

Former Art. 89, § 77(a)(3), which required an amusement owner to file reports with the Commissioner, is deleted as duplicative of the specific provisions of subsection (a) of this section.

Defined terms: "Amusement attraction" § 3-101

"Amusement owner" § 3-101

"Commissioner" § 3-101

"Person" § 1-101

3-405. PROHIBITION ON USE OF ATTRACTION.

(A) AUTHORIZED.

THE COMMISSIONER MAY PROHIBIT USE OF AN AMUSEMENT ATTRACTION IF, AFTER AN INSPECTION OR INVESTIGATION, THE COMMISSIONER FINDS THAT:

(1) THE AMUSEMENT ATTRACTION VIOLATES A REGULATION ADOPTED UNDER THIS TITLE; AND

(2) THERE IS A SUBSTANTIAL PROBABILITY OF DEATH OR SERIOUS PHYSICAL INJURY FROM CONTINUED USE OF THE AMUSEMENT ATTRACTION.

(B) NOTICE.

TO PROHIBIT USE OF AN AMUSEMENT ATTRACTION, THE COMMISSIONER SHALL GIVE AN AMUSEMENT OWNER WRITTEN NOTICE THAT PROHIBITS USE OF THE AMUSEMENT ATTRACTION.

(C) POSTING.

(1) THE COMMISSIONER SHALL POST A COPY OF THE NOTICE ON THE AMUSEMENT ATTRACTION.

(2) ONLY THE COMMISSIONER MAY REMOVE THE COPY OF THE NOTICE.

(D) WHEN OPERATION ALLOWED.

THE AMUSEMENT ATTRACTION MAY NOT BE OPERATED UNTIL IT IS MADE SAFE FOR PUBLIC USE AND EACH REQUIRED SAFEGUARD IS PROVIDED.

(E) JUDICIAL REVIEW.

(1) A PERSON WHO IS AGGRIEVED BY A DECISION OF THE COMMISSIONER UNDER THIS SECTION MAY APPEAL TO A COURT OF COMPETENT JURISDICTION IN ACCORDANCE WITH THE MARYLAND RULES.

(2) (I) THE FILING OF AN APPEAL DOES NOT STAY THE DECISION OF THE COMMISSIONER.