

---

---

# A BILL FOR AN ACT

RELATING TO NOISE.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. Chapter 663, Hawaii Revised Statutes, is  
2 amended by adding a new section to be appropriately designated  
3 and to read as follows:

4           "§663-       Noise; private nuisance; relief. (a) A person  
5 who alleges the existence of a private nuisance due to excessive  
6 noise may bring a civil action for appropriate injunctive  
7 relief, actual damages, or both. A civil action for actual  
8 damages must be brought within two years after the occurrence of  
9 the alleged private nuisance.

10           (b) An action commenced pursuant to subsection (a) may be  
11 brought in the circuit court for the circuit where the alleged  
12 violation occurred, where the complainant resides, or where the  
13 person against whom the civil complaint is filed resides or has  
14 a principal place of business.

15           (c) For purposes of this section:

16           "Damages" means damages for injury or loss caused by  
17 excessive noise or vibration.



1       "Excessive noise" means any noise that exceeds those noise  
2 levels permissible under applicable state law or rule or county  
3 ordinance.

4       "Nuisance" means any interference with reasonable use and  
5 enjoyment of property and includes all claims that meet the  
6 requirements of this definition regardless of whether a  
7 complainant designates the claims as brought in nuisance,  
8 negligence, trespass, or any other claim under law or equity.

9       (d) Nothing in this section shall in any way restrict or  
10 impede the authority of the State or the counties to protect the  
11 public health, safety, and welfare."

12       SECTION 2. Section 342F-12, Hawaii Revised Statutes, is  
13 amended to read as follows:

14       "**§342F-12 Injunctive and other relief.** (a) The director  
15 may institute a civil action in any court of competent  
16 jurisdiction for injunctive and other relief to prevent any  
17 violation of this chapter, any rule adopted pursuant to this  
18 chapter, or any condition of a permit or variance issued  
19 pursuant to this chapter, without the necessity of a prior  
20 revocation of the permit or variance, to impose and collect  
21 civil penalties, to collect administrative penalties, or to



1 obtain other relief. The court shall have power to grant relief  
2 in accordance with the Hawaii rules of civil procedure.

3 (b) Nothing in this chapter shall be construed to preclude  
4 a private action pursuant to section 663- ."

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

8 SECTION 4. New statutory material is underscored.

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



**Report Title:**

Noise; Private Nuisance

**Description:**

Authorizes injunctive relief and damages for private nuisance due to excessive noise. (HB37 HD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

