

## ACT 171

S.B. NO. 2350

A Bill for an Act Relating to Noise Pollution.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. The legislature finds that many residents throughout the State, especially those in high density residential areas, have complained about growing noise pollution and disturbances from low restriction mufflers on motor vehicles, predominantly motorcycles. The complainants claim that the noise level adversely affects their sleep, particularly in the early morning hours or late at night. Thus, the noise may have adverse impacts on public health and safety, as well as peaceful enjoyment and quality of life.

The legislature further finds that while existing law prohibits vehicle owners from installing mufflers that increase the noise of their vehicle, the penalties are minimal and do little to deter violations. In fact, violators are known to add enhanced noise mufflers after they have passed the county vehicle safety check.

Accordingly, the purpose of this Act is to establish:

- (1) A separate prohibition on driving motor vehicles having noisy mufflers on public highways in high density population areas;
- (2) Tiered fines for violations of motor scooter muffler laws; and
- (3) Tiered fines for violations of motor vehicle muffler laws.

SECTION 2. Chapter 291, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

**“§291- Motor vehicle muffler; high density population areas.** (a) No person shall use on a public highway in a high density population area a muffler that noticeably increases the noise emitted by a motor vehicle above that emitted by the vehicle as equipped by the factory.

(b) Any violation of this section shall constitute a violation and shall be enforceable by law enforcement officers. Any person who violates the provisions of this section may be issued a summons or citation for the violation. Violation of any of the provisions of this section shall subject the violator to the following penalties:

- (1) For a first violation, the person shall be fined not more than \$200;
- (2) For a second violation committed within five years of any other violation under this section, the person shall be fined not more than \$500; and
- (3) For a violation of a third or subsequent offense committed within five years of any other violation under this section, the person shall be fined not more than \$1,500.

(c) As used in this section, “high density population area” means a county having a population of five hundred thousand or more.”

SECTION 3. Section 291-23, Hawaii Revised Statutes, is amended to read as follows:

**“§291-23 Penalty.** ~~[Whoever is convicted of violating any of the provisions of section 291-22 shall be fined not more than \$100.]~~ (a)<sup>1</sup> Violation of any of the provisions of section 291-22 shall subject the violator to the following penalties:

- (1) For a first violation, the person shall be fined not more than \$100;
- (2) For a second violation committed within five years of any other violation under section 291-22, the person shall be fined not more than \$300; and
- (3) For a violation of a third or subsequent offense committed within five years of any other violation under section 291-22, the person shall be fined not more than \$900.”

SECTION 4. Section 291-24.5, Hawaii Revised Statutes, is amended to read as follows:

**“~~[[§291-24.5]]~~ Motor vehicle muffler.** (a) No person shall use on a public highway, sell, alter, or install a muffler ~~[which]~~ that will noticeably increase the noise emitted by a motor vehicle above that emitted by the vehicle as equipped from the factory.

(b) ~~[Any]~~ Except as provided in section 291- , 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.]~~ Violation of this section shall subject the violator to the following penalties:

- (1) For a first violation, the person shall be fined not more than \$100;
- (2) For a second violation committed within three years of any other violation under this section, the person shall be fined not more than \$300; and
- (3) For a violation of a third or subsequent offense committed within five years of any other violation under this section, the person shall be fined not more than \$900.

Any person who violates the provisions of this section may be issued a summons or citation for ~~[such]~~ the violation.”

SECTION 5. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 6. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.<sup>2</sup>

SECTION 7. This Act shall take effect upon its approval.

(Approved July 2, 2024.)

Notes

1. No subsection (b).
2. Edited pursuant to HRS §23G-16.5.