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 areas, have complained about growing noise pollution and disturbances 3 4 from low restriction mufflers on motor vehicles, predominantly 5 motorcycles. The complainants claim that the noise level adversely affects their sleep, particularly in the early morning 6 hours or late at night. Thus, the noise may have adverse 7 impacts on public health and safety, as well as peaceful 8 9 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.

Accordingly, the purpose of this Act is to enhance theexisting noisy exhaust pipe and muffler laws by:

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1	(1)	Establishing a separate prohibition on driving motor	
2		vehicles having noisy mufflers on public highways in	
3		high-density areas;	
4	(2)	Authorizing police officers to conduct examinations	
5		and inspections of motor vehicle mufflers in high-	
6		density areas;	
7	(3)	Establishing separate fines for violations of motor	
8		scooter muffler regulations; and	
9	(4)	Establishing separate fines for violations of motor	
10		vehicle muffler regulations.	
11	SECTION 2. Chapter 291, Hawaii Revised Statutes, is		
12	amended by adding a new section to be appropriately designated		
13	and to read as follows:		
14	" <u>§29</u>	1- Motor vehicle muffler; high-density areas. (a)	
15	No person	shall use on a public highway in a high-density area a	
16	muffler that noticeably increases the noise emitted by a motor		
17	vehicle above that emitted by the vehicle as equipped by the		
18	factory.		
19	(b) Any violation of this section shall constitute a		
20	violation and shall be enforceable by police officers. The fine		
21	for this violation shall be not less than \$100 nor more than		

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1	\$300 for each separate offense. Any person who violates the
2	provisions of this section may be issued a summons or citation
3	for the violation.
4	(c) Any police officer of the State may conduct
5	examinations and inspections if the officer has probable cause
6	to believe that a vehicle's excessively noisy muffler is
7	evidence of a violation of subsection (a). No person shall deny
8	any police officer of the State an examination and inspection
9	pursuant to this section.
10	(d) As used in this section, "high-density area" means a
11	county having a population of five hundred thousand or more."
12	SECTION 3. Section 291-23, Hawaii Revised Statutes, is
13	amended to read as follows:
14	"§291-23 Penalty. [Whoever is convicted of violating any
15	of the provisions of section 291-22 shall be fined not more than
16	\$100.] (a) Violation of any of the provisions of section 291-22
17	shall subject the violator to the following penalties:
18	(1) For a first conviction, the person shall be fined not
19	more than \$100;

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 any other conviction under this section shall be fined not more than \$300; and (3) For a conviction of a third or subseque committed within five years of any oth under this section, the person shall be than \$900." SECTION 4. Section 291-24.5, Hawaii Revises amended to read as follows: "[4]\$291-24.5[4] Motor vehicle muffler. (A as otherwise provided in section 291- , no person a public highway, sell, alter, or install a muff will noticeably increase the noise emitted by a section and shall be enforceable by police off fine for this violation of this section shall control \$250 for each separate offense.] Violation of the subject the violator to the following penalties: (1) For a first conviction, the person shall 	ithin five years of
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1	(2)	For a second conviction committed within three years	
2		of any other conviction under this section, the person	
3		shall be fined not more than \$300; and	
4	(3)	For a conviction of a third or subsequent offense	
5		committed within five years of any other conviction	
6		under this section, the person shall be fined not more	
7		than \$900."	
8	Any person who violates the provisions of this section may be		
9	issued a	summons or citation for [such] <u>the</u> violation."	
10	SECT	ION 5. This Act does not affect rights and duties that	
11	matured,	penalties that were incurred, and proceedings that were	
12	begun bef	ore its effective date.	
13	SECT	ION 6. Statutory material to be repealed is bracketed	
14	and stric	ken. New statutory material is underscored.	
15	SECT	ION 7. This Act shall take effect upon its approval.	



Report Title:

Motor Vehicles; Noisy Mufflers; Fines; Probable Cause; Inspections

Description:

Establishes a separate prohibition on driving motor vehicles having noisy mufflers on public highways in high-density areas. Authorizes police officers to conduct examinations and inspections of motor vehicle mufflers in high-density areas. Establishes separate fines for violations of motor scooter and motor vehicle muffler regulations. Defines "high-density areas". (SD1)

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

