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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 yard  
15 equipment for any length of time between the hours of 8:00 p.m.  
16 and 8:00 a.m., any day of the week. For the purposes of this  
17 subsection "yard equipment" means a:

18           (a) Leaf blower, which is a gasoline or electric powered  
19 tool that propels air out of a nozzle commonly used to  
20 move leaves or debris, and includes leaf blower vacuum  
21 units that act like a vacuum cleaner by sucking in



1           leaves or debris through the nozzle, to be deposited  
2           into an attached disposal bag;

3        (b) Lawn mower, which is a gasoline or electric powered  
4        yard tool that has one or more revolving blades  
5        intended to cut a lawn or grass at an even length;

6        (c) Weed whacker, which is a gasoline or electric powered  
7        yard tool that uses either a:

8           (A) Flexible monofilament line (also known as a  
9           string or line trimmer); or

10          (B) Revolving metal cutting blade  
11          intended to cut or trim grass and other vegetation;  
12          and

13          (d) A chainsaw, which is a gasoline or electric powered  
14          saw having a fast revolving chain of metal teeth  
15          commonly used to cut trees and branches.

16    ~~(3)~~ (4) Disorderly conduct is a petty misdemeanor if it is the  
17    defendant's intention to cause substantial harm or serious  
18    inconvenience~~(7)~~ or if the defendant persists in disorderly  
19    conduct after reasonable warning or request to desist.  
20    Otherwise disorderly conduct is a violation."



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

4           SECTION 3. Statutory material to be repealed is bracketed  
5 and stricken. New statutory material is underscored.

6           SECTION 4. This Act shall take effect upon its approval.



**Report Title:**

Noise; Yard Equipment

**Description:**

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

