

JAN 23 2009

A BILL FOR AN ACT

RELATING TO NOISE.

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

1 SECTION 1. Chapter 342F, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§342F- Sound devices; prohibitions. (a) It shall be
5 unlawful for any person to play, use, operate, or permit to be
6 played, used, or operated, any radio, tape recorder, cassette
7 player, or other machine or device for reproducing sound, if the
8 sound generated is audible at a distance of fifty feet from the
9 device producing the sound and the device is located in or on
10 any:

11 (1) Public property, including any public street, highway,
12 building, sidewalk, park, or thoroughfare; or
13 (2) Motor vehicle on a public street, highway, or public
14 space.

15 Possession by a person or persons of any of the machines or
16 devices enumerated in this subsection shall be prima facie



1 evidence that that person operates, or those persons operate,
2 the machine or device.

3 (b) Pursuant to section 342F-10, an enforcement officer
4 shall issue a citation for any violation under this section;
5 provided that subsequent to issuing the citation, the
6 enforcement officer may make an arrest if the alleged violator
7 refuses to:

- 8 (1) Provide the enforcement officer with the person's name
9 and address and any proof thereof as may be reasonably
10 available to the alleged violator; or
11 (2) Cease the person's illegal activity after being issued
12 a citation.

13 (c) Section 342F-9 notwithstanding, any person who
14 violates this section:

- 15 (1) Shall be fined \$100 for a first offense;
16 (2) Shall be fined \$500 for a second offense within six
17 months of the first offense; and
18 (3) Shall forfeit the sound system component for
19 conviction of a third offense within one year of the
20 first offense."

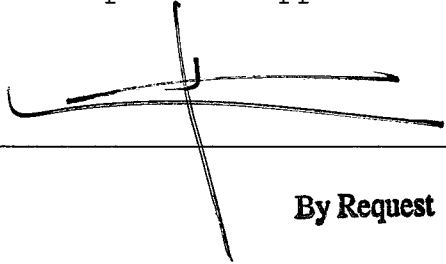


1 SECTION 2. New statutory material is underscored.

2 SECTION 3. This Act shall take effect upon its approval.

3

INTRODUCED BY: _____

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By Request



Report Title:

Noise; Sound Devices; Prohibitions; Citation; Penalties

Description:

Makes it unlawful for a person to play, use, or operate a radio, tape recorder, cassette player or other machine or device for reproducing sound, if the sound generated is audible at a distance of fifty feet and the device is located in or on any public property or motor vehicle on a public street, highway, or public space; establishes penalties.

