

**BERNARD P. CARVALHO, JR.**  
Mayor



**GARY K. HEU**  
Administrative Assistant

COUNTY OF KAUA'I

## **KAUA'I POLICE DEPARTMENT**

### **News Release**

For Immediate Release: Sept. 28, 2009

---

DARRYL PERRY, CHIEF  
Tel (808) 241-1600  
Fax (808) 241-1604

---

### **October designated Noise Prohibition Awareness Month**

LĪHU'E – The Kaua'i Police Department Patrol Services Bureau has designated October as Noise Prohibition Awareness Month.

"We want to call attention to the fact that excessive noise can be a hazard to public health and safety, and there are laws that address this issue," said Acting Captain Mark Scribner, noting that the role of the police department is to keep residents and visitors safe from harm.

"It is our duty to enforce all laws including those relating to noise prohibition when noise produced from human activities jeopardizes the well-being and tranquility of our community," said Scribner.

Throughout October, patrol officers will be monitoring compliance with state and local noise prohibition laws, and will issue citations to anyone who violates these laws.

The Hawai'i Revised Statutes contain laws that focus on reducing noise produced by vehicle mufflers, including:

- I. Section 291-22 states that is unlawful for a person to operate a motor scooter with an after-market muffler or exhaust pipe on a public roadway that increases the volume of the explosions within its motor.
- II. Section 291-24

- a. Every motorcycle and moped moving under its own power on a public highway shall at all times be equipped with a muffler in constant operation to prevent any excessive or unusual noise and no such muffler or exhaust system shall be equipped with a cutout, bypass, or similar device. No person shall modify the exhaust system of a motorcycle or a moped in a manner which will amplify or increase the noise emitted by the motor of such motorcycle or moped above that emitted by the muffler originally installed on the motorcycle or moped except a motorcycle or moped that:
- (1) Has three wheels;
  - (2) Is powered by an electric motor;
  - (3) Has a full body enclosed cab;
  - (4) Has a seat belt assembly or a child restraint system for the driver and passenger shall not be required to be equipped with a muffler.
- b. As used in this section, "muffler" means a device consisting of a series of chambers or baffle plates, or other mechanical design, for the purpose of receiving exhaust gas from the engine of the motorcycle or moped, and being effective in reducing noise.
- c. Whoever violates this section shall be fined not more than \$100. [L 1949, c 21, §1; RL 1955, §311-27; HRS §291-24; am L 1978, c 222, §7; am L 1986, c 189, §1; am L 1994, c 120, §4]

### III. Section 291-24.5

- a. No person shall use on a public highway, sell, alter or install a muffler which will noticeably increase the noise emitted by a motor vehicle above that emitted by the vehicle as equipped from the factory.
- 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 or more than \$250 for each separate offense. Any person who violates the provisions of this section may be issued a summons or citation for such violation. [L 1977, c 79, §1]

The Kaua'i County Code also has an ordinance that addresses noise control.

Article 14, Section 22-14.1 makes it unlawful for anyone to operate a sound reproducing machine on public property or space if the sound generated is audible at a distance of 30 feet from the device producing the sound.

The ordinance also specifies that such a device is legal evidence that the person in possession is operating the device.

Anyone cited for violating this ordinance can be fined up to \$1,000 and imprisoned for a maximum of 30 days for each offense.

#####