
A BILL FOR AN ACT

RELATING TO NOISE.

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

1 SECTION 1. Chapter 663, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§663- **Noise; private nuisance; relief.** (a) A person
5 who alleges the existence of a private nuisance due to excessive
6 noise may bring a civil action for appropriate injunctive
7 relief, or actual damages, or both within two years after the
8 occurrence of the alleged violation of this part.

9 (b) An action commenced pursuant to subsection (a) may be
10 brought in the circuit court for the circuit where the alleged
11 violation occurred, where the complainant resides, or where the
12 person against whom the civil complaint is filed resides or has
13 a principal place of business.

14 (c) For purposes of this section:

15 (1) "Damages" means damages for injury or loss caused by
16 excessive noise or vibration, including reasonable
17 attorney fees;



1 (2) "Excessive noise" means the presence of sound of a
2 volume or in quantities and for durations that
3 unreasonably interferes with the comfortable enjoyment
4 of life and property; and

5 (3) "Nuisance" means any interference with reasonable use
6 and enjoyment of property and includes all claims that
7 meet the requirements of this definition regardless of
8 whether a complainant designates the claims as brought
9 in nuisance, negligence, trespass, or any other claim
10 under law or equity.

11 (d) It shall not be a prerequisite for institution of an
12 action under this section that the nuisance alleged has been
13 determined to involve excessive noise pursuant to chapter 342F.
14 It shall be evidence that the alleged nuisance under this
15 section has been determined to involve excessive noise pursuant
16 to chapter 342F. Nothing in this section shall in any way
17 restrict or impede the authority of the State to protect the
18 public health, safety, and welfare."

19 SECTION 2. Section 342F-12, Hawaii Revised Statutes, is
20 amended to read as follows:

21 "**§342F-12 Injunctive and other relief.** (a) The director
22 may institute a civil action in any court of competent



1 jurisdiction for injunctive and other relief to prevent any
2 violation of this chapter, any rule adopted pursuant to this
3 chapter, or any condition of a permit or variance issued
4 pursuant to this chapter, without the necessity of a prior
5 revocation of the permit or variance, to impose and collect
6 civil penalties, to collect administrative penalties, or to
7 obtain other relief. The court shall have power to grant relief
8 in accordance with the Hawaii rules of civil procedure.

9 (b) Nothing in this chapter shall be construed to preclude
10 a private action pursuant to section 663- ."

11 SECTION 3. This Act does not affect rights and duties that
12 matured, penalties that were incurred, and proceedings that were
13 begun, before its effective date.

14 SECTION 4. New statutory material is underscored.

15 SECTION 5. This Act shall take effect upon its approval.

16

INTRODUCED BY: Kal Abroad

JAN 22 2008



Report Title:

Noise; Private Nuisance

Description:

Authorizes injunctive relief and damages for private nuisance due to excessive noise.

