
A BILL FOR AN ACT

RELATING TO NOISE POLLUTION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that many residents
2 throughout the State, especially those in high density
3 residential areas, have complained about growing noise pollution
4 and disturbances from low restriction mufflers on motor
5 vehicles, predominantly motorcycles. The complainants claim
6 that the noise level adversely affects their sleep, particularly
7 in the early morning hours or late at night. Thus, the noise
8 may have adverse impacts on public health and safety, as well as
9 peaceful enjoyment and quality of life.

10 The legislature further finds that while existing law
11 prohibits vehicle owners from installing mufflers that increase
12 the noise of their vehicle, the penalties are minimal and do
13 little to deter violations. In fact, violators are known to add
14 enhanced noise mufflers after they have passed the county
15 vehicle safety check.

16 Accordingly, the purpose of this Act is to establish:



1 (1) A separate prohibition on driving motor vehicles
2 having noisy mufflers on public highways in high
3 density population areas;

4 (2) Tiered fines for violations of motor scooter muffler
5 laws; and

6 (3) Tiered fines for violations of motor vehicle muffler
7 laws.

8 SECTION 2. Chapter 291, Hawaii Revised Statutes, is
9 amended by adding a new section to be appropriately designated
10 and to read as follows:

11 **"§291- Motor vehicle muffler; high density population**
12 **areas.** (a) No person shall use on a public highway in a high
13 density population area a muffler that noticeably increases the
14 noise emitted by a motor vehicle above that emitted by the
15 vehicle as equipped by the factory.

16 (b) Any violation of this section shall constitute a
17 violation and shall be enforceable by law enforcement officers.
18 Any person who violates the provisions of this section may be
19 issued a summons or citation for the violation. Violation of
20 any of the provisions of this section shall subject the violator
21 to the following penalties:



1 (1) For a first violation, the person shall be fined not
2 more than \$200;

3 (2) For a second violation committed within five years of
4 any other violation under this section, the person
5 shall be fined not more than \$500; and

6 (3) For a violation of a third or subsequent offense
7 committed within five years of any other violation
8 under this section, the person shall be fined not more
9 than \$1,500.

10 (c) As used in this section, "high density population
11 area" means a county having a population of five hundred
12 thousand or more."

13 SECTION 3. Section 291-23, Hawaii Revised Statutes, is
14 amended to read as follows:

15 "**§291-23 Penalty.** [~~Whoever is convicted of violating any~~
16 ~~of the provisions of section 291-22 shall be fined not more than~~
17 ~~\$100.] (a) Violation of any of the provisions of section 291-22~~
18 shall subject the violator to the following penalties:

19 (1) For a first violation, the person shall be fined not
20 more than \$100;



1 (2) For a second violation committed within five years of
2 any other violation under section 291-22, the person
3 shall be fined not more than \$300; and

4 (3) For a violation of a third or subsequent offense
5 committed within five years of any other violation
6 under section 291-22, the person shall be fined not
7 more than \$900."

8 SECTION 4. Section 291-24.5, Hawaii Revised Statutes, is
9 amended to read as follows:

10 "~~{}~~**\$291-24.5**~~{}~~ **Motor vehicle muffler.** (a) No person
11 shall use on a public highway, sell, alter, or install a muffler
12 ~~[which]~~ that will noticeably increase the noise emitted by a
13 motor vehicle above that emitted by the vehicle as equipped from
14 the factory.

15 (b) ~~[Any]~~ Except as provided in section 291- , any
16 violation of this section shall constitute a violation and shall
17 be enforceable by police officers. ~~[The fine for this violation~~
18 ~~shall be not less than \$25 nor more than \$250 for each separate~~
19 ~~offense.]~~ Violation of this section shall subject the violator
20 to the following penalties:



1 (1) For a first violation, the person shall be fined not
2 more than \$100;

3 (2) For a second violation committed within three years of
4 any other violation under this section, the person
5 shall be fined not more than \$300; and

6 (3) For a violation of a third or subsequent offense
7 committed within five years of any other violation
8 under this section, the person shall be fined not more
9 than \$900.

10 Any person who violates the provisions of this section may be
11 issued a summons or citation for [~~such~~] the violation."

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

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

17 SECTION 7. This Act shall take effect upon its approval.



Report Title:

Motor Vehicles; Motor Scooters; Noisy Mufflers; Fines

Description:

Establishes a separate prohibition on driving motor vehicles with noisy mufflers on public highways in high density population areas. Establishes separate fines for violations of motor scooter and motor vehicle muffler laws. Defines "high density population areas". (CD1)

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

