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# 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) Establishing tiered fines for violations of motor
- 5 scooter muffler regulations; and
- 6 (3) Establishing tiered fines for violations of motor
- 7 vehicle muffler regulations.

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

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



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

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

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

10       (c) 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. Establishes separate fines for violations of motor scooter and motor vehicle muffler regulations. Defines "high-density areas". (SD2)

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

