

321.208A Operation in violation of out-of-service order — penalties.

1. A person required to hold a commercial driver's license or commercial learner's permit to operate a commercial motor vehicle shall not operate a commercial motor vehicle on the highways of this state in violation of an out-of-service order issued by a peace officer for a violation of the out-of-service rules adopted by the department. A driver who violates an out-of-service order commits a simple misdemeanor and shall be subject to the applicable fine in an amount in accordance with the civil penalty provided in [49 C.F.R. pt. 386, Appendix B\(b\)\(1\)](#), upon conviction for the first violation of an out-of-service order or subsequent violation of an out-of-service order in separate incidents within a ten-year period.

2. An employer shall not knowingly allow, require, permit, or authorize an employee to drive a commercial motor vehicle in violation of an out-of-service order. An employer who violates [this subsection](#) commits a simple misdemeanor and shall be subject to a fine in an amount in accordance with the civil penalty provided in [49 C.F.R. pt. 386, Appendix B\(b\)\(2\)](#).

[90 Acts, ch 1230, §52; 95 Acts, ch 55, §7; 97 Acts, ch 108, §12; 98 Acts, ch 1178, §1; 2001 Acts, ch 137, §5; 2008 Acts, ch 1021, §10; 2010 Acts, ch 1140, §6; 2015 Acts, ch 123, §67; 2023 Acts, ch 126, §4](#)