

Subsection (a) of this section is revised to state expressly that the Commissioner may require records. Although former Art. 89, § 33(a) and (b) was phrased as a duty of an employer to comply with regulations on records, that duty is imposed for every regulation. See § 5-104(b) of this title.

In subsection (a) of this section, the former duty to "make periodic reports" is deleted as unnecessary in light of § 5-704 of this subtitle.

In the introductory language of subsection (c)(2) of this section, the former limitation to an employer "subject to the provisions of this subtitle" is deleted as unnecessary in light of the definition of "employer".

Also in the introductory language of subsection (c) of this section, the former proviso "[n]otwithstanding any other provisions of this section" is deleted as unnecessary, since nothing in former Art. 89, § 33 seemed to contradict the first sentence of subsection (e) of that section. The Labor and Employment Article Review Committee calls this deletion to the attention of the General Assembly.

In subsection (c)(2)(ii), the name "Injured Workers' Insurance Fund" is substituted for the former name "State Accident Fund" to reflect the name adopted under Ch. 71, Acts of 1990.

The Committee also notes that subsection (b) of this section does not encompass records kept under subsection (a)(1) of this section since former Art. 89, § 33(b) did not require an employer to make those records available.

The Committee also notes that subsection (c)(2) of this section only applies to an employer who insures with the Injured Workers' Insurance Fund.

Defined terms: "Commissioner" § 5-101

"Employee" § 5-101 "Employer" § 5-101

5-703. RECORDS FOR ENFORCEMENT.

(A) AUTHORITY TO REQUIRE.

THE COMMISSIONER MAY REQUIRE, BY REGULATION, THAT AN EMPLOYER KEEP EACH RECORD ABOUT AN ACTIVITY OF THE EMPLOYER THAT RELATES TO THIS TITLE AS THE COMMISSIONER CONSIDERS APPROPRIATE OR NECESSARY TO ENFORCE THIS TITLE.

(B) AVAILABILITY TO COMMISSIONER.

EACH EMPLOYER SHALL MAKE AVAILABLE TO THE COMMISSIONER EACH RECORD THAT THE EMPLOYER IS REQUIRED TO KEEP UNDER THIS SECTION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 89, § 33(a), as that subsection related to records for enforcement.