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# A BILL FOR AN ACT

RELATING TO TRANSPORTATION.

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

1           SECTION 1. The condition of Hawaii's roadways,  
2 particularly those on the island of Oahu, has generated a large  
3 number of complaints from Hawaii residents at both the State and  
4 county levels. Additionally, claims filed at the State and  
5 county levels for damage to motor vehicles due to poor road  
6 conditions, such as potholes, are common and appear to be  
7 increasing.

8           Both the State and city and county of Honolulu have tried  
9 to address the issue of deteriorating roadways in recent years  
10 with the initiation of major roadway repaving projects and  
11 aggressive repaving schedules. Between 2013 and 2014, the city  
12 and county of Honolulu paved over eight hundred lane miles of  
13 road on Oahu. In 2015, another three hundred lane miles were  
14 paved by the city and county of Honolulu. However, much more  
15 road repair and repaving work remains.

16           Besides the sheer volume of traffic, another factor  
17 exacerbating the wear and tear on public roadways is use of the



1 roadways by large vehicles that transport heavy loads of cargo  
2 shipped in to the State. Regulating cargo carrier use of public  
3 roadways by implementing weight verification requirements may be  
4 a means of extending the life of Hawaii's roadways.

5 The purpose of this Act is to require commercial maritime  
6 cargo carrying vehicles to meet weigh in, reporting, and other  
7 requirements when transporting heavy loads of cargo on Hawaii's  
8 roadways.

9 SECTION 2. Chapter 291C, Hawaii Revised Statutes, is  
10 amended by adding a new section to part V to be appropriately  
11 designated and to read as follows:

12 "§291C- Maritime cargo carrying vehicles; heavy loads.

13 (a) No commercial maritime cargo carrying vehicle with a load  
14 consisting of a gross weight of fifty-five thousand pounds or  
15 more shall be driven or moved on any highway without being  
16 weighed on a certified scale operated by the department  
17 immediately upon departing from a commercial harbor.

18 (b) Upon certification of the gross weight of the load of  
19 the commercial maritime cargo carrying vehicle, the department  
20 shall issue a receipt to the operator of the vehicle stating the  
21 gross weight of the load and that the load was weighed at a



1 certified scale operated by the department. The operator of the  
2 vehicle shall carry this receipt in the vehicle at all times  
3 while transporting the load.

4 (c) Any police officer or law enforcement officer, when  
5 stopping a commercial maritime cargo carrying vehicle or  
6 inspecting a commercial maritime cargo carrying vehicle for any  
7 reason, may require the operator of the vehicle to exhibit the  
8 receipt issued under subsection (b).

9 (d) A police or law enforcement offer shall issue a  
10 citation to an operator of a commercial maritime cargo carrying  
11 vehicle if the operator is found to be operating the vehicle  
12 without a receipt issued under subsection (b). The citation  
13 shall state the reasons for which the operator is being cited  
14 and shall require the operator to immediately return to a  
15 commercial harbor to be weighed in accordance with subsection  
16 (a).

17 (e) Each maritime cargo carrier shall submit to the  
18 department a detailed list, obtained from the shipping manifest,  
19 of every shipping container or load that:

20 (1) Has arrived in a commercial harbor of the State;



1       (2) Has a gross weight of fifty-five thousand pounds or  
2           more; and

3       (3) Is to be transported on any highway in the State.

4       (f) For the purposes of this section:

5       "Commercial maritime cargo carrying vehicle" means any  
6       commercial vehicle, used on a highway, that is designated or  
7       used primarily to carry commercial cargo transported via a  
8       maritime vessel into the State or between islands of the State.

9       "Gross weight" means the total weight of a shipping  
10       container and the cargo contained within the shipping container.

11       (g) Any violation of this section shall be subject to a  
12       fine of not less than \$5 nor more than \$1,000; provided that a  
13       citation issued in accordance with subsection (d) shall be  
14       considered a traffic infraction."

15       SECTION 3. New statutory material is underscored.

16       SECTION 4. This Act shall take effect on July 1, 2050.



**Report Title:**

Maritime Cargo; Commercial Vehicle; Highways

**Description:**

Requires commercial vehicles carrying cargo weighing 55,000 pounds or more from Hawaii's commercial harbors to be weighed prior to leaving the harbor. Requires water carriers to provide the Department of Transportation with a list of shipping containers or loads weighing 55,000 pounds or more to be transported on a highway. Provides a penalty. (HB1361 HD1)

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

