

REASONABLY COULD BE EXPECTED TO CAUSE DEATH OR SERIOUS PHYSICAL HARM TO AN INDIVIDUAL OR SERIOUS PHYSICAL DAMAGE TO PROPERTY; AND

(II) MAY GRANT AN INJUNCTION OR TEMPORARY RESTRAINING ORDER, PENDING THE OUTCOME OF ENFORCEMENT PROCEDURES UNDER THIS TITLE.

(2) A TEMPORARY RESTRAINING ORDER THAT IS PASSED WITHOUT NOTICE MAY NOT BE IN EFFECT FOR MORE THAN 7 DAYS.

(3) AN INJUNCTION UNDER THIS SUBSECTION MAY REQUIRE EACH ACT NEEDED TO:

(I) AVOID, CORRECT, OR REMOVE THE IMMINENT DANGER; OR

(II) PROHIBIT THE EMPLOYMENT OR PRESENCE OF ANY INDIVIDUAL IN A LOCATION OR UNDER A CONDITION WHERE THE IMMINENT DANGER EXISTS OTHER THAN AN INDIVIDUAL WHO NEEDS TO BE PRESENT TO:

1. REMOVE THE IMMINENT DANGER; OR

2. WHERE OPERATIONS MUST BE STOPPED, STOP AN OPERATION IN AN ORDERLY AND SAFE MANNER.

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. 89, § 93.

The Public Utility Companies Article Review Committee notes, for the consideration of the General Assembly, that in subsection (a) of this section, the Commissioner is authorized to conclude that a condition or practice in the operation of a railroad creates an imminent danger because it is logical to infer that if an authorized representative of the Commissioner can make such a finding, so may the Commissioner.

In subsection (a)(1) of this section, the words "each employee" are substituted for the former word "personnel" in conformity with § 5-216 of this article.

Subsections (a) and (b) of this section have been revised to eliminate an ambiguity in former Art. 89, § 93(a) of the Code. The former modifying phrase "serious physical" could have been interpreted to apply either to the former phrase "harm to persons" and not to the former phrase "damage to property", or to both. The Public Utility Companies Article Review Committee concluded that the modifying phrase, "serious physical", is intended to apply both to "physical harm to an individual" and to "damage to property", and has revised these subsections accordingly.

In the introductory language of subsection (b)(1) of this section, the reference to a "complaint" is substituted for the former references to a "petition" in light of Md. Rule 2-302.

In subsection (b)(1)(i) of this section, the former word "restrain" is deleted