
A BILL FOR AN ACT

RELATING TO NOISE POLLUTION.

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

1 SECTION 1. Chapter 342F, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§342F- Helicopters; public nuisance; noise pollution;
5 private right of action. (a) Any helicopter that generates a
6 sound level of more than _____ decibels for bass sound,
7 measured using the dBC weighting system, from a complainant's
8 site at ground level, shall constitute a public nuisance and a
9 source of noise pollution in violation of this chapter.

10 (b) The department may accept decibel readings gathered by
11 complainants as evidence of a violation of this chapter.

12 (c) Any owner or operator of a helicopter in violation of
13 this section shall be subject to a fine of no less than \$5,000
14 for the first offense and \$10,000 for each subsequent offense.

15 (d) Any person who is aggrieved by a violation of this
16 section shall have a private right of action and may bring a
17 civil action against the owner or operator of the helicopter in



1 the district court of the district in which the violation
2 occurred to enjoin further violations and to recover three times
3 the person's actual damages, or \$1,000, for each violation,
4 whichever sum is greater. A person bringing an action pursuant
5 to this subsection shall also be entitled to recover the costs
6 of the suit, including reasonable attorney's fees.

7 (e) This section shall not apply to violations of this
8 section:

9 (1) By any helicopter:

10 (A) Owned or operated by a government agency or
11 organization; or

12 (B) Used to supply emergency services such as
13 emergency aeromedical services or search and
14 rescue services; or

15 (2) That occur within a _____ mile radius of an
16 airport."

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

20 SECTION 3. New statutory material is underscored.



1 SECTION 4. This Act shall take effect on June 30, 3000.



Report Title:

Helicopters; Noise Pollution; Public Nuisance; Fines; Private
Right of Action

Description:

Establishes noise generated by helicopters in excess of a
certain decibel level as a public nuisance and a source of noise
pollution in violation of the State's noise pollution law.
Establishes fines and a private right of action for individuals
to sue helicopter owners and operators for creating a public
nuisance. Effective 6/30/3000. (HD1)

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not legislation or evidence of legislative intent.*

