
A BILL FOR AN ACT

RELATING TO NOISE.

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

1 SECTION 1. Chapter 342F, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:
4 "§342F-A Leaf blowers and other motorized landscape tools;
5 required sound levels and testing. (a) Effective July 1, 2008,
6 no manufacturer or vendor of a leaf blower or other motorized
7 landscape tool may cause to be sold or distributed in the State
8 a leaf blower or other motorized landscape tool whose sound
9 levels have not been tested according to the provisions of the
10 American National Standards Institute B 175.2 standard for hand-
11 held and backpack gasoline-engine-powered blowers and lowered to
12 levels determined to be acceptable under rules adopted by the
13 director of health.
14 (b) Effective July 1, 2008, no person may use, within a
15 one hundred yard radius of any residence of any other person, a
16 leaf blower whose sound levels have not been tested and
17 determined as acceptable under subsection (a).



1 (c) Any person who possesses a leaf blower or other
 2 motorized landscape tool that does not comply with the
 3 requirements of subsection (a) may trade the piece of equipment
 4 in for one that complies with subsection (a) through a buyback
 5 program to be established by the director of health.

6 (d) In addition to any other penalties provided by law,
 7 any person who violates this section shall be subject to the
 8 penalties provided in section 342F-9(b)."

9 SECTION 2. Section 711-1101, Hawaii Revised Statutes, is
 10 amended to read as follows:

11 "**§711-1101 Disorderly conduct.** (1) A person commits the
 12 offense of disorderly conduct if, with intent to cause physical
 13 inconvenience or alarm by a member or members of the public, or
 14 recklessly creating a risk thereof, the person:

15 (a) Engages in fighting or threatening, or in violent or
 16 tumultuous behavior; or

17 (b) Makes unreasonable noise; or

18 (c) Subjects another person to offensively coarse behavior
 19 or abusive language which is likely to provoke a
 20 violent response; or



1 (d) Creates a hazardous or physically offensive condition
2 by any act which is not performed under any authorized
3 license or permit; or

4 (e) Impedes or obstructs, for the purpose of begging or
5 soliciting alms, any person in any public place or in
6 any place open to the public.

7 (2) Noise is unreasonable, within the meaning of
8 subsection (1)(b), if considering the nature and purpose of the
9 person's conduct and the circumstances known to the person,
10 including the nature of the location and the time of the day or
11 night, the person's conduct involves a gross deviation from the
12 standard of conduct that a law-abiding citizen would follow in
13 the same situation; or the failure to heed the admonition of a
14 police officer that the noise is unreasonable and should be
15 stopped or reduced.

16 The renter, resident, or owner-occupant of the premises who
17 knowingly or negligently consents to unreasonable noise on the
18 premises shall be guilty of a noise violation.

19 (3) Noise shall be deemed unreasonable under subsection
20 (1)(b) if the person knowingly produces noise from any motorized
21 apparatus, including but not limited to, mopeds, motorcycles,
22 motorized skateboards, leaf blowers or other motorized landscape



1 tools, whose noise levels exceed seventy-five decibels at any
2 time for any length of time between the hours of 7:00 p.m. and
3 7:00 a.m., any day of the week.

4 (4) Noise shall be deemed unreasonable under subsection
5 (1)(b) if the person knowingly produces noise from any motorized
6 apparatus, including but not limited to, mopeds, motorcycles,
7 motorized skateboards, leaf blowers or other motorized landscape
8 tools, whose noise levels exceed ninety-five decibels at any
9 time for any length of time between the hours of 7:00 a.m. and
10 7:00 p.m., any day of the week.

11 ~~[(3)]~~ (5) Disorderly conduct is a petty misdemeanor if it
12 is the defendant's intention to cause substantial harm or
13 serious inconvenience, or if the defendant persists in
14 disorderly conduct after reasonable warning or request to
15 desist[-]; provided that the fine for a person who commits
16 disorderly conduct under subsection (3), involving noise
17 produced from a motorized apparatus, shall be \$100. Otherwise
18 disorderly conduct is a violation. "

19 SECTION 3. There is appropriated out of the general
20 revenues of the State of Hawaii the sum of \$100,000, or so much
21 thereof as may be necessary for fiscal year 2008-2009, for the



1 department of health to develop a buyback program for the
2 replacement of noncompliant leaf blowers.

3 The sums appropriated shall be expended by the department
4 of health for the purposes of this Act.

5 SECTION 4. Statutory material to be repealed is bracketed
6 and stricken. New statutory material is underscored.

7 SECTION 5. This Act shall take effect on July 1, 2008.

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INTRODUCED BY:

Carmen W. Clag

John

Kal Moor

Ken Ward

[Signature]

Nannidouri

J.P. Berg

[Signature]

Cindy Evans



Report Title:

Noise

Description:

Prohibits selling of leaf blowers and other motorized landscaping tools not tested under standards. Appropriates funds for establishment of buyback program for noncompliant models of leaf blowers. Expands scope of unreasonable noise category of disorderly conduct crime.

