

JAN 25 2023

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

- 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."

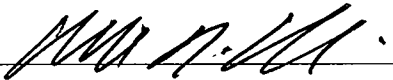
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1 SECTION 2. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

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

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INTRODUCED BY: 

6

BY REQUEST

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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.

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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.