

In paragraph (2)(ii) of this subsection, the word "or" is substituted for the former word "and", since there seemed to be no intent to exclude a member of a company that provides, e.g., only ambulance services. This interpretation is supported by former Art. 89, § 32A(h)(1), which defined "[e]mployer" in terms of a "fire, ambulance, or rescue company." See subsection (c) of this section.

Defined term: "Employee" § 5-101

(C) EMPLOYER.

(1) "EMPLOYER" MEANS AN EMPLOYER (AS DEFINED IN § 5-101 OF THIS TITLE) AND INCLUDES A VOLUNTEER FIRE, AMBULANCE, OR RESCUE COMPANY.

(2) "EMPLOYER" DOES NOT INCLUDE A FARMER WHO:

(I) USES A HAZARDOUS CHEMICAL IN FARMING; AND

(II) COMPLIES WITH THE APPLICABLE REQUIREMENTS OF THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT.

REVISOR'S NOTE: This subsection formerly was Art. 89, § 32A(c)(2) and (3).

The only changes are in style.

Defined term: "Employer" § 5-101

5-402. SCOPE OF SUBTITLE.

SECTIONS 5-404 THROUGH 5-409 OF THIS SUBTITLE DO NOT APPLY TO:

(1) A RAILROAD THAT IS SUBJECT TO THE FEDERAL RAILROAD SAFETY ACT OF 1970 AND THE JURISDICTION OF THE FEDERAL RAILROAD ADMINISTRATION;

(2) A LANDFILL IN THE STATE;

(3) A PERSON WHO:

(I) IS ENGAGED IN THE BUSINESS OF PROVIDING COMMERCIAL OR RESIDENTIAL GARBAGE AND REFUSE PICKUP AND DISPOSAL SERVICE WHILE ACTUALLY ENGAGING IN THE PICKUP AND DISPOSAL OF GARBAGE AND REFUSE; AND

(II) DOES NOT PICK UP, TRANSPORT, TREAT, STORE, OR DISPOSE OF CONTROLLED HAZARDOUS SUBSTANCES THAT ARE REGULATED UNDER TITLE 7, SUBTITLE 2 OF THE ENVIRONMENT ARTICLE; OR

(4) AN ANALYTICAL, EDUCATIONAL, OR RESEARCH AND DEVELOPMENT LABORATORY.