§ 319. Penalties. 1. Any owner of a motor vehicle registered in this state, or an unregistered motor vehicle, who shall operate such motor vehicle or permit it to be operated in this state without having in full force and effect the financial security required by the provisions of this chapter and any other person who shall operate in this state any motor vehicle registered in this state, or an unregistered motor vehicle, with the knowledge that the owner thereof does not have in full force and effect such proof of financial security, except a person who, at the time of operation of such motor vehicle, had in effect an operator's policy of liability insurance, as defined in section three hundred eighteen, with respect to his operation of such vehicle shall be guilty of a traffic infraction and upon conviction may be fined not less than one hundred fifty dollars or more than one thousand five hundred dollars or may be imprisoned for not more than fifteen days or both. In addition to the penalties herein set forth, such person, upon conviction, shall also become liable for payment to the department of the civil penalty provided in subdivision five of this section.

2. When the production of an insurance identification card is required by any provision of this chapter, no person shall produce an insurance identification card which indicates insurance coverage which is not in effect. In any prosecution or proceeding alleging a violation of this subdivision, it shall be an affirmative defense that the person so charged did not have knowledge that the insurance indicated on such card was not in effect. A violation of this subdivision shall be a misdemeanor.

3. Every person who operates a vehicle registered in this state, or a vehicle required to be registered in this state, shall, when required by the commissioner's regulations, produce an insurance identification card when requested by any peace officer, acting pursuant to his special duties, police officer or magistrate. The failure to so produce such a card shall be presumptive evidence that such person was operating the vehicle without having in effect financial security required by the provisions of this chapter.

4. Where the commissioner finds, other than by means of the receipt of

a certificate of conviction, that a person has violated any provision of subdivision one of this section, such person shall become liable for payment to the department of the civil penalty provided in subdivision five of this section. However, the enforcement of such civil penalty, and of any revocation order based upon such finding, shall be stayed at the request of the person against whom such civil penalty and revocation order has been issued until after a hearing, provided such person was not both the operator and the owner of the motor vehicle which was being operated without the required financial security being in effect. After such hearing, the stay of enforcement of the civil penalty and revocation order shall be vacated unless it is found by a preponderance of the evidence that such person, (a) if he was the operator and not the owner of the motor vehicle, had no knowledge that the financial security required for such motor vehicle was not in effect; or (b) if he was the owner and not the operator of the motor vehicle, that he did not permit, either expressly or impliedly, the operation of such motor vehicle.

5. The civil penalty for a violation of subdivision one of this section shall be seven hundred fifty dollars.