
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;
- 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 "§291- 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



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;



1 (2) For a second conviction committed within five years of
2 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 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]~~ Except
11 as otherwise provided in section 291- , no person shall use on
12 a public highway, sell, alter, or install a muffler ~~[which]~~ that
13 will noticeably increase the noise emitted by a motor vehicle
14 above that emitted by the vehicle as equipped from the factory.

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

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



- 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~~ the violation."

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

13 SECTION 6. Statutory material to be repealed is bracketed
14 and stricken. New statutory material is underscored.

15 SECTION 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)

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