

House Engrossed

motor carriers; violations; penalties

State of Arizona
House of Representatives
Fifty-fifth Legislature
First Regular Session
2021

CHAPTER 112

HOUSE BILL 2425

AN ACT

AMENDING SECTIONS 28-5240 AND 28-5241, ARIZONA REVISED STATUTES; REPEALING SECTION 28-5245, 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; attorney
5 general enforcement

6 A. AN EQUIPMENT VIOLATION OF THIS CHAPTER OR ANY RULE ADOPTED
7 PURSUANT TO THIS CHAPTER IS A CIVIL TRAFFIC VIOLATION UNLESS THE VIOLATION
8 REQUIRES ISSUANCE OF AN OUT-OF-SERVICE ORDER PURSUANT TO SECTION 28-5241.

9 B. THE DRIVER OF A COMMERCIAL MOTOR VEHICLE WHO VIOLATES OR FAILS
10 TO COMPLY WITH THIS CHAPTER OR ANY RULE ADOPTED PURSUANT TO THIS CHAPTER
11 IS RESPONSIBLE FOR A CIVIL TRAFFIC VIOLATION AND IS SUBJECT TO A CIVIL
12 PENALTY OF UP TO \$500, UNLESS THE VIOLATION REQUIRES ISSUANCE OF AN
13 OUT-OF-SERVICE ORDER PURSUANT TO SECTION 28-5241.

14 ~~A.~~ C. In addition to civil penalties imposed under this chapter
15 AND EXCEPT AS PROVIDED IN SUBSECTIONS A AND B OF THIS SECTION, a motor
16 carrier, shipper or manufacturer ~~who~~ THAT operates or causes to be
17 operated a commercial motor vehicle in violation of this chapter or ~~who~~
18 THAT knowingly violates or knowingly fails to comply with any provision of
19 this chapter or with any rule adopted pursuant to this chapter is guilty
20 of:

- 21 1. A class 2 misdemeanor for a first offense.
- 22 2. A class 1 misdemeanor for a second offense.
- 23 3. A class 6 felony for any subsequent offense.

24 ~~B.~~ D. The attorney general may enforce SUBSECTION C OF this
25 section.

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

28 28-5241. Out-of-service orders; violation; civil penalty;
29 definition

30 A. A motor carrier shall not require or ~~permit~~ ALLOW a driver:

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

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

37 B. A driver:

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

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

44 C. Notwithstanding section 28-5240, SUBSECTION C, a violation of
45 this section is a civil traffic violation.

1 D. The court shall impose:

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

4 (a) At least ~~two thousand five hundred dollars~~ \$2,500 for an
5 initial violation or failure.

6 (b) ~~Five thousand dollars~~ \$5,000 for a subsequent violation or
7 failure.

8 2. A civil penalty of at least ~~two thousand seven hundred fifty~~
9 ~~dollars~~ \$2,750 and not more than ~~twenty-five thousand dollars~~ \$25,000 on a
10 motor carrier ~~who~~ THAT violates an out-of-service order or ~~who~~ THAT
11 requires or ~~permits~~ ALLWS a driver to violate or fail to comply with an
12 out-of-service order.

13 E. In addition to other penalties prescribed by this chapter, if a
14 motor carrier or driver is found responsible for a violation of this
15 section, the motor carrier or driver is subject to disqualification
16 pursuant to section 28-3312.

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

21 Sec. 3. Repeal

22 Section ~~28-5245~~, Arizona Revised Statutes, is repealed.

APPROVED BY THE GOVERNOR MARCH 24, 2021.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 24, 2021.