
A BILL FOR AN ACT

RELATING TO PENALTIES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 291-35.1, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§291-35.1 Regulation of bumper height.** (a) No person
4 shall operate upon any public road, street, or highway within
5 the State a motor vehicle with a bumper height in excess of the
6 maximum bumper height requirements of subsection (b).

7 (b) Maximum bumper heights of motor vehicles shall be
8 determined by the weight category of gross vehicle weight rating
9 (GVWR) as measured from a level surface to the highest point on
10 the bottom of the bumper. Maximum heights are as follows:

11	Gross Vehicle Weight Rating	Front	Rear
12	Passenger vehicles	22 inches	22 inches
13	4,500 lbs. and under	29 inches	29 inches
14	4,501 lbs. to 7,500 lbs.	33 inches	33 inches
15	7,501 lbs. to 10,000 lbs.	35 inches	35 inches

16 For any vehicle with bumpers or attaching components which
17 have been modified or altered from the original manufacturer's
18 design to conform with the maximum bumper height requirements of



1 this section, the bumper height shall be measured from a level
2 surface to the bottom of the bumper. The vehicle frame rail,
3 measured from a level surface to the bottom of the vehicle frame
4 rail, shall not exceed the attached bumper height. The maximum
5 distance between vehicle body to vehicle frame rail shall not
6 exceed three inches. The distance between the vehicle body to
7 vehicle frame rail shall be measured from the vehicle body mount
8 seat to the vehicle frame rail mount seat.

9 ~~["Bumper", for]~~ (c) For the purposes of this section,
10 "bumper" means a horizontal load bearing protective system
11 installed on a motor vehicle which is constructed of sturdy
12 materials that will not shatter or split upon moderate impact
13 and provides adequate protection against damages to the front
14 and rear external lighting and reflective devices, hood, trunk,
15 doors, painted surfaces, cooling system, exhaust system, and
16 other components during a low speed impact.

17 (d) Any vehicle that exceeds the Vehicle Equipment Safety
18 Commission - Regulation 12 recommended bumper height, based on
19 the gross vehicle weight rating, shall be equipped with an
20 audible reverse warning system. The audible reverse warning
21 system is not required on any open cab vehicle with a distance



1 of less than four feet from the rear of the driver's seating
2 position to the rear most part of the vehicle body."

3 SECTION 2. Section 291-37, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "**§291-37 Penalties.** (a) Any person who omits to perform
6 any of the acts required by, or who commits any of the acts
7 prohibited by[7] sections 291-2 to 291-33[7] and 291-35.1, or
8 any rules adopted to enforce those sections, shall be guilty of
9 a violation and shall be fined not less than \$25 nor more than
10 \$1,800, except as otherwise provided.

11 Any person who omits to perform any of the acts required
12 by, or who commits any of the acts prohibited by[7] section 291-
13 34, 291-35, or 291-36 shall be fined in accordance with the
14 following tables:

15		The fine for a
16	If the excess weight is:	violation shall be:
17	100 to 1,500 pounds	\$250
18	1,501 to 2,000 pounds	<u>\$260</u>
19	2,001 to 2,500 pounds	<u>\$280</u>
20	2,501 to 3,000 pounds	<u>\$320</u>
21	3,001 to 3,500 pounds	<u>\$360</u>
22	3,501 to 4,000 pounds	<u>\$400</u>



1	4,001 to 4,500 pounds	<u>\$450</u>
2	4,501 to 5,000 pounds	<u>\$500</u>
3	5,001 to 5,500 pounds	<u>\$550</u>
4	5,501 to 6,000 pounds	<u>\$600</u>
5	6,001 to 6,500 pounds	<u>\$660</u>
6	6,501 to 7,000 pounds	<u>\$720</u>
7	7,001 to 7,500 pounds	<u>\$780</u>
8	7,501 to 8,000 pounds	<u>\$840</u>
9	8,001 to 8,500 pounds	<u>\$910</u>
10	8,501 to 9,000 pounds	<u>\$980</u>
11	9,001 to 9,500 pounds	<u>\$1050</u>
12	9,501 to 10,000 pounds	<u>\$1120</u>
13	10,001 pounds and over	<u>\$1160</u>
14	If the excess dimension is:	The fine shall be:
15	Up to 5 feet	\$50
16	Over 5 feet and up to 10 feet	<u>\$100</u>
17	Over 10 feet and up to 15 feet	<u>\$150</u>
18	Over 15 feet	<u>\$200</u>

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



1 of the driver. In the case of the transportation of a sealed
2 container or transportation by flat track, "person" means:

3 (1) The individual or company the cargo is consigned to;
4 or

5 (2) The individual or company located in the State
6 shipping the cargo.

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

11 All penalties imposed and collected for violations of
12 sections 291-33 to 291-36, except 291-35.1, shall be paid into
13 the state highway fund.

14 The department of transportation shall institute a system
15 where the fine, based on the tables in this subsection, may be
16 mailed in when the citation or penalty is not to be contested.
17 This system shall include an [~~ability~~] opportunity for the owner
18 of the vehicle or combination of vehicles to request that the
19 operator be held harmless and the citation be transferred to
20 that owner of the vehicle or combination of vehicles.

21 (b) When a vehicle or combination of vehicles including
22 load is found to be in violation of any provision contained in



1 sections 291-33 to 291-36, except 291-35.1, and the operator of
2 such vehicle or combination of vehicles is a subordinate or
3 employee, the courts shall take judicial notice of this relative
4 subordinate position and, conditions warranting, hold the
5 operator harmless and impose the applicable penalties against
6 the owner of the vehicle or combination of vehicles.

7 [The] (c) For the purposes of this chapter, "the owner of
8 the vehicle or combination of vehicles" shall mean persons or
9 officers of firms or corporations~~[7]~~ who ~~[owns]~~ own the
10 transporting vehicle or who ~~[operates]~~ operate the vehicle under
11 a bona fide lease agreement."

12 SECTION 3. This Act does not affect rights and duties that
13 matured, penalties that were incurred, and proceedings that were
14 begun before its effective date.

15 SECTION 4. Statutory material to be repealed is bracketed
16 and stricken. New statutory material is underscored.

17 SECTION 5. This Act shall take effect upon its approval.



Report Title:

Motor Vehicles; Bumper Height; Penalties

Description:

Establishes a penalty for persons who violate the maximum bumper height requirements of section 291-35.1, Hawaii Revised Statutes. Amends section 291-35.1, Hawaii Revised Statutes, to prohibit a person from operating a motor vehicle upon a public roadway with a bumper height in excess of the maximum bumper height requirements. (HB2617 HD1)

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