

(1) AT ANY APPROPRIATE TIME, THE COMMISSIONER MAY FILE A COMPLAINT TO ENFORCE ANY ORDER THAT THE COMMISSIONER PASSES UNDER THIS TITLE OR REGULATION OR HEALTH AND SAFETY STANDARD THAT THE COMMISSIONER ADOPTS TO CARRY OUT THIS TITLE.

(2) A COMPLAINT FILED UNDER THIS SUBSECTION SHALL BE FILED IN A COURT OF COMPETENT JURISDICTION IN ACCORDANCE WITH THE MARYLAND ADMINISTRATIVE PROCEDURE ACT AND THE MARYLAND RULES.

(E) EXPEDITIOUS HEARING.

A COURT EXPEDITIOUSLY SHALL HEAR A COMPLAINT UNDER 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, § 92.

As to the addition of the words "health and safety" to modify references to "standard" in subsections (a), (b), (c), and (d)(1) of this section, see Revisor's Note to § 5.5-108 of this title.

In subsection (b)(2) of this section, the former reference to posting a "bond" is deleted as included in the references to posting "security".

Also in subsection (b)(2) of this section, the former reference to posting security as "[the court] deems proper" is deleted as implicit in the discretion of the court to review and stay an order, regulation, or health and safety standard of the Commissioner.

Defined terms: "Commissioner" § 5.5-101
"Person" § 1-101

5.5-120. INJUNCTIVE RELIEF AGAINST IMMINENT DANGER.

(A) NOTICE OF DANGER; RECOMMENDATION TO COMMISSIONER.

IF THE COMMISSIONER OR AN AUTHORIZED REPRESENTATIVE OF THE COMMISSIONER CONCLUDES THAT A CONDITION OR PRACTICE IN THE OPERATION OF ANY RAILROAD CREATES AN IMMINENT DANGER THAT REASONABLY COULD BE EXPECTED TO CAUSE DEATH OR SERIOUS PHYSICAL HARM TO AN INDIVIDUAL OR SERIOUS PHYSICAL DAMAGE TO PROPERTY, THE AUTHORIZED REPRESENTATIVE:

(1) SHALL GIVE NOTICE OF THE DANGER TO THE RAILROAD COMPANY AND EACH EMPLOYEE WHOM THE DANGER AFFECTS; AND

(2) MAY RECOMMEND THAT THE COMMISSIONER SEEK TO ENJOIN THE CONDITION OR PRACTICE.

(B) AUTHORITY OF COURT.

(1) ON A COMPLAINT FILED BY THE COMMISSIONER, A CIRCUIT COURT:

(I) MAY ENJOIN A CONDITION OR PRACTICE AT A RAILROAD COMPANY IF THE CONDITION OR PRACTICE CREATES AN IMMINENT DANGER THAT