

JAN 20 2023

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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. 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; exceptions. (a) Any helicopter that  
6 generates a sound level of more than           decibels for bass  
7 sound, measured using the dBC weighting system, from a  
8 complainant's site at ground level, shall constitute a public  
9 nuisance and a source of noise pollution in violation of this  
10 chapter.

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

13           (c) Any owner or operator of a helicopter in violation of  
14 this section shall be subject to a fine of not less than  
15 \$                   for the first offense and not less than  
16 \$                   for each subsequent offense.



1        (d) Any person who is aggrieved by a violation of this  
2 section shall have a private right of action and may bring a  
3 civil action against the owner or operator of the helicopter in  
4 the district court of the district in which the violation  
5 occurred to enjoin further violations and to recover        times  
6 the person's actual damages or \$        for each violation,  
7 whichever sum is greater. A person bringing an action pursuant  
8 to this subsection shall also be entitled to recover the costs  
9 of the suit, including reasonable attorney's fees.

10        (e) This section shall not apply to:

11        (1) 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) Decibel readings taken at any ground-level site  
18        located within a        -mile radius of an airport."

19        SECTION 2. New statutory material is underscored.



# S.B. NO. 969

1 SECTION 3. This Act shall take effect on July 1, 2023.

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INTRODUCED BY: 



# S.B. NO. 969

**Report Title:**

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

**Description:**

Establishes that 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. Establishes exceptions.

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

