

JAN 21 2011

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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. Chapter 132D, Hawaii Revised Statutes, is  
2 amended by adding three new sections to be appropriately  
3 designated and to read as follows:

4           "§132D- Permanent label on display fireworks;  
5 requirements. (a) Each shell, mine, comet, and multiple tube  
6 device, including finale, barrage boxes, and roman candle  
7 batteries or cakes, shall bear a permanent label containing  
8 language that bears:

9           (1) The importer's name, address, and contact information;  
10           and

11           (2) The name and business location of the manufacturer.

12           (b) The permanent label shall be not less than nine inches  
13 square; provided that if the size of the shell is too small to  
14 accommodate a nine inch square label, the permanent label may be  
15 of a size no smaller than is necessary to fit on the shell. The  
16 printed words shall be not less than one-eighth of an inch high.

17           (c) The permanent label shall:



1           (1) Be printed in a color that contrasts sharply with the  
2           background; and

3           (2) Contain a borderline surrounding the words on the  
4           label.

5           (d) The permanent label shall be submitted to the state  
6           fire council for prior approval.

7           (e) For purposes of this section, "permanent" means the  
8           affixing to the object by glue or other means in a manner that  
9           is intended to not be easily removable.

10           §132D- Requirements of shipping companies and freight  
11           forwarders. A shipper or freight forwarder that transports  
12           fireworks or articles pyrotechnics into the State shall provide  
13           advanced notification to the appropriate county official, as  
14           determined by the county, of any shipment destined to be shipped  
15           or transported to that county. The notification shall indicate  
16           whether the shipment or freight is from pier to pier, pier to  
17           warehouse or storage facility, or pier to redistribution  
18           location.

19           §132D- Inspection of display setup; fee. (a) On the  
20           day of a display, the fire chief of the county in which the  
21           display occurs may require an inspection of the display setup to  
22           ascertain whether the display complies with:



- 1        (1) The current county code; and  
2        (2) The currently adopted edition of the National Fire  
3        Protection Association Code for Fireworks Display,  
4        also known as NFPA 1123; or  
5        (3) The currently adopted edition of the National Fire  
6        Protection Association Standard for the Use of  
7        Pyrotechnics Before a Proximate Audience, also known  
8        as NFPA 1126.

9        (b) There shall be a fee for each inspection of a display  
10       setup in the amount of \$200 that shall be paid by the person or  
11       company sponsoring the display. The fee shall be paid to the  
12       county in which the display occurs, and shall be used to defray  
13       the salary of the fire inspector conducting the inspection of  
14       the display setup."

15       SECTION 2. Section 132D-7, Hawaii Revised Statutes, is  
16       amended to read as follows:

17       "**§132D-7 License or permit required[-]; presentation of**  
18       **proof.** (a) A person shall not:

- 19       (1) Import, store, offer to sell, or sell, at wholesale or  
20       retail, aerial devices, display fireworks, articles  
21       pyrotechnic, or consumer fireworks unless the person  
22       has a valid license issued by the county; or



1           (2) Possess aerial devices, display fireworks, or articles  
2           pyrotechnic without a valid license to import, store,  
3           or sell aerial devices, display fireworks, or articles  
4           pyrotechnic, or a valid display permit as provided for  
5           in this chapter.

6           (b) A licensed retailer shall not purchase aerial devices,  
7           display fireworks, articles pyrotechnic, or consumer fireworks  
8           from a person who is not duly licensed under subsection (a).  
9           Prior to acceptance of a delivery of aerial devices, display  
10          fireworks, articles pyrotechnic, or consumer fireworks, a  
11          licensed retailer shall require a licensed wholesaler or  
12          distributor to present to the licensed retailer sufficient  
13          identification and proof of a current license under subsection  
14          (a) to confirm that the identification matches the name on the  
15          license."

16           SECTION 3. Section 132D-8, Hawaii Revised Statutes, is  
17           amended by amending subsections (a) to read as follows:

18           "(a) All licenses required under section 132D-7 shall be  
19           issued by the county and shall be nontransferable. Licenses to  
20           import shall [~~specify the~~]:



1       (1) Specify the date of issuance or effect and the date of  
2           expiration, which shall be March 31 of each year[-];  
3           and

4       (2) Include written documentation to indicate each  
5           proposed display to which the license applies, if the  
6           license is to import aerial devices, display  
7           fireworks, or articles pyrotechnic.

8       The application shall be made on a form setting forth the date  
9       upon which the importations are to begin, the address of the  
10       location of the importer, and the name of the proprietor or, if  
11       a partnership, the name of the partnership and the names of all  
12       partners or, if a corporation, the name of the corporation and  
13       the names of its officers. If the state fire council or county  
14       discovers at a later date that a licensee has been convicted of  
15       a felony under this chapter, the licensee's license shall be  
16       revoked and no new license shall be issued to the licensee for  
17       two years."

18       SECTION 4. Section 132D-8.5, Hawaii Revised Statutes, is  
19       amended to read as follows:

20       "**§132D-8.5 Importation of aerial devices, display**  
21       **fireworks, or articles pyrotechnic for display. (a) Aerial**  
22       **devices, display fireworks, or articles pyrotechnic shall only**



1 be imported and stored, if necessary, in an amount sufficient  
2 for an anticipated three-month inventory; provided that if a  
3 licensee under section 132D-7 provides aerial devices, display  
4 fireworks, or articles pyrotechnic for displays as allowed under  
5 section 132D-16 more than once a month, the licensee may import  
6 or store, if necessary, sufficient aerial devices, display  
7 fireworks, or articles pyrotechnic for a six-month inventory.

8 (b) Prior to importing aerial devices, display fireworks,  
9 or articles pyrotechnic under subsection (a), the licensee shall  
10 provide written documentation to the fire department of the  
11 county of the final destination of the shipment of aerial  
12 devices, display fireworks, or articles pyrotechnic. The  
13 written documentation shall:

- 14 (1) Specify the display to which the shipment pertains;  
15 (2) Include a detailed inventory breakdown of the contents  
16 of the shipment for each display; and  
17 (3) Include information sufficient to verify that the  
18 shipment contains only as many aerial devices, display  
19 fireworks, or articles pyrotechnic for a three-month  
20 or six-month inventory, as applicable."

21 SECTION 5. Statutory material to be repealed is bracketed  
22 and stricken. New statutory material is underscored.



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

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**Report Title:**

Fireworks

**Description:**

Requires labeling of display fireworks; requires notification to the county by shipping companies and freight forwarders of incoming fireworks or articles pyrotechnic; allows inspection of display setups; imposes fee for inspection of display setups; requires presentation of identification and proof of current license to the retailer by the wholesaler or distributor; requires licenses to import to contain certain information on the display; requires licensee to provide certain information to the county fire department on any shipment into the county of aerial devices, display fireworks, and articles pyrotechnic.

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