

## **Part 7**

### **Penalties, Fines, and Fees**

#### **72-9-701 Penalty for unlawful conduct.**

- (1) Unless otherwise specified, any person who violates a provision of this chapter or who aids or abets another person in a violation of this chapter is guilty of a class B misdemeanor.
- (2) A second or subsequent conviction for a violation of this chapter or of aiding or abetting another person in a violation of this chapter is a class A misdemeanor.

Amended by Chapter 140, 2008 General Session

#### **72-9-702 Existing rights of action unaffected -- Penalties cumulative.**

- (1) This chapter may not be construed to have the effect of releasing or waiving any right of action by the state, the department or any person for any right, penalty, or forfeiture which may have arisen or occurred under any law of this state before May 10, 1983, or which arises or occurs after May 10, 1983.
- (2) All penalties accruing under this chapter are cumulative, and a suit for the recovery of one penalty is not a bar to and shall not affect the recovery of any other penalty or forfeiture, and is not a bar to any criminal prosecution against any motor carrier, or any officer, director, agent, or employee of a motor carrier, or any other corporation or person, or a bar to the exercise by the department, through the court, of its power to punish for contempt.

Renumbered and Amended by Chapter 270, 1998 General Session

#### **72-9-703 Civil penalties for violations -- Compromise.**

- (1) In addition to any other penalties, a motor carrier that fails or neglects to comply with any provision of the Constitution of this state, statute, or any rule or order of the department is subject to a civil penalty of not less than \$500 nor more than \$2,000 for each offense.
- (2) Every violation of any provision of the constitution of this state, statute, or any rule or order of the department, is a separate and distinct offense. Each day's continuance of the violation is a separate and distinct offense.
- (3)
  - (a) The civil penalty may be compromised by the department and a determination of compromise is appealable by the person alleged to have committed the violation. In determining the amount of the penalty or the amount agreed upon in compromise, the department shall consider the:
    - (i) gravity of the violation; and
    - (ii) good faith of the person charged in attempting to achieve compliance after notification of the violation.
  - (b) The amount of the penalty when finally determined or the amount agreed upon in compromise may be deducted from any sums owing by the state to the person charged or may be recovered in a civil action in the courts of this state.
- (4) In construing and enforcing the provisions of this chapter relating to penalties, the act, omission, or failure of any officer, agent, or employee of any motor carrier, acting within the scope of his official duties or employment, is deemed to be the act, omission, or failure of the motor carrier.

Renumbered and Amended by Chapter 270, 1998 General Session

**72-9-704 Assignment of administrative law judge.**

- (1) The department shall assign an administrative law judge to hear contested matters.
- (2) The administrative law judge's orders shall be reviewed by the department.

Renumbered and Amended by Chapter 270, 1998 General Session

**72-9-705 Disposition of fees and civil fines.**

All fees and civil fines received and collected under this chapter shall be transmitted daily to the state treasurer and deposited in the Transportation Fund.

Renumbered and Amended by Chapter 270, 1998 General Session

**72-9-706 Motor carrier fee for certain vehicles -- Collection.**

- (1) A motor carrier, not subject to the fee under Section 41-1a-1219, who operates a commercial vehicle on a highway within this state shall pay an annual motor carrier fee at the same rate provided under Section 41-1a-1219 for each motor vehicle or combination of motor vehicles operated in this state.
- (2) The department shall collect the fee required under this section.

Renumbered and Amended by Chapter 270, 1998 General Session