THE SENATE
THIRTY-SECOND LEGISLATURE, 2024
STATE OF HAWAII

S.B. NO. 2350
S.D. 2
H.D. 1

A BILL FOR AN ACT

RELATING TO NOISE POLLUTION.

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

1   SECTION 1. The legislature finds that many residents

2   throughout the State, especially those in high density

3   residential areas, have complained about growing noise pollution

4   and disturbances from low restriction mufflers on motor

5   vehicles, predominantly motorcycles. The complainants claim

6   that the noise level adversely affects their sleep, particularly

7   in the early morning hours or late at night. Thus, the noise

8   may have adverse impacts on public health and safety, as well as

9   peaceful enjoyment and quality of life.

10   The legislature further finds that while existing law

11   prohibits vehicle owners from installing mufflers that increase

12   the noise of their vehicle, the penalties are minimal and do

13   little to deter violations. In fact, violators are known to add

14   enhanced noise mufflers after they have passed the county

15   vehicle safety check.

16   Accordingly, the purpose of this Act is to establish:

1   (1) A separate prohibition on driving motor vehicles

2   having noisy mufflers on public highways in high

3   density population areas;

4   (2) Tiered fines for violations of motor scooter muffler

5   regulations; and

6   (3) Tiered fines for violations of motor vehicle muffler

7   regulations.

8   SECTION 2. Chapter 291, Hawaii Revised Statutes, is

9 amended by adding a new section to be appropriately designated

10 and to read as follows:

11   "**§291-   Motor vehicle muffler; high density population**

12 **areas.** (a) No person shall use on a public highway in a high

13 density population area a muffler that noticeably increases the

14 noise emitted by a motor vehicle above that emitted by the

15 vehicle as equipped by the factory.

16   (b) Any violation of this section shall constitute a

17 violation and shall be enforceable by law enforcement officers.

18 Any person who violates the provisions of this section may be

19 issued a summons or citation for the violation. Violation of

20 any of the provisions of this section shall subject the violator

21 to the following penalties:

1   (1)   For a first conviction, the person shall be fined no

2   more than $200;

3   (2)   For a second conviction committed within five years of

4   any other conviction under this section, the person

5   shall be fined no more than $500; and

6   (3)   For a conviction of a third or subsequent offense

7   committed within five years of any other conviction

8   under this section, the person shall be fined no more

9   than $1,500.

10   (c)   As used in this section, "high density population

11   area" means a county having a population of five hundred

12   thousand or more."

13   SECTION 3.   Section 291-23, Hawaii Revised Statutes, is

14   amended to read as follows:

15   "§291-23   Penalty.   [Whoever is convicted of violating any

16   of the provisions of section 291-22 shall be fined not more than

17   $100.] (a)   Violation of any of the provisions of section 291-22

18   shall subject the violator to the following penalties:

19   (1)   For a first conviction, the person shall be fined no

20   more than $100;

1   (2) For a second conviction committed within five years of

2   any other conviction under this section, the person

3   shall be fined no more than $300; and

4   (3) For a conviction of a third or subsequent offense

5   committed within five years of any other conviction

6   under this section, the person shall be fined no more

7   than $900."

8   SECTION 4. Section 291-24.5, Hawaii Revised Statutes, is

9 amended to read as follows:

10   "[+]§291-24.5[+] **Motor vehicle muffler.** (a) No person

11 shall use on a public highway, sell, alter, or install a muffler

12 [which] that will noticeably increase the noise emitted by a

13 motor vehicle above that emitted by the vehicle as equipped from

14 the factory.

15   (b) [Any] Except as provided in section 291-   , any

16 violation of this section shall constitute a violation and shall

17 be enforceable by police officers. [The fine for this violation

18 shall be not less than $25 nor more than $250 for each separate

19 offense.] Violation of this section shall subject the violator

20 to the following penalties:

1   (1)   For a first conviction, the person shall be fined no

2   more than $100;

3   (2)   For a second conviction committed within three years

4   of any other conviction under this section, the person

5   shall be fined no more than $300; and

6   (3)   For a conviction of a third or subsequent offense

7   committed within five years of any other conviction

8   under this section, the person shall be fined no more

9   than $900."

10   Any person who violates the provisions of this section may be

11   issued a summons or citation for [such] the violation."

12   SECTION 5. This Act does not affect rights and duties that

13   matured, penalties that were incurred, and proceedings that were

14   begun before its effective date.

15   SECTION 6. Statutory material to be repealed is bracketed

16   and stricken. New statutory material is underscored.

17   SECTION 7. This Act shall take effect on July 1, 3000.

Report Title:
Motor Vehicles; Noisy Mufflers; Fines

Description:
Establishes a separate prohibition on driving motor vehicles
having noisy mufflers on public highways in high density
population areas. Establishes separate fines for violations of
motor scooter and motor vehicle muffler regulations. Defines
"high density population areas". Effective 7/1/3000. (HD1)

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not legislation or evidence of legislative intent.*