

SB1206 (Chapter 126) Automation Updates

Table and Sentencing Updates

The following violations changes per [SB1206](#) will go into effect on the 10/30/2023. The changes will affect violations cited under the Federal Motor Carrier Regulations and specific violations under Title 28, Chapter 14 resulting from the amendments to ARS 28-5240 and 28-5241.

Classification Update: Per the repeal of 28-5240(C), the classifications for second and subsequent offenses by motor carriers, shippers, and manufacturers will be turned off, and all violations under Title 28, Chapter 14 in which the violator is not the driver will be reclassified to a class 2 misdemeanor unless the applicable statute provides for a different classification. A classification of civil traffic will be added if the driver is cited pursuant to 28-5240(B).

Violation	Description	Additional Classifications
28-5236A	HAZMAT-VEHICLE NOT INSPECTED	Drivers: Civil Traffic Motor Carrier, Shipper, Manufacturer: M2
28-5236B	HAZARDOUS MAT NOT CONTAINED	Drivers: Civil Traffic Motor Carrier, Shipper, Manufacturer: M2

Renumbered & Reclassification Violations: Citable violations 28-5241(A)(1), 28-5241(A)(2), 28-5241(B)(1), 28-5241(B)(2) will be renumbered to 28-5241(C)(1), 28-5241(C)(2), 28-5241(D)(1), and 28-5241(D)(2) and reclassified from civil traffic to a class 2 misdemeanor.

New Violation	Old Violation	Description	Old Class	New Class
28-5241C1	28-5241A1	OUT-OF-SERVICE OPERTN ALLOWED	Civil Traffic	1 st Off- M2 2 nd Off-M1 3 ^{rd+} Off-F6
28-5241C2	28-5241A2	PERSN ALLWD OUT-OF-SERVICE OP	Civil Traffic	1 st Off- M2 2 nd Off-M1 3 ^{rd+} Off-F6
28-5241D1	28-5241B1	DRIV OP W/ OUT-OF-SERVICE ORDR	Civil Traffic	1 st Off- M2 2 nd Off-M1 3 ^{rd+} Off-F6
28-5241D2	28-5241B2	DRIV ALLOWED OUT-OF-SERVICE OP	Civil Traffic	1 st Off- M2 2 nd Off-M1 3 ^{rd+} Off-F6

Turn-off Violations: All federal motor carrier violations set-up as criminal violations will be turned off per the repeal of the criminal classification in 28-5240(C). **The only remaining criminal violations will be CFR-392.5(C), CFR-395.13(C), CFR-395.13(D), and CFR-396.9(C)(2) per 28-5241(A).**

Violation(s)	Description	Class	End Date
All Criminal (CFR) Violations <u>Except</u> CFR-392.5C VIOLATING OUT OF SERVICE ORDER CFR-395.13C ALLOWING DRVR TO VIO O/S ORDER CFR-395.13D DRIVING AFTER PLACED OOS CFR-396.9C2 OPERATING VEH PLACED OOS	Complete list of Criminal Federal Motor Carrier Codes (CFR) that will be end dated can be found at: Court Services > Automation Services Unit > Statewide Standard Violation Code Table (azcourts.gov)	1 st Off- M2 2 nd Off-M1 3 ^{rd+} Off-F6	General Effective Date

Updated Sentencing Requirements: Sentencing changes per updates to sections 28-5240 and 28-5241.

Violation	Description	Class	Base Fine	Mandatory CDL Disqualification and/or revocation for felony violation
28-5241C1	OUT-OF-SERVICE OPERTN ALLOWED	1 st Off- M2 2 nd Off-M1 3 ^{rd+} Off-F6	Motor Carrier, Shipper, Manufacturer: Min. \$2,750 - Max \$25,000	Y
28-5241C2	PERSN ALLWD OUT-OF-SERVICE OP	1 st Off- M2 2 nd Off-M1 3 ^{rd+} Off-F6	Motor Carrier, Shipper, Manufacturer: Min. \$2,750 - Max \$25,000	Y
28-5241D1	DRIV OP W/ OUT-OF-SERVICE ORDR	1 st Off- M2 2 nd Off-M1 3 ^{rd+} Off-F6	Drivers: 1 st Off- Min. \$2,500 2 ^{nd+} Off- \$5,000	Y

28-5241D2	DRIV ALLOWED OUT-OF-SERVICE OP	1 st Off- M2 2 nd Off-M1 3 ^{rd+} Off-F6	Drivers: 1 st Offense- Min. \$2,500 2 ^{nd+} Offense - \$5,000	Y
CFR-392.5C CFR-395.13C CFR-395.13D CFR-396.9C2	VIOLATING OUT OF SERVICE ORDER ALLOWING DRVR TO VIO O/S ORDER DRIVING AFTER PLACED OOS OPERATING VEH PLACED OOS	1 st Off- M2 2 nd Off-M1 3 ^{rd+} Off-F6	Drivers: 1 st Offense - Min. \$2,500 2 ^{nd+} Offense - \$5,000 Motor Carrier, Shipper, Manufacturer: Min. \$2,750- Max \$25,000	Y (Per 28-5241(G)- the motor carrier or driver is subject to disqualification pursuant to section 28-3312)
All Civil Traffic (FMC) Violations	Complete list of Civil Traffic Federal Motor Carrier Codes (FMC) found at: Court Services > Automation Services Unit > Statewide Standard Violation Code Table (azcourts.gov)	Civil Traffic	Drivers: Max \$500.00	N