
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- Illegal fireworks reporting; reward program.

5 (a) The counties shall establish a reward program for
6 individuals who report violations of this chapter.

7 (b) Any person who reports a violation of this chapter to
8 a state or county law enforcement authority may collect a reward
9 if the reported violator is convicted of the violation and
10 ordered by the court to pay a fine; provided that:

11 (1) The reward shall be up to \$10,000; and

12 (2) Payment of the reward shall be made not later than
13 thirty days after payment of the fine by the
14 violator."

15 SECTION 2. Section 132D-3, Hawaii Revised Statutes, is
16 amended to read as follows:



1 "§132D-3 Permissible uses of consumer fireworks. Consumer
2 fireworks may be set off, ignited, discharged, or otherwise
3 caused to explode within the State only:

4 (1) From 9:00 p.m. on New Year's Eve to 1:00 a.m. on New
5 Year's Day; from [~~7:00 a.m.~~] 8:00 a.m. to [~~7:00 p.m.~~]
6 9:00 p.m. on Chinese New Year's Day; and from 1:00
7 p.m. to 9:00 p.m. on the Fourth of July; or

8 (2) From 9:00 a.m. to 9:00 p.m. as allowed by permit
9 pursuant to section 132D-10 if the proposed cultural
10 use is to occur at any time other than during the
11 periods prescribed in paragraph (1);

12 provided that the purchase of not more than five thousand
13 individual consumer fireworks commonly known as firecrackers
14 shall be allowed under each permit."

15 SECTION 3. Section 132D-8.6, Hawaii Revised Statutes, is
16 amended by amending subsection (f) to read as follows:

17 "(f) Any person violating subsection (a), (c), or (d)
18 shall be subject to the following for shipments of fireworks or
19 articles pyrotechnic of:

20 (1) [~~Twenty-five~~] Three hundred pounds or less gross
21 weight shall be a [~~petty~~] misdemeanor; provided that

1 the fine shall be not less than \$1,000 and not more
2 than \$2,000;

3 ~~[-(2)- Over twenty five pounds to three hundred pounds gross~~
4 ~~weight shall be a misdemeanor;~~

5 ~~-(3)-~~ (2) Over three hundred pounds to ten thousand pounds
6 gross weight shall be a class C felony; [and] provided
7 that the fine shall be not less than \$5,000 and not
8 more than \$10,000; and

9 ~~[-(4)-~~ (3) More than ten thousand pounds gross weight shall
10 be a class B felony~~[-]~~; provided that the fine shall
11 be not less than \$10,000 and not more than \$25,000."

12 SECTION 4. Section 132D-14, Hawaii Revised Statutes, is
13 amended as follows:

14 1. By amending subsection (a) to read:

15 "(a) Any person:

16 (1) Importing aerial devices, display fireworks, or
17 articles pyrotechnic without having a valid license
18 under section 132D-7 shall be guilty of a class C
19 felony~~[-]~~ and fined not less than \$5,000 or more than
20 \$10,000;

21 (2) Purchasing, possessing, setting off, igniting, or
22 discharging aerial devices, display fireworks, or



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

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

10 ~~(B) If the total weight of the aerial devices,~~
11 ~~display fireworks, or articles pyrotechnic is~~
12 ~~less than twenty five pounds, shall be guilty of~~
13 ~~a misdemeanor;] shall be guilty of a class C~~
14 ~~felony and fined not less than \$5,000 or more~~
15 ~~than \$10,000;~~

16 (3) Who transfers or sells aerial devices, display
17 fireworks, or articles pyrotechnic to a person who
18 does not have a valid permit under sections 132D-10
19 and 132D-16, shall be guilty of a class C felony[+] and
20 fined not less than \$5,000 or more than \$10,000;
21 and

1 (4) Who removes or extracts the pyrotechnic contents from
2 any fireworks or articles pyrotechnic and uses the
3 contents to construct fireworks, articles pyrotechnic,
4 or a fireworks or articles pyrotechnic related device
5 shall be guilty of a misdemeanor."

6 2. By amending subsection (c) to read:

7 "(c) The court shall collect the fines imposed [~~in~~
8 ~~subsections (a) and (b)]~~ for violating this chapter and of the
9 fines collected shall pay twenty per cent to the State and
10 eighty per cent to the county in which the fine was imposed
11 which shall be expended by the county for a reward program and
12 for law enforcement purposes."

13 SECTION 5. Section 132D-20, Hawaii Revised Statutes, is
14 amended to read as follows:

15 "§132D-20 Enforcement. [~~This chapter shall be enforced by~~
16 ~~each county.~~] The counties [~~are authorized to enforce and~~]
17 shall administer the provisions of this chapter[-] relating to
18 permits, licenses, and application and fees therefor. The
19 provisions of this chapter relating to prohibited conduct may be
20 enforced by any state or county law enforcement officer."

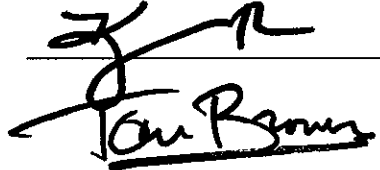

21 SECTION 6. Statutory material to be repealed is bracketed
22 and stricken. New statutory material is underscored.

H.B. NO. 2793

1 SECTION 7. This Act shall take effect upon its approval.

2

INTRODUCED BY:


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Cindy Down



JAN 26 2010



Report Title:

Fireworks

Description:

Changes the period when fireworks may be legally used on Chinese New Year and clarifies certain fireworks penalties. Also specifies that state law enforcement officers may enforce the fireworks law, increases the penalties for articles pyrotechnic shipments, and establishes an enforcement rewards and illegal fireworks reporting program.

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