

JAN 19 2024

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

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



- 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; and
- 7 (3) Establishing separate fines for driving mopeds having
- 8 noisy exhaust pipes or mufflers on public highways in
- 9 high-density areas.

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

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

18 (b) Any violation of this section shall constitute a
19 violation and shall be enforceable by police officers. The fine
20 for this violation shall be no less than \$100 nor more than \$300
21 for each separate offense. Any person who violates the



1 provisions of this section may be issued a summons or citation
2 for the violation.

3 (c) Any police officer of the State may conduct
4 examinations and inspections if the officer has probable cause
5 to believe that a vehicle's excessively noisy muffler is
6 evidence of a violation of subsection (a). No person shall deny
7 any police officer of the State an examination and inspection
8 pursuant to this section.

9 (d) As used in this section, "high-density area" means a
10 census-designated place that:

11 (1) According to the United States Census Bureau, has a
12 population of thirteen thousand or more; and

13 (2) Is located in a county having a population of five
14 hundred thousand or more."

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

17 "**§291-23 Penalty.** (a) Whoever is convicted of violating
18 any of the provisions of section 291-22 shall be fined [~~not~~] no
19 more than:

20 (1) \$300 for violations of section 291-22 occurring in
21 high-density areas; or



1 (2) \$100[-] for all other violations of section 291-22.

2 (b) As used in this section, "high-density area" means a
3 census-designated place that:

4 (1) According to the United States Census Bureau, has a
5 population of thirteen thousand or more; and

6 (2) Is located in a county having a population of five
7 hundred thousand or more."

8 SECTION 4. Section 291-24.5, Hawaii Revised Statutes, is
9 amended by amending subsection (a) to read as follows:

10 "(a) ~~[No]~~ Except as otherwise provided in section 291-___,
11 no person shall use on a public highway, sell, alter, or install
12 a muffler ~~[which]~~ that will noticeably increase the noise
13 emitted by a motor vehicle above that emitted by the vehicle as
14 equipped from the factory."

15 SECTION 5. This Act does not affect rights and duties that
16 matured, penalties that were incurred, and proceedings that were
17 begun before its effective date.

18 SECTION 6. Statutory material to be repealed is bracketed
19 and stricken. New statutory material is underscored.



S.B. NO. 2350

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

2

INTRODUCED BY:





S.B. NO. 2350

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 mopeds having noisy exhaust pipes or mufflers that are driven in high-density areas. Defines "high-density areas".

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

