

A Bill for an Act Relating to Hazardous Materials Transported Upon Highways.
Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 286-191, Hawaii Revised Statutes, is amended to read:

"Sec. 286-191 Exterior markings on vehicles. (a) No vehicle, except a tank vehicle, shall be operated or used in the State if it contains, carries or is loaded with any hazardous material of the classes of Hazardous Materials set forth in Column A of item (1), in excess of the Maximum Exempt Quantity set forth opposite that class in Column B of item (1), unless there is displayed on each such vehicle a marking or markings in conformity with the Type of Marking set forth opposite that class in Column C of item (1) and the requirements of items (2) to (5).

(1)	Column A	Column B	Column C
	Classes of Hazardous Materials	Maximum Exempt Quantity	Type of Marking
	Explosives, Class A or a combination of Explosives, Class A and Explosives, Class B	No exemption	EXPLOSIVES A (red letters on white background)
	Explosives, Class B	No exemption	EXPLOSIVES B (red letters on white background)
	Poison, Class A	No exemption	POISON (blue letters on white background)
	Poison, Class B	999 lb. gross weight	POISON (blue letters on white background)
	Flammable Liquid	999 lb. gross weight	FLAMMABLE (red letters on white background)
	Flammable Solid	999 lb. gross weight	FLAMMABLE (red letters on white background)
	Oxidizing Material	999 lb. gross weight	OXIDIZERS (yellow letters on black background)
	Nonflammable Compressed Gas	999 lb. gross weight	COMPRESSED GAS (green letters on white background)

(1) Column A Classes of Hazardous Materials	Column B Maximum Exempt Quantity	Column C Type of Marking
Corrosive Liquid	999 lb. gross weight	CORROSIVES (blue letters on white background)
Flammable Compressed Gas	999 lb. gross weight	FLAMMABLE GAS (red letters on white background)
Radioactive Yellow III (Title 49, Code of Fed. Regs., Section 173.414(d))	No exemption	RADIOACTIVE (black letters on yellow background)
Mixed Ladings (item 4)	See item (4)	DANGEROUS (red letters on white background)

- (2) The markings specified in column C of item (1) shall consist of letters not less than four inches high, in the color specified, using a stroke of approximately five-eighths inch. The background coloring specified in column C of item (1) and in subsections (b) and (c) shall extend at least one inch above and below the lettering. The marking may either be applied directly to the vehicle or inscribed upon a placard which shall be securely affixed to an area on the vehicle which has no other marking, lettering, or graphic display within three inches of the marking except such markings as may be required by item (4) or subsections (b) or (c).
- (3) The markings shall be displayed at the front, rear and on each side of the vehicle in which the hazardous material is contained. The front marking may be displayed on the front of the truck, truck body, truck tractor or the trailer but shall be located where it is plainly visible.
- (4) Whenever more than one class of hazardous material listed in column A of item (1) is contained, carried or loaded on any vehicle for each of which no marking is required unless the gross weight exceeds 999 pounds, if the aggregate gross weight of the combination of hazardous materials exceeds 999 pounds the marking "DANGEROUS" shall be displayed; provided that if one of the classes of hazardous materials is Explosives, Class A; Explosives, Class B; Poison, Class A; or Radioactive Material requiring labeling under Title 49, Code of Federal Regulations, Section 173.416(c), the marking "EXPLOSIVES A", "EXPLOSIVES B", "POISON" or "RADIOACTIVE" as appropriate, shall be displayed in addition to the marking "DANGEROUS"; and provided further that if Explosives, Class A and Explosives, Class B are contained, carried or loaded on the same vehicle the marking "EXPLOSIVES B" need not be displayed.
- (5) In any combination of two or more vehicles, each containing one or

more of the classes of hazardous materials listed in item (1), each vehicle shall be marked as to its contents in accordance with items (1) to (4).

(b) Except as provided in provisos (1) to (5) every tank vehicle used for the transportation of any of the classes of hazardous materials listed in subsection (a)(1) shall be marked in accordance with subsection (a) regardless of the quantity of the hazardous material therein contained, carried or loaded and even if empty; provided that:

- (1) If the tank contains no hazardous material but only a commodity or commodities which are not classed as hazardous materials, the marking required by this section shall not be displayed;
- (2) If the tank vehicle contains, carries or is loaded with gasoline, the vehicle may be marked "GASOLINE" instead of "FLAMMABLE" in lettering and background of the same coloring and dimensions as for the marking "FLAMMABLE";
- (3) If a tank vehicle contains, carries or is loaded with flammable compressed gas, it shall be marked with the common name of the contents in red letters not less than two inches high, using a stroke of approximately one-fourth inch, on a white background, in addition to the marking requirements of subsection (a);
- (4) If a tank vehicle contains, carries or is loaded with nonflammable compressed gas, it shall be marked with the common name of the contents in green letters not less than two inches high using a stroke of approximately one-fourth inch, on a white background, in addition to the marking requirements of subsection (a);
- (5) If a cargo tank is manufactured to meet Specifications MC 330 and MC 331 issued by the United States Department of Transportation it shall, in addition to other applicable requirements of this section, be durably marked in letters not less than two inches high in the area immediately adjacent to the identification plate with the inscription "QT" if it is constructed of quenched and tempered steel or "NOT" if it is constructed with other than quenched and tempered steel.

(c) In addition to displaying the markings required by subsections (a) and (b), each vehicle containing, carrying or loaded with a hazardous material that is incompatible with water, shall display the marking "CARGO FIRE—AVOID WATER" or words of similar import denoting that water should not be used in an attempt to extinguish a fire involving the cargo. The marking shall consist of black letters not less than two inches high, using a stroke of approximately one-fourth inch, on a white background. The marking shall be displayed immediately adjacent to all markings on the vehicle required by this section.

(d) Except as otherwise provided for tank vehicles any marking required by this section shall be removed or covered when the vehicle does not contain or carry or is not loaded with the hazardous material for which the marking is required.

(e) For the purposes of this section the following terms shall have the following meanings unless the context shall clearly indicate otherwise:

"Hazardous material" means any article (1) classed in the List of Hazardous Materials, 49 Code of Federal Regulations section 172.5 as Ex-

plosives, Class A; Explosives, Class B; Poison, Class A; Poison, Class B; Flammable Liquid; Flammable Solid; Oxidizing Material; Non-flammable Compressed Gas; Corrosive Liquid or Flammable Compressed Gas; (2) for which the label "RadioActive Yellow-III" is required by Title 29, Code of Federal Regulations, section 173.414(d) and (3) any other article which the state highway safety coordinator may by rule, adopted pursuant to chapter 91, declare to be a hazardous material.

"Tank vehicle" means every vehicle constructed with a permanently attached container designed to hold bulk liquids, fluids or gases.

(f) If this section would require markings or placards which are not uniform with federal requirements applicable to similar motor vehicles transporting similar quantities of hazardous materials in commerce, the director of transportation shall adopt rules pursuant to chapter 91, necessary to provide for uniformity of State and federal requirements. When such rules are duly adopted, the requirements of this section which are in conflict with the rules shall be deemed to be superseded by the rules.

[(f)] (g) Any person who violates this section or any rule adopted pursuant to this section shall be [imprisoned not more than thirty days or fined not more than \$100, or both.] subject to civil penalty under section 286-206."

SECTION 2. 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 3. This Act shall take effect upon its approval. The director of transportation shall implement the provisions of this Act by July 1, 1978.

(Approved April 12, 1978.)