
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
14 \$ _____ for the first offense and \$ _____ for each
15 subsequent offense.

16 (d) Any person who is aggrieved by a violation of this
17 section shall have a private right of action and may bring a



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

9 (e) This section shall not apply to violations of this
 10 section:

- 11 (1) By any helicopter:
 - 12 (A) Owned or operated by a government agency or
 - 13 organization; or
 - 14 (B) Used to supply emergency services such as
 - 15 emergency aeromedical services or search and
 - 16 rescue services; and
- 17 (2) That occur within a _____ mile radius of an
- 18 airport."

19 SECTION 2. New statutory material is underscored.

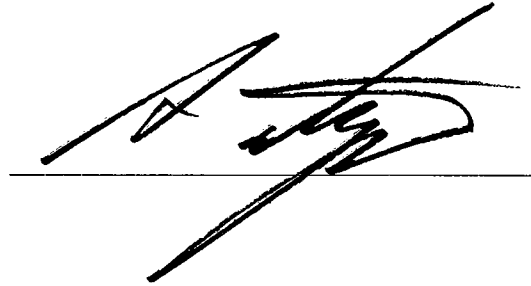
20 SECTION 3. This Act shall take effect on July 1, 2022.

21



H.B. NO. 1963

INTRODUCED BY:

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JAN 24 2022



H.B. NO. 1963

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 constitutes 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 committing a public nuisance.

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

