

ACT 57

S.B. NO. 737

A Bill for an Act Relating to Noise.

*Be It Enacted by the Legislature of the State of Hawaii:*

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

**“§342F- Projects exempt from noise permit requirements.** (a) Except as provided in subsection (b), any construction project:

- (1) For a dwelling; or
- (2) With a total cost of less than \$250,000 based on the value of the project listed on the building permit,

shall be exempt from the noise permit requirements of section 342F-4; provided that written notification of the intent to construct shall be submitted to the department by the person responsible for the construction project. The notification shall include information concerning the person responsible for the construction project, type of construction, location, and estimated duration of the construction project. The notification also shall include an acknowledgement that the construction project shall be subject to operational times and a maximum noise level of seventy-eight decibels when measured at any point at or beyond the property line of the construction premises.

(b) The exemption in subsection (a) shall not apply to any construction project which:

- (1) Emits noise in excess of the maximum permissible sound levels established under the state community noise code adopted by the department which occur:
  - (A) Before 7:00 a.m. and after 6:00 p.m. on Monday to Friday;
  - (B) Before 9:00 a.m. and after 6:00 p.m. on Saturday; and
  - (C) On Sunday and holidays;
 or

(2) Uses hoe-rams or pile drivers; provided that subsection (a) shall not apply to a construction project that emits noise exceeding seventy-eight decibels, regardless of the time of occurrence of the noise.

(c) Violation of this section shall be subject to a fine not exceeding \$100 per violation; provided that each day of a violation shall constitute a separate offense; and provided further that a violation exceeding five days shall be subject to the penalties under section 342F-9(b).

(d) As used in this section:

“Construction” means any or all activities including those activities necessary or incidental to the erection, demolition, renovation, or alteration of buildings.

“Dwelling” means a room or rooms connected together constituting an independent housekeeping unit for an individual or a family, and containing facilities for bathing, cooking, or both.

“Notification” means a formal notice to the department of the intent to construct a project exempt from noise permit requirements under subsection (a).

**§342F- Fees for notification.** The director may establish reasonable fees for notifications and to cover the cost of implementation, recordkeeping, and any necessary inspections to ascertain compliance with the provisions of the state community noise rules.”

SECTION 2. New statutory material is underscored.<sup>1</sup>

SECTION 3. This Act shall take effect upon its approval.

(Approved May 13, 1999.)

**Note**

1. Edited pursuant to HRS §23G-16.5.