

JAN 22 2008

S.B. NO. 2797

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## 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-        Leaf blowers and other motorized landscape  
5 tools; required sound levels and testing. (a) Effective July  
6 1, 2009, no manufacturer or vendor of a leaf blower or other  
7 motorized landscape tool, may cause to be sold or distributed in  
8 the State a leaf blower or other motorized landscape tool,  
9 except for any motorized landscape tools that:

10           (1) Have been tested according to of the American National  
11 Standards Institute B 175.2 standard for hand-held and  
12 backpack gasoline-engine-powered blowers; and  
13           (2) Have a sound level determined to be acceptable under  
14 rules adopted by the director of health.

15           (b) Effective July 1, 2009, no person may use within a one  
16 hundred yard radius of any residence of any other person a leaf  
17 blower or motorized landscape tool that has not been tested and



1 determined as having an acceptable sound level under subsection  
2 (a).

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

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

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

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

17 (a) Engages in fighting or threatening, or in violent or  
18 tumultuous behavior; or

19 (b) Makes unreasonable noise; or

20 (c) Subjects another person to offensively coarse behavior  
21 or abusive language which is likely to provoke a  
22 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 by operation of  
21 any motorized apparatus, including but not limited to mopeds,  
22 motorcycles, motorized skateboards, and leaf blowers or other



1 motorized landscape tools with a noise level that exceeds  
2 seventy-five decibels between the hours of 7:00 p.m. and 7:00  
3 a.m.

4 [~~3~~] (4) Disorderly conduct is a petty misdemeanor if it  
5 is the defendant's intention to cause substantial harm or  
6 serious inconvenience, or if the defendant persists in  
7 disorderly conduct after reasonable warning or request to  
8 desist[~~-~~]; provided that the fine for a person who commits  
9 disorderly conduct under subsection (3) shall be \$50. Otherwise  
10 disorderly conduct is a violation."

11 SECTION 3. There is appropriated out of the general  
12 revenues of the State of Hawaii the sum of \$100,000 or so much  
13 thereof as may be necessary for fiscal year 2008-2009 for the  
14 director of health to develop to implement a buyback program for  
15 replacement of noncompliant leaf blowers and other motorized  
16 landscape tools.

17 The sum appropriated shall be expended by the department of  
18 health for the purposes of this Act.

19 SECTION 4. Statutory material to be repealed is bracketed  
20 and stricken. New statutory material is underscored.



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

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INTRODUCED BY:

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**Report Title:**

Noise; Leaf Blowers; Motorized Landscape Tools

**Description:**

Prohibits the sale of leaf blowers and other motorized landscape tools with untested sound levels. Appropriates funds for the director of health to establish a buyback program for noncompliant tools. Expands disorderly conduct to include noise from motorized apparatuses.

