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## A BILL FOR AN ACT

RELATING TO TRANSPORTATION.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. Section 291-35, Hawaii Revised Statutes, is  
2 amended to read as follows:  
3           "**§291-35 Gross weight [~~, axle,~~] and wheel loads.** No motor  
4 vehicle or other power vehicle or combination of such vehicles  
5 equipped wholly with pneumatic tires, which has a total gross  
6 weight, including vehicle and load, [~~an axle load,~~] or a wheel  
7 load in excess of the limits set forth in this section shall be  
8 operated or moved upon any public road, street, or highway  
9 within the State; provided that the maximum gross weight [~~, axle~~  
10 ~~loads,~~] and wheel loads allowed under this section shall be  
11 inapplicable when its application would adversely affect the  
12 receipt of federal funds for highway purposes; and provided  
13 further that no vehicle or combination of vehicles shall be  
14 operated on or moved over any bridge or other highway structure  
15 if the total gross weight, including vehicle and load, exceeds  
16 the posted maximum gross load limitation for the bridge or other  
17 highway structure.





1 group of two or more axles computed to the nearest  
2 [~~500~~] five hundred pounds,

3 L = Distance in feet between the extremes of any  
4 group of two or more consecutive axles, to  
5 the nearest foot, and

6 N = Number of axles in group under consideration;  
7 provided that two consecutive sets of tandem axles may  
8 carry a gross load of [~~34,000~~] thirty-four thousand  
9 pounds each providing the overall distance between the  
10 first and last axles of such consecutive sets of  
11 tandem axles is thirty-six feet or more and provided  
12 also that the overall gross weight does not exceed  
13 [~~80,000~~] eighty thousand pounds.

14 [~~(3)~~] (2) The total gross weight, in pounds, imposed on any  
15 public road, street, or highway, other than interstate  
16 highways, within the State by a vehicle or combination  
17 of vehicles shall not exceed that determined by the  
18 formula:

$$19 \quad W = 900(L + 40)$$

20 when the distance between the first and last axles of  
21 the group under consideration is over eight feet and  
22 where W = maximum weight in pounds carried on any



1 group of two or more axles computed to the nearest  
2 [~~500~~] five hundred pounds and

3 L = Distance in feet between the extremes of any  
4 group of two or more consecutive axles, to  
5 the nearest foot;

6 provided also that the overall gross weight does not  
7 exceed [~~88,000~~] eighty-eight thousand pounds.

8 [~~(4)~~] (3) No vehicle or combination of vehicles shall be  
9 used or operated on any public road, street, or  
10 highway within the State:

11 (A) [~~with~~] With a load upon any single or tandem axle  
12 or combination of axles which exceeds the  
13 carrying capacity of the axles specified by the  
14 manufacturer[~~7~~]; or

15 (B) [~~with~~] With a total weight in excess of its  
16 designed capacity as indicated by its designed  
17 gross vehicle weights or gross combination  
18 weights.

19 [~~(5)~~] ~~The total gross weight imposed upon the public road,~~  
20 ~~street, or highway by any single axle shall not exceed~~  
21 ~~twenty-two thousand five hundred pounds. For the~~  
22 ~~purpose of this section, axles placed in the same~~



1 ~~transverse plane and are spaced forty inches or less~~  
2 ~~apart, shall be considered as one axle.~~

3 ~~(6)]~~ (4) The total gross weight imposed upon the public  
4 road, street, or highway by any one wheel, either  
5 single or dual mounting, shall not exceed eleven  
6 thousand two hundred and fifty pounds.

7 ~~(7)]~~ (5) The director of transportation, in the case of  
8 state highways, or the county engineer, in the case of  
9 county roads and streets, may place and maintain signs  
10 to limit the gross weight of a vehicle or combination  
11 of vehicles traveling over a bridge or other highway  
12 structure in the interest of public safety when it is  
13 determined through engineering investigation and  
14 analysis that the theoretical load carrying capacity  
15 of the bridge or structure is less than the maximum  
16 gross vehicular weight allowed by this chapter. In  
17 determining the weight limits and in posting the  
18 weight limit signs, the director or the county  
19 engineer need not comply with rulemaking provisions of  
20 chapter 91; provided that if any person objects to the  
21 weight limits, the person may object to the rule as  
22 provided in chapter 91."



