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A BILL FOR AN ACT

RELATING TO MOTOR VEHICLES ENFORCEMENT.

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

1           SECTION 1. Section 291-39, Hawaii Revised Statutes, is  
2 amended to read as follows:

3           "§291-39 Enforcement. (a) For the purpose of the  
4 enforcement of sections 291-33 to 291-36, the powers of police  
5 officers are conferred upon the director of transportation and  
6 any motor carrier safety officer. Every police officer and  
7 motor carrier safety officer shall enforce compliance with  
8 sections 291-33 to 291-36, with the technical assistance of the  
9 department of transportation. In the enforcement of sections  
10 291-34 to 291-36 such officers may require the driver of a  
11 vehicle to stop and submit to:

12           (1) The measurement of the dimensions of the vehicle and  
13 load;

14           (2) The examination of the certificate of weight; and

15           (3) The weighing of vehicles and load by means of either  
16 wheel load weighers, axle load scales, or vehicle  
17 scales, if such scales are within two miles of the  
18 place where the vehicle is stopped.

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1 (b) The department of transportation is authorized to  
2 provide the necessary technical assistance to police officers  
3 and motor carrier safety officers to determine compliance or  
4 noncompliance with sections 291-34 to 291-36. Whenever the  
5 department of transportation determines that the size or weight  
6 of a vehicle does not comply with sections 291-34 to 291-36, the  
7 police officers or motor carrier safety officers may require the  
8 driver to move the vehicle to a suitable place and to remain  
9 there until the vehicle and load are brought into compliance  
10 with the limits prescribed by this chapter. If any of the load  
11 must be removed from the vehicle in order to comply with  
12 sections 291-34 to 291-36, the removal and all risks caused by  
13 or resulting from the removal shall be the responsibility of the  
14 owner or operator of the vehicle.

15 ~~[(c) Notwithstanding any other provisions of this chapter,~~  
16 ~~no enforcing officer shall issue a citation for violation of~~  
17 ~~section 291-35 unless:~~

18 ~~(1) The violator exceeds the applicable maximum weight by~~  
19 ~~more than five per cent when a portable axle scale is~~  
20 ~~used; or~~

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1       ~~(2) The violator exceeds the applicable maximum weight by~~  
2               ~~more than two per cent when a permanently installed~~  
3               ~~axle load scale is used.~~

4       ~~This subsection shall not apply to interstate highways.]~~

5               ~~(d)~~ (c) Police officers and motor carrier safety  
6 officers shall issue citations to any person violating sections  
7 291-33 to 291-36 [~~except as specified in subsection (e)~~].

8               ~~(e)~~ (d) The driver of any vehicle who fails or refuses  
9 to stop and submit the vehicle and load to measuring or weighing  
10 when directed by a police officer or motor carrier safety  
11 officer or who fails or refuses to otherwise comply with this  
12 section, shall be fined as provided in section 291-37."

13               SECTION 2. Statutory material to be repealed is bracketed  
14 and stricken. New statutory material is underscored.

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

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INTRODUCED BY: \_\_\_\_\_

*Ram*

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BY REQUEST

**JAN 23 2023**

# H.B. NO. 1104

**Report Title:**

Motor Vehicles; Vehicle Weight Enforcement; Violations

**Description:**

Amends the law relating to enforcement of weight limits for vehicle gross weight, axle, and wheel load.

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

JUSTIFICATION SHEET

DEPARTMENT: Transportation

TITLE: A BILL FOR AN RELATING TO MOTOR VEHICLES ENFORCEMENT.

PURPOSE: To amend the law relating to enforcement of motor vehicles weight and dimensions.

MEANS: Amend section 291-39, Hawaii Revised Statutes, (HRS).

JUSTIFICATION: The Hawaii Department of Transportation (HDOT) receives funding from the Federal Highway Administration (FHWA) for infrastructure improvements and maintenance. To receive FHWA funds, it is necessary for HDOT to follow the federal size and weight program for motor vehicles traveling on the Interstate Systems.

The HDOT's rules are intended to ensure that Hawaii's highway pavements and structures are able to safely carry vehicular traffic of the general public while minimizing premature deterioration or failure of the State's infrastructure.

The State and the FHWA found that there are several inconsistencies, inclusions, and exclusions within the existing rules that prevent the State from effectively executing and enforcing the requirements stated therein.

In turn, the current issues with these rules may pose a threat to public safety and the longevity of the State's infrastructure.

Impact on the public: None.

Impact on the department and other agencies: Should Hawaii not be in compliance with FHWA rules as specified by FHWA, the amount apportioned to HDOT may be reduced.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM  
DESIGNATION: TRN 597.

OTHER AFFECTED  
AGENCIES: None.

EFFECTIVE DATE: Upon approval.