



LATE TESTIMONY

Before the
HAWAII HOUSE
COMMITTEE ON TRANSPORTATION
Hawaii Legislature
Honolulu, HI

Consumer Electronics Association
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February 9, 2011

COMMENTS OF OPPOSITION
BY
THE CONSUMER ELECTRONICS ASSOCIATION
ON
HB 1178

The Consumer Electronics Association (CEA) represents more than 2,000 companies, including many companies in Hawaii, involved in the design, development, manufacturing, distribution and installation of audio, video, in-vehicle electronics, wireless and accessory products, as well as related services that are sold through consumer channels. CEA members design, make, sell and install consumer audio and video equipment and other high tech products which would be impacted by House Bill 1178 or similar legislation.

We strongly oppose HB 1178 for the following reasons:

- **This bill goes vastly overboard, needlessly penalizing lawful consumers when less intrusive approaches are available**

The vast majority of Hawaiians responsibly enjoy their mobile audio products and rather than penalizing all Hawaiians for the actions of a few the legislature should look to less intrusive methods of reducing noise pollution. For example, some states and most local governments have laws designed to address excessive sound produced by a variety of sources, including construction equipment, vehicles, and leaf blowers. Such laws help support an enjoyable living environment in our neighborhoods; however, banning the use of an entire class of product could cause greater problems and do not remedy the overall noise pollution problem. In fact, the state of Hawaii already has an existing noise ordinance in statute (Sec 41-31.1), where it is unlawful to play a vehicle's audio system when it is audible from a distance of 30 feet. These laws when enforced are highly effective. By contrast HB 1178 only targets a class of products, which can still cause noise pollution at well under 100 watts of input, it does not correct the problem the bill seeks to remedy.

If some small fraction of the population is misusing their consumer electronics such violations can be managed under existing noise ordinances or breach of the peace offenses. **But a law that would ban an entire class of otherwise legal technology devices is unprecedented and unnecessary.**

- **The proposed legislation would shut Hawaiian businesses and kill Hawaiian jobs in the midst of the worst recession in recent history**



The US is in the middle of the worst economic crisis we have seen in many decades. This bill would not only limit the sales tax revenue generated to the state through the sale and installation of aftermarket speakers and subwoofers, but more importantly it would shut down entire Hawaiian businesses focused on the installation and replacement of speakers and subwoofers in automobiles.

To provide an understanding of the economics associated with the sale of aftermarket auto speakers, nationally total aftermarket autosound systems will account for more than \$2.1 billion of economic activity in 2011. More than 10.7 million aftermarket auto speakers will be shipped to dealers in 2011, resulting in \$522 million in revenue. HB 1178 would shut down this industry in Hawaii.

Furthermore, many new vehicles today (even vehicles manufactured 5-6 years ago or more) have more speakers included in the car than HB 1178 would allow. For those consumers seeking replacements or upgrades HB 1178 would limit their ability to purchase and have installed aftermarket speakers and subwoofers. This limitation creates an unfair imbalance in providing preference only to new car dealers while economically hurting manufactures, retailers and most of all installers, which are all small business in the state of Hawaii.

- **Setting an arbitrary limit on the amount of speakers and subwoofers that are allowed in a car creates unnecessary problems and barriers for consumers**

In a state like Hawaii, replacements are at times necessary - especially considering the island/salt air and humidity, thus many consumers will look to seek replacement in the aftermarket. Simply replacing all of the speakers in a vehicle that already has more than the number suggested in HB 1178 would be against the law. The same concern applies in cases of damage or theft where replacement (often using aftermarket equivalents) is common. This means that consumers would be penalized for purchasing a car because it would be illegal to have a simple replacement of the speakers if the bill becomes law.

- **CEA urges you to OPPOSE HB 1178**

CEA is a strong supporter of sound ordinances, but not legislation that is the equivalent of shooting a canon to kill a fly. There are better solutions to reducing noise pollution such as improved enforcement of the existing noise ordinance statutes, not making an entire class of consumer electronics illegal.

CEA respectfully urges you to **OPPOSE HB 1178** when heard in the Hawaii Assembly Transportation Committee. Please do not hesitate to contact me directly to further discuss CEA and our member's opposition to HB 1178

Respectfully submitted,

CONSUMER ELECTRONICS
ASSOCIATION



Amy Dempster
Senior Manager, Government Affairs and
Environmental Policy
1919 South Eads Street
Arlington, VA 22202
(703) 907-7600

ichiyama3 - Cu Ri

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 09, 2011 7:17 AM
To: TRNtestimony
Cc: jtsujimura@gmail.com
Subject: Testimony for HB1178 on 2/9/2011 9:00:00 AM

LATE TESTIMONY

Testimony for TRN 2/9/2011 9:00:00 AM HB1178

Conference room: 309
Testifier position: oppose
Testifier will be present: No
Submitted by: Jonathan Tsujimura
Organization: Individual
Address: 190 Niuiki Circle Honolulu, HI 96821
Phone: 808-679-6353
E-mail: jtsujimura@gmail.com
Submitted on: 2/9/2011

