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# A BILL FOR AN ACT

RELATING TO TRAFFIC SAFETY.

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

1           SECTION 1. The legislature finds that it is very difficult  
2 for law enforcement to catch and cite drivers who have trash  
3 spilling from their vehicle. One major hurdle is the difficulty  
4 of monitoring and catching offenders in the act, as it often  
5 happens swiftly and without immediate detection. Additionally,  
6 distinguishing between accidental debris and intentional  
7 spilling can be a complex task for law enforcement.

8           Therefore, the purpose of this Act is to give law  
9 enforcement officers the ability to cite individuals who do not  
10 have their trash covered or tied down when they arrive at a  
11 transfer station.

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

14           "**§291C-131 Spilling loads on highways; transfer stations;**  
15 **penalties.** (a) No vehicle shall be moved on any highway,  
16 unless the vehicle is so constructed, covered, or loaded as to  
17 prevent any of its load other than clear water or feathers from



1 live birds from dropping, sifting, leaking, blowing, spilling,  
2 or otherwise escaping therefrom, except that sand may be dropped  
3 for the purpose of securing traction, or water or other  
4 substance may be sprinkled on a highway in cleaning or  
5 maintaining the highway.

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

15 (c) Vehicles carrying agricultural produce from fields  
16 during harvesting shall be exempt from the requirements of this  
17 section but the owner of the vehicle must provide for the  
18 reasonable removal of all such produce spilled or dropped on the  
19 highway.

20 (d) No vehicle shall be driven or moved on any highway  
21 with any load if the load is not entirely covered by a cargo



1 net, tarpaulin, canopy, or other material designed to cover the  
2 load to prevent the load from escaping from the vehicle, where  
3 the load consists partially or entirely of loose paper, loose  
4 rubbish, plastics, empty cartons, dirt, sand, or gravel.

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

11 (f) No vehicle shall be driven or moved on any highway  
12 with a load consisting of rocks, stones, or boulders if the  
13 load, at its peak, extends above any point on a horizontal plane  
14 equal in height to the top of the side, front, or rear part of  
15 the cargo container area that is the least in height.

16 (g) No vehicle with a load shall be driven or moved at any  
17 transfer station unless the load is securely fastened to prevent  
18 the dropping, sifting, leaking, blowing, spilling, or otherwise  
19 escaping of the load from the vehicle, except during active  
20 unloading.



1        For the purposes of this subsection, "transfer station" has  
2 the same meaning as in section 340A-1.

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

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

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

12            (A) Suspension of the vehicle registration or  
13            suspension of the license of the driver, or both,  
14            for not less than five working days but not more  
15            than ten working days; and

16            (B) A fine of not less than \$500 and not more than  
17            \$750.

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



- 1           (A) Suspension of the vehicle registration or
- 2                       suspension of the license of the driver, or both,
- 3                       for a period of thirty calendar days; and
- 4           (B) A fine of not less than \$750 and not more than
- 5                       \$1,000.

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

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

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

15           SECTION 4. This Act shall take effect upon its approval.

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



JAN 19 2024



**Report Title:**

Secure Loads; Vehicles; Transfer Station

**Description:**

Requires vehicles to securely fasten loads when at transfer stations, except when actively unloading.

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

