
A BILL FOR AN ACT

RELATING TO FIREWORKS.

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

1 SECTION 1. Section 132D-5, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§132D-5 General prohibitions.** (a) It shall be unlawful
4 for any person without a permit to:

5 (1) Remove or extract the pyrotechnic contents from any
6 fireworks;

7 (2) Throw any ignited fireworks from a moving vehicle; or

8 (3) Set off, ignite, discharge, or otherwise cause to
9 explode any fireworks:

10 (A) At any time not within the periods for use
11 prescribed in section 132D-3, unless permitted
12 pursuant to section 132D-10;

13 (B) Within one thousand feet from any operating
14 hospital, convalescent home, home for the
15 elderly, or animal hospital;

16 (C) In any school building, or on any school grounds
17 and yards without first obtaining authorization
18 from appropriate school officials;



1 (D) On any highway, alley, street, sidewalk, or other
2 public way; in any park; within fifty feet from a
3 canefield; or within one thousand feet from any
4 building used for public worship during the
5 periods when services are held; except as may be
6 permitted pursuant to section 132D-10; and

7 (E) Within five hundred feet from any hotel.

8 (b) It shall be unlawful to purchase consumer fireworks
9 more than five calendar days before the time periods for
10 permissible use under section 132D-3.

11 (c) It shall be unlawful to sell consumer fireworks after
12 12:01 a.m. on New Year's Day, 6:00 p.m. on Chinese New Year's
13 Day, and 8:00 p.m. on the Fourth of July.

14 (d) It shall be unlawful to openly possess any consumer
15 fireworks, regardless of whether a permit is required to
16 purchase or ignite the consumer fireworks, other than during the
17 periods for use prescribed in section 132D-3. For purposes of
18 this subsection, "openly possess" means to possess consumer
19 fireworks, in an open area outside of a structure, that have
20 been removed from the package in which they were sold, and that
21 are ready to ignite."



1 SECTION 2. Section 132D-14, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

3 "(a) Any person:

4 (1) Importing aerial devices, display fireworks, or
5 articles pyrotechnic without having a valid license
6 under section 132D-7 shall be guilty of a class C
7 felony;

8 (2) Purchasing, possessing, setting off, igniting, or
9 discharging aerial devices, display fireworks, or
10 articles pyrotechnic without a valid permit under
11 sections 132D-10 and 132D-16, or storing, selling, or
12 possessing aerial devices, display fireworks, or
13 articles pyrotechnic without a valid license under
14 section 132D-7:

15 (A) If the total weight of the aerial devices,
16 display fireworks, or articles pyrotechnic is
17 twenty-five pounds or more, shall be guilty of a
18 class C felony; or

19 (B) If the total weight of the aerial devices,
20 display fireworks, or articles pyrotechnic is
21 less than twenty-five pounds, shall be guilty of
22 a misdemeanor;



1 (3) Who transfers or sells aerial devices, display
 2 fireworks, or articles pyrotechnic to a person who
 3 does not have a valid permit under sections 132D-10
 4 and 132D-16, shall be guilty of a class C felony;
 5 [and]

6 (4) Who removes or extracts the pyrotechnic contents from
 7 any fireworks or articles pyrotechnic and uses the
 8 contents to construct fireworks, articles pyrotechnic,
 9 or a fireworks or articles pyrotechnic related device
 10 shall be guilty of a misdemeanor[-]; and

11 (5) Who openly possesses consumer fireworks in violation
 12 of section 132D-5(d) shall be guilty of a petty
 13 misdemeanor."

14 SECTION 3. This Act does not affect rights and duties that
 15 matured, penalties that were incurred, and proceedings that were
 16 begun, before its effective date.

17 SECTION 4. Statutory material to be repealed is bracketed
 18 and stricken. New statutory material is underscored.

19 SECTION 5. This Act shall take effect upon its approval.

20

INTRODUCED BY:



JAN 21 2008



Report Title:

Fireworks; Prohibited Possession

Description:

Prohibits open possession of consumer fireworks other than during the days and times authorized by law.