Comments:

I do not believe that limiting the aftermarket auto-stereo systems is an effective use of law enforcement or legislative resources. We already have laws in place for noise pollution so why not enforce them? I see you do not have exhaust systems on this bill, how many cars and mopeds have noisy exhaust systems? Is a police officer simply to pull over every car and pull out a tape measure and try to count the number of speakers? How will this be enforced? Also think of the jobs lost due to this legislation. Many people make a living by selling this equipment to people who enjoy high fidelity audio. These people will have to retool themselves in an already difficult economy. Are we to add to our social services burden because we are unable to capture these noisy nuisances? I ask that you consider the economic impact, the impact on law enforcement, and also as a believer in personal responsibility that you do not pass this legislation through. Thank you.

ichiyama3 - Cu Ri

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 09, 2011 7:19 AM
To: TRNtestimony
Cc: e.g.riff@hotmail.com
Subject: Testimony for HB1178 on 2/9/2011 9:00:00 AM

LATE TESTIMONY

Testimony for TRN 2/9/2011 9:00:00 AM HB1178

Conference room: 309
Testifier position: oppose
Testifier will be present: No
Submitted by: Ed Griff
Organization: Individual
Address:
Phone:
E-mail: e.g.riff@hotmail.com
Submitted on: 2/9/2011

Comments:

This is completely unfair to all those who enjoy listening to music of any kind. Subwoofers are necessary to help with the reproduction of sound.

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 09, 2011 7:32 AM
To: TRNtestimony
Cc: tomlanik@earthlink.net
Subject: Testimony for HB1178 on 2/9/2011 9:00:00 AM

Testimony for TRN 2/9/2011 9:00:00 AM HB1178

Conference room: 309
Testifier position: support
Testifier will be present: Yes
Submitted by: Thomas Lanik
Organization: Individual
Address: 312 Iolani Avenue Unit B-2 Honolulu HI 96813
Phone: 8084977840
E-mail: tomlanik@earthlink.net
Submitted on: 2/9/2011

Comments:

There are only two reasons that people have oversized aftermarket audio and sound equipment in their vehicles. 1- For personal and social psycho-acoustic stimulation. 2- To grossly, selfishly and disrespectfully announce and project their social, ego, and geographic arrival, presence and departure. Hiding behind the right to purchase, install and use autosound equipment the design and size of this equipment is only intended to show off and annoy anyone else in their immediate area. It has no real benefit.

LATE TESTIMONY

**WRITTEN TESTIMONY IN SUPPORT
House Committee on Transportation
HB 1178**

**Wednesday, February 9, 2011
9:00 A.M. State Capitol, Room 309
FAX: 586-6221, 586-6201**

Date: February 9, 2011

TO: Honorable Representative Joseph M. Souki, Chairperson
Honorable Representative Linda Ichiyama, Vice Chairperson
And Members of the House Committee on Transportation
Hawaii State Legislature 2011

FROM: Kay Yamada
1749 Royal Palm Drive, Wahiawa, Hawaii 96786

RE: Testimony in Support of HB 1178 RELATING TO VEHICLE AUDIO
EQUIPMENT

Thank you for this opportunity to submit testimony in support of HB 1178 which "limits the installation of aftermarket motor vehicle audio equipment by prohibiting excessive sound amplification".

This Bill marks an important move by this legislative body to restore and maintain an acceptable level of sound in communities across our State.

I do not believe the freedom of small businesses and individuals are negatively affected by the passage of this Bill. Rather, this Bill helps to protect the freedom to maintain an acceptable level of sound for all individuals in our communities. Individuals and families in their homes live in communities with the expectation and knowledge that there are existing rights inherent in our communities, and we have come to accept these as inherent rights.

With new products in the market, there is always the challenge of the products' acceptability within our communities. In this case, no one asked the mass majority whether these new products (woofers) were acceptable in automobiles in our neighborhoods. And, the only effective way to prevent the excessive noise violation contained in the City's ordinance is to prevent the installation of these woofers in the automobiles.

I respectfully urge this committee to pass this measure, HB 1178, in its original form. Thank you again for this opportunity to provide written testimony in support of HB 1178.

ichiyama3 - Cu Ri

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 09, 2011 8:20 AM
To: TRNtestimony
Cc: flipside@usa.com
Subject: Testimony for HB1178 on 2/9/2011 9:00:00 AM

LATE TESTIMONY

Testimony for TRN 2/9/2011 9:00:00 AM HB1178

Conference room: 309
Testifier position: oppose
Testifier will be present: No
Submitted by: merites pascasio
Organization: Individual
Address: 743 Ahukini Street honolulu, hi
Phone: 7413620
E-mail: flipside@usa.com
Submitted on: 2/9/2011

Comments:

I encourage to keep stereo aftermarket parts in Hawaii for the future children in Hawaii to learn about the new technology in the industry. It creates jobs and skills for the future children and I feel that is mandatory that they keep up with the industry off this island. You will give the future children less knowledge for the future with the electronics industries. Please do not pass this bill. I strongly oppose this bill 1178.

