

REVISOR'S NOTE: This section is new language substituted for the part of former Art. 89, § 65(h) that defined "Commissioner" to mean "his authorized representative". It is revised as a substantive provision, rather than a definition, for accuracy since an "authorized representative" is not the "Commissioner" and to clarify the apparent intent of the General Assembly to allow delegation of any responsibility under this title.

Defined term: "Commissioner" § 3-101

3-203. DELEGATION OF INSPECTION POWER.

(A) IN GENERAL.

THE COMMISSIONER MAY MAKE AN AGREEMENT WITH A MUNICIPAL CORPORATION OR POLITICAL SUBDIVISION OF THE STATE OR UNIT OF THE STATE GOVERNMENT TO DELEGATE THE POWER OF INSPECTION.

(B) DELEGATION TO POLITICAL SUBDIVISION.

IF A POLITICAL SUBDIVISION SATISFIES THE COMMISSIONER THAT THE POLITICAL SUBDIVISION CAN MAKE THE INSPECTIONS REQUIRED UNDER THIS TITLE, THE COMMISSIONER SHALL MAKE AN AGREEMENT WITH THE POLITICAL SUBDIVISION TO DELEGATE THE POWER OF INSPECTION.

(C) POWERS OF COMMISSIONER.

(1) THE COMMISSIONER MAY RETAIN THE RIGHT TO MONITOR AN INSPECTION BY A MUNICIPAL CORPORATION OR POLITICAL SUBDIVISION OF THE STATE OR UNIT OF THE STATE GOVERNMENT.

(2) THE COMMISSIONER MAY REVOKE THE AGREEMENT.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 89, § 68(c).

The Business Regulation Article Review Committee notes, for consideration by the General Assembly, that subsection (b) of this section literally applies only to a "political subdivision" although subsection (a) of this section applies to a "municipal corporation or political subdivision of the State or unit of the State government".

The Business Regulation Article Review Committee also notes, for consideration by the General Assembly, that subsection (b) of this section requires the Commissioner to make an agreement with a political subdivision to delegate the power of inspection but subsection (c)(2) of this section allows the Commissioner to revoke the agreement, presumably at any time.

Defined term: "Commissioner" § 3-101