

JAN 22 2010

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- Fireworks surcharge. (a) There is levied and
5 assessed a fireworks surcharge, at the wholesale and retail
6 levels, on every sale of consumer fireworks made pursuant to
7 this chapter. The fireworks surcharge shall be equal to
8 per cent of the amount collected from the sale. Payment of the
9 surcharge to the State shall be the responsibility of persons
10 licensed under section 132D-7 who sell fireworks.

11 (b) The surcharge shall be proportionally credited to each
12 county fire department to fund the cost of inspecting imported
13 fireworks shipments pursuant to section 132D-8.6(b). Any
14 remaining balance shall be credited to the state general fund.

15 (c) The department of taxation shall prescribe necessary
16 forms and may adopt rules pursuant to chapter 91 to administer
17 and effectuate this section."



1 SECTION 2. Section 132D-2, Hawaii Revised Statutes, is
2 amended by amending the definition of "import" to read as
3 follows:

4 "§132D-2 Definitions. As used in this chapter unless the
5 context requires otherwise:

6 "Import" (and any nounal, verbal, adjectival, adverbial,
7 and other equivalent form of the term used interchangeably in
8 this chapter) means to bring or attempt to bring fireworks into
9 the State or to cause fireworks to be brought into the State[-]
10 and includes fireworks samples not intended for resale."

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

13 "(b) The fire department of [a] each county[~~, in which a~~
14 ~~shipment of]~~ shall inspect all incoming shipments with manifests
15 declaring the contents of the shipments as fireworks or articles
16 pyrotechnic [~~has landed and becomes subject to the jurisdiction~~
17 ~~of the fire department, shall be allowed to inspect, if it~~
18 ~~chooses, any shipment declared on the shipping manifest as~~
19 ~~fireworks or articles pyrotechnic].~~

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

22 "(a) Any person:



- 1 (1) Importing aerial devices, display fireworks, consumer
2 fireworks, or articles pyrotechnic without having a
3 valid license under section 132D-7 shall be guilty of
4 a class C felony;
- 5 (2) Purchasing, possessing, setting off, igniting, or
6 discharging aerial devices, display fireworks, or
7 articles pyrotechnic without a valid permit under
8 sections 132D-10 and 132D-16, or storing, selling, or
9 possessing aerial devices, display fireworks, or
10 articles pyrotechnic without a valid license under
11 section 132D-7:
- 12 (A) If the total weight of the aerial devices,
13 display fireworks, or articles pyrotechnic is
14 twenty-five pounds or more, shall be guilty of a
15 class C felony; or
- 16 (B) If the total weight of the aerial devices,
17 display fireworks, or articles pyrotechnic is
18 less than twenty-five pounds, shall be guilty of
19 a misdemeanor;
- 20 (3) Who transfers or sells aerial devices, display
21 fireworks, or articles pyrotechnic to a person who



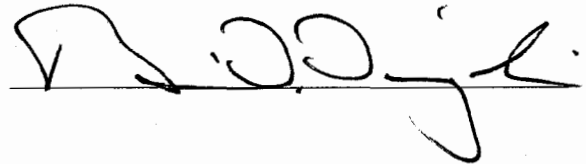
1 does not have a valid permit under sections 132D-10
2 and 132D-16, shall be guilty of a class C felony; and
3 (4) Who removes or extracts the pyrotechnic contents from
4 any fireworks or articles pyrotechnic and uses the
5 contents to construct fireworks, articles pyrotechnic,
6 or a fireworks or articles pyrotechnic related device
7 shall be guilty of a misdemeanor."

8 SECTION 5. Statutory material to be repealed is bracketed
9 and stricken. New statutory material is underscored.

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

11

INTRODUCED BY:

A handwritten signature in black ink, appearing to read "R. D. Jones", is written over a horizontal line.

Report Title:

Fireworks

Description:

Establishes a fireworks surcharge on sales of all consumer fireworks to pay for inspections of incoming fireworks shipments and requires the inspection of all fireworks shipments. Makes the importation of consumer fireworks without a valid license a class C felony. Expands the definition of "import" to include fireworks samples not intended for resale.

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

