

## **HAWAII REVISED STATUTES**

### **PART XI – MOTOR CARRIER SAFETY LAW**

Please read and familiarize yourself with the Hawaii Revised Statutes, Part XI, Motor Carrier Safety Law, Sections §286-201 through §286-210 as they may apply to your operation as a commercial motor carrier in Hawaii.

## PART XI. MOTOR CARRIER SAFETY LAW

**§286-201 Definitions.** As used in this part unless the context otherwise requires:

"Director" means the director of transportation.

"Gross vehicle weight rating" means the value specified by the manufacturer as the loaded weight of a single vehicle. When there is no value specified by the manufacturer as the loaded weight of a single vehicle, the value shall be determined in accordance with rules adopted by the director.

"Motor carrier" as used in this part means any person who owns a motor vehicle used in, or engages in the transportation of persons or property by motor vehicle on the public highways in the furtherance of any commercial, industrial, or educational enterprise.

"Motor carrier vehicle" means any motor vehicle or vehicle, including integrally mounted equipment and specially constructed motorized equipment used by a motor carrier to transport passengers or property on the public highways. [L Sp 1977 1st, c 20, pt of §1; am L 1979, c 119, §2; am L 1980, c 27, §2 and c 232, §13]

### Revision Note

Numeric designations deleted and definitions rearranged.

### Cross References

Motor carrier law, see chapter 271.

**§286-202.5 Driver improvement program.** (a) Every employer who employs a commercial motor vehicle driver who drives a motor vehicle with a gross vehicle weight rating in excess of ten thousand pounds shall provide for every such driver a driver improvement program. This program shall provide a system for continuous driver evaluation and annual driver safety courses approved by the director. For drivers with five years of continuous employment with one employer, this requirement shall be at least once every two years. Every job placement center through which a driver who drives a motor vehicle with a gross vehicle weight rating in excess of ten thousand pounds is employed on a casual or sporadic basis, and not as a regularly employed driver for any one employer, shall be responsible for providing the driver improvement program for all its drivers, who drive a motor vehicle with a gross vehicle weight rating in excess of ten thousand pounds. For purposes of this subsection only, "job placement center" means any place where persons may register for purposes of employment, and the dispatching of those persons to various jobs as they become available. Any employer or job placement center that violates this subsection shall be fined not more than \$500.

(b) Every regularly or casually employed driver of a motor vehicle with a gross vehicle weight rating in excess of ten thousand pounds shall attend the driver improvement program provided by the driver's employer or job placement center. The director shall adopt rules pursuant to chapter 91 necessary for the purposes of this subsection, including but not limited to rules governing attendance. Any driver who does not fulfill the appropriate driver improvement attendance requirement shall be fined not more than \$100.

(c) The counties may furnish real property, facilities on that property, and other equipment in furtherance of this section. A county may allow the use of that property or other county property to a third party examiner who has entered into an agreement with the county on terms that it deems proper and reasonable. [L 1989, c 320, §1; am L 1990, c 342, §2; am L 1999, c 46, §2]

**§286-202.6 Marking of motor carrier vehicles.** (a) Notwithstanding the requirements in 49 Code of Federal Regulations, Part 390.21, every motor carrier vehicle shall be marked as specified in subsections (b), (c) and (d).

(b) The marking shall display the following information:

- (1) The name or trade name of the motor carrier or company operating the motor carrier vehicle;
- (2) If the name of any person other than the operating motor carrier or company appears on the motor carrier vehicle, the information required by paragraph (1) shall be displayed and preceded by the words "operated by";
- (3) The gross vehicle weight, gross vehicle weight rating, or gross combination weight rating; and
- (4) Other identifying information may be displayed on the motor carrier vehicle if it is not inconsistent with the information required by this subsection.

(c) The marking shall:

- (1) Appear on both sides of the motor carrier vehicle;
- (2) Be in letters that contrast sharply in color with the background on which the letters are placed;
- (3) Be readily legible during daylight hours, from a distance of fifty feet (15.24 meters) while the motor carrier vehicle is stationary; and
- (4) Be kept and maintained in a manner that retains the legibility required by paragraph (3).

(d) The marking may be painted or permanently affixed on the motor carrier vehicle.

(e) A motor carrier or company operating a motor carrier vehicle under a rental agreement having a term in excess of thirty calendar days shall meet the requirements of this section. [L 1997, c 119, §2; am L 2005, c 28, §1]

**§286-203 Enforcement.** For purposes of the enforcement of this part, the director of transportation shall have such powers of enforcement as may be necessary to implement this part. The director may delegate the enforcement of this part to county executive officers. For the purpose of the safety, welfare and health of the general public, and the safe transportation of hazardous materials and waste on any public highway, and the enforcement of this part and of all rules adopted pursuant to this part, the director, persons appointed by the director, and the county executive officers to whom powers of enforcement are delegated, may (1) inspect lands, buildings, freight and equipment of motor carriers, (2) stop and inspect freight and equipment of motor carriers and the military on any public highway, and (3) inspect shipping papers and hazardous waste manifests of motor carriers and persons subject to this part. Every state and county officer charged with enforcement of laws and ordinances shall assist in the enforcement of this part and of all rules adopted pursuant to this part and issue citations for violations as appropriate. [L Sp 1977 1st, c 20, pt of §1; gen ch 1985; am L 1986, c 299, §1]

#### **Cross References**

Transportation of hazardous materials, see §§286-221 to 227.

