

JAN 20 2010

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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. The legislature finds that the expanded use of  
2 illegal fireworks has escalated to a serious public health and  
3 safety problem. The air pollution produced by consumer  
4 fireworks causes respiratory difficulties for the elderly, young  
5 children, and persons with existing respiratory ailments.  
6 Fireworks set off in our neighborhoods create hazardous driving  
7 conditions, cause needless stress for young children and pets,  
8 and overextend our police and fire personnel as they respond to  
9 incidents of fire and injury caused by fireworks as well as  
10 numerous complaints about the illegal fireworks. Illegal  
11 fireworks are much louder than consumer fireworks and cause  
12 noise pollution and needless stress among the fragile groups  
13 mentioned earlier. An immediate reduction in illegal fireworks  
14 use is necessary to protect the health and safety of people in  
15 this State.

16           The purpose of this Act is to increase the permit fees for  
17 the purchase and use of fireworks and increase the penalty for



1 use of illegal fireworks. This Act also clarifies that certain  
2 permit fees and fines collected may be used by county law  
3 enforcement personnel for purposes relating to fireworks.

4 SECTION 2. Section 132D-10, Hawaii Revised Statutes, is  
5 amended to read as follows:

6 "**§132D-10 Permits.** A permit shall be required for the  
7 purchase and use of:

- 8 (1) Any consumer fireworks commonly known as firecrackers  
9 upon payment of a fee of [~~\$25.~~] \$50. These fees may  
10 be expended by the county for law enforcement purposes  
11 relating to this chapter;
- 12 (2) Any aerial devices, display fireworks, or articles  
13 pyrotechnic for the purposes of section 132D-16 upon  
14 payment of a fee of \$110; and
- 15 (3) Any consumer fireworks for the purposes of section  
16 132D-5 or for cultural uses that occur at any time  
17 other than during the periods prescribed in section  
18 132D-3(1) upon a payment of a fee of [~~\$25.~~] \$35.  
19 These fees may be expended by the county for law  
20 enforcement purposes relating to this chapter."

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



1           "(a) The fee for the license required under section 132D-7  
2 shall be \$3,000 for importers, \$2,000 for each wholesaler's  
3 site, \$1,000 for each storage site, and \$500 for each retailer's  
4 site for each year or fraction of a year in which the licensee  
5 plans to conduct business and shall be payable to the county.  
6 The license fees shall be used [~~solely~~] by each county fire  
7 department to pay for the salary of an auditor of fireworks and  
8 articles pyrotechnic records and all expenses incurred to  
9 fulfill the duties required, including the inspection of  
10 inventory and storage facilities, maintenance of required  
11 records, and the training of the auditor. The auditor shall  
12 monitor strict inventory and recordkeeping requirements to  
13 ensure that sales of fireworks or articles pyrotechnic are made  
14 only to license or permit holders under this chapter. The fees  
15 shall also be used by county law enforcement agencies for law  
16 enforcement purposes relating to this chapter. The county shall  
17 provide an exemption from the fees under this section to  
18 nonprofit community groups for importation and storage of  
19 fireworks or articles pyrotechnic for displays once a year."

20           SECTION 4. Section 132D-14, Hawaii Revised Statutes, is  
21 amended by amending subsections (b) and (c) to read as follows:



1           "(b) Except as provided in subsection (a) or as otherwise  
 2 specifically provided for in this chapter, any person violating  
 3 any other provision of this chapter, shall be fined not more  
 4 than [~~\$2,000~~] \$4,000 for each violation.

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

11           SECTION 5. Statutory material to be repealed is bracketed  
 12 and stricken. New statutory material is underscored.

13           SECTION 6. This Act shall take effect upon approval.

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**Report Title:**

Illegal Fireworks; Increased Fees and Fines

**Description:**

Increases fees and fines that can be used by county law enforcement agencies to combat illegal fireworks activity.

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

