

House Engrossed Senate Bill

~~military veteran spouses; tuition scholarships~~
(now: commercial vehicles; penalty; civil; criminal)

State of Arizona
Senate
Fifty-sixth Legislature
First Regular Session
2023

SENATE BILL 1206

AN ACT

AMENDING SECTIONS 28-5240 AND 28-5241, ARIZONA REVISED STATUTES; RELATING
TO MOTOR CARRIER SAFETY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 28-5240, Arizona Revised Statutes, is amended to
3 read:

4 28-5240. Civil penalty; violation; classification

5 A. An equipment violation of this chapter or any rule adopted
6 pursuant to this chapter is a civil traffic violation ~~unless the violation~~
7 ~~requires issuance of an out-of-service order pursuant to section 28-5241.~~

8 B. The driver of a commercial motor vehicle who violates or fails
9 to comply with this chapter or any rule adopted pursuant to this chapter
10 is responsible for a civil traffic violation and is subject to a civil
11 penalty of up to \$500, ~~unless the violation requires issuance of an~~
12 ~~out-of-service order pursuant to section 28-5241.~~

13 ~~C. In addition to civil penalties imposed under this chapter and~~
14 ~~except as provided in subsections A and B of this section, a motor~~
15 ~~carrier, shipper or manufacturer that operates or causes to be operated a~~
16 ~~commercial motor vehicle in violation of this chapter or that knowingly~~
17 ~~violates or knowingly fails to comply with any provision of this chapter~~
18 ~~or with any rule adopted pursuant to this chapter is guilty of:~~

- 19 ~~1. A class 2 misdemeanor for a first offense.~~
20 ~~2. A class 1 misdemeanor for a second offense.~~
21 ~~3. A class 6 felony for any subsequent offense.~~

22 ~~D. The attorney general may enforce subsection C of this section.~~

23 Sec. 2. Section 28-5241, Arizona Revised Statutes, is amended to
24 read:

25 28-5241. Out-of-service orders; violation; civil penalty;
26 attorney general enforcement; definition

27 A. A DRIVER, MOTOR CARRIER, SHIPPER OR MANUFACTURER THAT VIOLATES
28 AN OUT-OF-SERVICE ORDER IS GUILTY OF:

- 29 1. A CLASS 2 MISDEMEANOR FOR A FIRST OFFENSE.
30 2. A CLASS 1 MISDEMEANOR FOR A SECOND OFFENSE.
31 3. A CLASS 6 FELONY FOR ANY SUBSEQUENT OFFENSE.

32 B. THE ATTORNEY GENERAL MAY ENFORCE THIS SECTION.

33 ~~A.~~ C. A motor carrier, SHIPPER OR MANUFACTURER shall not require
34 or allow a driver:

35 1. To operate a commercial motor vehicle that is subject to an
36 out-of-service order until all repairs required by the out-of-service
37 order have been satisfactorily completed.

38 2. Who is subject to an out-of-service order to operate a
39 commercial motor vehicle until the reason for the out-of-service order has
40 been remedied.

41 ~~B.~~ D. A driver:

42 1. Shall not operate a commercial motor vehicle that is subject to
43 an out-of-service order until all repairs required by the out-of-service
44 order have been satisfactorily completed.

1 2. Who is subject to an out-of-service order shall not operate a
2 commercial motor vehicle until the reason for the out-of-service order has
3 been remedied.

4 ~~E.~~ E. ~~Notwithstanding~~ IN ADDITION TO THE CIVIL PENALTIES IMPOSED
5 BY section 28-5240, ~~subsection C,~~ AND THE CRIMINAL PENALTIES IMPOSED BY
6 THIS SECTION, a violation of this section is a civil traffic violation.

7 ~~F.~~ F. The court shall impose:

8 1. On a driver who violates or fails to comply with an
9 out-of-service order a civil penalty of:

10 (a) At least \$2,500 for an initial violation or failure.

11 (b) \$5,000 for a subsequent violation or failure.

12 2. A civil penalty of at least \$2,750 and not more than \$25,000 on
13 a motor carrier, ~~SHIPPER OR MANUFACTURER~~ that violates an out-of-service
14 order or that requires or allows a driver to violate or fail to comply
15 with an out-of-service order.

16 ~~F.~~ G. In addition to other penalties prescribed by this chapter,
17 if a motor carrier, ~~SHIPPER, MANUFACTURER~~ or driver is found responsible
18 for a violation of this section, the motor carrier or driver is subject to
19 disqualification pursuant to section 28-3312.

20 ~~F.~~ H. For the purposes of this section, "out-of-service order"
21 means a declaration by a specialty officer of the department or a law
22 enforcement officer authorized pursuant to section 28-5204 that a driver,
23 motor vehicle or motor carrier is out of service pursuant to this chapter.