



**Office of the Public Defender
State of Hawaii
Timothy Ho, Chief Deputy Public Defender**



**Testimony of the Office of the Public Defender,
State of Hawaii to the Senate Committee on Judiciary and Labor**

February 2, 9:00 a.m.

H.B. No. 198: RELATING TO VEHICLE AUDIO EQUIPMENT

Chair Souki and Members of the Committee:

Primarily as a result of complaints from people who are inconvenienced by others who play their car stereos at an unnecessarily loud level, this measure intends to prohibit the installation, possession and operation of certain types of car stereos. The Office of the Public Defender opposes H.B. 198.

Enforcibility: Nobody likes to be next to a vehicle that is blasting their stereo so loud that it causes your car to vibrate. How do you know that this stereo is an aftermarket installation or originally installed equipment? Many auto makers now offer upgraded car stereos with subwoofers that have upwards of eight or ten speakers. Many car stereo installers place the aftermarket speakers behind the existing speaker grills which make it indistinguishable from the original equipment. This law will be nearly impossible to enforce.

Fairness: A person who purchased a Cadillac which was equipped from the factory with a 1000 watt stereo with a subwoofer would not be in violation of the law merely because the stereo was installed at the factory. If that same person took a Toyota to a stereo installer and put in a similar system, he would be in violation of the law? The same argument could be made for speeding. While it is unlawful to speed, it is not against the law to own a vehicle capable of a top speed of 200 miles per hour. The real complaint here is about the **person** operating the equipment, not the equipment itself.

Retroactivity: This law has no provision for grandfathering in all the current aftermarket stereos which have been installed that would be prohibited by this measure.

Current Law: Chapter 41-31.1(2), Revised Ordinances of Honolulu prohibits the operation of stereo equipment from a vehicle if the sound generated is audible at a distance of 30 feet. This law targets the offender, and not the equipment, and in some instances may result in the forfeiture of the sound system.

For the reasons stated above, we oppose H.B. 198, and ask that this committee not pass this bill out of committee. Thank you.