H.B. NO. 1154

A BILL FOR AN ACT

RELATING TO CHAPTER 291, HAWAII REVISED STATUTES.

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 guilty of omitting any of the required

4 acts, or committing any of the prohibited acts [of] under

5 sections 291-2 to 291-33[,] or [the] any related rules [adopted]

6 for which a penalty is not specified, shall be guilty of a

7 violation of this chapter and shall be fined not less than $25

8 nor more than $1,800.

9   Any person guilty of omitting any of the required acts, or

10 committing any of the prohibited acts of section 291-34, 291-35,

11 or 291-36 shall be fined in accordance with the following

12 tables:

13 If the excess weight is:	The fine for a first violation shall be:
15 100 to 1,500 pounds	$125
16 1,501 to 2,000 pounds	130
17 2,001 to 2,500 pounds	140
18 2,501 to 3,000 pounds	160

1	3,001 to 3,500 pounds	180
2	3,501 to 4,000 pounds	200
3	4,001 to 4,500 pounds	225
4	4,501 to 5,000 pounds	250
5	5,001 to 5,500 pounds	275
6	5,501 to 6,000 pounds	300
7	6,001 to 6,500 pounds	330
8	6,501 to 7,000 pounds	360
9	7,001 to 7,500 pounds	390
10	7,501 to 8,000 pounds	420
11	8,001 to 8,500 pounds	455
12	8,501 to 9,000 pounds	490
13	9,001 to 9,500 pounds	525
14	9,501 to 10,000 pounds	560
15	10,001 pounds and over	580
16	If the excess dimension is:	The fine shall be:
17	Up to 5 feet	$ 25
18	Over 5 feet and up to 10 feet	50
19	Over 10 feet and up to 15 feet	75
20	Over 15 feet	100

21 For the purpose of the imposition of a fine or penalty herein,

22 evidence of prior offenses shall be admissible.

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1   For a second violation within one year of the first, the

2   fine for excess weight shall be not less than twice the fine

3   listed in the excess weight table above and not more than

4   $1,200. For a third or subsequent violation for excess weight

5   previously cited under this section within one year, the fine

6   shall not be less than triple the fine listed in the excess

7   weight table above and not more than $1,800.

8   For the purposes of this section, "person" means the driver

9   of the vehicle unless the driver is an employee in the scope and

10 course of employment, in which case "person" means the employer

11 of the driver. In the case of the transportation of a sealed

12 container or transportation by flatrack, "person" means:

13 (1) The individual or company the cargo is consigned to;

14   or

15 (2) The individual or company located in the State

16   shipping the cargo.

17 The consignee or the shipper shall not be cited if the power

18 units' drive axle group is overweight, and the weight is not

19 more than that allowed for a tandem axle with any applicable

20 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 is authorized to institute

5   a system where the fine, based on the tables in this subsection,

6   may be mailed in when the citation or penalty is not to be

7   contested. This system shall include an ability for the owner

8   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   SECTION 2. Statutory material to be repealed is bracketed

12   and stricken. New statutory material is underscored.

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

14

INTRODUCED BY: _____

BY REQUEST   JAN 2 2 2007

Report Title:
Traffic Violations; Motor Vehicles; Penalties

Description:
Clarifies penalties for violating state motor vehicle operation and equipment requirements.