



TESTIMONY BY:
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DIRECTOR

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STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

February 24, 2023
9:30 A.M.

State Capitol, Conference Room 224 and Teleconference

S.B. 586, S.D. 1
RELATING TO TRANSPORTATION

Senate Committee on Judiciary

The Department of Transportation (DOT) **supports** of S.B. 586, SD1 which specifies that a certificate of inspection shall be issued if a vehicle is not equipped with a noisy muffler or exhaust system. Requires rules regarding safety check inspections to ensure that a motorcycle, moped, or motor vehicle is not equipped with a noisy muffler or exhaust system. Suspends, revokes, or refuses renewal of a permit for an official inspection station upon a third or subsequent wilful violation of any rule regarding inspecting a noisy muffler or exhaust system. Makes Violating the noisy muffler laws a petty misdemeanor. Includes repairing or installing a noisy muffler or exhaust system as a prohibited practice for motor vehicle repair regulations.

The DOT has received numerous calls and e-mails from residents impacted by the noisy aftermarket mufflers. We support any attempts to reduce the exhaust noise problem.

Thank you for the opportunity to provide testimony.



WRITTEN TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
KA 'OIHANA O KA LOIO KUHINA
THIRTY-SECOND LEGISLATURE, 2023

ON THE FOLLOWING MEASURE:

S.B. NO. 586, S.D. 1, RELATING TO TRANSPORTATION.

BEFORE THE:

SENATE COMMITTEE ON JUDICIARY

DATE: Friday, February 24, 2023

TIME: 9:30 a.m.

LOCATION: State Capitol, Room 016

TESTIFIER(S): **WRITTEN TESTIMONY ONLY.**

(For more information, contact David L. Williams,
Deputy Attorney General, at 586-1170)

Chair Rhoads and Members of the Committee:

The Department of the Attorney General offers comments and a proposed amendment to section 4 of this bill.

The purposes of this bill are to (1) regulate excessive or unusual noise from mufflers on motor vehicles, motorcycles, and mopeds by requiring safety inspections to include inspection of mufflers, (2) penalize willful failures by official inspection stations to conduct the inspections, and (3) make it a petty misdemeanor offense to use, sell, alter, or install a muffler that will increase the noise emitted by a motor vehicle, motorcycle, or moped above that emitted by the muffler installed by the factory.

Section 4 of the bill amends section 291-24.5(b), Hawaii Revised Statutes, on page 5, lines 7-14, as follows:

(b) Any violation of this section ***shall constitute a violation and*** shall be enforceable by police officers. ~~[The fine for this violation shall be not less than \$25 nor more than \$250 for each separate offense.]~~ Any person who violates ~~[the provisions of this section may]~~ this section:

(1) ***Shall be guilty of a petty misdemeanor,*** and

(2) May be issued a summons or citation for such violation.

(Italics and boldfacing added). As set forth above, the bill makes the offense both a violation and a petty misdemeanor. Striking the phrase "shall constitute a violation and"

from page 5, lines 7-8, will resolve the inconsistency and make the offense a petty misdemeanor, and should read follows:

(b) Any violation of this section [~~shall constitute a violation and~~ shall be enforceable by police officers. [~~The fine for this violation shall be not less than \$25 nor more than \$250 for each separate offense.~~] Any person who violates [~~the provisions of this section may~~] this section:

(1) Shall be guilty of a petty misdemeanor; and

(2) May be issued a summons or citation for such violation.

Without the amendment, the rule of strict construction would apply and the offense would remain a violation or traffic infraction.

Thank you for the opportunity to comment on this bill.



WAIKIKI NEIGHBORHOOD BOARD NO. 9

PO NEIGHBORHOOD COMMISSION • 925 DILLINGHAM BLVD. SUITE 160 • HONOLULU, HAWAII, 96817
PHONE (808) 768-3710 • FAX (808) 768-3711 • INTERNET: <http://www.honolulu.gov>

Date: February 22, 2023

At the February 14, 2023 Regular Meeting of the Waikiki Neighborhood Board the board supported the concept of Senate Bill 586.

A standard concern at meetings of the Waikiki Neighborhood Board is noise from Loud Mufflers (or lack of mufflers) on vehicles "racing" along Ala Wai Blvd. both day and night.

While this complaint is normally directed at a group that gathers in the Zoo area then "races" off along Ala Wai Blvd. It is not limited to this group.

My concerns is that this bill is dependent on the City and County of Honolulu to enact an Ordinance about how loud a vehicle can be. Current Safety Check Rules (State) only require a vehicle have a muffler and pipe system that do not leak. The idea of having to only have a factory equipped muffler are more than difficult to enforce when factories normally do not manufacture replacement parts like a muffler for more than a few years and companies like "Midas Muffler" sell a variety of replacement mufflers when older vehicles require a replacement. Even getting information on how loud a vehicle was when sold is difficult to impossible (how loud was a motorcycle first sold in 1901?).

