

**§558-A. Violation of provisions of subchapter**

**1. Crimes; penalties.** Except as provided in subsections 2 to 4, a person commits a crime if that person:

- A. In fact violates this subchapter or a rule adopted pursuant to this subchapter. Violation of this paragraph is a Class E crime that is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A; [PL 2013, c. 530, §4 (NEW).]
- B. Intentionally or knowingly permits a violation of this subchapter or a rule adopted pursuant to this subchapter. Violation of this paragraph is a Class E crime; [PL 2013, c. 530, §4 (NEW).]
- C. In fact violates any provision of the rules of the Department of Public Safety, Bureau of State Police adopted under section 555 that incorporates by reference 49 Code of Federal Regulations, Section 391.41 (2007), or as amended, and that violation occurs as a result of the operation of a commercial motor vehicle by a person who has methadone or its metabolite in that person's body. Violation of this paragraph is a Class E crime; or [PL 2013, c. 530, §4 (NEW).]
- D. Intentionally or knowingly violates this subchapter or a rule adopted pursuant to this subchapter and the violation in fact causes either death or serious bodily injury to a person whose health or safety is protected by the provision violated and the death or serious bodily injury is a reasonably foreseeable consequence of the violation. Violation of this paragraph is a Class C crime. [PL 2013, c. 530, §4 (NEW).]

The maximum fine for a violation of a state rule that adopts by reference the federal regulations found in 49 Code of Federal Regulations and that is not an out-of-service order is \$250, and the maximum fine for a violation of a state rule that adopts by reference the federal regulations found in 49 Code of Federal Regulations and that meets the definition of an out-of-service order as defined in 49 Code of Federal Regulations is \$500. For purposes of this subsection, "out-of-service order" means a declaration by a law enforcement officer authorized to enforce the provisions of this subchapter that a driver, a commercial motor vehicle or a motor carrier operation is out of service pursuant to 49 Code of Federal Regulations, Sections 386.72, 392.5, 392.9a, 395.13 or 396.9, or compatible laws, or the North American Standard Out-of-Service Criteria. [PL 2013, c. 530, §4 (NEW).]

**2. Traffic infractions involving federal regulations; violations.** The following provisions govern traffic infractions.

- A. A person may not violate any provision of the rules of the Department of Public Safety, Bureau of State Police adopted under section 555 that incorporates by reference any of the following federal regulations or that is an amended version of any of the following federal regulations:
  - (1) 49 Code of Federal Regulations, Section 390.21;
  - (2) Except as otherwise provided in subsection 1, paragraph C, 49 Code of Federal Regulations, Section 391.41;
  - (3) 49 Code of Federal Regulations, Sections 392.7, 392.8, 392.9(a), 392.9(b), 392.16, 392.22, 392.24, 392.25, 392.33, 392.71, 392.80 and 392.82;
  - (4) Any section of 49 Code of Federal Regulations, Part 393;
  - (4-A) 49 Code of Federal Regulations, Sections 395.3(a)(3)(ii), 395.8(a)(2)(ii), 395.8(d) and 395.8(i); or
  - (5) 49 Code of Federal Regulations, Part 396, except Sections 396.7 and 396.9. [PL 2017, c. 165, §4 (AMD).]
- B. The following provisions govern penalties for violations of this subsection.

(1) A person who violates this subsection commits a traffic infraction for which a fine of \$250 must be adjudged.

(2) A person who violates this subsection after having previously violated this subsection commits a traffic infraction for which a fine of \$500 must be adjudged. [PL 2013, c. 530, §4 (NEW).]

[PL 2017, c. 165, §4 (AMD).]

**3. Traffic infractions not involving federal regulations; violations.** A person may not violate any provision of the Secretary of State's rules adopted pursuant to section 551. The following penalties apply to violations of this subsection.

A. A person who violates this subsection commits a traffic infraction for which a fine of \$250 must be adjudged. [PL 2013, c. 530, §4 (NEW).]

B. A person who violates this subsection after having previously violated this subsection commits a traffic infraction for which a fine of \$500 must be adjudged. [PL 2013, c. 530, §4 (NEW).]

[PL 2013, c. 530, §4 (NEW).]

**4. Civil violations.** A person commits a civil violation if that person violates this subchapter or a rule adopted pursuant to this subchapter and the violation is discovered during a compliance review as that term is defined in 49 Code of Federal Regulations, Section 385.3, unless the compliance review occurs during the course of or as a result of a criminal investigation. A person who violates this subsection is subject to a fine that must be determined with due consideration of the Federal Motor Carrier Safety Administration's uniform fine assessment program. A fine imposed may not be greater than the fine amount provided in the Federal Motor Carrier Safety Administration's uniform fine assessment program.

[PL 2013, c. 530, §4 (NEW).]

#### SECTION HISTORY

PL 2013, c. 530, §4 (NEW). PL 2015, c. 176, §1 (AMD). PL 2017, c. 165, §4 (AMD).

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