

STAND. COM. REP. NO.

1096

Honolulu, Hawaii

MAR 21 2007

RE: H.B. No. 1757
H.D. 1
S.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fourth State Legislature
Regular Session of 2007
State of Hawaii

Madam:

Your Committee on Transportation and International Affairs,
to which was referred H.B. No. 1757, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO TRANSPORTATION,"

begs leave to report as follows:

The purpose of this measure is to repeal the progressive fine
and penalty structure for violation of commercial vehicle length
and weight restrictions.

This measure also requires, rather than authorizes, the
Department of Transportation to establish a system to allow
violators of this law to mail in uncontested fine payments.

Your Committee received testimony in support of this measure
from the Hawaii Transportation Association and U. Okada & Co.,
Ltd. Testimony in opposition was received from the Department of
Transportation.

Your Committee finds that commercial drivers are burdened by
repeated court appearances when in violation of the commercial
vehicle weight restriction law. Time in court is time off the
road. Time off the road is a delay in deliveries. Court
appearances are necessary since the citing officer has no
knowledge of whether a violation is the first, second, or third
violation. Eliminating the graduated fine scale would facilitate
the mail in system of paying the fines, as embodied in this law.



Your Committee notes that the current fines were enacted into law by Act 57, Session Laws of Hawaii 1989. Your Committee also notes that, although it is sensitive to the fact that commercial drivers are adversely impacted when spending time in court, your Committee believes that carrying overweight loads should not be occurring in the first place. Such actions place the driver as well as the public in danger and accelerates road quality deterioration.

Accordingly, to serve as a more meaningful deterrent to such violations, your Committee has amended this measure by doubling the amount of the existing fines, and changing the effective date from January 1, 2112, to July 1, 2007.

As affirmed by the record of votes of the members of your Committee on Transportation and International Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1757, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1757, H.D. 1, S.D. 1, and be referred to the Committee on Judiciary and Labor.

Respectfully submitted on
behalf of the members of the
Committee on Transportation and
International Affairs,




J. KALANI ENGLISH, Chair



The Senate
 Twenty-Fourth Legislature
 State of Hawaii

Record of Votes
 Committee on Transportation and International Affairs
 TIA

Bill / Resolution No.:* HB 1757 HD1 (HSCR 1100)	Committee Referral: TIA, JDL	Date: 3-19-07		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
ENGLISH, J. Kalani (C)	/			
INOUE, Lorraine R. (VC)				/
ESPERO, Will	/			
HOOSER, Gary L.				/
TANIGUCHI, Brian T.				/
TSUTSUI, Shan S.	/			
GABBARD, Mike	/			
TOTAL	4			3
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink File with Committee Report Clerk's Office Drafting Agency				

*Only one measure per Record of Votes