

A Bill for an Act Relating to Motor Vehicles.

*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.
- (2) The total gross weight, in pounds, imposed on interstate highways within the State by any group of two or more consecutive axles, on a vehicle or combination of vehicles shall not exceed that resulting from application of the formula:

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

when the distance between the first and last axles of the group under consideration is at least six feet and over and 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 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 feet or more. Provided also that the overall gross weight does not exceed 80,800 pounds.

- (3) The total gross weight, in pounds, imposed on any public road, street, or highway, other than interstate highways, within the State by a vehicle or combination of vehicles shall not exceed that determined by the formula:

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

when the distance between the first and last axle is at least six feet and over and 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.

- (4) 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.
- (5) 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.
- (6) 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.

- (7) 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 by amending subsection (j) to read:

“(j) A fee shall be charged for each permit issued by the director of transportation as follows:

- (1) Single trip permit for loads less than 1.35 times the allowable load or less than 14 feet in width . . . . . \$ 5.
- (2) Continuous trip permit for loads less than 1.35 times the allowable load or less than 14 feet in width . . . . . \$10.
- (3) Overweight permit in excess of 1.35 times the allowable load . . . . . \$25.
- (4) Oversize permit for width in excess of 14 feet . . . . . \$25.

Such fee shall be deposited in the State’s account for special funds for highways.”

SECTION 3. Section 291-37, Hawaii Revised Statutes, is amended by amending subsection (a) to read:

“(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 shall be guilty of a violation of this chapter and may be fined not less than \$25 nor more than \$500. Any person guilty of omitting any of the required acts, or committing any of the prohibited acts of sections 291-34 to 291-36 may be fined not more than \$500 for each offense and not less than the fine which is set forth in the following tables:

If the excess weight is:	The minimum fine shall be:
100 to 1,500 pounds	\$ 25
1,501 to 2,000 pounds	30
2,001 to 2,500 pounds	40
2,501 to 3,000 pounds	60
3,001 to 3,500 pounds	80
3,501 to 4,000 pounds	100
4,001 to 4,500 pounds	125
4,501 to 5,000 pounds	150
5,001 to 5,500 pounds	175
5,501 to 6,000 pounds	200
6,001 to 6,500 pounds	230
6,501 to 7,000 pounds	260
7,001 to 7,500 pounds	290

7,501 to 8,000 pounds	320
8,001 to 8,500 pounds	355
8,501 to 9,000 pounds	390
9,001 to 9,500 pounds	425
9,501 to 10,000 pounds	460
10,001 pounds and over	480
If the excess dimension is:	The minimum fine shall be:
Up to 5 feet	\$ 25
Over 5 feet and up to 10 feet	50
Over 10 feet and up to 15 feet	75
Over 15 feet	100

For the purpose of the imposition of a fine or penalty herein, evidence of prior offenses shall be admissible.

All penalties imposed and collected under sections 291-33 to 291-36 shall be paid into the state highway fund.

The department of transportation is authorized to institute a system where the minimum fine, based on the tables in this subsection, may be mailed in when the citation or penalty is not to be contested. This system shall include an ability for the owner of the vehicle or combination of vehicles to request the operator be held harmless and the citation be transferred to that owner of the vehicle or combination of vehicles.”

SECTION 4. Section 291-39, Hawaii Revised Statutes, is amended to read:

“**Sec. 291-39 Enforcement.** (a) For the purpose of the enforcement of sections 291-33 to 291-36, the powers of police officers are conferred upon the director of transportation and any motor carrier safety officer. Every police officer and motor carrier safety officer shall enforce compliance with sections 291-33 to 291-36, with the technical assistance of the department of transportation. 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 wheel load weighers, axle load scales, or vehicle scales, if such scales are within two miles of the place where the vehicle is stopped.

(b) The department of transportation is authorized to provide the necessary technical assistance to police officers and motor carrier safety officers to determine compliance or noncompliance with sections 291-34 to 291-36. Whenever the department of transportation determines that the size or weight of a vehicle does not comply with sections 291-34 to 291-36, the police officers or motor carrier safety 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

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the violator exceeds the applicable maximum weight by more than five per cent.

(d) Police officers and motor carrier safety officers shall issue citations to any person violating sections 291-33 to 291-36, except as specified in subsection (c).

(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 motor carrier safety 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.\*

SECTION [6].† This Act shall take effect upon its approval.

(Approved June 16, 1980.)

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†Bracketed “5” and “6” substituted for “4” and “5” to correct obvious clerical error.

\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.