

A Bill for an Act Relating to Traffic Violations.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 291-37, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) Any person guilty of omitting any of the required acts, or committing any of the prohibited acts of this chapter, or the rules adopted shall be guilty of a violation of this chapter and may be fined not less than \$25 nor more than [500. Any] \$1,800; provided that any person guilty of omitting any of the required acts, or committing any of the prohibited acts of sections 291-34, [to] 291-35, or 291-36 may be fined not more than [\$500 for each offense] \$600 and not less than the fine which is set forth in the following tables:

If the excess weight is:

100 to 1,500 pounds
1,501 to 2,000 pounds
2,001 to 2,500 pounds
2,501 to 3,000 pounds
3,001 to 3,500 pounds
3,501 to 4,000 pounds
4,001 to 4,500 pounds
4,501 to 5,000 pounds
5,001 to 5,500 pounds
5,501 to 6,000 pounds
6,001 to 6,500 pounds
6,501 to 7,000 pounds
7,001 to 7,500 pounds
7,501 to 8,000 pounds
8,001 to 8,500 pounds
8,501 to 9,000 pounds
9,001 to 9,500 pounds
9,501 to 10,000 pounds
10,001 pounds and over

The minimum fine for a first violation shall be:

[25] 125
[30] 130
[40] 140
[60] 160
[80] 180
[100] 200
[125] 225
[150] 250
[175] 275
[200] 300
[230] 330
[260] 360
[290] 390
[320] 420
[355] 455
[390] 490
[425] 525
[460] 560
[480] 580

If the excess dimension is:

Up to 5 feet
Over 5 feet and up to 10 feet
Over 10 feet and up to 15 feet
Over 15 feet

The minimum fine shall be:

\$ 25
50
75
100

For the purpose of the imposition of a fine or penalty herein, evidence of prior offenses shall be admissible.

For a second violation within one year of the first, the fine for excess weight shall be not less than twice the fine listed in the excess weight table above and not more than \$1,200. For a third or subsequent violation for excess weight previously cited under this section within one year, the fine shall not be less than triple the fine listed in the excess weight table above and not more than \$1,800.

For the purposes of this section “person” means the driver of the vehicle unless the driver is an employee in the scope and course of employment, in which case “person” means the employer of the driver.

All penalties imposed and collected [under] for violations of sections 291-33 to 291-36 shall be paid into the state highway fund.

The department of transportation is authorized to institute a system where the minimum fine, based on the tables in this subsection, may be mailed in when the citation or penalty is not to be contested. This system shall include an ability for the owner of the vehicle or combination of vehicles to request the operator be held harmless and the citation be transferred to that owner of the vehicle or combination of vehicles.”

SECTION 2. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 3. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval.

(Approved April 24, 1989.)