
A BILL FOR AN ACT

RELATING TO FIREWORKS.

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

1 SECTION 1. Chapter 132D, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§132D- Private and public property; liability. (a)
5 Ownership of private property on which a violation requiring a
6 license or permit under this chapter occurs shall be prima facie
7 evidence that the owner is guilty of the violation.

8 (b) When a violation of this chapter occurs on public
9 property, it shall be prima facie evidence that any person who
10 is within ten feet of the violation during its commission, is
11 guilty of the violation."

12 SECTION 2. Section 132D-7, Hawaii Revised Statutes, is
13 amended to read as follows:

14 "§132D-7 License or permit required. A person shall not:

15 (1) Import, store, offer to sell, or sell, at wholesale or
16 retail, aerial devices, display fireworks, articles
17 pyrotechnic, or consumer fireworks unless the person
18 has a valid license issued by the county; provided



1 that no person shall conduct business under this
2 paragraph from any temporary structure, such as a tent
3 or other structure that is not permanent and that
4 lacks a United States Postal Service mailing address;
5 or

- 6 (2) Possess aerial devices, display fireworks, or articles
7 pyrotechnic without a valid license to import, store,
8 or sell aerial devices, display fireworks, or articles
9 pyrotechnic, or a valid display permit as provided for
10 in this chapter."

11 SECTION 3. Section 132D-14, Hawaii Revised Statutes, is
12 amended by amending subsection (a) to read as follows:

13 "§132D-14 Penalty. (a) Any person:

- 14 (1) Importing aerial devices, display fireworks, or
15 articles pyrotechnic without having a valid license
16 under section 132D-7 shall be guilty of a class C
17 felony[+] and shall be liable for any damages
18 including but not limited to bodily injury or property
19 damage caused by aerial devices, display fireworks, or
20 articles pyrotechnic. Causing such injury or damage
21 shall result in a fine of not less than \$5,000, but
22 not more than \$25,000.



1 (2) Purchasing, possessing, setting off, igniting, or
2 discharging aerial devices, display fireworks, or
3 articles pyrotechnic without a valid permit under
4 sections 132D-10 and 132D-16, or storing, selling, or
5 possessing aerial devices, display fireworks, or
6 articles pyrotechnic without a valid license under
7 section 132D-7[+]

8 ~~(A) If the total weight of the aerial devices,
9 display fireworks, or articles pyrotechnic is
10 twenty five pounds or more, shall be guilty of a
11 class C felony; or~~

12 ~~(B) If the total weight of the aerial devices,
13 display fireworks, or articles pyrotechnic is
14 less than twenty five pounds, shall be guilty of
15 a misdemeanor;]~~ shall be guilty of a misdemeanor
16 and shall pay a fine of not less than \$2,000, but
17 not more than \$25,000, depending upon the amount
18 of aerial devices, display fireworks, or articles
19 pyrotechnic that are possessed without a license.
20 The person shall also be liable for any bodily
21 injury or property damage caused by the
22 possession, setting-off, igniting, or discharging



1 of aerial devices, display fireworks, or articles
2 of pyrotechnic without a permit.

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

7 (4) Who removes or extracts the pyrotechnic contents from
8 any fireworks or articles pyrotechnic and uses the
9 contents to construct fireworks, articles pyrotechnic,
10 or a fireworks or articles pyrotechnic related device
11 shall be guilty of a misdemeanor."

12 SECTION 4. This Act does not affect rights and duties that
13 matured, penalties that were incurred, and proceedings that were
14 begun before its effective date.

15 SECTION 5. Statutory material to be repealed is bracketed
16 and stricken. New statutory material is underscored.

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

INTRODUCED BY:

K. L. [Signature]
[Signature]

[Signature]
[Signature]
[Signature]
Marty B. Lee
[Signature]



Report Title:

Fireworks; Liability; Penalties

Description:

Enhances the penalties for fireworks violations and broadens the authority of officers to enforce the fireworks law. Also prohibits fireworks sales from tents and other temporary structures.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

