

# H.B. NO. 1108

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## A BILL FOR AN ACT

RELATING TO COMMERCIAL MOTOR VEHICLE FINES.

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

1 SECTION 1. Section 291-37, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 "§291-37 Penalties. (a) Any person who omits to perform  
4 any of the acts required by, or who commits any of the acts  
5 prohibited by, sections 291-2 to 291-33, or any rules adopted to  
6 enforce those sections, shall be guilty of a violation and shall  
7 be fined not less than \$25 nor more than \$1,800, except as  
8 otherwise provided.

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

13 [The fine for a  
14 If the excess weight is: violation shall be:  
15 100 to 1,500 pounds \$250  
16 1,501 to 2,000 pounds 260  
17 2,001 to 2,500 pounds 280  
18 2,501 to 3,000 pounds 320

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1	<del>3,001 to 3,500 pounds</del>	<del>360</del>
2	<del>3,501 to 4,000 pounds</del>	<del>400</del>
3	<del>4,001 to 4,500 pounds</del>	<del>450</del>
4	<del>4,501 to 5,000 pounds</del>	<del>500</del>
5	<del>5,001 to 5,500 pounds</del>	<del>550</del>
6	<del>5,501 to 6,000 pounds</del>	<del>600</del>
7	<del>6,001 to 6,500 pounds</del>	<del>660</del>
8	<del>6,501 to 7,000 pounds</del>	<del>720</del>
9	<del>7,001 to 7,500 pounds</del>	<del>780</del>
10	<del>7,501 to 8,000 pounds</del>	<del>840</del>
11	<del>8,001 to 8,500 pounds</del>	<del>910</del>
12	<del>8,501 to 9,000 pounds</del>	<del>980</del>
13	<del>9,001 to 9,500 pounds</del>	<del>1050</del>
14	<del>9,501 to 10,000 pounds</del>	<del>1120</del>
15	<del>10,001 pounds and over</del>	<del>1160</del>

- 16     (1) For excess weight of up to 100 pounds, the minimum  
17     fine for a violation shall be \$250;
- 18     (2) For excess weight greater than 100 pounds, the fine  
19     for a violation shall be an additional \$0.11 per  
20     pound. Example: A truck is cited for weighing 15,000  
21     pounds in excess of the gross weight limit; the fine  
22     is \$250 + (15,000-100)\*\$0.11 = \$1,889; and

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1        (3) The above fines shall be applied to each axle and  
2                    wheel group violation in addition to a gross vehicle  
3                    weight violation as applicable.

4        If the excess dimension is:                    The fine shall be:

5        Up to 5 feet	\$ 50
6        Over 5 feet and up to 10 feet	100
7        Over 10 feet and up to 15 feet	150
8        Over 15 feet	200

9        For the purposes of this section, "person" means the driver  
10 of the vehicle unless the driver is an employee in the scope and  
11 course of employment, in which case "person" means the employer  
12 of the driver. In the case of the transportation of a sealed  
13 container or transportation by flatrack, "person" means[+]

14        ~~(1) The~~ the individual or company the cargo is consigned  
15                    to[+]

16                    or

17        ~~(2) The~~ the individual or company located in the State  
18                    shipping the cargo.

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

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1 All penalties imposed and collected for violations of  
2 sections 291-33 to 291-36 shall be paid into the state highway  
3 fund.

4 The department of transportation shall institute a system  
5 where the fine, based on the ~~[tables]~~ provisions in this  
6 subsection, may be mailed in when the citation or penalty is not  
7 to be contested. This system shall include an ability for the  
8 owner of the vehicle or combination of vehicles to request the  
9 operator be held harmless and the citation be transferred to  
10 that owner of the vehicle or combination of vehicles.

11 (b) When a vehicle or combination of vehicles including  
12 load is found to be in violation of any provision contained in  
13 sections 291-33 to 291-36, and the operator of such vehicle or  
14 combination of vehicles is a subordinate or employee, the courts  
15 shall take judicial notice of this relative subordinate position  
16 and, conditions warranting, hold the operator harmless and  
17 impose the applicable penalties against the owner of the vehicle  
18 or combination of vehicles. The owner of the vehicle or  
19 combination of vehicles shall mean persons or officers of firms  
20 or corporations, who owns the transporting vehicle or who  
21 operates the vehicle under a bona fide lease agreement."

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

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

4

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INTRODUCED BY: 

6

BY REQUEST

JAN 23 2023

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**Report Title:**

Commercial Motor Vehicle; Penalties and Fines

**Description:**

Amends the law relating to vehicle weight violations by replacing the fine schedule and increasing the potential fines based on multitude and magnitude of vehicle weight violations.

*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 ACT RELATING TO COMMERCIAL MOTOR VEHICLE FINES.

PURPOSE: To increase the fines for overweight commercial motor vehicles.

MEANS: Amend section 291-37, Hawaii Revised Statutes.

JUSTIFICATION: The fines for vehicle gross weight, axle weight, and wheel load violations have not changed since the 1980s. This bill revises the fines to a scaler fine that charges for each pound over 100 pounds in excess of the limit while also removing the arbitrary fine limit of \$1,160. The proposed fines are intended to serve as a deterrent against vehicle weight violations and help to ensure the safety and longevity of the State's infrastructure.

Impact on the public: None.

Impact on the department and other agencies: State enforcement personnel must transition practices and procedures to account for changes to calculation of fines.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM DESIGNATION: TRN 595.

OTHER AFFECTED AGENCIES: None.

EFFECTIVE DATE: Upon approval.