

(3) POST OPERATING INSTRUCTIONS AS REQUIRED BY OCCUPATIONAL SAFETY AND HEALTH STANDARDS.

REVISOR'S NOTE: This section is new language derived without substantive change from Art. 89, § 33A(c) and (g), as enacted by Ch. 481, Acts of 1990 and to take effect on April 1, 1992.

Subsection (b) of this section is revised to clarify the duty of an employer to give a copy of its safety training program to the Commissioner.

Defined terms: "Commissioner" § 5-101

"Employee" § 5-101 "Employer" § 5-101

"Occupational safety and health standard" § 5-101

"Power equipment" § 5-501

5-506. LICENSING NOT REQUIRED.

THIS SUBTITLE MAY NOT BE CONSTRUED TO ALLOW OR REQUIRE LICENSING, REGISTRATION, OR CERTIFICATION OF AN OPERATOR OF POWER EQUIPMENT.

REVISOR'S NOTE: This section is new language derived without substantive change from Art. 89, § 33A(i) as enacted by Ch. 481, Acts of 1990 and to take effect on April 1, 1992.

Defined term: "Power equipment" § 5-501

5-507. NONAPPLICABILITY OF CERTAIN PROHIBITIONS AND CRIMINAL PENALTIES.

SECTIONS 5-804, 5-805, AND 5-806 DO NOT APPLY TO THIS SUBTITLE.

REVISOR'S NOTE: This section is new language derived without substantive change from Art. 89, § 33A(h), as enacted by Ch. 481, Acts of 1990 and to take effect April 1, 1992.

The Labor and Employment Article Review Committee notes, for consideration by the General Assembly, that the broad exemption from criminal liability may be inconsistent with the intent of the Maryland Occupational Safety and Health Act. For example, it seems that if an employer willfully fails to post operating instructions on power equipment, the resultant death of an employee would not be punishable criminally. Since the substantive provisions of this subtitle take effect April 1, 1992 but under Section 4 of Ch. 481 civil penalty provisions do not take effect until April 1, 1993, for that one year, there also will be no civil penalty.

Also, an employer may be given advance notice of an inspection under this subtitle without criminal liability.