

JAN 24 2007

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

11 "Motor vehicle" means the same as defined in section 291C-
12 1.

13 (b) It shall be a violation for any person to:

14 (1) Operate or cause to operate a motor vehicle or
15 moped that emits any noise or sound exceeding



1 ninety five decibels from its point of origin,
2 within five hundred feet from the nearest point
3 of any building; or

4 (2) Drive or operate a motor vehicle or moped to make
5 or create any noise exceeding ninety five
6 decibels;

7 (3) Operate or cause to operate a motor vehicle or
8 moped without an Environmental Protection Agency
9 approved sticker matching the muffler to the
10 vehicle type (40 C.F.R. section 205.158); or

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

15 (c) Any person violating any provision of this section,
16 upon conviction, shall be punished by a fine not exceeding \$100
17 for the first conviction; \$200 for the second conviction; and
18 \$500 for the third or subsequent conviction, or by imprisonment
19 not exceeding thirty days, or both.

20 (d) If a law enforcement officer has probable cause to
21 believe that any motor vehicle or moped has been used in
22 violation of this section, the law enforcement officer may seize



1 and impound the vehicle for no longer than fourteen days. The
 2 owner of a vehicle subject to impoundment is liable for all fees
 3 and costs associated with the impoundment. The citation shall
 4 require that the owner of the vehicle to restore the vehicle to
 5 comply with parts 1 through 4 of (b) above before again
 6 operating the vehicle on public streets and highways."

7 SECTION 2. There is appropriated out of the general
 8 revenues of the State of Hawaii the sum of \$100,000, or so much
 9 thereof as may be necessary for fiscal year 2007-2008, and the
 10 same sum, or so much thereof as may be necessary for fiscal year
 11 2008-2009, for the development and implementation of a program
 12 to store motor vehicles and mopeds taken into custody by law
 13 enforcement pursuant to this Act.

14 The sums appropriated shall be expended by the city and
 15 county of Honolulu for the purposes of this Act.

16 SECTION 3. New statutory material is underscored.

17 SECTION 4. This Act shall take effect on July 1, 2008;
 18 provided that section 2 shall take effect on July 1, 2007.

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Mike Gattand
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INTRODUCED BY:

Yula Lic
Richard J...
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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 transgressors.

