

38. JUDICIAL REVIEW.

(A) ANY PERSON ADVERSELY AFFECTED OR AGGRIEVED BY ANY RULE, REGULATION, STANDARD OR ORDER OF THE COMMISSIONER ISSUED UNDER THIS SUBTITLE MAY OBTAIN A REVIEW THEREOF IN ANY CIRCUIT OR EQUITY COURT OF THE POLITICAL SUBDIVISION IN WHICH (1) THE VIOLATION IS ALLEGED TO HAVE OCCURRED (2) OR WHERE THE EMPLOYER HAS ITS PRINCIPAL OFFICE OR (3) IN THE BALTIMORE CITY COURT, AS THE CASE MAY BE, BY FILING IN SUCH COURT WITHIN THIRTY DAYS FOLLOWING THE ISSUANCE OF SUCH RULE, REGULATION, STANDARD OR ORDER, A WRITTEN PETITION PRAYING THAT THE RULE, REGULATION, STANDARD OR ORDER BE MODIFIED OR SET ASIDE. A COPY OF SUCH PETITION SHALL BE SERVED ON THE COMMISSIONER AND OTHER AFFECTED PARTIES THERETO. THE FINDINGS OF THE COMMISSIONER WITH RESPECT TO QUESTIONS OF FACT, AS SUPPORTED BY SUBSTANTIAL EVIDENCE, SHALL BE CONCLUSIVE. THE COURT SHALL DETERMINE WHETHER THE RULE, REGULATION, STANDARD OR ORDER IS IN ACCORDANCE WITH LAW. THE COMMENCEMENT OF PROCEEDINGS UNDER THIS SUBSECTION SHALL NOT OPERATE AS A STAY OF ANY RULE, REGULATION, STANDARD OR ORDER ISSUED BY THE COMMISSIONER UNDER THE PROVISIONS OF THIS SUBTITLE, EXCEPT THAT THE COURT, AFTER NOTICE TO THE COMMISSIONER AND HEARING, MAY GRANT A STAY UPON SUCH CONDITION OR SUCH SECURITY OR BOND AS MAY, IN ITS DISCRETION, SEEM PROPER.

(B) IN ANY PROCEEDING UNDER THIS SECTION, RULES, REGULATIONS AND STANDARDS OF THE COMMISSIONER SHALL BE DEEMED PRIMA FACIE LAWFUL AND REASONABLE. NO SUCH RULES, REGULATIONS AND STANDARDS SHALL BE HELD INVALID BECAUSE OF TECHNICAL DEFECT, PROVIDED THERE IS SUBSTANTIAL COMPLIANCE WITH THE PROVISIONS OF THIS SUBTITLE.

(C) THE COMMISSIONER MAY, AT ANY APPROPRIATE TIME, OBTAIN ENFORCEMENT OF ANY RULE, REGULATION, STANDARD OR ORDER BY FILING A PETITION FOR SUCH RELIEF IN ANY CIRCUIT OR EQUITY COURT OF THE POLITICAL SUBDIVISION IN WHICH (1) THE ALLEGED VIOLATION OCCURRED (2) OR WHERE THE EMPLOYER HAS ITS PRINCIPAL OFFICE. AND THE PROVISIONS OF SUBSECTIONS (A) AND (B) SHALL GOVERN SUCH PROCEEDINGS TO THE EXTENT APPLICABLE.

(D) PETITIONS FILED UNDER THIS SECTION SHALL BE HEARD EXPEDITIOUSLY.

39. PROCEDURE FOR IMMINENT DANGER SITUATIONS.

(A) THE CIRCUIT COURTS OF THIS STATE SHALL HAVE JURISDICTION, UPON PETITION OF THE COMMISSIONER, TO RESTRAIN OR ENJOIN ANY CONDITIONS OR PRACTICES IN ANY PLACE OF EMPLOYMENT WHICH ARE SUCH THAT AN IMMINENT DANGER EXISTS WHICH COULD REASONABLY BE EXPECTED TO CAUSE DEATH OR SERIOUS PHYSICAL HARM TO EMPLOYEES. ANY ORDER ISSUED UNDER THIS SECTION MAY REQUIRE SUCH STEPS TO BE TAKEN AS MAY BE NECESSARY TO AVOID, CORRECT, OR