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## 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 by amending subsection (a) to read as follows:

3           "**§132D-5 General prohibitions.** (a) It shall be unlawful  
4 for any person [~~without a permit issued under section 132D-10 by~~  
5 ~~a county fire department~~] to:

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

8           (2) Throw any ignited fireworks:

9           (A) From, at, or into a vehicle;

10           (B) At a person or an animal; and

11           (C) From above the first floor of any building; or

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

14           (A) Above the first floor of any building;

15           (B) In any vehicle;

16           (C) At any time not within the periods for use  
17 prescribed in section 132D-3;



1 (D) Within one thousand five hundred feet of the  
2 property boundaries of any operating hospital,  
3 licensed convalescent home, licensed home for the  
4 elderly, nursing home, health care facility,  
5 adult residential care homes, zoo, licensed  
6 animal shelter, business that sells animals, or  
7 licensed animal hospital;

8 (E) In any school building, or on any school grounds  
9 and yards without first obtaining authorization  
10 from appropriate school officials;

11 (F) On any highway, alley, street, sidewalk, or other  
12 public way; in any park; on any public beach; in  
13 any officially designated forest or wildlife  
14 preserve; within fifty feet of a canefield; or  
15 within one thousand feet of any building used for  
16 public worship [~~during the periods when services~~  
17 ~~are held~~]; and

18 (G) Within five hundred feet of any hotel, hostel or  
19 bed and breakfast establishment."

20 SECTION 2. Section 132D-8.6, Hawaii Revised Statutes, is  
21 amended by amending subsection (e) and (f) to read as follows:



1           "(e) No person holding a retailer license to sell consumer  
2 fireworks shall be allowed to sell consumer fireworks commonly  
3 known as firecrackers in a packet size larger than five thousand  
4 individual units. Any person violating this subsection shall be  
5 guilty of a misdemeanor, and shall be fined no less than \$1,000  
6 per violation.

7           (f) Any person violating subsection (a), (c), or (d) shall  
8 be subject to the following for shipments of fireworks or  
9 articles pyrotechnic of:

- 10           (1) Twenty-five pounds or less gross weight shall be a  
11           [petty] misdemeanor;
- 12           (2) Over twenty-five pounds to three hundred pounds gross  
13           weight shall be a [~~misdemeanor~~] class C felony; and
- 14           (3) Over three hundred pounds to ten thousand pounds gross  
15           weight shall be a class [~~C felony~~; and
- 16           ~~(4) More than ten thousand pounds gross weight shall be a~~  
17           ~~class] B felony."~~

18           SECTION 3. Section 132D-14, Hawaii Revised Statutes, is  
19 amended to read as follows:

20           "**§132D-14 Penalty.** (a) Any person:

- 21           (1) Importing aerial devices, display fireworks, or  
22           articles pyrotechnic without having a valid license



1 under section 132D-7 shall be guilty of a class C  
2 felony, and shall be fined not less than \$10,000 for  
3 each violation;

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

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

15 ~~(B) If the total weight of the aerial devices,~~  
16 ~~display fireworks, or articles pyrotechnic is~~  
17 ~~less than twenty-five pounds, shall be guilty of~~  
18 ~~a misdemeanor;] shall be guilty of a class C~~  
19 felony.

20 (3) Who transfers or sells aerial devices, display  
21 fireworks, or articles pyrotechnic to a person who  
22 does not have a valid permit under sections 132D-10



1           and 132D-16, shall be guilty of a class C felony, and  
2           shall be fined not less than \$10,000 for each  
3           violation; and

4           (4) Who removes or extracts the pyrotechnic contents from  
5           any fireworks or articles pyrotechnic and uses the  
6           contents to construct fireworks, articles pyrotechnic,  
7           or a fireworks or articles pyrotechnic related device  
8           shall be guilty of a [~~misdemeanor~~] class C felony.

9           (b) Except as provided in subsection (a) or as otherwise  
10          specifically provided for in this chapter, any person violating  
11          any other provision of this chapter, shall be fined not more  
12          than [~~\$2,000~~] \$5,000 for each violation.

13          (c) The court shall collect the fines imposed in  
14          subsections (a) and (b) for violating this chapter and of the  
15          fines collected shall pay twenty per cent to the State and  
16          eighty per cent to the county in which the fine was imposed  
17          which shall be expended by the county for law enforcement  
18          purposes, including the fireworks hotline program established by  
19          section 132D-A."

20          SECTION 4. Chapter 132D, Hawaii Revised Statutes, is  
21          amended by adding a new section to be appropriately designated  
22          and to read as follows:



1        "§132D-A Fireworks hotline program.        (a) Each county  
2 may establish, through county ordinance, a fireworks hotline  
3 program to receive information on violations of this chapter.

4 An informant calling into the fireworks hotline may pass along  
5 information of a violation of this chapter anonymously or not.

6        (b) If the informant chooses to pass along information of  
7 a violation of this chapter anonymously, such information shall  
8 be transmitted to the police department of the county the  
9 informant resides in.

10       (c) If the informant chooses to file a formal complaint,  
11 including photographic evidence of the violation, execution of a  
12 sworn affidavit, and agrees to testify against the violator and  
13 does testify against the violator if required, the informant  
14 becomes eligible for a reward through the fireworks hotline  
15 program.

16       (d) Each county may establish a reward system through  
17 their fireworks hotline program."

18       SECTION 5. Statutory material to be repealed is bracketed  
19 and stricken. New statutory material is underscored.

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

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**Report Title:**

Fireworks

**Description:**

Increases penalties for violations of state fireworks law.  
Establishes fireworks hotline program.

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