Thanks,

Merites Pascasio

From: M C [mcris720@yahoo.com]
Sent: Wednesday, February 09, 2011 8:16 AM
To: TRNtestimony
Subject: House Bill 1178

LATE TESTIMONY

To Whom It May Concern,

My name is Melanie Ramirez and I have been a resident of the island of Oahu my entire life. I am writing to oppose the proposed Hawai'i House Bill 1178. I oppose this bill because, first and foremost, it will cause many people to lose their jobs. There are a number of men and women out there who work and own car audio shops and passing this bill will mean some families will have one less income. Aftermarket car audio systems are just like stock systems. They are there for the pleasure of the passengers and driver. On top of that, if it will help the driver be more concentrated on driving, allow them to stay up when they are tired and possibly prevent an accident, then it should be allowed. Once again, I am writing to oppose the Hawai'i House Bill 1178 which is restricting aftermarket motor vehicle audio equipment.

Thank You,

Melanie Ramirez

ichiyama3 - Cu Ri

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 09, 2011 7:57 AM
To: TRNtestimony
Cc: allen.zell@gmail.com
Subject: Testimony for HB1178 on 2/9/2011 9:00:00 AM

LATE TESTIMONY

Testimony for TRN 2/9/2011 9:00:00 AM HB1178

Conference room: 309
Testifier position: oppose
Testifier will be present: No
Submitted by: Allen Zell
Organization: Individual
Address:
Phone:
E-mail: allen.zell@gmail.com
Submitted on: 2/9/2011

Comments:

This bill is a complete infringement on people right to express themselves freely. Just because a stereo has certain abilities doesnt mean that they will be used in a manner that will distract, interfere or annoy any other person or persons. Just because a car can go 200mph does that mean the driver will always drive that fast?

This bill will also hurt the local economy. If businesses that were built to install and service car audio products are not allowed to sell any aftermarket speakers and therefor will not be able to install them, these businesses will die. In this economy the last thing we need are businesses dying because bureaucrats dont understand something that is a completely harmless hobby to children and adults.

In the end were talking about music. Bob Marley once said, "One good thing about music, when it hits you, you feel no pain." This is true, we all like different kinds of music but no matter what it cant harm you in any way.

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 09, 2011 8:38 AM
To: TRNtestimony
Cc: moshiro5-Midori
Subject: Testimony for HB1178 on 2/9/2011 9:00:00 AM

Testimony for TRN 2/9/2011 9:00:00 AM HB1178

Conference room: 309
Testifier position: support
Testifier will be present: No
Submitted by: Tina Uris
Organization: Individual
Address:
Phone:
E-mail: moshiro5@capitol.hawaii.gov
Submitted on: 2/9/2011

Comments:

There are many health issues involved in this bill. However, there is also an issue of distracted driving. Sometimes I'll be driving and a stereo is so loud I can't hear the traffic around me. The sound comes out of nowhere, and there's no way to know where it comes from. Someone could even lose control of their vehicle if they're distracted by the sound. When the noise is so loud that you can hear it in the next car, it's a real danger.

LATE TESTIMONY

ATTN: COMMITTEE ON TRANSPORTATION

Rep. Joseph M. Souki, Chair

Rep. Linda Ichiyama, Vice Chair

DATE: Wednesday, February 09, 2011

TIME: 9:00 am

PLACE: Conference Room 309

Aloha Chair Souki, Vice Chair Ichiyama and committee members,

I am in **STRONG SUPPORT** of **HB 1178** that Limits the installation of aftermarket motor vehicle audio equipment by prohibiting excessive sound amplification.

I am a resident of the Melemanu area of Mililani that is very close to Wahiawa. We who live in the Launani Valley shop, dine and recreate in Mililani and Wahiawa. I can tell you that the noise from boom box stereos in our neighborhoods is a detriment to businesses, churches restaurants and meeting places. They invade our homes and destroy the peace and tranquility of our beautiful neighborhoods.

I have had to sit through church services with that heart-stopping beat going on and on. I have had my dining experience disturbed and my shopping interrupted by this offensive and excessive indulgence on the part of some parts of our population. Just as smokers have ignored the rights of others to not inhale their smoke, so these jacked-up boom-boxers have ignored the rights of everyone in a half-mile radius to peace and quiet.

They destroy the quality of life for residents, threaten quality businesses such as the Café Olive whose patrons like the quiet atmosphere, and they bring down property values where they are prevalent.

Please pass this measure out of committee. I for one am sick of the noise and sick of hearing law enforcement say that the problem is too prevalent to control.

Mahalo,

Ann S. Freed
95-227 Waikalani Dr.
Mililani, HI 96789
808-623-5676

LATE TESTIMONY

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Rep. Linda Ichiyama, Vice Chair

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TIME: 9:00 am
PLACE: Conference Room 309

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Mililani, HI 96789
808-623-5676