**[§286-204.5] Vehicle identification card.** (a) A motor carrier shall file with the director a form prescribed by the director containing a description of the commercial motor vehicle registered to the motor carrier. There shall be one form per vehicle. The form shall be filed when:

- (1) The original application for a safety clearance is filed with the director;
- (2) A new commercial motor vehicle is placed in service;
- (3) A commercial motor vehicle is withdrawn from service; and
- (4) New state license plates are issued for a commercial motor vehicle; provided that the form shall be filed not more than five days, including weekends and holidays, after the issuance of the plates.

(b) Upon the filing under subsection (a), the director shall issue a motor vehicle identification card for that commercial motor vehicle. The card shall contain information sufficient to identify the owner of the vehicle and other information deemed necessary by the director.

(c) A motor carrier shall inform the director, by filing a form prescribed by the director, of when a commercial motor vehicle registered to the motor carrier is disposed of, transferred, sold, or otherwise taken out of service by that carrier. The motor carrier shall surrender the vehicle identification card to the director with the filing of the form by affixing the card thereto. [L 2005, c 134, pt of §1]

**§286-207 Exemptions, certain vehicles.** This part shall not apply to the following vehicles, if such vehicles are in compliance with safety ordinances and rules of the county in which they operate and other applicable state safety laws and rules:

- (1) The type of passenger carrying vehicle known as a "sampan bus" within a radius of twenty miles from the city of Hilo, Hawaii;
- (2) Station wagons for the carriage of property;
- (3) Trucks, truck-trailers, trailers, or other nonpassenger carrying equipment having a gross vehicle weight rating of 10,000 pounds or less, except vehicles used in transporting material found by the United States Secretary of Transportation to be hazardous under 49 U.S.C. section 5103 and transported in a quantity requiring placarding under 49 C.F.R., Subtitle B, Chapter I, Subchapter C;
- (4) Taxicabs as described in section 271-5(3)(B);
- (5) Passenger carrying vehicles with a seating capacity of nine or less used for the transportation of employees to and from the jobsite;
- (6) Passenger carrying vehicles used by employees solely for their own transportation to, from, and during work;
- (7) Passenger carrying vehicles with a gross vehicle weight of 10,000 pounds or less used in car or van pools for the movement of passengers to and from work;
- (8) A passenger carrying vehicle used for the transportation, without compensation, of persons for private, recreational, or entertainment purposes;
- (9) A passenger carrying vehicle with a gross vehicle weight rating of 10,000 pounds or less used solely for the transportation, without compensation, of the vehicle owner, the vehicle owner's family or guests;
- (10) A passenger carrying vehicle with a gross vehicle weight rating of 10,000 pounds or less used for the transportation, without compensation, of persons for the furtherance of their physical or mental rehabilitation or for social welfare activities. [L Sp 1977 1st, c 20, pt of §1; am L 1979, c 119, §3; gen ch 1985; am L 2010, c 14, §1]

**§286-209 Safety inspection of motor carrier vehicles.** (a) Motor carrier vehicles, including but not limited to trucks, truck-tractors, semitrailers, trailers, or pole trailers, having a gross vehicle weight rating of more than ten thousand pounds, motor carrier vehicles having a gross vehicle weight rating of ten thousand pounds or less which transport passengers in the furtherance of a commercial enterprise, including car rental transport vehicles, and motor carrier vehicles used in transporting material found by the United States Secretary of Transportation to be hazardous under 49 U.S.C. section 5103 and transported in a quantity requiring placarding under 49 C.F.R., Subtitle B, Chapter I, Subchapter C, shall be inspected and certified annually.

(b) The director shall adopt rules pursuant to chapter 91 for motor carrier vehicle safety inspections, the issuance of certificates of safety inspection, the affixing of motor carrier vehicle safety inspection decals, and the acceptance of certificates of safety inspection issued in other jurisdictions.

(c) The director shall collect a fee of \$1.50 for each motor carrier vehicle safety inspection decal issued by motor carrier vehicle inspection stations. All moneys collected shall be paid into the state highway fund.

(d) A fee of no more than \$12 shall be charged by a motor carrier inspection station for each safety inspection performed.

(e) For the purposes of this section, "car rental transport vehicles" means motor carrier vehicles used to transport customers to or from car rental sites. [L Sp 1977 1st, c 20, pt of §1; am L 1985, c 246, §1 and c 274, §1; am L 2002, c 138, §2; am L 2005, c 3, §1; am L 2007, c 43, §1; am L 2010, c 14, §2]

**§286-210 Operation of a motor carrier vehicle without a safety inspection decal.** Whoever operates, permits the operation of, causes to be operated, or parks any motor carrier vehicle on a public highway without a current motor carrier vehicle safety inspection decal, issued under section 286-209, shall be fined \$100 for each day of the violation. [L Sp 1977 1st, c 20, pt of §1; am L 1993, c 214, §9]