

OR MORE PRACTICES, MEANS OR METHODS OF OPERATION WHICH ARE IN USE BY THE OWNER OR LESSEE OF AN AMUSEMENT RIDE OR ATTRACTION UNLESS SUCH OWNER OR LESSEE DID NOT AND COULD NOT WITH THE EXERCISE OF REASONABLE DILIGENCE, KNOW OF THE PRESENCE OF THE VIOLATION.

(C) ANY OWNER OR LESSEE OF AN AMUSEMENT RIDE OR ATTRACTION WHO HAS RECEIVED A CITATION FOR A VIOLATION OF ANY PROVISION OF THIS SUBTITLE OR ANY RULE, REGULATION, STANDARD, OR ORDER PROMULGATED PURSUANT TO THIS SUBTITLE AND THE VIOLATION IS SPECIFICALLY DETERMINED NOT TO BE OF A SERIOUS NATURE, IS SUBJECT TO A ~~[[FINE]]~~ CIVIL PENALTY NOT TO EXCEED \$500 FOR EACH VIOLATION.

(D) ANY OWNER OR LESSEE OF AN AMUSEMENT RIDE OR ATTRACTION WHO DOES NOT CORRECT A VIOLATION FOR WHICH A CITATION HAS BEEN ISSUED WITHIN THE PERIOD PERMITTED FOR ITS CORRECTION AS PROVIDED IN § 72 OF THIS SUBTITLE IS SUBJECT TO A ~~[[FINE]]~~ CIVIL PENALTY NOT TO EXCEED \$500 FOR EACH DAY DURING WHICH THE VIOLATION CONTINUES.

(E) ANY OWNER OR LESSEE OF AN AMUSEMENT RIDE OR ATTRACTION WHO VIOLATES ANY OF THE POSTING REQUIREMENTS, AS PRESCRIBED UNDER THE PROVISIONS OF THIS SUBTITLE, IS SUBJECT TO A ~~[[FINE]]~~ CIVIL PENALTY NOT TO EXCEED \$500 FOR EACH VIOLATION.

(F) UNDER THIS SUBTITLE THE COMMISSIONER SHALL IN ASSESSING PENALTIES GIVE DUE CONSIDERATION TO THE APPROPRIATENESS OF THE PENALTY WITH RESPECT TO THE SIZE OF THE BUSINESS OF THE AMUSEMENT RIDE OR ATTRACTION OWNER OR LESSEE BEING CHARGED, THE GRAVITY OF THE VIOLATION, THE GOOD FAITH OF THE OWNER OR LESSEE AND THE OWNER OR LESSEE'S HISTORY OF PREVIOUS VIOLATIONS.

(G) ALL CIVIL PENALTIES IMPOSED UNDER THIS SUBTITLE SHALL BE PAID INTO THE STATE TREASURY.

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(A) ANY OWNER OR LESSEE OF AN AMUSEMENT RIDE OR ATTRACTION WHO WILFULLY VIOLATES ANY PROVISION OF THIS SUBTITLE OR ANY RULE, REGULATION, STANDARD OR ORDER PROMULGATED PURSUANT TO THIS SUBTITLE, AND THAT VIOLATION CAUSED DEATH TO ANY MEMBER OF THE PUBLIC EXPOSED TO THE VIOLATION, IS GUILTY OF A MISDEMEANOR AND UPON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$2,500 OR BY IMPRISONMENT NOT EXCEEDING SIX MONTHS, OR BOTH, EXCEPT THAT IF THE CONVICTION IS FOR A VIOLATION COMMITTED AFTER A FIRST CONVICTION, HE IS SUBJECT TO A FINE NOT EXCEEDING \$5,000 OR BY IMPRISONMENT NOT EXCEEDING ONE YEAR, OR BOTH.

(B) A PERSON WHO KNOWINGLY MAKES ANY FALSE STATEMENT, REPRESENTATION, OR CERTIFICATION IN ANY APPLICATION, RECORD, REPORT, PLAN OR OTHER DOCUMENT FILED OR REQUIRED TO BE MAINTAINED PURSUANT TO THIS SUBTITLE, IS GUILTY OF A MISDEMEANOR AND UPON CONVICTION IS SUBJECT