
A BILL FOR AN ACT

RELATING TO NOISE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that the method of
2 measuring noise used by the department of health is the dBA
3 weighting system. The dBA system measures sound in decibels
4 (dB) using the "A weighted" measurement, dBA, such that sound
5 levels measured in dBA correspond to what the human ear hears.
6 An alternative dBC weighting system also measures sound levels
7 but includes measurement of the lower frequencies that cause
8 physical objects such as windows and walls to vibrate. Because
9 these lower frequency sound waves are not perceived by the human
10 ear as measured by the dBA weighting system, even though they
11 are physically felt through strong vibrations, the sound levels
12 generated do not currently constitute a violation of the
13 community noise control law.

14 The purpose of this Act is to:

15 (1) Require the department of health to add the dBC
16 decibel weighting system to the current dBA decibel
17 weighting system for purposes of community noise
18 control;

1 (2) Require the department of health to adopt a range of
2 fifty to sixty decibels (using the dBC weighting
3 system) as the maximum sound level permissible at
4 nighttime; and

5 (3) Direct the county liquor commissions, with the
6 assistance of the department of health and the
7 department of labor and industrial relations, to
8 develop recommendations for a permanent maximum sound
9 level, in decibels.

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

18 (1) Protection of hearing of employees and patrons of the
19 liquor establishment; and

20 (2) Protection of hearing of residents whose homes are
21 adjacent to or abut the liquor establishment,

1 including noise levels resulting from early morning
2 trash and bottle disposal.

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

6 "§342F- Noise measurement; rules. (a) The department
7 shall adopt rules in accordance with chapter 91 that shall use
8 both the dBC and the dBA sound level measurement systems for
9 purposes of community noise control. The department and the
10 county liquor commissions shall have the discretion to either
11 enforce or allow nighttime noise levels measured between fifty
12 but not more than sixty decibels measured using the dBC
13 weighting system in certain areas it deems appropriate and not
14 adversely affecting public health and safety.

15 (b) For purposes of the maximum permissible sound level, a
16 sound level of more than sixty decibels for bass sound (using
17 the dBC weighting system), measured at a complainant's site,
18 shall be deemed to exceed the maximum permissible sound at
19 nighttime; provided that, where the complainant's site is in
20 close proximity to an area zoned mixed-use or residential, the
21 maximum permissible sound at nighttime shall be fifty decibels
22 dBC."

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

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

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

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

17 SECTION 5. New statutory material is underscored.

18 SECTION 6. This Act shall take effect upon its approval.

Report Title:

Noise; Decibel Weighting

Description:

Requires the department of health to add the dBC decibel weighting system to the current dBA decibel weighting system for purposes of community noise control. Sets permissible maximum sound levels for nighttime and grants the DOH and the county liquor commission the authority to enforce these limits. Directs DOH, DLIR, and the county liquor commission to develop recommendations for a permanent maximum sound level, in decibels. (SD1)