
A BILL FOR AN ACT

RELATING TO THE TRAFFIC CODE.

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

1 SECTION 1. The legislature finds that the number of motor
2 vehicles using wheels with a propensity to cause severe injury
3 and property damage has increased. By design, most of these
4 wheels have parts that extend past their rim (i.e., gorilla
5 pokes, superpoke elbows, giraffe necks, etc.); however, others
6 not designed as such are just as dangerous due to the addition
7 of aftermarket parts, such as lug nuts and wheel covers that
8 bear sharp pointed projections.

9 The legislature further finds that the existing law does
10 not address the inherent dangers associated with the use of this
11 type of motor vehicle wheel.

12 The purpose of this Act is to prohibit the use of certain
13 types of motor vehicle wheels that are considered dangerous.

14 SECTION 2. Section 291C-1, Hawaii Revised Statutes, is
15 amended by adding a new definition to be appropriately inserted
16 and to read as follows:

17 ""Dangerous wheels" means any wheel, wheel cover, hubcap,
18 lug nut cover or cap, prong, or any ornamentation affixed to any



1 of the aforementioned items that extends past the wheel's rim
2 and that may cause injury or property damage by minimal contact
3 with a person or object."

4 SECTION 3. Chapter 291C, Hawaii Revised Statutes, is
5 amended by adding a new section to part XII to be appropriately
6 designated and to read as follows:

7 "§291C- Dangerous wheels; prohibited. (a) No person
8 shall operate a vehicle, trailer, or semi-trailer equipped with
9 dangerous wheels."

10 SECTION 4. This Act does not affect rights and duties that
11 matured, penalties that were incurred, and proceedings that were
12 begun before its effective date.

13 SECTION 5. New statutory material is underscored.

14 SECTION 6. This Act shall take effect upon its approval.

15

INTRODUCED BY: *J. M. Smith*
Raymond
J. R. DeChingone

JAN 17 2013



H.B. NO. 146

Report Title:

Traffic Code; Dangerous Wheels; Prohibited

Description:

Defines and prohibits the use of dangerous wheels.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.



POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

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MAYOR

LOUIS M. KEALOHA
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DAVE M. KAJIHIRO
MARIE A. McCAULEY
DEPUTY CHIEFS

OUR REFERENCE PC-LKA

February 6, 2013

The Honorable Ryan I. Yamane, Chair
and Members
Committee on Transportation
State House of Representatives
Hawaii State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chair Yamane and Members:

Subject: House Bill No.146, Relating to the Traffic Code

I am Paul Dwayne Calvey, Captain of the Information Technology Division of the Honolulu Police Department (HPD), City and County of Honolulu.

The HPD strongly supports the passage of House Bill No.146, Relating to the Traffic Code. Vehicles with wheels that have the propensity to cause severe injury and property damage have increased. The passage of this bill will prohibit drivers from operating vehicles with wheels that have been deemed dangerous. The passage of this bill will also lessen the community's exposure to other unnecessary risks of injury from dangerous wheels on vehicles that are parked and not being operated.

The HPD urges you to support House Bill No. 146.

Thank you for the opportunity to testify.

Sincerely,


PAUL DWAYNE CALVEY, Captain
Information Technology Division

APPROVED:


LOUIS M. KEALOHA
Chief of Police

TESTIMONY OF THE HAWAII POLICE DEPARTMENT

HOUSE BILL 146

RELATING TO THE TRAFFIC CODE

BEFORE THE COMMITTEE ON TRANSPORTATION

DATE : Wednesday, February 6, 2013

TIME : 9:30 A.M.

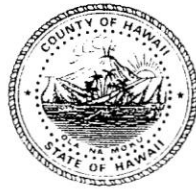
**PLACE : Conference Room 309
State Capitol
415 South Beretania Street**

PERSON TESTIFYING:

**Acting Police Chief Paul K. Ferreira
Hawaii Police Department
County of Hawaii**

(Written Testimony Only)

William P. Kenoi
Mayor



Harry S. Kubojiri
Police Chief

Paul K. Ferreira
Deputy Police Chief

County of Hawai'i

POLICE DEPARTMENT

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February 4, 2013

Representative Ryan I. Yamane
Chairperson and Committee Members
Committee On Transportation
415 South Beretania Street, Room 016
Honolulu, Hawai'i 96813

Re: House Bill 146 Relating to the Traffic Code

Dear Representative Yamane:

The Hawai'i Police Department supports House Bill 146 with its purpose being to define and prohibit the use of dangerous wheels. The passage of this bill will prohibit the use of wheels and attendant hardware that have been deemed dangerous.

It is our belief that certain wheels and hardware associated with the wheels are of a danger to the unsuspecting community. The restricting of these types of implements will not affect the safe operation of a vehicle, but will, instead, ensure the safety of the unwary public is not placed in jeopardy.

For these reasons, we urge this committee to approve this legislation.

Thank you for allowing the Hawai'i Police Department to provide comments relating to House Bill 146.

Sincerely,

PAUL K. FERREIRA
ACTING POLICE CHIEF



February 6, 2013

**TESTIMONY BEFORE THE HOUSE COMMITTEE ON TRANSPORTATION
ON HB 146 RELATING TO MOTOR CARRIERS**

Thank you Chair Yamane and committee members. I am Gareth Sakakida, Managing Director of the Hawaii Transportation Association (HTA) with over 400 transportation related members throughout the state of Hawaii.

We support this bill.

The Public Utilities Commission (PUC) regulates common carrier authority and operations since these carriers serve the general public. Enforcement against illegal motor carriers has been extremely light for at least the past 32 years, except for a couple of the years in the late 1990s.

Although we are encouraged that the PUC has reported they are close to adding staff, including enforcement officers, a similar report was made a year ago in this committee, so we understand these things take time.

In the meantime we support mechanisms to make it less desirable to operate illegally by denying rights that legal motor carriers have.

One is to deny the right to pursue undercharges for transportation services. This helps to prevent making up a low price to attract the consumer, then coming back for more money.

Second is to permit the users of illegal carriers to pursue recovery of all compensation paid to the illegal motor carrier. This is a unique measure that is gaining notice in the regulatory community. Most recently, California implemented the concept to deter illegal operations.

Third is a provision that denies the illegal motor carrier the right to place a lien on freight in its possession. Although this law is intended to allow a motor carrier to hold freight for payment of previous services, illegal carriers are reported to use the lien concept to hold current shipments hostage for more money.

We believe those who choose to operate outside the law should not have the rights and privileges afforded to legal motor carriers.

Thank you.



STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

February 6, 2013
9:30 A.M.
State Capitol, Conference Room 309

H.B. 146
RELATING TO THE TRAFFIC CODE

House Committee on Transportation



The Department of Transportation **supports** this bill, which will prohibit the installation of any spinner on a wheel that extends beyond the rim of the wheel. Although these items generally pose no threat to safety, in the event of pedestrian sideswipe or similar incident, an extended spinner has potential for causing added injury unnecessarily. From a safety perspective, these spinners or spikes are similar to old style hood ornaments that did not collapse or fold back when impacted.

Spinners that extend beyond the wheel also have potential for injuring someone walking past a vehicle in a crowded parking lot. People walking between cars in this situation often do not pay much attention to things below the hood level of a vehicle, because they are watching for traffic and looking for their car. It is not uncommon for pedestrians in parking lots to be close enough to a vehicle to brush against it. In this situation spikes could cause a person to get a leg injury by brushing against an unseen spinner.

Thank you for the opportunity to provide testimony.

