

JAN 18 2006

A BILL FOR AN ACT

RELATING TO NOISE POLLUTION.

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

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

4 "§291C- Operation of radios and other soundmaking
5 devices. (a) No person operating or occupying a motor vehicle
6 on a public street or highway, or in a public space, shall
7 operate or amplify the sound produced by a radio, compact disc
8 player, cassette player, or any other machine or device for
9 reproducing sound from within the motor vehicle so that the
10 sound is:

- 11 (1) In areas within 100 feet of churches, schools, or
12 hospitals, louder than necessary for the convenient
13 hearing by persons inside the vehicle; or
14 (2) In all other areas, plainly audible at a distance of
15 thirty feet or more from the motor vehicle.

16 (b) Any person convicted of a violation of the provisions of
17 this article shall be punished by a fine of:

- 18 (1) \$100 for the first offense;



1 (2) \$500 for the second offense, if committed within six months
2 of the first offense; or

3 (3) \$1,000, or by forfeiture of the sound system or components
4 of the sound system up to \$1,000 in value, or by a
5 combination of forfeiture and fine to total \$1,000, for
6 conviction of the third offense, if committed within one
7 year of the first offense.

8 (c) A permit for temporary exemption from the provisions
9 of this section may be issued by the director to commercial,
10 religious, political, civic, charitable, or athletic
11 organizations, or individuals, for parades and other similar
12 events.

13 (d) The department shall adopt rules pursuant to chapter
14 91 to define "plainly audible" and establish standards regarding
15 how sound should be measured by law enforcement personnel.

16 (e) The following shall be exempt from the prohibitions
17 set forth in this section:

18 (1) Law enforcement motor vehicles equipped with any
19 communication devices necessary to the performance of
20 law enforcement duties;



- 1 (2) Emergency vehicles equipped with any communication
- 2 devices necessary to the performance of any emergency
- 3 procedures;
- 4 (3) Noise by a horn required or permitted by section
- 5 291C-74 made in the exercise of due care by the driver
- 6 of a vehicle;
- 7 (4) Activities of any county, the State, or the United
- 8 States; and
- 9 (5) Activities of private persons or entities acting
- 10 within the permitted uses of a permit issued by the
- 11 city and county, State of Hawaii, or the United
- 12 States."

13 SECTION 2. New statutory material is underscored.

14 SECTION 3. This Act shall take effect upon its approval.

15 INTRODUCED BY: *Ray L. Hoan* ^{BR}

Report Title:

Motor Vehicles; Prohibited Noise; Radios

Description:

Prohibits amplification of noise from motor vehicles plainly audible at a distance of thirty feet or more, or louder than necessary while in areas adjoining churches, schools, and hospitals.

