

66-1,130. Violation of act; penalty. (a) Except as provided in subsection (b), every carrier to which this act applies and every person who violates or who procures, aids or abets in the violating of any provision of this act, or who fails to obey any order, decision or rule and regulation of the commission, or who procures or aids or abets any person in his failure to obey such order, decision or rule and regulation, shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine of not exceeding \$500.

(b) (1) Every carrier who violates the provisions of K.S.A. 66-1,111 or 66-1,128, and amendments thereto, or violates rules and regulations adopted pursuant to K.S.A. 66-1,129, and amendments thereto, except for violations specified in paragraph (2), shall pay a fine in accordance with K.S.A. 8-2118, and amendments thereto.

(2) The following violations of rules and regulations adopted pursuant to K.S.A. 66-1,129, and amendments thereto, shall be deemed misdemeanors under subsection (a):

- (A) All hazardous materials violations;
- (B) false report of drivers' record of duty status (49 C.F.R. § 395.8(e));
- (C) driver uses or is in possession of drugs (49 C.F.R. § 392.4(a));
- (D) possession, use or under influence of alcohol four hours prior to duty (49 C.F.R. § 392.5(a));
- (E) violation of out-of-service order for alcohol violation (49 C.F.R. § 392.5(c)(2));
- (F) fraudulent records (49 C.F.R. § 390.35);
- (G) failing to comply with an unsatisfactory safety rating, out-of-service (49 C.F.R. § 385.13(d));
- (H) failing to comply with imminent hazard, out-of-service order (49 C.F.R. § 385.72(b));
- (I) operating in interstate commerce on or after out-of-service order (49 C.F.R. § 385.325(c));
- (J) refusal to submit to a required alcohol or controlled substance test (49 C.F.R. § 382.211);
- (K) assistance in investigations and special studies (49 C.F.R. § 390.15);
- (L) refusal to allow inspections of motor vehicles in operation (49 C.F.R. § 396.9);
- (M) interstate driver under 21 years of age (49 C.F.R. § 391.11(b)(1));
- (N) non-English speaking driver (49 C.F.R. § 391.11(b)(2));
- (O) driving a commercial motor vehicle while disqualified (49 C.F.R. § 391.15(a));
- (P) unsafe operations of commercial motor vehicle forbidden (49 C.F.R. § 396.7);
- (Q) failure to correct defects noted on inspection report (49 C.F.R. § 396.9(d)(2));
- (R) carrier requiring or allowing operation of vehicle driver under influence of alcohol or drugs (49 C.F.R. § 392.5(b)(1) and (2));
- (S) railroad grade crossing, stop required (49 C.F.R. § 392.1);
- (T) driving commercial motor vehicle after placed out-of-service (49 C.F.R. § 395.13(d)); or
- (U) inspection, repair and maintenance, parts and accessories (49 C.F.R. § 396.3(a)(1)).

History: L. 1931, ch. 236, § 23; L. 2003, ch. 124, § 29; L. 2004, ch. 114, § 6; L. 2006, ch. 133, § 4; July 1.