

JAN 23 2009

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

3 "§711-1101 **Disorderly conduct.** (1) A person commits the  
4 offense of disorderly conduct if, with intent to cause physical  
5 inconvenience or alarm by a member or members of the public, or  
6 recklessly creating a risk thereof, the person:

7 (a) Engages in fighting or threatening, or in violent or  
8 tumultuous behavior; ~~[or]~~

9 (b) Makes unreasonable noise; ~~[or]~~

10 (c) Subjects another person to offensively coarse behavior  
11 or abusive language ~~[which]~~ that is likely to provoke  
12 a violent response; ~~[or]~~

13 (d) Creates a hazardous or physically offensive condition  
14 by any act ~~[which]~~ that is not performed under any  
15 authorized license or permit; or

16 (e) Impedes or obstructs, for the purpose of begging or  
17 soliciting ~~[alms]~~, any person in any public place or  
18 in any place open to the public.



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

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

13           (3) Noise shall be deemed unreasonable under subsection  
14 (1)(b) if a person knowingly produces noise by operating a leaf  
15 blower for any length of time between the hours of 8:00 p.m. and  
16 8:00 a.m., any day of the week. For the purposes of this  
17 subsection a "leaf blower" means a machine, consisting of a tube  
18 through which air is blown by a gas motor, used to move leaves  
19 or debris.

20           ~~[(3)]~~ (4) Disorderly conduct is a petty misdemeanor if it  
21 is the defendant's intention to cause substantial harm or  
22 serious inconvenience~~[7]~~ or if the defendant persists in



1 disorderly conduct after reasonable warning or request to  
2 desist. Otherwise disorderly conduct is a violation."

3 SECTION 2. This Act does not affect rights and duties that  
4 matured, penalties that were incurred, and proceedings that were  
5 begun, before its effective date.

6 SECTION 3. Statutory material to be repealed is bracketed  
7 and stricken. New statutory material is underscored.

8 SECTION 4. This Act shall take effect upon its approval.  
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INTRODUCED BY:

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**Report Title:**

Noise; Leaf Blowers

**Description:**

Prohibits as disorderly conduct the operation of a leaf blower between 8:00 p.m. and 8:00 a.m. on any day of the week.