1 SECTION 2. Section 291-37, Hawaii Revised Statutes, is  
2 amended by amending subsection (a) to read as follows:

3 "(a) Any person guilty of omitting any of the required  
4 acts, or committing any of the prohibited acts of sections 291-2  
5 to 291-33, or the rules adopted shall be guilty of a violation  
6 of this chapter and shall be fined not less than \$25 nor more  
7 than \$1,800.

8 Any person guilty of omitting any of the required acts, or  
9 committing any of the prohibited acts of section 291-34, 291-35,  
10 or 291-36 shall be fined in accordance with the following  
11 tables:

		The fine for a
	If the excess weight is:	first violation shall be:
14	100 to 1,500 pounds	\$125
15	1,501 to 2,000 pounds	130
16	2,001 to 2,500 pounds	140
17	2,501 to 3,000 pounds	160
18	3,001 to 3,500 pounds	180
19	3,501 to 4,000 pounds	200
20	4,001 to 4,500 pounds	225
21	4,501 to 5,000 pounds	250
22	5,001 to 5,500 pounds	275



1	5,501 to 6,000 pounds	300
2	6,001 to 6,500 pounds	330
3	6,501 to 7,000 pounds	360
4	7,001 to 7,500 pounds	390
5	7,501 to 8,000 pounds	420
6	8,001 to 8,500 pounds	455
7	8,501 to 9,000 pounds	490
8	9,001 to 9,500 pounds	525
9	9,501 to 10,000 pounds	560
10	10,001 pounds and over	580

11	If the excess dimension is:	The fine shall be:
12	Up to 5 feet	\$ 25
13	Over 5 feet and up to 10 feet	50
14	Over 10 feet and up to 15 feet	75
15	Over 15 feet	100

16 For the purpose of the imposition of a fine or penalty herein,  
 17 evidence of prior offenses shall be admissible.

18 ~~[For a second violation within one year of the first, the~~  
 19 ~~fine for excess weight shall be not less than twice the fine~~  
 20 ~~listed in the excess weight table above and not more than~~  
 21 ~~\$1,200. For a third or subsequent violation for excess weight~~  
 22 ~~previously cited under this section within one year, the fine~~



1 ~~shall not be less than triple the fine listed in the excess~~  
2 ~~weight table above and not more than \$1,800.]~~

3 For the purposes of this section, "person" means the driver  
4 of the vehicle unless the driver is an employee in the scope and  
5 course of employment, in which case "person" means the employer  
6 of the driver. In the case of the transportation of a sealed  
7 container or transportation by flatrack, "person" means:

8 (1) The individual or company the cargo is consigned to;  
9 or

10 (2) The individual or company located in the [~~State~~] state  
11 shipping the cargo.

12 The consignee or the shipper shall not be cited if the power  
13 units' drive axle group is overweight, and the weight is not  
14 more than that allowed for a tandem axle with any applicable  
15 tolerances.

16 All penalties imposed and collected for violations of  
17 sections 291-33 to 291-36 shall be paid into the state highway  
18 fund.

19 The department of transportation [~~is authorized to~~] shall  
20 institute a system where the fine, based on the tables in this  
21 subsection, may be mailed in when the citation or penalty is not  
22 to be contested. This system shall include an ability for the



1 owner of the vehicle or combination of vehicles to request the  
2 operator be held harmless and the citation be transferred to  
3 that owner of the vehicle or combination of vehicles."

4 SECTION 3. Statutory material to be repealed is bracketed  
5 and stricken. New statutory material is underscored.

6 SECTION 4. This Act shall take effect upon its approval.  
7

INTRODUCED BY: \_\_\_\_\_

*Jim Loh*  
PA 7.2-

JAN 24 2007



**Report Title:**

Vehicle Gross Weight

**Description:**

Provides relief to the property motor carrier industry from certain vehicle gross weight requirements and penalties.

