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

3 "(a) Any person [~~guilty of omitting~~] who omits to perform  
4 any of the [~~required~~] acts [~~7~~] required by, or [~~committing~~] who  
5 commits any of the [~~prohibited~~] acts [~~of~~] prohibited by,  
6 sections 291-2 to 291-33, or [~~the~~] any rules adopted to enforce  
7 those sections, shall be guilty of a violation [~~of this chapter~~]  
8 and shall be fined not less than \$25 nor more than \$1,800 [~~-~~],  
9 except as otherwise provided.

10 Any person [~~guilty of omitting~~] who omits to perform any of  
11 the [~~required~~] acts [~~7~~] required by, or [~~committing~~] who commits  
12 any of the [~~prohibited~~] acts [~~of~~] prohibited by, section 291-34,  
13 291-35, or 291-36 shall be fined in accordance with the  
14 following tables:

15		The fine for a [ <del>first</del> ]
16	If the excess weight is:	violation shall be:
17	100 to 1,500 pounds	[ <del>\$125</del> ] <u>\$250</u>
18	1,501 to 2,000 pounds	[ <del>130</del> ] <u>260</u>



1	2,001 to 2,500 pounds	[ <del>140</del> ] <u>280</u>
2	2,501 to 3,000 pounds	[ <del>160</del> ] <u>320</u>
3	3,001 to 3,500 pounds	[ <del>180</del> ] <u>360</u>
4	3,501 to 4,000 pounds	[ <del>200</del> ] <u>400</u>
5	4,001 to 4,500 pounds	[ <del>225</del> ] <u>450</u>
6	4,501 to 5,000 pounds	[ <del>250</del> ] <u>500</u>
7	5,001 to 5,500 pounds	[ <del>275</del> ] <u>550</u>
8	5,501 to 6,000 pounds	[ <del>300</del> ] <u>600</u>
9	6,001 to 6,500 pounds	[ <del>330</del> ] <u>660</u>
10	6,501 to 7,000 pounds	[ <del>360</del> ] <u>720</u>
11	7,001 to 7,500 pounds	[ <del>390</del> ] <u>780</u>
12	7,501 to 8,000 pounds	[ <del>420</del> ] <u>840</u>
13	8,001 to 8,500 pounds	[ <del>455</del> ] <u>910</u>
14	8,501 to 9,000 pounds	[ <del>490</del> ] <u>980</u>
15	9,001 to 9,500 pounds	[ <del>525</del> ] <u>1050</u>
16	9,501 to 10,000 pounds	[ <del>560</del> ] <u>1120</u>
17	10,001 pounds and over	[ <del>580</del> ] <u>1160</u>

18	If the excess dimension is:	The fine shall be:
19	Up to 5 feet	[ <del>\$ 25</del> ] <u>\$ 50</u>
20	Over 5 feet and up to 10 feet	[ <del>50</del> ] <u>100</u>
21	Over 10 feet and up to 15 feet	[ <del>75</del> ] <u>150</u>
22	Over 15 feet	[ <del>100</del> ] <u>200</u>



1 ~~[For the purpose of the imposition of a fine or penalty herein,~~  
2 ~~evidence of prior offenses shall be admissible.~~

3 ~~For a second violation within one year of the first, the~~  
4 ~~fine for excess weight shall be not less than twice the fine~~  
5 ~~listed in the excess weight table above and not more than~~  
6 ~~\$1,200. For a third or subsequent violation for excess weight~~  
7 ~~previously cited under this section within one year, the fine~~  
8 ~~shall not be less than triple the fine listed in the excess~~  
9 ~~weight table above and not more than \$1,800.]~~

10 For the purposes of this section, "person" means the driver  
11 of the vehicle unless the driver is an employee in the scope and  
12 course of employment, in which case "person" means the employer  
13 of the driver. In the case of the transportation of a sealed  
14 container or transportation by flatrack, "person" means:

- 15 (1) The individual or company the cargo is consigned to;  
16 or  
17 (2) The individual or company located in the State  
18 shipping the cargo.

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



1 All penalties imposed and collected for violations of  
2 sections 291-33 to 291-36 shall be paid into the state highway  
3 fund.

4 The department of transportation [~~is authorized to~~] shall  
5 institute a system where the fine, based on the tables in this  
6 subsection, may be mailed in when the citation or penalty is not  
7 to be contested. This system shall include an ability for the  
8 owner of the vehicle or combination of vehicles to request the  
9 operator be held harmless and the citation be transferred to  
10 that owner of the vehicle or combination of vehicles."

11 SECTION 2. This Act does not affect rights and duties that  
12 matured, penalties that were incurred, and proceedings that were  
13 begun, before its effective date.

14 SECTION 3. Statutory material to be repealed is bracketed  
15 and stricken. New statutory material is underscored.

16 SECTION 4. This Act shall take effect on July 1, 2007.



**Report Title:**

Vehicle Gross Weight

**Description:**

Increases fines for certain violations of vehicle length and gross weight requirements. Repeals fines for second, third, and subsequent violations. Requires, rather than permits, the department of transportation to establish a process for vehicle weight violators to mail in uncontested fine payments. (SD2)

