

ADOPTED BY THE STATE FIRE PREVENTION COMMISSION UNDER THIS SUBTITLE, THE STATE FIRE MARSHAL MAY SUSPEND THE LICENSE OF THE LICENSEE FOR NOT MORE THAN 30 DAYS.

(2) THE STATE FIRE MARSHAL SHALL SUSPEND FOR 30 DAYS THE LICENSE OF A LICENSEE WHO, WITHIN 5 YEARS OF COMMITTING A FIRST VIOLATION, COMMITS A SECOND VIOLATION OF THIS SUBTITLE OR A REGULATION ADOPTED BY THE STATE FIRE PREVENTION COMMISSION UNDER THIS SUBTITLE.

(3) THE STATE FIRE MARSHAL SHALL REVOKE THE LICENSE OF A LICENSEE WHO, WITHIN 5 YEARS OF COMMITTING A FIRST VIOLATION, COMMITS A THIRD VIOLATION, OF THIS SUBTITLE OR A REGULATION ADOPTED BY THE STATE FIRE PREVENTION COMMISSION UNDER THIS SUBTITLE.

(4) ON SUSPENDING OR REVOKING A LICENSE UNDER THIS SUBSECTION, THE STATE FIRE MARSHAL SHALL:

(I) FILE AND KEEP A STATEMENT OF THE NATURE OF THE VIOLATION THAT RESULTED IN THE SUSPENSION OR REVOCATION; AND

(II) PROVIDE A COPY OF THE STATEMENT TO THE OWNER AND THE OPERATOR OF THE FIREWORKS PLANT.

(5) (I) IF THE STATE FIRE MARSHAL SUSPENDS, REVOKES, OR REFUSES TO RENEW A LICENSE, THE STATE FIRE MARSHAL OR DESIGNEE OF THE STATE FIRE MARSHAL SHALL:

1. DETERMINE WHETHER THE CONTINUED PRESENCE OF EXPLOSIVE COMPOSITION WITHIN THE FIREWORKS PLANT CONSTITUTES A DANGER TO PUBLIC SAFETY; AND

2. IF THERE IS A FINDING OF A DANGER TO PUBLIC SAFETY, REMOVE AND DISPOSE OF THE EXPLOSIVE COMPOSITION.

(II) IF THE STATE FIRE MARSHAL DETERMINES THAT THE DANGER TO PUBLIC SAFETY UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH IS A CLEAR AND PRESENT DANGER, THE STATE FIRE MARSHAL OR DESIGNEE OF THE STATE FIRE MARSHAL SHALL REMOVE AND DISPOSE OF THE EXPLOSIVE COMPOSITION EVEN IF AN APPEAL IS PENDING.

REVISOR'S NOTE: Subsections (a)(1) and (3) and (b) through (f) of this section are new language derived without substantive change from former Art. 38A, §§ 20(e), 19(a), (f), and (g), and the first and fourth sentences of (e).

Subsection (a)(2) of this section is standard language added to state affirmatively that an individual must be licensed to operate a fireworks plant in the State.

In subsection (a)(3) of this section, the former reference to "manufactur[ing] fireworks, sparklers, or sparkling devices" is deleted as included in the reference to "operat[ing] a fireworks plant".

In subsection (a)(3)(i) of this section, the reference to "rockets, and Roman