

REFERENCE TITLE: motor carriers; violations; penalties

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

## **HB 2425**

Introduced by  
Representatives Carroll: Wilmeth

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~~ ALLOWS 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.