
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 by amending subsection (a) to read as follows:

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

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



1	2,501 to 3,000 pounds	320
2	3,001 to 3,500 pounds	360
3	3,501 to 4,000 pounds	400
4	4,001 to 4,500 pounds	450
5	4,501 to 5,000 pounds	500
6	5,001 to 5,500 pounds	550
7	5,501 to 6,000 pounds	600
8	6,001 to 6,500 pounds	660
9	6,501 to 7,000 pounds	720
10	7,001 to 7,500 pounds	780
11	7,501 to 8,000 pounds	840
12	8,001 to 8,500 pounds	910
13	8,501 to 9,000 pounds	980
14	9,001 to 9,500 pounds	1050
15	9,501 to 10,000 pounds	1120
16	10,001 pounds and over	1160]

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



1 pounds in excess of the gross weight limit; the fine
 2 is \$250 + (15,000-100)*\$0.11 = \$1,889; and
 3 (3) The fines in paragraphs (1) and (2) shall be applied
 4 to each axle and wheel group violation in addition to
 5 a gross vehicle weight violation as applicable.

6	If the excess dimension is:	The fine shall be:
7	Up to 5 feet	\$ 50
8	Over 5 feet and up to 10 feet	100
9	Over 10 feet and up to 15 feet	150
10	Over 15 feet	200

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

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

18 or

19 ~~(2) The~~ the individual or company located in the State
 20 shipping the cargo.



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

5 All penalties imposed and collected for violations of
6 sections 291-33 to 291-36 shall be paid into the state highway
7 fund.

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

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

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



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.
(SD1)

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