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# A BILL FOR AN ACT

RELATING TO COMMERCIAL MOTOR VEHICLE FINES.

**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 who omits to perform any of the acts  
4 required by, or who commits any of the acts prohibited by,  
5 sections 291-2 to 291-33, or any rules adopted to enforce those  
6 sections, shall be guilty of a violation and shall be fined not  
7 less than \$25 nor more than \$1,800, except as otherwise  
8 provided.

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

13 ~~[The fine for a~~  
14 ~~If the excess weight is: violation shall be:~~  
15 ~~100 to 1,500 pounds \$250~~  
16 ~~1,501 to 2,000 pounds 260~~  
17 ~~2,001 to 2,500 pounds 280~~



1	<del>2,501 to 3,000 pounds</del>	<del>320</del>
2	<del>3,001 to 3,500 pounds</del>	<del>360</del>
3	<del>3,501 to 4,000 pounds</del>	<del>400</del>
4	<del>4,001 to 4,500 pounds</del>	<del>450</del>
5	<del>4,501 to 5,000 pounds</del>	<del>500</del>
6	<del>5,001 to 5,500 pounds</del>	<del>550</del>
7	<del>5,501 to 6,000 pounds</del>	<del>600</del>
8	<del>6,001 to 6,500 pounds</del>	<del>660</del>
9	<del>6,501 to 7,000 pounds</del>	<del>720</del>
10	<del>7,001 to 7,500 pounds</del>	<del>780</del>
11	<del>7,501 to 8,000 pounds</del>	<del>840</del>
12	<del>8,001 to 8,500 pounds</del>	<del>910</del>
13	<del>8,501 to 9,000 pounds</del>	<del>980</del>
14	<del>9,001 to 9,500 pounds</del>	<del>1050</del>
15	<del>9,501 to 10,000 pounds</del>	<del>1120</del>
16	<del>10,001 pounds and over</del>	<del>1160]</del>

- 17 (1) For excess weight of up to 100 pounds, the minimum  
18 fine for a violation shall be \$250;
- 19 (2) For excess weight greater than 100 pounds, the fine  
20 for a violation shall be an additional \$0.11 per  
21 pound. Example: A truck is cited for weighing 15,000



1           pounds in excess of the gross weight limit; the fine  
2           is \$250 + (15,000-100)\*\$0.11 = \$1,889; and

3           (3) The fines in paragraphs (1) and (2) shall be applied  
4           to each axle and wheel group violation in addition to  
5           a gross vehicle weight violation as applicable.

6           If the excess dimension is:           The fine shall be:

7           Up to 5 feet	\$ 50
8           Over 5 feet and up to 10 feet	100
9           Over 10 feet and up to 15 feet	150
10          Over 15 feet	200

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

16          ~~(1) The~~] the individual or company the cargo is consigned  
17                           to[+]

18                           or

19          ~~(2) The~~] the individual or company located in the State  
20                           shipping the cargo.



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

5 All penalties imposed and collected for violations of  
6 sections 291-33 to 291-36 shall be paid into the state highway  
7 fund.

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

15 SECTION 2. Statutory material to be repealed is bracketed  
16 and stricken. New statutory material is underscored.

17 SECTION 3. This Act shall take effect on June 30, 3000.



**Report Title:**

Commercial Motor Vehicle; Penalties and Fines

**Description:**

Amends the law relating to vehicle weight violations by replacing the fine schedule and increasing the potential fines based on multitude and magnitude of vehicle weight violations. Effective 6/30/3000. (HD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

