

JAN 20 2017

A BILL FOR AN ACT

RELATING TO HIGHWAYS.

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

1 SECTION 1. Section 291C-131, Hawaii Revised Statutes, is
2 amended to read as follows:

3 **"§291C-131 Spilling loads on highways; penalties.** (a) No
4 vehicle shall be moved on any highway, unless the vehicle is so
5 constructed, covered, or loaded as to prevent any of its load
6 other than clear water or feathers from live birds from
7 dropping, sifting, leaking, blowing, spilling, or otherwise
8 escaping therefrom, except that sand may be dropped for the
9 purpose of securing traction, or water or other substance may be
10 sprinkled on a highway in cleaning or maintaining the highway.

11 (b) No vehicle shall be driven or moved on any highway
12 when any load thereon is not entirely within the body of the
13 vehicle; provided that this prohibition shall not apply if the
14 load is securely fastened by means of clamps, ropes, straps,
15 cargo nets, or other suitable mechanical device to prevent such
16 load from dropping onto the highway or from shifting in any
17 manner and, further, no vehicle shall be operated on any highway



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1 with any load thereon projecting beyond the extreme width of the
2 vehicle.

3 (c) Vehicles carrying agricultural produce from fields
4 during harvesting shall be exempt from the requirements of this
5 section but the owner of the vehicle must provide for the
6 reasonable removal of all such produce spilled or dropped on the
7 highway.

8 (d) No vehicle shall be driven or moved on any highway
9 with any load if the load is not entirely covered by a cargo
10 net, tarpaulin, canopy, or other material designed to cover the
11 load to prevent the load from escaping from the vehicle, where
12 the load consists partially or entirely of loose paper, loose
13 rubbish, plastics, empty cartons, dirt, sand, or gravel.

14 (e) Vehicles transporting a granular load consisting of
15 dirt, sand, or gravel on any highway shall not be required to
16 cover their granular load if the granular load does not extend,
17 at its peak, above any point on a horizontal plane equal in
18 height to the top of the side, front, or rear part of the cargo
19 container area that is the least in height.

20 (f) No vehicle shall be driven or moved on any highway
21 with a load consisting of rocks, stones, or boulders if the



1 load, at its peak, extends above any point on a horizontal plane
2 equal in height to the top of the side, front, or rear part of
3 the cargo container area that is the least in height.

4 (g) Vehicles transporting asphalt or other loads that are
5 of a temperature that would melt or otherwise damage a tarp or
6 other covering shall be exempt from the requirement that the
7 load be covered.

8 [~~(g)~~] (h) Violation of this section shall be considered an
9 offense as defined in section 701-107(5), shall not be subject
10 to the provisions of chapter 291D, and shall subject the owner
11 or driver of the vehicle, or both, to the following penalties
12 without possibility of probation or suspension of sentence:

13 (1) For a first violation, by a fine of not less than \$250
14 and not more than \$500.

15 (2) For a second violation involving a vehicle or driver
16 previously cited under this section within one year:

17 (A) Suspension of the vehicle registration or
18 suspension of the license of the driver, or both,
19 for not less than five working days but not more
20 than ten working days; and



1 (B) A fine of not less than \$500 and not more than
2 \$750.

3 (3) For a third or subsequent violation involving a
4 vehicle or driver previously cited under this section
5 within one year:

6 (A) Suspension of the vehicle registration or
7 suspension of the license of the driver, or both,
8 for a period of thirty calendar days; and

9 (B) A fine of not less than \$750 and not more than
10 \$1,000.

11 In imposing a fine under this subsection, the court, in its
12 discretion, may apportion payment of the fine between the driver
13 of the vehicle and the owner of the vehicle according to the
14 court's determination of the degree of fault for the violation.

15 For the purposes of this subsection, a truck-trailer
16 combination and tractor-semitrailer combination, as they are
17 defined in section 286-2, shall be considered as one vehicle."

18 SECTION 2. Statutory material to be repealed is bracketed
19 and stricken. New statutory material is underscored.



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1 SECTION 3. This Act shall take effect upon its approval.

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Report Title:

Highways; Roads; Vehicles; Asphalt; Hot Loads; Exemption

Description:

Exempts vehicles transporting asphalt or other high temperature loads from the requirement that their loads be covered.

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