

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