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# A BILL FOR AN ACT

RELATING TO NOISE POLLUTION.

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

1           SECTION 1. The legislature finds that noise control is a  
2 serious issue for residents and businesses that must coexist  
3 closely in our State's urban areas. The United States  
4 Environmental Protection Agency, which regulates certain noise  
5 sources, has observed that millions of people nationwide are  
6 negatively affected by noise and that studies show a direct link  
7 between excessive noise and health issues, such as stress-  
8 related illnesses, high blood pressure, speech interference,  
9 hearing loss, sleep disruption, and lost productivity.

10           The legislature also finds that quality of life can be  
11 enhanced through improved monitoring and enforcement of  
12 applicable noise regulations. However, enforcement of noise  
13 controls has been challenging for various reasons. The State's  
14 noise pollution law prohibits, with certain exceptions, any  
15 person from engaging in activity that produces excessive noise  
16 without first securing written approval from the director of  
17 health. Existing law also requires the department of health to



1 adopt rules for community noise control. However, due to lack  
2 of resources, including the number of inspectors to enforce the  
3 regulation, the community noise control rules adopted by the  
4 department of health only apply to stationary mechanical noise  
5 sources and equipment related to agricultural, construction, and  
6 industrial activity. Therefore, the department's noise control  
7 enforcement activities are primarily focused on noise emitted  
8 from these noise sources and equipment.

9 The legislature further finds that in 2021, the Honolulu  
10 city council passed a bill to regulate amplified sound from  
11 public sidewalks in the Waikiki special district that was  
12 subsequently vetoed by the mayor. The legislature notes that  
13 during the city council's hearing process, the Honolulu police  
14 department and the department of the prosecuting attorney for  
15 the city and county raised concerns over the bill, including the  
16 lack of sound monitoring devices to enforce the measure.

17 Accordingly, the purpose of this Act is to protect the  
18 health and improve the quality of life of residents who must  
19 coexist closely in the State's urban areas, by:

20 (1) Establishing that a person's conduct that produces, or  
21 causes to be produced, noise exceeding a certain level



1           during the hours between 10:00 p.m. and 6:00 a.m. in  
2           any area zoned as residential or mixed-use  
3           residential, as unreasonable noise that constitutes  
4           the offense of disorderly conduct; and

5           (2) Appropriating funds for enforcement.

6           SECTION 2. Section 711-1101, Hawaii Revised Statutes, is  
7           amended by amending subsection (2) to read as follows:

8           "(2) Noise is unreasonable, within the meaning of  
9           subsection (1)(b), if considering the nature and purpose of the  
10          person's conduct and the circumstances known to the person,  
11          including the nature of the location and the time of the day or  
12          night [~~the~~]:

13          (a) The person's conduct involves a gross deviation from  
14          the standard of conduct that a law-abiding citizen  
15          would follow in the same situation;

16          (b) The person's conduct produces, or causes to be  
17          produced, noise exceeding eighty dBA as measured with  
18          a calibrated sound level meter by a certified  
19          individual, at thirty feet from the source of the  
20          offending sound during the hours between 10:00 p.m.



1           and 6:00 a.m. in any area zoned as residential or  
2           mixed-use residential; or [the failure]

3           (c) The person fails to heed the admonition of a police  
4           officer that the noise is unreasonable and should be  
5           stopped or reduced.

6           The renter, resident, or owner-occupant of the premises who  
7           knowingly or negligently consents to unreasonable noise on the  
8           premises shall be guilty of a noise violation."

9           SECTION 3. There is appropriated out of the general  
10          revenues of the State of Hawaii the sum of \$                or so  
11          much thereof as may be necessary for fiscal year 2023-2024 and  
12          the same sum or so much thereof as may be necessary for fiscal  
13          year 2024-2025 to enforce section 711-1101(2)(b), Hawaii Revised  
14          Statutes, pursuant to section 2 of this Act, including funding  
15          for:

- 16          (1) The establishment of one full-time equivalent (1.0
- 17                FTE) position within the department of health for
- 18                costs related to provide training to law enforcement
- 19                officers in all counties in the proper use of decibel
- 20                meters; and



1           (2) The purchase of decibel meters to be supplied to the  
2           counties to assist in their enforcement of the decibel  
3           limits.

4           The sums appropriated shall be expended by the department  
5 of health for the purposes of this Act.

6           SECTION 4. If any provision of this Act, or the  
7 application thereof to any person or circumstance, is held  
8 invalid, the invalidity does not affect other provisions or  
9 applications of the Act that can be given effect without the  
10 invalid provision or application, and to this end the provisions  
11 of this Act are severable.

12          SECTION 5. Statutory material to be repealed is bracketed  
13 and stricken. New statutory material is underscored.

14          SECTION 6. This Act shall take effect on December 31,  
15 2050.



**Report Title:**

Excessive Noise Control; Mixed-Use or Residential Areas;  
Counties; Department of Health; Appropriation

**Description:**

Establishes a person's conduct that produces, or causes to be produced, noise exceeding a certain decibel level during night time hours in any area zoned as residential or mixed-use residential as unreasonable noise that constitutes the offense of disorderly conduct. Appropriates funds for enforcement. Effective 12/31/2050. (SD2)

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

