



GOV. MSG. NO. 698

EXECUTIVE CHAMBERS

HONOLULU

LINDA LINGLE
GOVERNOR

July 7, 2010

The Honorable Colleen Hanabusa, President
and Members of the Senate
Twenty-Fifth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

Dear Madam President and Members of the Senate:

Re: Senate Bill No. 466 SD2 HD1 CD1

On July 6, 2010, Senate Bill No. 466, entitled "A Bill for an Act Relating to Pollution" became law without my signature, pursuant to Section 16 of Article III of the State Constitution.

The purpose of this bill is to ban the use of leaf blowers in or around residential areas except, between 8:00 a.m. to 6:00 p.m. on Mondays through Saturdays and 9:00 a.m. to 6:00 p.m. on Sundays and state or federal holidays. This bill also prohibits persons from operating a leaf blower in such a way that debris is deposited onto adjacent properties or public rights of way. The bill imposes a maximum fine of \$500 on violations. This ban does not apply to government entities operating leaf blowers and is effective July 1, 2010.

Although leaf blowers can be a nuisance, it is unfortunate that a specific type of landscaping equipment is being considered for regulation by law because neighbors cannot communicate with each other, or do not have the common courtesy to operate this equipment responsibly. Moreover, it is uncertain whether enforcement of this ban will be effective since leaf blowers are portable and citations cannot be issued without proof of violations.

However, the exceptions provided for in this ban still allow landscaping companies to operate during regular business hours and allows homeowners to do yard work on weekends and holidays.

The Honorable Colleen Hanabusa, President
and Members of the Senate
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For the foregoing reasons, I allowed Senate Bill No. 466 to become law as Act 206, effective July 6, 2010, without my signature.

Sincerely,



LINDA LINGLE

A BILL FOR AN ACT

RELATING TO POLLUTION.

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; restrictions. (a) In any urban
5 land use district, as designated pursuant to section 205-2, it
6 shall be unlawful for any person to operate a leaf blower within
7 a residential zone or within one hundred feet of a residential
8 zone in the State, except between the hours of 8:00 a.m. and
9 6:00 p.m. on any day except Sunday or a state or federal
10 holiday, and between the hours of 9:00 a.m. and 6:00 p.m. on
11 Sunday or any state or federal holiday.

12 (b) Violators shall be fined \$50 for the first violation,
13 \$100 for the second violation, \$200 for the third violation, and
14 \$500 for each subsequent violation.

15 (c) Government entities, and agents acting on behalf of
16 government entities, shall not be subject to this section.



1 (d) Any county may adopt a rule or ordinance that places
2 stricter limitations on the use of leaf blowers than are in this
3 section. In case of a conflict between the requirements or
4 limitations of this section and any county rule or ordinance
5 regarding the use of leaf blowers, the more restrictive
6 requirements shall apply.

7 (e) For the purposes of this section:

8 "Leaf blower" means any machine used to blow leaves, dirt,
9 or other debris off sidewalks, driveways, lawns, and other
10 surfaces.

11 "State holiday" means any day established as a state
12 holiday in section 8-1."

13 SECTION 2. Chapter 342H, Hawaii Revised Statutes, is
14 amended by adding a new section to be appropriately designated
15 and to read as follows:

16 **§342H- Leaf blower debris.** (a) It shall be unlawful
17 for any person to use or operate a leaf blower in such a manner
18 as to blow, dispel, or make airborne dust, leaves, grass
19 cuttings, paper, trash, or any other type of unattached debris
20 or material, beyond the boundaries of the parcel of property
21 being cleaned, unless the consent of the adjoining owner or
22 person in possession of the adjoining property is obtained.



1 (b) It shall be unlawful for any person to use or operate
2 a leaf blower in such a way as to blow leaves, dirt, and other
3 debris onto the public rights-of-way or onto private property
4 not owned, leased, or controlled by the leaf blower operator or
5 the employer or contractor of the leaf blower operator and to
6 allow the debris to remain there in excess of thirty minutes.

7 (c) For purposes of this section:

8 "Leaf blower" shall have the same meaning as defined in
9 section 342F- .

10 "Parcel" means a legal lot of record. Contiguous parcels
11 owned by the same individual or entity shall be considered one
12 parcel for purposes of this section."

13 SECTION 3. New statutory material is underscored.

14 SECTION 4. This Act shall take effect on July 1, 2010.

15

APPROVED this day of , 2010

GOVERNOR OF THE STATE OF HAWAII