

(1) THIS SUBSECTION APPLIES ONLY TO AN EMPLOYER WHO IS A SUBCONTRACTOR.

(2) EACH SUBCONTRACTOR WHO, UNDER AN ORIGINAL CONTRACT OR SUBCONTRACT, IS TO DO MAINTENANCE WORK IN A CONFINED SPACE SHALL GIVE THE COMMISSIONER:

(I) AT THE COMMENCEMENT OF THE MAINTENANCE WORK, ORAL NOTICE OF THE MAINTENANCE WORK TO BE PERFORMED; AND

(II) WITHIN 24 HOURS AFTER THE ORAL NOTICE, WRITTEN NOTICE OF THE MAINTENANCE WORK.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 89, §§ 29(j) and 33(f) and the first and second sentences of § 32(d).

Subsection (b)(2) of this section is revised to clarify that the exception is contingent on the Commissioner passing an order for a variance to avoid the implication that an employer need only "apply" for a variance.

The third sentence of former Art. 89, § 32(d), which specified that the former subsection did not "alter contractual relationships ... in existence on June 30, 1981", is deleted as obsolete.

The Labor and Employment Article Review Committee notes, for consideration by the General Assembly, that the Commissioner passes an order for a variance only from a regulation. See § 5-319 of this title.

Defined terms: "Commissioner" § 5-101

"Employer" § 5-101 "Person" §§ 1-101 and 5-101

5-603. WORK IN MANHOLES.

(A) HELP REQUIRED.

(1) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, WHENEVER AN EMPLOYER HAS AN EMPLOYEE WORKING IN A MANHOLE, THE EMPLOYER SHALL HAVE ANOTHER EMPLOYEE AVAILABLE IN THE IMMEDIATE VICINITY OF THE MANHOLE TO GIVE EMERGENCY HELP.

(2) THE EMPLOYEE WHO IS AVAILABLE TO GIVE EMERGENCY HELP MAY ENTER THE MANHOLE TO GIVE OTHER HELP.

(B) EXCEPTION.

FOR A BRIEF PERIOD, A QUALIFIED EMPLOYEE WHO IS WORKING ALONE MAY ENTER A MANHOLE WHERE CABLES OR EQUIPMENT ARE IN SERVICE TO:

(1) PERFORM AN INSPECTION;