

H.B. NO. 2617

A BILL FOR AN ACT

RELATING TO PENALTIES.

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 [7] and 291-35.1, or any
6 rules adopted to enforce those sections, shall be guilty of a
7 violation and shall be fined not less than \$25 nor more than
8 \$1,800, except as otherwise provided.

9 Any person who omits to perform any of the acts required
10 by, or who commits any of the acts prohibited by, section 291-
11 34, 291-35, or 291-36 shall be fined in accordance with the
12 following tables:

	If the excess weight is:	The fine for a violation shall be:
13		
14		
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
19	3,001 to 3,500 pounds	360
20	3,501 to 4,000 pounds	400
21	4,001 to 4,500 pounds	450
22	4,501 to 5,000 pounds	500

1	5,001 to 5,500 pounds	550
2	5,501 to 6,000 pounds	600
3	6,001 to 6,500 pounds	660
4	6,501 to 7,000 pounds	720
5	7,001 to 7,500 pounds	780
6	7,501 to 8,000 pounds	840
7	8,001 to 8,500 pounds	910
8	8,501 to 9,000 pounds	980
9	9,001 to 9,500 pounds	1050
10	9,501 to 10,000 pounds	1120
11	10,001 pounds and over	1160

12		
13	If the excess dimension is:	The fine shall be:
14	Up to 5 feet	\$ 50
15	Over 5 feet and up to 10 feet	100
16	Over 10 feet and up to 15 feet	150
17	Over 15 feet	200

18 For the purposes of this section, "person" means the driver
 19 of the vehicle unless the driver is an employee in the scope and
 20 course of employment, in which case "person" means the employer
 21 of the driver. In the case of the transportation of a sealed
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23 (1) The individual or company the cargo is consigned to;

24 or

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

26 shipping the cargo.

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

1 All penalties imposed and collected for violations of
2 sections 291-33 to 291-36, except 291-35.1, shall be paid into
3 the state highway fund.

4 The department of transportation shall institute a system
5 where the fine, based on the tables in this subsection, may be
6 mailed in when the citation or penalty is not to be contested.
7 This system shall include an ability for the owner of the
8 vehicle or combination of vehicles to request the operator be
9 held harmless and the citation be transferred to that owner of
10 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, except 291-35.1, and the operator of
14 such vehicle or combination of vehicles is a subordinate or
15 employee, the courts shall take judicial notice of this relative
16 subordinate position and, conditions warranting, hold the
17 operator harmless and impose the applicable penalties against
18 the owner of the vehicle or combination of vehicles. The owner
19 of the vehicle or combination of vehicles shall mean persons or
20 officers of firms or corporations, who owns the transporting
21 vehicle or who operates the vehicle under a bona fide lease
22 agreement."

H.B. NO. 2617

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:

Cabrini G. Boy

8

BY REQUEST

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JAN 23 2012

H.B. NO. 2617

Report Title:

Motor vehicles; bumper height; penalties

Description:

Establishes a penalty for persons who violate the bumper height requirements of Section 291-35.1, Hawaii Revised Statutes.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

HB 2617

JUSTIFICATION SHEET

DEPARTMENT: Transportation

TITLE: A BILL FOR AN ACT RELATING TO PENALTIES.

PURPOSE: Establish a penalty provision for persons who violate the bumper requirements of Section 291-35.1, Hawaii Revised Statutes.

MEANS: Amend section 291-37, Hawaii Revised Statutes.

JUSTIFICATION: Section 291-35.1, Hawaii Revised Statutes, was enacted in order to prevent motorists from modifying their vehicles in a manner that would raise the bumper height to an extent that it would cause higher than normal probability of an injury in the event of a crash into the front or rear of the modified vehicle. This section currently does not have a penalty for violations. A penalty is needed in order to motivate motorists to comply with the law.

Impact on the public: Imposing a penalty for violating section 291-35.1 could lessen the likelihood of injury in a crash involving modified vehicles.

Impact on the department and other agencies: There will be no impact on the Department of Transportation. The police departments may possibly issue more citations for violations if there is a penalty for the violations.

GENERAL FUND: None.

OTHER FUNDS: None.

PBS PROGRAM DESIGNATION: TRN 597.

OTHER AFFECTED AGENCIES: Honolulu Police Department.

HB 2617

EFFECTIVE DATE: Upon approval.