

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

**CHAPTER 126**  
**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.

APPROVED BY THE GOVERNOR MAY 8, 2023.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 9, 2023.