

JAN 28 2009

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# A BILL FOR AN ACT

RELATING TO MOTOR VEHICLE 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-    Operation of radios or other mechanical  
5 soundmaking devices or instruments in vehicles; mufflers;  
6 exemptions. (a) It is unlawful for any person operating or  
7 occupying a motor vehicle on a street or highway to operate or  
8 amplify the sound produced by a radio, tape player, or other  
9 mechanical soundmaking device or instrument from within the  
10 motor vehicle so that the sound is:

11           (1) Plainly audible at a distance of twenty-five feet or  
12 more from the motor vehicle; or

13           (2) Louder than necessary for the convenient hearing by  
14 persons inside the vehicle in areas adjoining  
15 churches, schools, or hospitals.

16           (b) This section shall not apply to any law enforcement  
17 motor vehicle equipped with any communication device necessary



1 in the performance of law enforcement duties or to any emergency  
2 vehicle equipped with any communication device necessary in the  
3 performance of any emergency procedures.

4 (c) This section shall not apply to motor vehicles used  
5 for emergency purposes.

6 (d) This section shall not apply to the noise made by a  
7 horn or other warning device that is equipped on the motor  
8 vehicle.

9 (e) The penalty for a driver or occupant of a motor  
10 vehicle for violation of this section shall be a fine of \$300.

11 (f) As used in this section:

12 "Motor vehicles" means motor vehicles, mopeds, motor  
13 scooters, and motorcycles, as those terms are defined in section  
14 291C-1. The term "motor vehicles" includes muffler, as defined  
15 in section 291-24.

16 "Plainly audible" means any sound that can be detected by a  
17 person using unaided hearing faculties. For example, if the  
18 sound source is a portable or personal vehicular sound  
19 amplification or reproduction device, the enforcement officer  
20 need not determine the title of a song, specific words, or the  
21 artist performing the song. The detection of the rhythmic bass  
22 component of the music is sufficient to constitute a plainly



1 audible sound. In the case of mufflers, the term "plainly  
2 audible" means unnecessary or unusual noise at a distance of  
3 twenty-five feet or more from the motor vehicle in a residential  
4 neighborhood."

5 SECTION 2. Section 291-24, Hawaii Revised Statutes, is  
6 amended by amending subsection (c) to read as follows:

7 "(c) For purposes of enforcement of this section, section  
8 291- shall apply. Whoever violates this section shall be  
9 fined [~~not more than \$100.~~] as provided under section  
10 291- (e)."

11 SECTION 3. Section 291-24.5, Hawaii Revised Statutes, is  
12 amended by amending subsection (b) to read as follows:

13 "(b) For purposes of enforcement of this section, section  
14 291- shall apply. Any violation of this section shall  
15 constitute a violation and shall be enforceable by police  
16 officers. [~~The fine for this violation shall be not less than~~  
17 \$25 nor more than \$250 for each separate offense.] Whoever  
18 violates this section shall be fined as provided under section  
19 291- (e). Any person who violates the provisions of this  
20 section may be issued a summons or citation for [~~such~~] the  
21 violation."



1 SECTION 4. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

3 SECTION 5. This Act shall take effect on July 1, 2009.  
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**Report Title:**

Motor Vehicle Noise

**Description:**

Establishes motor vehicle noise standards for noise emanating from a radio, tape player, or other mechanical soundmaking device or instrument within a motor vehicle and from mufflers.

