

ACT 25

S.B. NO. 605

A Bill for an Act Relating to Noise.

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

SECTION 1. The department of health currently uses the dBA weighting system to measure noise. The dBA system measures sound in decibels (dB) using the "A weighted" measurement, dBA, such that sound levels measured in dBA correspond to what the human ear hears. An alternative dBC weighting system also measures sound levels but includes measurement of the lower frequencies that cause physical objects such as windows and walls to vibrate. Despite these tangible effects, however, because these lower frequency sound waves are not perceived by the human ear as measured by the dBA weighting system, the sound levels generated do not currently constitute a violation of the community noise control law.

The purpose of this Act is to:

- (1) Require the department of health to add the dBC decibel weighting system to the current dBA decibel weighting system for community noise control;
- (2) Require the department of health to adopt a range of fifty to sixty decibels (using the dBC weighting system) as the maximum sound level permissible at nighttime in any urban land use district, as designated pursuant to section 205-2 Hawaii Revised Statutes; and
- (3) Direct the county liquor commissions, with the assistance of the department of health and the department of labor and industrial relations, to develop recommendations for a permanent maximum sound level, in decibels.

SECTION 2. The county liquor commissions, with the assistance of the department of health and the department of labor and industrial relations, shall develop recommendations for a permanent maximum sound level, in decibels, for liquor establishments licensed under chapter 281, Hawaii Revised Statutes, by no later than twenty days prior to the convening of the 2010 regular session. The recommendations shall address the following:

- (1) Protection of hearing of employees and patrons of the liquor establishment; and
- (2) Protection of hearing of residents whose homes are adjacent to or abut the liquor establishment, including noise levels resulting from early morning trash and bottle disposal.

SECTION 3. Chapter 342F, Hawaii Revised Statutes, is amended by adding a new section to part II to be appropriately designated and to read as follows:

“§342F- Noise measurement; rules. (a) The department shall adopt rules in accordance with chapter 91 that shall use both the dBC and the dBA sound level measurement systems for community noise control. The department and the county liquor commissions may enforce nighttime noise levels in any urban land use district measured from over fifty to sixty decibels, measured using the dBC weighting system, in certain areas they deem appropriate and not adversely affecting public health and safety.

(b) In any urban land use district, a sound level of more than sixty decibels for bass sound (using the dBC weighting system), measured at a complainant's

site, shall be deemed to exceed the maximum permissible sound at nighttime; provided that, where the complainant's site is within or in close proximity to an area zoned mixed-use or residential, the maximum permissible sound at nighttime shall be fifty decibels dBC.

(c) For purposes of this section:

"Nighttime" means the time between the hours of 10:00 p.m. and 7:00 a.m.; and

"Urban land use district" means property designated as such pursuant to section 205-2."

SECTION 4. Section 342F-1, Hawaii Revised Statutes, is amended by adding three new definitions to be appropriately inserted and to read as follows:

"dBA" means the A-weighted sound level or unit of measurement describing the total sound level of all noises as measured with a sound level meter using the "A" weighting network.

"dBC" means the C-weighted sound level or unit of measurement describing the total sound level of all noises as measured with a sound level meter using the "C" weighting network.

"Decibel" means the unit for measuring the volume of sound, equal to twenty times the logarithm to the base ten of the ratio of the pressure of the sound measured to the reference pressure, which is twenty micropascals (0.0002 dynes per square centimeter)."

SECTION 5. New statutory material is underscored.¹

SECTION 6. This Act shall take effect upon approval.

(Vetoed by Governor and veto overridden by Legislature on July 15, 2009.)

Note

1. Edited pursuant to HRS §23G-16.5.