

A Bill for an Act Relating to Vehicle Weight.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 291-35, Hawaii Revised Statutes, is amended to read:

**"Sec. 291-35 Gross weight, axle, and wheel loads.** No motor vehicle or other power vehicle or combination of such vehicles equipped wholly with pneumatic tires, which has a total gross weight, including vehicle and load, an axle load, or a wheel load in excess of the limits set forth in this section shall be operated or moved upon any public road, street, or highway within the State, provided, that the maximum gross weight, axle loads, and wheel loads allowed under this section shall be inapplicable when its application would adversely affect the receipt of federal funds for highway purposes; and provided further, that no vehicle or combination of vehicles shall be operated on or moved over any bridge or other highway structure if the total gross weight, including vehicle and load, exceeds the posted maximum gross load limitation for the bridge or other highway structure.

- (1) The total gross weight, in pounds, imposed on any public road, street, or highway within the State by any group of two or more consecutive axles, on a vehicle or combination of vehicles shall not exceed the following when the distance between the first and last axles of the group under consideration is:
  - (A) Less than forty-two inches, the weight imposed shall not exceed twenty-four thousand pounds.
  - (B) At least forty-two inches but less than six feet, the weight imposed shall not exceed thirty-four thousand pounds. This grouping of two consecutive axles shall be known as tandem axle.
  - (C) At least six feet and over, the weight imposed shall not exceed that resulting from application of the formula:

$$W = 500 \left( \frac{LN}{N-1} + 12N + 36 \right)$$

where W = maximum weight in pounds carried on any group of two or more axles computed to the nearest 500 pounds.

L = Distance in feet between the extremes of any group of two

or more consecutive axles, to the nearest foot.

$N$  = number of axles in group under consideration.

Provided that two (2) consecutive sets of tandem axles may carry a gross load of 34,000 pounds each providing the overall distance between the first and last axles of such consecutive sets of tandem axles is thirty-six (36) feet or more. Provided also that the single axle weight does not exceed 24,000 pounds, the tandem-axle weight does not exceed 34,000 pounds, and the overall gross weight does not exceed 80,800 pounds.

- (D) At least six feet and over, for any vehicle or combination of vehicles operated on other than interstate highways with a single axle weight not in excess of 24,000 pounds and a tandem-axle weight not in excess of 34,000 pounds, the overall gross weight imposed shall not exceed that determined by the formula:

$$W = 880 (L + 40)$$

where  $W$  = maximum weight in pounds rounded to the nearest 500 pounds.

$L$  = Distance in feet between first and last axles of the vehicle or combination of vehicles.

- (2) No vehicle or combination of vehicles shall be used or operated on any public road, street, or highway within the State (A) with a load upon any single or tandem axle or combination of axles which exceeds the carrying capacity of the axles specified by the manufacturer, or (B) with a total weight in excess of its designed capacity as indicated by its designed gross vehicle weights or gross combination weights.
- (3) The total gross weight imposed upon the public road, street, or highway by any single axle shall not exceed twenty-four thousand pounds. For the purpose of this section, axles placed in the same transverse plane which are closer than forty-two inches shall be considered as one axle.
- (4) The total gross weight imposed upon the public road, street, or highway by any one wheel, either single or dual mounting, shall not exceed twelve thousand pounds.
- (5) The director of transportation, in the case of state highways, or the county engineer, in the case of county roads and streets, may place and maintain signs to limit the gross weight of a vehicle or combination of vehicles traveling over a bridge or other highway structure in the interest of public safety when it is determined through engineering investigation and analysis that the theoretical load carrying capacity of the bridge or structure is less than the maximum gross vehicular weight allowed by this chapter. In determining the weight limits and in posting the weight limit signs, the director or the county engineer need not comply with rule-making provisions of chapter 91; provided that if any person objects to the weight limits, the person may object to the rule as provided in chapter 91."

SECTION 2. Section 291-36, Hawaii Revised Statutes, is amended to read:

**"Sec. 291-36 Exceptions.** (a) The director of transportation in the case of state highways, or the county engineer, in the case of county roads, and streets, may, upon application in writing, issue a written permit authorizing the applicant to operate or move a vehicle or combination of vehicles, self-propelled construction or farm equipment or special mobile equipment of dimensions or weights, including loads or both, which exceed the limits set in sections 291-34 and 291-35.

(b) The director of transportation, in the case of state highways, or the county engineer, in the case of county roads and streets, may issue a permit authorizing the applicant to operate vehicles or combinations of vehicles which exceed the limits set forth in section 291-35 when carrying products from the place where they are harvested or stored to the place where they are processed or used.

(c) The application for any such permit shall specifically describe the vehicle or combination of vehicles, the self-propelled construction or farm equipment, the load to be operated or moved, the particular highways over which the permit to operate is requested and whether such permit is requested for a single trip or for continuous operation.

