

JAN 21 2011

S.B. NO. 259

A BILL FOR AN ACT

RELATING TO TRAFFIC VIOLATIONS.

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

1 SECTION 1. Chapter 291, Hawaii Revised Statutes, is
2 amended by adding a new section to part II to be appropriately
3 designated and to read as follows:

4 "§291- Noisy mufflers; correctable violations. (a)
5 If, after an arrest, accident investigation, or other law
6 enforcement action, it appears that a violation of section 291-
7 24 has occurred, and none of the disqualifying conditions set
8 forth in subsection (b) exist and the investigating officer
9 decides to take enforcement action, the officer shall prepare,
10 and the violator shall sign, a written notice containing the
11 violator's promise to promptly correct the alleged violation and
12 to deliver proof of correction of the violation to the district
13 court of the circuit where the violation occurred.

14 (b) Notwithstanding subsection (a), a notice to correct
15 violation shall not be issued if the police officer finds any of
16 the following:

17 (1) Evidence of fraud or persistent neglect;

18 (2) The violation presents an immediate safety hazard; or



1 (3) The violator does not agree to, or cannot, promptly
2 correct the violation.

3 (c) If any of the conditions set forth in subsection (b)
4 exist, the procedure specified in subsection (a) is
5 inapplicable, and the officer may take other appropriate
6 enforcement action.

7 (d) Except as otherwise provided in subsection (a), the
8 notice to correct violation shall be on a form approved by the
9 judiciary and, in addition to the owner's or operator's address
10 and identifying information, shall contain an estimate of the
11 reasonable time required for correction and proof of correction
12 of the particular defect, not to exceed thirty days.

13 (e) The district court of the circuit where the violation
14 occurred may dismiss any action in which a person is prosecuted
15 for operating a vehicle in violation of section 291-24 if a
16 certificate of compliance has been issued by a station permitted
17 under section 286-27.

18 (f) Any person willfully violating a written promise to
19 correct or willfully failing to deliver proof of correction of
20 the violation shall be guilty of a misdemeanor."

21 SECTION 2. Section 286-138, Hawaii Revised Statutes, is
22 amended to read as follows:



1 "§286-138 Prohibiting "fixing" of tickets and providing
2 penalties therefor; nolle prosequi by prosecuting attorney only
3 by motion and approval of court. (a) It shall be unlawful for
4 any person, including any government official or employee of the
5 State or county, to "fix", "void", change, modify, adjust,
6 tamper with, or otherwise dispose of any traffic citation,
7 notice, or summons. Nothing in this subsection shall be
8 construed to affect the powers of the judges of the several
9 courts in the exercise of their judicial functions. Any person
10 who intentionally or knowingly violates this subsection shall be
11 guilty of a class C felony; except that the person shall be
12 fined not less than \$1,000 and not more than \$10,000. Any
13 government official or employee of this State or any county who
14 violates this subsection shall be summarily discharged from the
15 official's or employee's office or employment.

16 (b) No nolle prosequi shall be entered in any case
17 involving a violation of the traffic laws or ordinances of the
18 State or of the several counties and no case or any charge
19 arising therefrom shall be stricken, amended, or reduced, except
20 by consent of the court upon motion of the prosecuting attorney
21 stating the reasons therefor. The court may deny the motion if
22 it deems the reasons insufficient.



1 (c) This section shall not apply to the disposition of a
2 traffic citation issued for a correctable violation under
3 section 291- ; provided that a certificate of compliance has
4 been issued by an inspection station permitted under section
5 286-27 ensuring that the motor vehicle is in compliance with the
6 section under which the traffic citation was issued."

7 SECTION 3. Section 291-24, Hawaii Revised Statutes, is
8 amended to read as follows:

9 "§291-24 ~~[Motorcycles and mopeds, noisy]~~ Noisy mufflers;
10 penalty. (a) Every [motorcycle and moped] motor vehicle moving
11 under its own power on a public highway shall at all times be
12 equipped with a muffler in constant operation to prevent any
13 excessive or unusual noise and no such muffler or exhaust system
14 shall be equipped with a cutout, bypass, or similar device. No
15 person shall modify the exhaust system of a ~~[motorcycle or a~~
16 ~~moped]~~ motor vehicle in a manner which will amplify or increase
17 the noise emitted by the motor of ~~[such motorcycle or moped]~~ the
18 motor vehicle above that emitted by the muffler originally
19 installed on the ~~[motorcycle or moped except a motorcycle or~~
20 ~~moped that:]~~ motor vehicle.

21 (b) Subsection (a) notwithstanding, a motor vehicle that:

22 (1) Has three wheels;



- 1 (2) Is powered by an electric motor;
- 2 (3) Has a full body enclosed cab; and
- 3 (4) Has a seat belt assembly or a child restraint system
- 4 for the driver and passenger;

5 shall not be required to be equipped with a muffler.

6 (c) No motor vehicle shall be equipped with a muffler or
7 exhaust system that emits a noise level of greater than ninety-
8 five decibels unless the muffler or exhaust system is the
9 muffler or exhaust system originally installed on the motor
10 vehicle.

11 ~~[(b)]~~ (d) As used in this section, "muffler" means a
12 device consisting of a series of chambers or baffle plates, or
13 other mechanical design, for the purpose of receiving exhaust
14 gas from the engine of the ~~[motorcycle or moped,]~~ motor vehicle,
15 and being effective in reducing noise.

16 ~~[(e)]~~ (e) ~~[Whoever]~~ A person who violates this section
17 shall be ~~[fined not more than \$100.]~~ :

18 (1) Required to equip the motor vehicle with a muffler or
19 exhaust system that does not emit a noise level above
20 the decibel level established under subsection (c);
21 and



1 (2) Required to obtain a certificate of compliance from an
2 inspection station, permitted under section 286-27, to
3 ensure compliance with this section.

4 (f) An inspection station shall issue a certificate of
5 compliance if the vehicle emits no more than ninety-five
6 decibels when tested in accordance with Society of Automotive
7 Engineers Standard J1169 May 1998. The certificate of
8 compliance shall identify, to the extent possible, the make,
9 model, year, license number, and vehicle identification number
10 of the vehicle tested, and the make and model or description of
11 the muffler exhaust system installed on the vehicle.

12 (g) For purposes of this section, "motor vehicle" has the
13 same meaning as defined in section 291C-1 but includes a moped,
14 as defined in that section.

15 (h) A person who violates this section and fails to comply
16 with the requirements of subsection (e) shall be fined not more
17 than \$100."

18 SECTION 4. This Act does not affect rights and duties that
19 matured, penalties that were incurred, and proceedings that were
20 begun before its effective date.

21 SECTION 5. Statutory material to be repealed is bracketed
22 and stricken. New statutory material is underscored.



1 SECTION 6. This Act shall take effect upon its approval.

2

INTRODUCED BY: Carol F. Williams



Report Title:

Motor Vehicles; Noise Emission; Mufflers

Description:

Prohibits motor vehicle mufflers from emitting a noise level above 95 decibels. Authorizes law enforcement officers to issue traffic citations for violations that are correctable.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

