

A Bill for an Act Relating to Motor Carrier Safety.

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

SECTION 1. Section 291-37, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(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] shall be fined not less than \$25 nor more than \$1,800; provided that any person guilty of omitting any of the required acts, or committing any of the prohibited acts of sections 291-34, 291-35, or 291-36 [may] shall be fined not more than \$600 and not less than the fine which is set forth in the following tables:

If the excess weight is:	The minimum fine for a first violation shall be:
100 to 1,500 pounds	\$125
1,501 to 2,000 pounds	130
2,001 to 2,500 pounds	140
2,501 to 3,000 pounds	160
3,001 to 3,500 pounds	180
3,501 to 4,000 pounds	200
4,001 to 4,500 pounds	225
4,501 to 5,000 pounds	250
5,001 to 5,500 pounds	275
5,501 to 6,000 pounds	300
6,001 to 6,500 pounds	330
6,501 to 7,000 pounds	360
7,001 to 7,500 pounds	390
7,501 to 8,000 pounds	420
8,001 to 8,500 pounds	455
8,501 to 9,000 pounds	490
9,001 to 9,500 pounds	525
9,501 to 10,000 pounds	560
10,001 pounds and over	580

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.

For a second violation within one year of the first, the fine for excess weight shall be not less than twice the fine listed in the excess weight table above and not more than \$1,200. For a third or subsequent violation for excess weight previously cited under this section within one year, the fine shall not be less than triple the fine listed in the excess weight table above and not more than \$1,800.

For the purposes of this section "person" means the driver of the vehicle unless the driver is an employee in the scope and course of employment, in which case "person" means the employer of the driver.

All penalties imposed and collected for violations of 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 2. Section 291-39, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

"(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]:

- (1) The violator exceeds the applicable maximum weight by more than five per cent[, except that this subsection shall not apply to interstate highways.] when a portable axle scale is used; or
- (2) The violator exceeds the applicable maximum weight by more than two per cent when a permanently installed axle load scale is used.

This subsection shall not apply to interstate highways."

SECTION 3. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 4. The director of transportation shall publish in a newspaper of general circulation printed and published within the State, a notice of completion for Project BR-064-1(3) Sand Island Bascule Bridge Rehabilitation Phase II and Project 64A-01-92 Traffic Signal At Sand Island Bridge.

SECTION 5. This Act shall take effect upon publication by the director of transportation in a newspaper of general circulation printed and published within the State, a notice of completion for Project BR-064-1(3) Sand Island Bascule Bridge Rehabilitation Phase II and Project 64A-01-92 Traffic Signal At Sand Island Bridge; except that should such notice of completion not be published by April 1, 1993, this Act shall be repealed.

(Approved June 12, 1992.)