

JAN 17 2008

A BILL FOR AN ACT

RELATING TO NOISE.

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

1 SECTION 1. Section 291-24, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§291-24 Motorcycles and mopeds, noisy mufflers; penalty.**

4 (a) Every motorcycle and moped moving under its own power on a
5 public highway shall [~~at all times~~] be equipped with a muffler
6 in constant operation to prevent any excessive or unusual noise
7 [~~and no such~~]; except a motorcycle or moped that:

8 (1) Has three wheels;

9 (2) Is powered by an electric motor;

10 (3) Has a full body enclosed cab; and

11 (4) Has a seat belt assembly or a child restraint system
12 for the driver and passenger.

13 (b) No muffler or exhaust system under this section shall
14 be equipped with a cutout, bypass, or similar device.

15 (c) No person shall modify the exhaust system of a
16 motorcycle or a moped in a manner [~~which will amplify or~~
17 ~~increase~~] that amplifies or increases the noise emitted by the



1 motor of [~~such~~] the motorcycle or moped above that emitted by
2 the muffler originally installed on the motorcycle or moped
3 [~~except a motorcycle or moped that:~~

- 4 (1) ~~Has three wheels;~~
- 5 (2) ~~Is powered by an electric motor;~~
- 6 (3) ~~Has a full body enclosed cab; and~~
- 7 (4) ~~Has a seat belt assembly or a child restraint system~~
8 ~~for the driver and passenger;~~

9 ~~shall not be required to be equipped with a muffler].~~

10 [~~(b)~~] (d) As used in this section, "muffler" means a
11 device consisting of a series of chambers or baffle plates, or
12 other mechanical design, for the purpose of receiving exhaust
13 gas from the engine of the motorcycle or moped, and being
14 effective in reducing noise.

15 [~~(e)~~] (e) Whoever violates this section shall be fined
16 [~~not more than \$100.~~]:

- 17 (1) \$50 for the first violation;
- 18 (2) \$75 for the second violation; and
- 19 (3) \$250 for a third or subsequent violation."

20 SECTION 2. Section 291-24.5, Hawaii Revised Statutes, is
21 amended to read as follows:



1 "~~[+]§291-24.5[+]~~ **Motor vehicle muffler.** (a) No person
 2 shall use on a public highway, sell, alter, or install a muffler
 3 ~~[which will]~~ or an exhaust pipe that noticeably ~~[increase]~~
 4 increases the noise emitted by a motor vehicle above that
 5 emitted by the vehicle as equipped from the factory.

6 (b) Any violation of this section shall constitute a
 7 violation and shall be enforceable by police officers. The fine
 8 ~~[for this violation]~~ shall be ~~[not less than \$25 nor more than~~
 9 ~~\$250 for each separate offense.]~~;

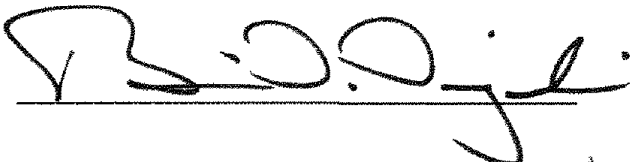
- 10 (1) \$50 for the first violation;
- 11 (2) \$75 for the second violation; and
- 12 (3) \$250 for a third or subsequent violation.

13 (c) Any person who violates the provisions of this section
 14 may be issued a summons or citation for such violation."

15 SECTION 3. This Act does not affect rights and duties that
 16 matured, penalties that were incurred, and proceedings that were
 17 begun, before its effective date.

18 SECTION 4. Statutory material to be repealed is bracketed
 19 and stricken. New statutory material is underscored.

20 SECTION 5. This Act shall take effect upon its approval.

21
 INTRODUCED BY: 

Report Title:

Traffic Violation; Exhaust Systems

Description:

Increases the fine for exhaust pipes or mufflers that increase the noise emitted by a moped, motorcycle, or motor vehicle.

