
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 loud
15 motorized equipment, including lawn mowers, leaf blowers, or
16 other gardening, grounds, or maintenance equipment, for any
17 length of time between the hours of 7:00 p.m. and 7:00 a.m., any
18 day of the week. For purposes of this subsection, motorized
19 equipment is loud if its noise levels exceed one hundred twenty
20 decibels ("a" scale) when measured at the operator's ear.

21 ~~[(3)]~~ (4) Disorderly conduct is a petty misdemeanor if it
22 is the defendant's intention to cause substantial harm or



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1 serious inconvenience[7] or if the defendant persists in
2 disorderly conduct after reasonable warning or request to
3 desist. Otherwise disorderly conduct is a violation."

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

7 SECTION 3. Statutory material to be repealed is bracketed
8 and stricken. New statutory material is underscored.

9 SECTION 4. This Act shall take effect on July 1, 2007.

10

INTRODUCED BY: *PEU.5*

JAN 19 2007



Report Title:

Noise

Description:

Prohibits as disorderly conduct the operation of motorized equipment with noise levels exceeding 120 decibels, including lawn mowers, leaf blowers, and other grounds maintenance equipment, between 7:00 p.m. and 7:00 a.m., any day of the week.

