

**(B) PENALTY.**

A PERSON WHO WILLFULLY VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$500 OR IMPRISONMENT NOT EXCEEDING 6 MONTHS OR BOTH.

REVISOR'S NOTE: Chapter 8, Acts of 1998, which enacted the Public Utility Companies Article, also enacted this section, which is derived without substantive change from former Art. 23, § 326B.

Former Art. 23, § 321, which regulated the powers and rights of telephone and telegraph corporations, is transferred to the Session Laws.

**Article - Labor and Employment****TITLE 5.5. RAILROAD SAFETY AND HEALTH.****5.5-101. DEFINITIONS.****(A) IN GENERAL.**

IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

REVISOR'S NOTE: Chapter 8, Acts of 1998, which enacted the Public Utility Companies Article, also enacted this subsection, which is substituted for the introductory language of former Art. 89, § 83.

**(B) COMMISSIONER.**

"COMMISSIONER" MEANS THE COMMISSIONER OF LABOR AND INDUSTRY.

REVISOR'S NOTE: Chapter 8, Acts of 1998, which enacted the Public Utility Companies Article, also enacted this subsection, which is derived without substantive change from former Art. 89, § 83(1) as it defined "Commissioner" to mean the "Commissioner of Labor and Industry".

Former Art. 89, § 83(1), as it defined "Commissioner" to mean an "authorized representative" of the Commissioner, is deleted as unnecessary in light of former Art. 89, § 97 — now § 5.5-104(d) of this title — which authorizes the Commissioner to assign any function or duty under this title to the Chief Inspector for Railroad Safety and Health; and as potentially misleading in light of the numerous references throughout this title that, at times, include an express reference to an "authorized representative" of the Commissioner and at times omit the express reference. This revised title retains that express reference whenever it appeared in the former laws.

The revision of this title clarifies the apparent intent of the General Assembly to allow subdelegation, in specific instances, to persons other than the Chief Inspector for Railroad Safety and Health.

**(C) EMPLOYEE.**