

(II) THE RAILROAD HAS NOT COMMITTED A WILLFUL OR SERIOUS VIOLATION AS DESCRIBED IN THIS SECTION.

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, §§ 84(a)(7), 95, 102(a)(2), and the third sentence and the second clause of the second sentence of 101(a).

In subsection (a) of this section, the reference to this "title" is substituted for the former reference to this "subtitle" to reflect the reorganization of provisions on railroad safety and health derived from former Art. 89 into this title.

Subsections (b)(2), (c), (d), (e), and (f) of this section are revised in the active voice to clarify that the assessment of a civil penalty is a responsibility of the Commissioner.

As to the addition of the words "health and safety" to modify references to "standard" in subsection (a)(2) of this section, see Revisor's Note to § 5.5-108 of this title.

In subsection (b) of this section, the reference to the "General Fund of the State" is substituted for the former reference to the "State Treasury" for consistency with § 5-812 of this article.

Defined terms: "Commissioner" § 5.5-101

"Employee" § 5.5-101

"Railroad company" § 5.5-101

"State" § 1-101

SECTION 4. AND BE IT FURTHER ENACTED, That Section(s) 168 through 178, inclusive, of Article 23 - Miscellaneous Companies of the Annotated Code of Maryland be repealed and reenacted, with amendments, and transferred to the Session Laws, to read as follows:

#### MINING RAILROADS

[168.] 1.

The president and directors of any corporation mentioned in § 245 of An. Code of 1912 shall be invested with full power to locate and construct a railroad or railroads, with necessary appurtenances, and shall be empowered to condemn a right-of-way for such purposes, beginning the same at, or near, the mines, manufactories or works of said corporation and running to any convenient point or points that may best suit the convenience and interest of said corporation, or beginning at the tipple or other works of said corporation or at a place where said corporation intends or designs to erect such tipple or other works, and running either on the surface, underground, or by elevated road, or partly on the surface and partly by the other methods, or one of them, to the vein of coal or other minerals at the point at which said corporation may desire to open or work the same; and to use and control said "railroad or railroads, and the necessary vehicles and appurtenances thereto belonging"; provided however