
A BILL FOR AN ACT

RELATING TO NOISE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Chapter 291, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§291-A Noise abatement area for motor vehicles and
5 mopeds; penalties. (a) For purposes of this section:

6 "Building" means any structure used for the lodging of
7 persons therein; each unit of a building consisting of two or
8 more units separately secured or occupied is a separate
9 building.

10 "Motor vehicle" means the same as defined in section 291C-
11 1.

12 "Moped" means the same as defined in section 291C-1.

13 (b) No person or persons shall:

14 (1) Operate or cause to operate a motor vehicle or
15 moped which emits any noises or sounds exceeding
16 ninety-five decibels from its point of origin,
17 within 500 feet from the nearest point of any
18 building;



1 (2) Drive of operate a motor vehicle or moped in such
2 manner as to make or create any noise exceeding
3 ninety-five decibels;

4 (3) Operate or cause to operate a motor vehicle or
5 moped without the EPA approved sticker matching
6 the muffler to the vehicle type; or

7 (4) Operate or cause to operate a motor vehicle or
8 moped with an exhaust system which has been
9 modified to make more noise or sound than the
10 vehicle made when manufactured.

11 (c) Any person violating any provision of this section
12 shall, upon conviction, be punished by a fine not exceeding \$100
13 for the first conviction, \$200 for the second, and \$500 for the
14 third or subsequent convictions or by imprisonment not exceeding
15 thirty days, or by both.

16 (d) If a law enforcement officer has probable cause to
17 believe that any motor vehicle or moped has been used in
18 violation of this section, the law enforcement officer may seize
19 and impound the vehicle for not longer than fourteen days. The
20 owner of a vehicle subject to impoundment is liable for all fees
21 and costs associated with such impoundment. The citation shall
22 require that the owner of the vehicle must restore the vehicle



1 to comply with subsection (b), above, before operating the
2 vehicle on public streets and highways."

3 SECTION 2. Section 291-24, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "§291-24 **Motorcycles and mopeds, noisy mufflers; penalty.**

6 (a) Every motorcycle and moped moving under its own power on a
7 public highway shall at all times be equipped with a muffler in
8 constant operation to prevent any excessive or unusual noise and
9 no such muffler or exhaust system shall be equipped with a
10 cutout, bypass, or similar device. No person shall modify the
11 exhaust system of a motorcycle or a moped in a manner which will
12 amplify or increase the noise emitted by the motor of such
13 motorcycle or moped above that emitted by the muffler originally
14 installed on the motorcycle or moped except a motorcycle or
15 moped that:

- 16 (1) Has three wheels;
- 17 (2) Is powered by an electric motor;
- 18 (3) Has a full body enclosed cab; and
- 19 (4) Has a seat belt assembly or a child restraint system
- 20 for the driver and passenger;

21 shall not be required to be equipped with a muffler.

22 (b) As used in this section [7]:



1 "Muffler" means a device consisting of a series of chambers
2 or baffle plates, or other mechanical design, for the purpose of
3 receiving exhaust gas from the engine of the motorcycle or
4 moped, and being effective in reducing noise.

5 "Person" includes the owner of the moped as well as the
6 individual or business that performed the modifications.

7 (c) [~~Whoever violates this section shall be fined not more~~
8 ~~than \$100]~~ Violation of this section shall be a misdemeanor,
9 provided that a person convicted of a violation of this section
10 shall be fined \$1,000 in addition to incarceration, if any."

11 SECTION 3. There is appropriated out of the general
12 revenues of the State of Hawaii the sum of \$100,000, or so much
13 thereof as may be necessary for fiscal year 2007-2008, and the
14 same sum, or so much thereof as may be necessary for fiscal year
15 2008-2009, for the storage of motor vehicles and mopeds taken
16 into custody by law enforcement pursuant to this Act.

17 The sums appropriated shall be expended by the police
18 departments of the respective counties for the purposes of this
19 Act.

20 SECTION 4. New statutory material is underscored.

21 SECTION 5. This Act shall take effect on July 1, 2007.

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Report Title:

Noise pollution; modification; penalty; impoundment

Description:

Establishes a noise abatement zone for motor vehicles and mopeds and assesses an escalating fine starting at \$100 and authorizes impoundment of vehicles for transgressors; criminalizes the modification of motorcycles and moped mufflers.

