
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.

9

INTRODUCED BY:

Kal Rhode

JAN 21 2009



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.

