

ACT 66

S.B. NO. 76

A Bill for an Act Relating to Traffic Violations.

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,~~] sections 291-2 to 291-33, or the rules adopted shall be guilty of a violation of this chapter and shall be fined not less than \$25 nor more than \$1,800[; ~~provided that any~~].

Any person guilty of omitting any of the required acts, or committing any of the prohibited acts of [sections] section 291-34, 291-35, or 291-36 shall be fined [not more than \$600 and not less than the fine which is set forth in the] in accordance with 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

If the excess weight is:	The [minimum] fine for a first violation shall be:
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. In the case of the transportation of a sealed container or transportation by flatrack, "person" means:

- (1) The individual or company the cargo is consigned to; or
- (2) The individual or company located in the State shipping the cargo.

The consignee or the shipper shall not be cited if the power units' drive axle group is overweight, and the weight is not more than that allowed for a tandem axle with any applicable tolerances.

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. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 3. This Act shall take effect upon its approval.

(Approved May 23, 2005.)