

STAND. COM. REP. NO.

718

Honolulu, Hawaii  
**REMAN 28**, 2013

RE: H.B. No. 37  
H.D. 1

Honorable Joseph M. Souki  
Speaker, House of Representatives  
Twenty-Seventh State Legislature  
Regular Session of 2013  
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 37 entitled:

"A BILL FOR AN ACT RELATING TO NOISE,"

begs leave to report as follows:

The purpose of this measure is to allow private individuals to bring a civil action for injunctive relief or damages arising from an alleged private nuisance due to excessive noise.

The Puna Pono Alliance and several concerned individuals testified in support of this measure. The Hawaii Insurers Council; Alexander & Baldwin, Inc.; General Contractors Association of Hawaii; and Building Industry Association-Hawaii testified in opposition to this measure. The Department of the Attorney General and City and County of Honolulu provided comments.

Your Committee has amended this measure by:

- (1) Clarifying that the two-year statute of limitations applies only to civil actions for actual damages brought due to the occurrence of an alleged private nuisance;
- (2) Removing reasonable attorney fees from damages that may be awarded;



- (3) Amending the definition of "excessive noise" to mean any noise that exceeds noise levels permissible under applicable state law or rule or county ordinance;
- (4) Deleting language permitting an action to be brought without a determination of excessive noise by the Department of Health;
- (5) Specifying that the ability of private individuals to bring a cause of action will not restrict or impede the authority of the counties to protect the public health, safety, and welfare; and
- (6) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 37, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 37, H.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary,



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KARL RHOADS, Chair



