
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 the 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 enforcement inspectors,
3 the community noise control rules adopted by the department of
4 health only apply to stationary mechanical noise sources and
5 equipment related to agricultural, construction, and industrial
6 activity. Therefore, the department's noise control enforcement
7 activities are primarily focused on noise emitted from these
8 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 night time hours in any area zoned as
2 residential or mixed-use residential is unreasonable
3 noise that constitutes the offense of disorderly
4 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 9:00 p.m. and



1 6:00 a.m. in any area zoned as residential or mixed-
2 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 the requirements of this Act,
14 including funding for:

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



1 (2) The purchase of sound level meters to be supplied to
2 the counties to assist in their enforcement of the
3 decibel 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 June 30, 3000.



Report Title:

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

Description:

Establishes that 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 is an unreasonable noise that constitutes the offense of disorderly conduct. Appropriates funds for enforcement. Effective 6/30/3000. (HD2)

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