
A BILL FOR AN ACT

RELATING TO FIREWORKS.

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

1 SECTION 1. Chapter 237, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:
4 "§237- Consumer fireworks tax. (a) There is hereby
5 levied and shall be assessed and collected with each
6 transaction, in addition to any other tax imposed under this
7 chapter and license or fee imposed under chapter 132D, a
8 consumer fireworks tax against wholesalers, as defined in
9 section 237-4(a)(1), of consumer fireworks, as defined in
10 section 132D-2, measured by the application of rates against the
11 gross proceeds of sales as provided in subsection (b).
12 (b) Upon every person engaged in the sales of consumer
13 fireworks at wholesale to a retail merchant, jobber, or other
14 licensed seller for purposes of resale consumer fireworks, there
15 shall be levied, assessed, and collected a consumer fireworks
16 tax equal to the value of the consumer fireworks, as shown by
17 the gross proceeds derived from the sale thereof by the
18 wholesaler, multiplied by eight per cent.



1 (c) Beginning January 1, 2011, the consumer fireworks tax
2 shall be paid to the State, in the same manner as the return for
3 the general excise tax under section 237-30(b)(1), in quarterly
4 installments on or before the last day of the calendar month
5 after the close of each quarter in which the taxes accrue, and
6 shall be paid by transmitting the signed return together with
7 the remittance in the manner provided in section 237-31. Annual
8 return and payment of tax under section 237-33 shall apply to
9 this section.

10 (d) Audits, procedures, and penalties under sections 237-
11 39 and 237-32 shall apply to this section.

12 (e) All remittances of taxes imposed by this section shall
13 be deposited into the state treasury as a state realization;
14 provided that per cent of remittances under this section
15 shall be set aside in a separate account to be drawn upon,
16 without appropriation by the legislature, by the department of
17 the attorney general and the department of taxation for
18 implementation and enforcement of this section; provided further
19 that the department of the attorney general and the department
20 of taxation shall coordinate implementation and enforcement so
21 as to minimize duplication of services; and provided further
22 that the department of the attorney general and the department



1 of taxation shall report to the legislature prior to the
2 convening of each regular session on the expenses paid from the
3 separate account in the year immediately preceding the report."

4 SECTION 2. Section 132D-2, Hawaii Revised Statutes, is
5 amended by amending the definition of "cultural" to read as
6 follows:

7 "Cultural" means relating to the arts, customs,
8 traditions, mores, and history of all of the various ethnic
9 groups of Hawaii[-] and includes religious events held in the
10 State."

11 SECTION 3. Section 132D-3, Hawaii Revised Statutes, is
12 amended to read as follows:

13 "**§132D-3 Permissible uses of consumer fireworks.** Consumer
14 fireworks may be set off, ignited, discharged, or otherwise
15 caused to explode within the State only:

16 (1) From 9:00 p.m. on New Year's Eve to 1:00 a.m. on New
17 Year's Day; from 7:00 a.m. to 7:00 p.m. on Chinese New
18 Year's Day; and from 1:00 p.m. to 9:00 p.m. on the
19 Fourth of July; or

20 (2) From 9:00 a.m. to 9:00 p.m. as allowed by permit
21 pursuant to section 132D-10 if the proposed cultural



1 use is to occur at any time other than during the
 2 periods prescribed in paragraph (1) [~~+~~
 3 ~~provided that the purchase of not more than five thousand~~
 4 ~~individual consumer fireworks commonly known as firecrackers~~
 5 ~~shall be allowed under each permit]."~~

6 SECTION 4. Section 132D-10, Hawaii Revised Statutes, is
 7 amended to read as follows:

8 "**§132D-10 Permits.** (a) A permit shall be required for
 9 the purchase and use of:

- 10 (1) Any consumer fireworks [~~commonly known as~~
 11 ~~firecrackers~~] upon payment of a fee of [~~\$25~~]
 12 \$ _____ ;
- 13 (2) Any aerial devices, display fireworks, or articles
 14 pyrotechnic for the purposes of section 132D-16 upon
 15 payment of a fee of [~~\$110~~] \$ _____ ; and
- 16 (3) Any consumer fireworks for the purposes of section
 17 132D-5 or for cultural uses that occur at any time
 18 other than during the periods prescribed in section
 19 132D-3(1) upon a payment of a fee of [~~\$25~~]
 20 \$ _____ .

21 (b) Only one permit shall be issued per person under
 22 subsection (a)(1) or (a)(3) and the purchase of not more than



1 five thousand individual consumer fireworks commonly known as
2 firecrackers shall be allowed for each permit issued.

3 (c) Fees collected under this section shall be credited to
4 the county that collected the fee to defray expenses associated
5 with enforcement of this chapter."

6 SECTION 5. Section 132D-14, Hawaii Revised Statutes, is
7 amended by amending subsections (b) and (c) to read as follows:

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

12 (c) The court shall collect the fines imposed in
13 subsections (a) and (b) for violating this chapter and [~~of the~~]
14 shall transfer all fines collected [~~shall pay twenty per cent to~~
15 ~~the State and eighty per cent to the county in which the fine~~
16 ~~was imposed which shall be expended by the county for law~~
17 ~~enforcement purposes.] into the general fund."~~

18 SECTION 6. The department of taxation shall report to the
19 legislature, no later than twenty days prior to the convening of
20 the regular session of 2011, on a plan to impose a tax on retail
21 sales of fireworks, consumer fireworks, aerial devices, articles
22 pyrotechnic, and display fireworks, as those terms are defined



1 and used in chapter 132D, Hawaii Revised Statutes, including
2 proposed legislation.

3 SECTION 7. Statutory material to be repealed is bracketed
4 and stricken. New statutory material is underscored.

5 SECTION 8. This Act shall take effect on July 1, 2050.



Report Title:

Fireworks; Permit Fees; Tax

Description:

Imposes a consumer fireworks tax at the wholesale level. Clarifies definition of "cultural" to include religious events held in the State. Increases fireworks permit fees. Dedicates fireworks permit fees to counties for law enforcement purposes. Increases fines for violation. Requires department of taxation to report on a plan to impose tax on retail sales of fireworks. Effective 7/1/2050.

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

