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# A BILL FOR AN ACT

RELATING TO HIGHWAYS.

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

1           SECTION 1. Section 291C-131, Hawaii Revised Statutes, is  
2 amended to read as follows:

3           "§291C-131 Spilling loads on highways; penalties. (a) No  
4 vehicle shall be moved on any highway, unless the vehicle is so  
5 constructed, covered, or loaded as to prevent any of its load  
6 other than clear water or feathers from live birds from  
7 dropping, sifting, leaking, blowing, spilling, or otherwise  
8 escaping therefrom, except that sand may be dropped for the  
9 purpose of securing traction, or water or other substance may be  
10 sprinkled on a highway in cleaning or maintaining the highway.

11           (b) No vehicle shall be driven or moved on any highway  
12 when any load thereon is not entirely within the body of the  
13 vehicle; provided that this prohibition shall not apply if the  
14 load is securely fastened by means of clamps, ropes, straps,  
15 cargo nets, or other suitable mechanical device to prevent such  
16 load from dropping onto the highway or from shifting in any  
17 manner and, further, no vehicle shall be operated on any highway



1 with any load thereon projecting beyond the extreme width of the  
2 vehicle.

3 (c) Vehicles carrying agricultural produce from fields  
4 during harvesting shall be exempt from the requirements of this  
5 section but the owner of the vehicle must provide for the  
6 reasonable removal of all such produce spilled or dropped on the  
7 highway.

8 (d) No vehicle shall be driven or moved on any highway  
9 with any load if the load is not entirely covered by a cargo  
10 net, tarpaulin, canopy, or other material designed to cover the  
11 load to prevent the load from escaping from the vehicle, where  
12 the load consists partially or entirely of loose paper, loose  
13 rubbish, plastics, empty cartons, dirt, sand, or gravel.

14 (e) Vehicles transporting a granular load consisting of  
15 dirt, sand, or gravel on any highway shall not be required to  
16 cover their granular load if the granular load does not extend,  
17 at its peak, above any point on a horizontal plane equal in  
18 height to the top of the side, front, or rear part of the cargo  
19 container area that is the least in height.

20 (f) No vehicle shall be driven or moved on any highway  
21 with a load consisting of rocks, stones, or boulders if the



1 load, at its peak, extends above any point on a horizontal plane  
2 equal in height to the top of the side, front, or rear part of  
3 the cargo container area that is the least in height.

4 (g) Vehicles transporting asphalt or other loads that are  
5 of a high temperature that may melt or otherwise damage a tarp  
6 or other covering shall be exempt from the requirement that the  
7 load be covered; provided that the physical characteristics of  
8 the load are not susceptible to blowing off or otherwise  
9 escaping from the vehicle during transport on any highway.

10 [~~g~~] (h) Violation of this section shall be considered an  
11 offense as defined in section 701-107(5), shall not be subject  
12 to the provisions of chapter 291D, and shall subject the owner  
13 or driver of the vehicle, or both, to the following penalties  
14 without possibility of probation or suspension of sentence:

15 (1) For a first violation, by a fine of not less than \$250  
16 and not more than \$500.

17 (2) For a second violation involving a vehicle or driver  
18 previously cited under this section within one year:

19 (A) Suspension of the vehicle registration or  
20 suspension of the license of the driver, or both,



1 for not less than five working days but not more  
2 than ten working days; and

3 (B) A fine of not less than \$500 and not more than  
4 \$750.

5 (3) For a third or subsequent violation involving a  
6 vehicle or driver previously cited under this section  
7 within one year:

8 (A) Suspension of the vehicle registration or  
9 suspension of the license of the driver, or both,  
10 for a period of thirty calendar days; and

11 (B) A fine of not less than \$750 and not more than  
12 \$1,000.

13 In imposing a fine under this subsection, the court, in its  
14 discretion, may apportion payment of the fine between the driver  
15 of the vehicle and the owner of the vehicle according to the  
16 court's determination of the degree of fault for the violation.

17 For the purposes of this subsection, a truck-trailer  
18 combination and tractor-semitrailer combination, as they are  
19 defined in section 286-2, shall be considered as one vehicle."

20 SECTION 2. Statutory material to be repealed is bracketed  
21 and stricken. New statutory material is underscored.



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



**Report Title:**

Highways; Roads; Vehicles; Asphalt; Hot Loads; Exemption

**Description:**

Exempts vehicles transporting asphalt or other high temperature loads from the requirement that their loads be covered; provided that the physical characteristics of the load are not susceptible to blowing off during transport. (HB113 HD1)

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

