

WARNINGS FOR DEFECTIVE EQUIPMENT: PROHIBITED ACTIVITIES"}.

REVISOR'S NOTE: This subsection is new language that combines without substantive change present Art. 66 1/2, §§12-405.1(d), 12-415 (second sentence), and 13-108(c).

As to item (3) of this subsection, although present §13-108(c) literally refers to violations of any provision of Title 23, research indicates that, in fact, a more limited application to §23-109 was intended. Violations of other provisions of that title - e.g., failure of an owner to obey a Safety Equipment Repair Order - are intended to be subject to the lesser, uniform penalty of subsection (b) of this section, the same as with a violation of most of the provisions of Title 22 of this article, relating to equipment requirements generally.

The present reference to violations of "regulations" is deleted as unnecessary in light of §27-102 of this title to the same effect.

See, also, revisor's note to subsection (c) of this section.

(E) PENALTIES - \$500 AND 6 MONTHS; \$1,000 AND 1 YEAR.

ANY PERSON WHO IS CONVICTED OF A VIOLATION OF ANY OF THE PROVISIONS OF §21-1411 OF THIS ARTICLE {"TRANSPORTATION OF DANGEROUS SUBSTANCES"} IS SUBJECT TO:

(1) FOR A FIRST OFFENSE, A FINE OF NOT MORE THAN \$500 OR IMPRISONMENT FOR NOT MORE THAN 6 MONTHS OR BOTH; AND

(2) FOR ANY SUBSEQUENT OFFENSE, A FINE OF NOT MORE THAN \$1,000 OR IMPRISONMENT FOR NOT MORE THAN 1 YEAR OR BOTH.

REVISOR'S NOTE: This subsection is new language derived without substantive change from the penalty provisions of present Art. 89B, §120C.

The present, alternative minimum penalties of a \$100 fine for a first offense and a \$500 fine for a subsequent offense are deleted to conform to the other penalties provided for in this section as well as the statement of legislative policy contained in Art. 27, §643, which sets forth the general rule that, notwithstanding a prescribed minimum penalty, the court nevertheless may impose a lesser