To be effective this bill would have to designate what "loud muffler" means to everyone. To enforce this Bill the County Police and State Sheriffs and probably Department of Land and Natural Resources would need a standard and the decibel meters to measure the noise at a specific distance.

As residents of Waikiki this bill is welcomed and very necessary but enforcement may prove to be difficult unless a specific noise level is designated.

Mahalo for your concern,

Robert Finley

Robert Finley
Chair

SB-586-SD-1

Submitted on: 2/21/2023 2:33:20 PM

Testimony for JDC on 2/24/2023 9:30:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| B.A. McClintock | Individual | Support | Written Testimony Only |

Comments:

Please do something about these noisy vehicles. Ala Moana Boulevard is race track central and the noise is unbearable. Please support this important bill. Mahalo.

Chairman Senator Rhoads
Committee on Judiciary
S.B. No. 586, S.D. 1
DATE: Friday, February 24, 2023
TIME: 9:30 AM
PLACE: Conference Room 016 & Videoconference
State Capitol
415 South Beretania Street

Aloha Senator Rhoads,

My name is Krystel Mata and I am a lifelong resident of the Big Island of Hawaii. I am also a distance education student in the Myron B. Thompson School of Social Work at the University of Hawai'i at Mānoa and currently live in the Kurtistown Area. I am testifying in **support** of Senate Bill 586, specifying that a certificate of inspection shall be issued if a vehicle is not equipped with a noisy muffler or exhaust system. Requires rules regarding safety check inspections to ensure that a motorcycle, moped, or motor vehicle is not equipped with a noisy muffler or exhaust system. Suspends, revokes, or refuses renewal of a permit for an official inspection station upon a third or subsequent willful violation of any rule regarding inspecting a noisy muffler or exhaust system. Makes violating the noisy muffler laws a petty misdemeanor.

I believe it is the responsibility of Hawaii certified safety inspectors to authenticate whether or not a vehicle is outside the acceptable range of noisiness. Safety inspectors and inspections require a vehicle to be safe, and in my opinion, the noisiness of a vehicle can become a factor that makes a roadway unsafe. For instance, some vehicles noise exceeds 120-130 dB, which would completely drown out the siren from an ambulance. Furthermore, the argument that safety inspectors must use more expensive equipment to test these noise variables is weak, considering that a decibel meter can be purchased from Amazon for as little as \$20.00.

I currently live off of Highway 11 in the Kurtistown area and am consistently dealing with noise pollution from either after market vehicle exhaust systems or from exhausts that have been modified from catalytic converts being removed. Throughout the day, as well as in the early mornings I deal with the constant buzzing of cars on the highway. Sometimes so loud that the noise sets off the alarm on my car. I understand that some vehicle or racing enthusiasts don't necessarily like this Bill, but if they want to build a racecar that has aftermarket parts, like exhaust systems, they should race them on a race track and not on the streets where they could be hazardous to the public.

Again, I support this Bill, but I think the Bill should effective sooner than 26 years from now on July 1, 2050. It is a pretty cut-and-dry Bill, that will support the greater good and health

of the community and not benefit the very small percentage of community that race cars or have a vehicle with a noisy muffler.

Mahalo for your consideration,

A handwritten signature in black ink, appearing to read "K Mata". The signature is fluid and cursive, with a long, sweeping underline that extends to the left.

Krystal Mata
(808) 313-1030
Po Box 223
Kurtistown, HI 96760

SB-586-SD-1

Submitted on: 2/22/2023 5:49:25 AM

Testimony for JDC on 2/24/2023 9:30:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| Caroline Azelski | Individual | Support | Written Testimony Only |

Comments:

In support of SD1. Please...

SB-586-SD-1

Submitted on: 2/22/2023 7:18:54 AM

Testimony for JDC on 2/24/2023 9:30:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| John Bickel | Individual | Support | Written Testimony Only |

Comments:

With the proliferation of highrise condos, noise bounces among buildings. The most common noise in my neighborhood is noise from nonstandard mufflers. This bill would help.

SB-586-SD-1

Submitted on: 2/23/2023 3:03:56 PM

Testimony for JDC on 2/24/2023 9:30:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| Ryan Willis | Individual | Oppose | Written Testimony Only |

Comments:

Limiting motorcycle and moped muffler/exhaust systems will make it more dangerous by making them less noticeable to drivers.

Electric cars have zero noise and are by far the most dangerous in parking lots.

SB-586-SD-1

Submitted on: 2/23/2023 3:04:42 PM

Testimony for JDC on 2/24/2023 9:30:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| Kanoë Willis | Individual | Oppose | Written Testimony Only |

Comments:

Limiting motorcycle and moped muffler/exhaust systems will make it more dangerous by making them less noticeable to drivers.

Electric cars have zero noise and are by far the most dangerous in parking lots.