

ACT 115

H.B. NO. 733

A Bill for an Act Relating to Transportation.

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

SECTION 1. Section 286-26, Hawaii Revised Statutes, is amended by amending subsection (h) to read as follows:

“(h) This section shall not apply to:

- (1) Any motor vehicle which is covered by part XI, governing safety of motor carrier vehicle operation and equipment; provided that the rules adopted pursuant to part IA impose standards of inspection at least as strict as those imposed under subsection (g) and that certification is required at least as often as provided in subsections (a), (b), (c), and (d); ~~and~~
- (2) Aircraft servicing vehicles that are being used exclusively on lands set aside to the department of transportation for airport purposes~~[-]; and~~
- (3) Tractor trucks, forklifts, and top picks being used as marine terminal equipment temporarily moving in or between terminals at Sand Island and along Sand Island Parkway and Sand Island Access Road.”

SECTION 2. Section 286-41, Hawaii Revised Statutes, is amended by amending subsection (f) to read as follows:

“(f) The provisions of this part requiring the registration of motor vehicles shall not apply to:

- (1) Special mobile equipment;
- (2) Implements of husbandry temporarily drawn, moved, or otherwise propelled upon the public highways; ~~and~~

- (3) Aircraft servicing vehicles which are being used exclusively on lands set aside to the department of transportation for airport purposes[;] and
- (4) Tractor trucks, forklifts, and top picks being used as marine terminal equipment temporarily moving in or between terminals at Sand Island and along Sand Island Parkway and Sand Island Access Road."

SECTION 3. Section 286-105, Hawaii Revised Statutes, is amended to read as follows:

"§286-105 What persons are exempt from license. The following persons are exempt from license:

- (1) Any person while driving or operating a motor vehicle in the service or employ of any branch or agency of the federal government; provided that the person has received a license or permit from the branch or agency to operate and drive the motor vehicle; provided further that the branch or agency has been duly authorized by the federal government to issue the license or permit;
- (2) Any person while driving or operating any road machine, farm tractor, or implement of husbandry temporarily operated or moved on a highway[;], or tractor trucks, forklifts, and top picks being used as marine terminal equipment temporarily moving in or between terminals at Sand Island and along Sand Island Parkway and Sand Island Access Road; provided that no person under the age of thirteen years shall be permitted to drive or operate any such road machine, farm tractor, [or] implement of husbandry,¹ on a highway[;], or tractor trucks, forklifts, and top picks being used as marine terminal equipment temporarily moving in or between terminals at Sand Island and along Sand Island Parkway and Sand Island Access Road;
- (3) Any person who is at least eighteen years of age and who has in the person's possession a valid driver's license to drive the categories of motor vehicles listed in section 286-102(b), except section 286-102(b)(4), that is equivalent to a driver's license issued in this State but was issued to the person in another state of the United States, the Commonwealth of Puerto Rico, United States Virgin Islands, American Samoa, Guam, a province of the Dominion of Canada, or the Commonwealth of the Northern Mariana Islands for that category of motor vehicle which the person is operating;
- (4) Any person who has in the person's possession a valid commercial motor vehicle driver's license issued by any state of the United States, Mexico, or a province of the Dominion of Canada that issues licenses in accordance with the minimum federal standards for the issuance of commercial motor vehicle driver's licenses; and
- (5) Any person who drives or operates state or county motor vehicles while employed by, in the service of, or volunteering for the state or county fire departments, provided that they are trained and certified to drive category (4) motor vehicles as set forth in section 286-102(b)(4) by the state or county government, as appropriate, and provided that the person maintains a category (3) license as set forth in section 286-102(b)(3)."

SECTION 4. Section 291-36, Hawaii Revised Statutes, is amended as follows:

1. By amending subsection (a) to read:

“(a) The director of transportation, in the case of state highways, or the county engineer, in the case of county roads and streets, may, upon application in writing, issue a written permit authorizing the applicant to operate or move a vehicle or combination of vehicles, self-propelled construction or farm equipment, marine terminal equipment as referenced in section 286-26(h)(3), or special mobile equipment of dimensions or weights, including loads or both, which exceed the limits set in sections 291-34 and 291-35.”

2. By amending subsection (c) to read:

“(c) The application for any such permit shall specifically describe the vehicle or combination of vehicles, the self-propelled construction or farm equipment, the marine terminal equipment as referenced in section 286-26(h)(3), the load to be operated or moved, the particular highways over which the permit to operate is requested, and whether such permit is requested for a single trip or for continuous operation.”

3. By amending subsections (e) and (f) to read:

“(e) Every such permit shall be carried in the vehicle or combination of vehicles ~~[or the]~~ self-propelled construction or farm equipment, or marine terminal equipment as referenced in section 286-26(h)(3), to which it refers and shall be open to inspection of any peace officer or traffic officer or employee charged with the care or protection of the highways; provided that in the case of annual permits, this requirement may be met where a copy of the permit is carried in the vehicle, and the original permit is readily available for inspection from the operator's offices in the county of issuance.

(f) The owner of any vehicle or combination of vehicles ~~[or the]~~ self-propelled construction or farm equipment, or marine terminal equipment as referenced in section 286-26(h)(3) found operating in violation of the terms or conditions of any permit or over sections of the highway not covered by the permit shall be subject to the penalties provided in section 291-37.”

SECTION 5. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 6. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 7. This Act shall take effect on July 1, 2017.

(Approved July 10, 2017.)

Note

1. Comma should be underscored.