

JOSH GREEN, M.D.  
GOVERNOR  
KE KIA'ĀINA



EDWIN H. SNIFFEN  
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KA LUNA HO'OKELE

Deputy Directors  
Nā Hope Luna Ho'okele  
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TAMMY L. LEE  
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STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII'  
DEPARTMENT OF TRANSPORTATION | KA 'OIHANA ALAKAU  
869 PUNCHBOWL STREET  
HONOLULU, HAWAII 96813-5097

February 28, 2024  
10:00 a.m.  
State Capitol, CR 016 & Videoconference  
**S.B. 2350 S.D.1**  
**RELATING TO NOISE POLLUTION**

Senate Committee on Judiciary

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The Hawaii Department of Transportation (HDOT) **supports S.B. 2350 S.D.1** which 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 mopeds having noisy exhaust pipes or mufflers that are driven in high-design areas; and defines "high-density areas".

The HDOT's Traffic Noise Detection Camera pilot will assist with addressing excessive traffic noise from the vehicle using noisy mufflers. Roadside sound meters and cameras can provide evidence of vehicles emitting excessive noise. Once the preset noise threshold is triggered, the camera can capture video of the vehicle emitting the excessive noise. This will provide evidence for law enforcement to take action.

Thank you for the opportunity to provide testimony.



**WRITTEN TESTIMONY OF  
THE DEPARTMENT OF THE ATTORNEY GENERAL  
KA 'OIHANA O KA LOIO KUHINA  
THIRTY-SECOND LEGISLATURE, 2024**

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**ON THE FOLLOWING MEASURE:**

S.B. NO. 2350, S.D. 1, RELATING TO NOISE POLLUTION.

**BEFORE THE:**

SENATE COMMITTEE ON JUDICIARY

**DATE:** Wednesday, February 28, 2024      **TIME:** 10:00 a.m.

**LOCATION:** State Capitol, Room 016 and Videoconference

**TESTIFIER(S):**      **WRITTEN TESTIMONY ONLY.**

(For more information, contact Elyse C.N. Oyama,  
Deputy Attorney General, at (808) 586-1160)

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Chair Rhoads and Members of the Committee:

The Department of the Attorney General (Department) has concerns and provides the following comments.

The purposes of this bill are to increase penalties for drivers of vehicles with noisy mufflers in high-density areas, and to authorize law enforcement to conduct inspections of said vehicles.

Section 2 of this bill proposes to add to chapter 291, Hawaii Revised Statutes, a new section that prohibits in subsection (a) the "use on a public highway in a high-density area a muffler that noticeably increases the noise emitted by a motor vehicle above that emitted by the vehicle as equipped by the factory." The Department is concerned about the proposed subsection (c), on page 3, lines 4-9, which attempts to permit law enforcement officers to do examinations and inspections for noisy mufflers, if they believe there is probable cause as to the offense. The same provision also states that an individual cannot refuse such examination and inspection.

This provision would not comply with the Fourth Amendment of the United States Constitution or article I, section 7, of the Hawai'i Constitution, which protects an individual's legitimate expectations of privacy to not be subjected to unreasonable governmental intrusions. See State v. Bonnell, 75 Haw. 124, 136, 856 P.2d 1265 (1993). As provided in State v. Barrett, 67 Haw. 650, 701 P.2d 1277 (1985),

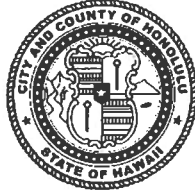
"government agents are required to obtain search warrants based on probable cause before effecting a search and seizure of persons or places connected to criminal activity." Id. Without a warrant to inspect the motor vehicle, any evidence obtained by law enforcement related to the offense or any other offenses would likely be suppressed. For these reasons, we would recommend the removal of the proposed subsection (c).

Thank you for the opportunity to provide comments.

POLICE DEPARTMENT  
KA 'OIHANA MĀKA'I O HONOLULU  
**CITY AND COUNTY OF HONOLULU**

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DEPUTY CHIEFS  
HOPE LUNA NUI MĀKA'I

OUR REFERENCE JS-DGKC

February 28, 2024

The Honorable Karl Rhoads, Chair  
Committee on Judiciary  
State Senate  
415 South Beretania Street, Room 016  
Honolulu, Hawaii 96813

Dear Chair Rhoads and Members:

**SUBJECT: Senate Bill No. 2350, S.D. 1, Relating to Noise Pollution**

I am James Slayter, Major of District 6 (Waikīkī) of the Honolulu Police Department (HPD), City and County of Honolulu.

The HPD supports Senate Bill No. 2350, S.D. 1, Relating to Noise Pollution. This bill would establish a separate prohibition on driving motor vehicles with noisy mufflers on public highways in high-density areas. It would also authorize police officers to conduct examinations and inspections of motor vehicle mufflers in high-density areas.

