

JAN 23 2009

A BILL FOR AN ACT

RELATING TO TRANSPORTATION.

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, motor scooters, and mopeds, noisy
4 mufflers; penalty. (a) Every motorcycle, motor scooter, and
5 moped moving under its own power on a public highway shall at
6 all times be equipped with a muffler in constant operation to
7 prevent any excessive or unusual noise and no such muffler or
8 exhaust system shall be equipped with a cutout, bypass, or
9 similar device. No person shall modify the exhaust system of a
10 motorcycle, motor scooter, or [a] moped in a manner [~~which~~] that
11 will amplify or increase the noise emitted by the motor of
12 [~~such~~] the motorcycle, motor scooter, or moped above that
13 emitted by the muffler originally installed on the motorcycle,
14 motor scooter, or moped [~~except a~~].

15 (b) Subsection (a) notwithstanding, a motorcycle, motor
16 scooter, or moped that:

- 17 (1) Has three wheels;
- 18 (2) Is powered by an electric motor;



1 (3) Has a full body enclosed cab; and
2 (4) Has a seat belt assembly or a child restraint system
3 for the driver and passenger;
4 shall not be required to be equipped with a muffler.

5 (c) No motorcycle, motor scooter, or moped shall be
6 equipped with a muffler or exhaust system that emits a noise
7 level of decibels or more unless the muffler or exhaust
8 system is the muffler or exhaust system originally installed on
9 the motorcycle, motor scooter, or moped.

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, motor scooter, or moped,
14 and being effective in reducing noise.

15 ~~[(e)]~~ (e) Whoever violates this section shall be ~~[fined]~~:

16 (1) Required to equip the motorcycle, motor scooter, or
17 moped with a muffler or exhaust system that does not
18 emit a noise level above the decibel level established
19 under subsection (c);

20 (2) Required to obtain a safety inspection to ensure
21 compliance with this section; and



1 (3) Fined not more than [~~\$100.~~] \$200; provided that after
 2 the first violation, the fine shall be:
 3 (A) \$300 for the second violation; and
 4 (B) \$500 for the third and for each subsequent
 5 violation."

6 SECTION 2. Statutory material to be repealed is bracketed
 7 and stricken. New statutory material is underscored.

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

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INTRODUCED BY: *Carol Fok image*

Annabel Sloan

Trizanne Chun Oakland

Russell H Parker

B. D. D. J. K.



Report Title:

Motorcycles; Motor Scooters; Mopeds; Noise emission; Mufflers

Description:

Prohibits motorcycle, motor scooter, and moped mufflers from emitting a noise level above an unspecified decibel level. Provides a graduated schedule of fines for first, second, and subsequent violations.

