

ACT 241

H.B. NO. 1108

A Bill for an Act Relating to Commercial Motor Vehicle Fines.

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

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

[The fine for a ¹	
If the excess weight is: — violation shall be:	
100 to 1,500 pounds —	\$250
1,501 to 2,000 pounds —	260
2,001 to 2,500 pounds —	280
2,501 to 3,000 pounds —	320
3,001 to 3,500 pounds —	360
3,501 to 4,000 pounds —	400
4,001 to 4,500 pounds —	450
4,501 to 5,000 pounds —	500

5,001 to 5,500 pounds	550
5,501 to 6,000 pounds	600
6,001 to 6,500 pounds	660
6,501 to 7,000 pounds	720
7,001 to 7,500 pounds	780
7,501 to 8,000 pounds	840
8,001 to 8,500 pounds	910
8,501 to 9,000 pounds	980
9,001 to 9,500 pounds	1050
9,501 to 10,000 pounds	1120
10,001 pounds and over	1160]

- (1) For excess weight of up to 100 pounds, the minimum fine for a violation shall be \$250;
- (2) For excess weight greater than 100 pounds, the fine for a violation shall be an additional \$0.11 per pound. Example: A truck is cited for weighing 15,000 pounds in excess of the gross weight limit; the fine is $\$250 + (15,000 - 100) \times \$0.11 = \$1,889$; and
- (3) The fines in paragraphs (1) and (2) shall be applied to each axle and wheel group violation in addition to a gross vehicle weight violation as applicable.

If the excess dimension is: The fine shall be:

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

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. In the case of the transportation of a sealed container or transportation by flatrack, “person” means[:

(1) ~~The]~~ the individual or company the cargo is consigned to[;

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

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

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

The department of transportation shall institute a system where the fine, based on the [tables] provisions 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. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

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

(Approved July 6, 2023.)

Note

1. So in original.