



STATE OF HAWAII  
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS  
State Fire Council  
830 Punchbowl Street  
Honolulu, Hawaii 96813

February 21, 2008

The Honorable Brian T. Taniguchi, Chair  
Committee on Judiciary and Labor  
The State Senate  
State Capitol, Room 219  
Honolulu, Hawaii 96813

Dear Chair Taniguchi:

Subject: S.B. 2554, S.D. 1 Relating to Fireworks.

I am Kenneth G. Silva, Chair of the State Fire Council (SFC) and Fire Chief of the Honolulu Fire Department (HFD). The SFC and the HFD support S.B. 2554, S.D. 1, which amends the definition of display fireworks; clarifies that fireworks may not be used within 500 feet of a hotel, unless permitted; and clarifies that minors are prohibited from selling fireworks. The SFC and the HFD recommend the following revisions:

Section 132D-5 General prohibitions.

- (a) It shall be unlawful for any person without a permit issued under section 132D-10 by a county fire department to:
- (1) Remove or extract the pyrotechnic contents from any fireworks;
  - (2) Throw any ignited fireworks
    - (A) [f]From, at, or into a [moving] vehicle; or
    - (B) At a person or animal; or
    - (C) From above the first floor of any building; or

- (3) Set off, ignite, discharge, or otherwise cause to explode any fireworks:
- (A) Above the first floor of any building;
  - (B) In any vehicle;
  - (A)C At any time not within the periods for use prescribed in section 132D-3[, unless permitted pursuant to section 132D-10];
  - (B)D Within one thousand feet [from] of any operating hospital, licensed convalescent home, licensed home for the elderly, zoo, licensed animal shelter, or licensed animal hospital;
  - (C)E In any school building, or on any school grounds and yards without first obtaining authorization from appropriate school officials;
  - (D)E On any highway, alley, street, sidewalk, or other public way; in any park; on any public beach; in any officially designated forests or wildlife preserves; within fifty feet from a canefield; or within one thousand feet from any building used for public worship during the periods when services are held; [except as may be permitted pursuant to section 132D-10;] and
  - (E)G Within five hundred feet [from] of any hotel.
- (b) It shall be unlawful to purchase consumer fireworks more than five calendar days before the time periods for permissible use under section 132D-3.
- (c) It shall be unlawful to sell consumer fireworks after 12:01 a.m. on New Year's Day, 6:00 p.m. on Chinese New Year's Day, and 8:00 p.m. on the Fourth of July.

Section 132D-10 Permits. A permit shall be required for the purchase and use of:

- (1) Any consumer fireworks commonly known as firecrackers upon payment of a fee of \$25; and

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- (2) Any consumer fireworks for the purposes of section 132D-5 or for cultural uses that occur at any time other than during the periods prescribed in section 132D-3(1) upon a payment of a fee of \$ 25; and
- (3) Any aerial devices, display fireworks, or articles pyrotechnic for the purposes of section 132D-16 upon payment of a fee of \$110.

S.B. 2554, S.D. 1, as revised, would greatly assist in the enforcement and regulation of the fireworks control law.

The SFC and the HFD request your committee's support on the passage of S.B. 2554, S.D.1 with the recommended revisions.

Should you have any questions, please call SFC Legislative Liaison Lloyd Rogers at 723-7171.

Sincerely,



KENNETH G. SILVA  
Chair

KGS/LR:cn



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February 22, 2008

To: Senate Committee on Judiciary and Labor  
Senator Brian T. Taniguchi, Chair  
Senator Clayton Hee, Vice Chair

By: Richard C. Botti, Pres. Or Lauren Zirbel, Gov't Relations

Re: SB 2554, SD1 RELATAING TO FIREWORKS

Chairs & Committee Members:

Proposed amendments to SB 2554 as well as its companion bill HB 2436 relative to the same subject have been in a work in progress mode for the past several weeks between LISH and the State Fire Council. We are pleased to report that we have agreement on the following proposed amendments that we believe will make the measure more workable, for everyone involved:

**§132D-5 General prohibitions.** (a) It shall be unlawful for any person without a permit issued under 132D-10 by a county fire department to:

- (1) Remove or extract the pyrotechnic contents from any fireworks;
- (2) Throw any ignited fireworks (A) [f]From, at or into a [moving] vehicle; or (B) At a person or animal; or (C) From above the first floor of any building; or
- (3) Set off, ignite, discharge, or otherwise cause to explode any fireworks: (A) Above the first floor of any building; (B) In any vehicle;
  - ([A]C) At any time not within the periods for use prescribed in section 132D-3[, unless permitted pursuant to section 132D-10];
  - ([B]D) Within one thousand feet [from] of any operating hospital, licensed convalescent home, licensed home for the elderly, zoo, licensed animal shelter, or licensed animal hospital;
  - ([C]E) In any school building, or on any school grounds and yards without first obtaining authorization from appropriate school officials;
  - ([D]F) On any highway, alley, street, sidewalk, or other public way; in any park; on any public beach; in any officially designated forests or wildlife preserves; within fifty feet from a canefield; or within one thousand feet from any building used for public worship during the periods when services are held; [except as may be permitted pursuant to section 132D-10;] and
  - ([E]G) Within five hundred feet [from] of any hotel.

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

- (c) It shall be unlawful to sell consumer fireworks after 12:01 a.m. on New Year's Day, 6:00 p.m. on Chinese New Year's Day, and 8:00 p.m. on the Fourth of July. [L 1994, c 180, pt of §1; am L 2006, c 183, §6]

**§132D-10 Permits.** A permit shall be required for the purchase and use of:

- (1) Any consumer fireworks commonly known as firecrackers upon payment of a fee of \$25; and
- (2) Any consumer fireworks for the purposes of section 132D-5 or for cultural uses that occur at any time other than during the periods prescribed in section 132D-3(1) upon a payment of a fee of \$ 25; and
- (3) Any aerial devices, display fireworks, or articles pyrotechnic for the purposes of section 132D-16 upon payment of a fee of \$110.

**LATE**

Senator Brian Taniguchi, chair  
Committee on Judiciary and Labor  
Decision making date: Friday, February 22, 2008

Fetu Kolio  
1235 Pua Lane, Apt. 34D  
Hon., Hi 96817

Re: SB 2063 and SB2554, SD1

I serve on the Kalihi-Palama Neighborhood Board No. 15 and strongly hope that you pass both these bills.