

WHEN THE ADMINISTRATOR HAS REASON TO BELIEVE THAT A DEVICE APPROVED UNDER THIS TITLE IS BEING SOLD COMMERCIALY AND DOES NOT COMPLY WITH THE APPLICABLE STANDARDS FOR THE DEVICE, HE MAY, AFTER GIVING 30 DAYS PREVIOUS NOTICE TO THE PERSON WHO HAS RECEIVED THE APPROVAL FOR THE DEVICE, CONDUCT A HEARING ON THE QUESTION OF COMPLIANCE OF THE APPROVED DEVICE. AFTER THE HEARING, THE ADMINISTRATOR SHALL DETERMINE WHETHER THE DEVICES BEING SOLD MEET THE REQUIREMENTS FOR APPROVAL. IF THE DEVICES DO NOT MEET THESE REQUIREMENTS, HE SHALL GIVE NOTICE TO THE PERSON WHO HAS RECEIVED THE PREVIOUS APPROVAL.

(E) SUSPENSION OR REVOCATION OF APPROVAL.

IF, AT THE EXPIRATION OF 30 DAYS AFTER THIS NOTICE, THE PERSON WHO HAS RECEIVED THE APPROVAL OF THE DEVICE HAS FAILED TO SATISFY THE ADMINISTRATOR THAT THE DEVICES BEING SOLD MEET THE REQUIREMENTS FOR APPROVAL, THE ADMINISTRATOR SHALL SUSPEND OR REVOKE THE APPROVAL ISSUED FOR THE DEVICE UNTIL THE DEVICE IS RESUBMITTED TO AND TESTED BY AN INDEPENDENT TESTING LABORATORY APPROVED BY THE AMERICAN ASSOCIATION OF MOTOF VEHICLE ADMINISTRATORS AND IS FOUND TO MEET THE APPLICABLE STANDARDS. THE ADMINISTRATOR MAY REQUIRE THAT ALL OF THESE DEVICES SOLD SINCE THE NOTIFICATION FOLLOWING THE HEARING BE REPLACED BY DEVICES THAT DO COMPLY. THE ADMINISTRATOR MAY, AT THE TIME OF RETEST, PURCHASE ON THE OPEN MARKET AND SUBMIT FOR RETESTING ONE OR MORE SETS OF THESE APPROVED DEVICES, AND, IF THE DEVICE ON RETEST FAILS TO MEET THE APPROVAL REQUIREMENTS, THE ADMINISTRATOR SHALL REVOKE OR REFUSE TO RENEW THE APPROVAL OF THE DEVICE.

REVISOR'S NOTE: This section presently appears as Art. 66 1/2, §12-102.

Except for minimal changes in style and nomenclature, this section has not been revised; see General Revisor's Note to this title.

22-103. PROGRAM OF MARKET SURVEILLANCE; NOTICE TO SELLER OF UNAPPROVED DEVICE.

(A) IN ORDER TO ASSURE THAT REQUIRED DEVICES DISPLAYED FOR SALE, SOLD, OFFERED FOR SALE, OR DELIVERED FOR USE IN, ON, OR AS A PART OF THE EQUIPMENT OF A MOTOF VEHICLE, TRAILER, SEMITRAILER, OR POLE TRAILER ARE OF A TYPE APPROVED BY THE ADMINISTRATOR, THE ADMINISTRATION MAY MAINTAIN A PROGRAM OF MARKET SURVEILLANCE.

(B) ON DISCOVERY OF UNAPPROVED DEVICES BEING SOLD, OFFERED FOR SALE, DISPLAYED FOR SALE, OR BEING DELIVERED FOR USE ON ANY OF THE VEHICLES DESCRIBED IN §22-101(C) OF THIS SUBTITLE, NOTICE SHALL BE GIVEN THAT THE SELLER, JOBBER, OR WHOLESALE IS IN VIOLATION OF §22-101 AND THAT