
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- Noise abatement area for motor vehicles and
5 mopeds; penalties. (a) It shall be a violation for any person
6 to:

7 (1) Operate or cause to operate a motor vehicle or moped
8 that emits any noise or sound exceeding ninety-five
9 decibels, within five hundred feet from the nearest
10 point of any building;

11 (2) Drive or operate a motor vehicle or moped in a manner
12 to make or create any noise exceeding ninety-five
13 decibels;

14 (3) Operate or cause to operate a motor vehicle or moped:
15 (A) Without an affixed label matching the muffler to
16 the vehicle type, pursuant to 40 Code of Federal
17 Regulations Section 205.158; or



1 (B) Where the muffler does not match the vehicle
2 type; or

3 (4) Operate or cause to operate a motor vehicle or moped
4 with an exhaust system that has been modified to make
5 more noise or sound than the vehicle made when
6 manufactured.

7 (b) Any person violating any provision of this section
8 shall be:

9 (1) Fined not more than \$100 for the first violation;

10 (2) Fined not more than \$200 for the second violation; and

11 (3) Fined not more than \$500 or imprisoned not more than
12 thirty days or both for a third or subsequent
13 violation.

14 (c) If a law enforcement officer has probable cause to
15 believe that any motor vehicle or moped is in violation of this
16 section, the law enforcement officer may seize and impound the
17 vehicle for no longer than fourteen days. The owner of a
18 vehicle subject to impoundment shall be liable for all fees and
19 costs associated with the impoundment. The citation shall
20 require the owner of the vehicle to make the vehicle in
21 compliance with subsection (a) before operating the vehicle on
22 public streets and highways.



1 (d) For purposes of this section:

2 "Building" means any structure used for the lodging of
3 persons therein; each unit of a building consisting of two or
4 more units separately secured or occupied is a separate
5 building.

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

7 "Motor vehicle" means the same as defined in section 291C-
8 1."

9 SECTION 2. There is appropriated out of the general
10 revenues of the State of Hawaii the sum of \$ or so much
11 thereof as may be necessary for fiscal year 2008-2009 for
12 grants-in-aid to the several counties for the development and
13 implementation of a program to store motor vehicles and mopeds
14 impounded pursuant to this Act. The specific amounts
15 appropriated for each county shall be as follows:

- 16 (1) City and County of Honolulu \$
- 17 (2) County of Hawaii \$
- 18 (3) County of Kauai \$
- 19 (4) County of Maui \$

20 SECTION 3. The sum appropriated shall be expended by the
21 counties for the purposes of this Act.

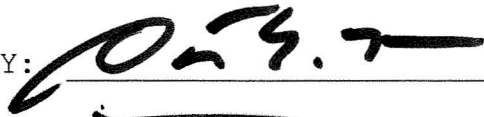


22 SECTION 4. New statutory material is underscored.



1 SECTION 5. This Act shall take effect on July 1, 2008,
2 except that section 1 shall take effect on July 1, 2009.

3

INTRODUCED BY:



John M. Wingo
John M. Wingo
Scott R. Brown

Tom Brower

JAN 23 2008



Report Title:

Noise Pollution; Motor Vehicles; Mopeds; Penalty; Impoundment

Description:

Establishes a noise abatement zone for motor vehicles and mopeds and assesses an escalating fine starting at \$100 and impoundment of vehicles for violators. Effective 07/01/09.