(d) The director of transportation or county engineer may if he determines that adequate precautions will be taken to protect persons and property issue the permit and may in the permit limit the number of trips, establish seasonal or other time limitations during which the permit is valid, prescribe conditions as to route, equipment, speed, escort vehicles, safety measures, or otherwise limit or prescribe conditions of operation under such permit to assure against injury to person and undue damage to the road foundations, surfaces, or structures. The issuing authority may also require such undertaking or other security as may be deemed necessary to protect the highways and bridges from damage, or to provide indemnity for any injury resulting from such operation. The permit shall be valid for the period specified or unless sooner revoked by the issuing authority.

(e) Every such permit shall be carried in the vehicle or combination of vehicles or the self-propelled construction or farm equipment to which it refers and shall be open to inspection of any peace officer or traffic officer or employee charged with the care or protection of the highways.

(f) The owner of any vehicle or combination of vehicles or self-propelled construction or farm equipment found operating in violation of the terms or conditions of any permit or over sections of the highway not covered by the permit shall be subject to the penalties provided in section 291-37.

(g) The restrictions of sections 291-34 and 291-35 shall not apply to the operation of motor vehicles on roads now under the control of the counties where a private individual or corporation actually maintains the county road or roads under an agreement in writing filed with the respective county or city council. The agreement shall also provide that the individual or corporation shall repair all damages caused to such roads by vehicles or other self-propelled equipment belonging to or under the control of the individual or corporation and upon failure of the individual or corporation to repair such road or roads as provided in such agreement, the county may repair such damages and charge the

cost thereof to and collect the same from the individual or corporation.

(h) Nothing in this chapter shall prevent motor vehicles with a width of greater than nine feet, including load, from crossing any public road, street, or highway within the State.

(i) No provision herein shall be so construed as to prevent the passage of ordinances by any county which impose restrictions more severe in nature.

(j) A fee of \$2.50 shall be charged for each per trip permit or \$25 for each per annual permit issued by the director of transportation or the county engineer and such fee shall be deposited in the state or respective county's account for special funds for highways."

SECTION 3. Section 291-37, Hawaii Revised Statutes, is amended to read:

**"Sec. 291-37 Penalties.** (a) Any person guilty of omitting any of the required acts, or committing any of the prohibited acts of this chapter, or the rules adopted or amended shall be guilty of a violation of this chapter and may be fined not less than \$25 nor more than \$500. For the purpose of the imposition of a fine or penalty herein, evidence of prior offenses shall be admissible.

(b) When a vehicle or combination of vehicles including load is found to be in violation of any provision contained in section 291-33 to 291-36, and the operator of such vehicle or combination of vehicles is a subordinate or employee, the courts shall take judicial notice of this relative subordinate position and, conditions warranting, hold the operator harmless and impose the applicable penalties against the owner of the vehicle or combination of vehicles. The owner of the vehicle or combination of vehicles shall mean persons or officers of firms or corporations, who owns the transporting vehicle or who operates the vehicle under a bona fide lease agreement."

SECTION 4. Chapter 291, Hawaii Revised Statutes, is amended by adding the following new section to be appropriately designated to read:

**"Sec. 291- Enforcement.** (a) Every police officer shall enforce compliance with sections 291-33 to 291-36, with the technical assistance of the department of transportation and the department of agriculture. In the enforcement of sections 291-34 to 291-36 such officers may require the driver of a vehicle to stop and submit to:

- (1) The measurement of the dimensions of the vehicle and load;
- (2) The examination of the certificate of weight; and
- (3) The weighing of vehicles and load by means of either portable or stationary scales if such scales are within two miles of the place where the vehicle is stopped.

(b) The department of transportation and the department of agriculture are authorized to provide the necessary technical assistance to police officers to determine compliance or noncompliance with sections 291-34 to 291-36. Whenever the department of transportation or the division of weights and measures determines that the size or weight of a vehicle does not comply with sections 291-34 to 291-36, the police officers may require the driver to move the vehicle to a suitable place and to remain there until the vehicle and load are brought into compliance with the limits prescribed by this chapter. If any of the load must be removed from the vehicle in order to comply with sections 291-34 to

291-36, the removal and all risks caused by or resulting from the removal shall be the responsibility of the owner or operator of the vehicle.

(c) Notwithstanding any other provisions of this chapter, no enforcing officer shall issue a citation for violation of the provisions set forth in section 291-35 unless the violator exceeds the applicable maximum weight by more than five per cent.

(d) Police officers shall issue citations to any person violating sections 291-33 to 291-36.

(e) The driver of any vehicle who fails or refuses to stop and submit the vehicle and load to measuring or weighing when directed by a police officer or who fails or refuses to otherwise comply with this section, shall be fined as provided in section 291-37."

SECTION 5. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.\*

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

(Approved June 7, 1977.)

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\*Edited accordingly.