USE OF ANY APPARATUS OR PART OF ANY APPARATUS, THE COMMISSIONER OR AUTHORIZED REPRESENTATIVE OF THE COMMISSIONER SHALL GIVE AN EMPLOYER OR THE AGENT IN CHARGE OF SUCH OPERATION WRITTEN NOTICE THAT PROHIBITS USE.

(D) POSTING; USE PROHIBITED.

(1) A COPY OF A NOTICE UNDER SUBSECTION (C) OF THIS SECTION:

(I) SHALL BE ATTACHED TO THE APPARATUS; AND

(II) MAY NOT BE REMOVED UNTIL THE APPARATUS IS MADE SAFE AND EACH REQUIRED SAFEGUARD IS PROVIDED.

(2) USE OF ANY APPARATUS IS PROHIBITED WHILE A NOTICE UNDER THIS SECTION IS POSTED ON THE APPARATUS.

(E) JUDICIAL REVIEW.

(1) ANY PERSON AGGRIEVED BY A DECISION OF THE COMMISSIONER UNDER THIS SECTION MAY BRING AN ACTION TO MODIFY OR VACATE THE DECISION ON THE GROUND THAT IT IS UNLAWFUL OR UNREASONABLE.