The HPD would, however, recommend removing or amending the section regarding "vehicle examinations" as it could cause confusion or the presumption that officers would conduct an intrusive search of a person's vehicle. Equipment violations are common, and those related laws do not provide language for examinations. Any search would be subject to constitutional laws related to search and seizure.


Rather than creating a new law, we recommend merging the proposed language in this bill with the existing law in Hawaii Revised Statutes Section 291-24.5, Motor Vehicle Muffler.

The Honorable Karl Rhoads, Chair  
and Members  
February 28, 2024  
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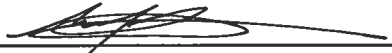
As such, the HPD urges you to support Senate Bill No. 2350, S.D. 1, Relating to Noise Pollution, with the above-described amendments.

Thank you for the opportunity to testify.

Sincerely,

  
James Slayter, Major  
District 6

APPROVED:

  
Arthur J. Logan  
Chief of Police



WAIKIKI NEIGHBORHOOD BOARD NO. 9

/o NEIGHBORHOOD COMMISSION • 925 DILLINGHAM BLVD. SUITE 160 • HONOLULU, HAWAII, 96817  
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February 21, 2024

Senate Bill 2350

Support

Senate Committee on Judicial

Aloha Chair Rhoads and Committee

Thank you for the opportunity to provide testimony on Bill 2350, a vehicle noise bill. At the February 13<sup>th</sup> meeting of the Waikiki Neighborhood Board the board voted in favor of support for this bill.

Following the rather eerie quiet of the Pandemic with very little noise generated in Waikiki we are back with the noise from everything from trash trucks to loud mufflers at all times of the day and night.

Currently the Honolulu Police Department is making a strong effort to ticket vehicles with aftermarket mufflers or no mufflers at all. These efforts are difficult to enforce with vehicles passing down streets, like Ala Wai Blvd and Kalakaua Ave, before a Police Vehicle is available and leaving the area.

I do have a concern that I see no actual noise limit in the bill and I know that the safety check stations and I don't think HPD has any decibel meters to measure how much noise is emitted at a certain revolutions per minute on any vehicle.

Robert Finley  
Chair

**SB-2350-SD-1**

Submitted on: 2/20/2024 2:56:59 PM

Testimony for JDC on 2/28/2024 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Ryan Willis	Individual	Oppose	Written Testimony Only

Comments:

I STRONGLY OPPOSE

**SB-2350-SD-1**

Submitted on: 2/20/2024 2:59:06 PM

Testimony for JDC on 2/28/2024 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Kanoë Willis	Individual	Oppose	Written Testimony Only

Comments:

I STRONGLY OPPOSE



**SB-2350-SD-1**

Submitted on: 2/20/2024 4:48:59 PM

Testimony for JDC on 2/28/2024 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
B.A. McClintock	Individual	Support	Written Testimony Only

Comments:

The noise on Ala Moana Blvd alone warrants this bill. Please support it. Mahalo.

**SB-2350-SD-1**

Submitted on: 2/20/2024 7:29:04 PM

Testimony for JDC on 2/28/2024 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Scott Kidd	Individual	Support	Written Testimony Only

Comments:

I support this measure, noise reduction in city is key for our health and being able to enjoy ourselves inside and outside. Many of these loud vehicles can be heard inside and are extremely disruptive to just being able to relax or even sleep

**SB-2350-SD-1**

Submitted on: 2/21/2024 9:25:36 AM

Testimony for JDC on 2/28/2024 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
John Bickel	Individual	Support	Written Testimony Only

Comments:

As a resident of Waikiki where noise pollution is a problem for residents and visitors alike, I support this bill to help with this problem.

**SB-2350-SD-1**

Submitted on: 2/24/2024 2:30:55 PM

Testimony for JDC on 2/28/2024 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Ted Bohlen	Individual	Support	Written Testimony Only

Comments:

Noisy vehicles are a nuisance and a health issue. Excessive noise can cause hearing loss, interfere with human activities at home, work, and in schools, and annoy, awaken, anger, and frustrate individuals. Excessive noise detracts from the quality of life for residents of the state and its environment.

Please pass this bill!

Mahalo!

Ted Bohlen

**SB-2350-SD-1**

Submitted on: 2/25/2024 3:45:08 PM

Testimony for JDC on 2/28/2024 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
lynne matusow	Individual	Support	Written Testimony Only

Comments:

I am in full support. I live in urban honolulu and the noise can be deafening. Unfortuanntely, you cannot lock the offenders in a room subjected to the same noise at high decibels for at least 15 minutes.