

Honolulu, Hawaii

APR 27 2011 , 2011

RE: S.B. No. 172  
S.D. 2  
H.D. 2  
C.D. 1

Honorable Shan S. Tsutsui  
President of the Senate  
Twenty-Sixth State Legislature  
Regular Session of 2011  
State of Hawaii

Honorable Calvin K.Y. Say  
Speaker, House of Representatives  
Twenty-Sixth State Legislature  
Regular Session of 2011  
State of Hawaii

Sirs:

Your Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House of Representatives in S.B. No. 172, S.D. 2, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO FIREWORKS,"

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this measure, among other things, is to:

- (1) Require that display fireworks bear a permanent label listing the licensee's name, address, and contact information as well as the name and business address of the manufacturer;
- (2) Authorize each county fire chief to conduct inspections of the persons conducting a display, including the site where the display is occurring or will occur within the fire chief's county to determine compliance with the applicable



county code and the current editions of the National Fire Protection Association codes and standards;

- (3) Assess an inspection fee upon permittees of displays under section 132D-10(2), Hawaii Revised Statutes;
- (4) Authorize a county fire chief to immediately revoke or suspend any permit issued for display of display fireworks, articles pyrotechnic, or aerial devices within the fire chief's county for certain reasons;
- (5) Limit the times in which display fireworks, articles pyrotechnic, and aerial devices may be set off, ignited, discharged, or otherwise caused to explode from 9:00 a.m. to 9:00 p.m., with certain exceptions; and
- (6) Require license applicants for and shippers of certain fireworks to provide the counties with information regarding the proposed display event and related contact information.

Your Committee on Conference finds that this measure facilitates the arrest and prosecution for the purchase, possession, setting off, igniting, or discharging of fireworks, thereby increasing public safety.

Your Committee on Conference has amended this measure by:

- (1) Clarifying that the licensee's contact information on the permanent label required under this measure shall include only the telephone number or electronic mail address; and
- (2) Inserting an effective date of upon approval.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 172, S.D. 2, H.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 172, S.D. 2, H.D. 2, C.D. 1.



Respectfully submitted on behalf  
of the managers:

ON THE PART OF THE HOUSE

ON THE PART OF THE SENATE



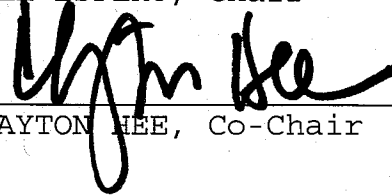
HENRY J.C. AQUINO, Co-Chair



KARL RHOADS, Co-Chair



WILL ESPERO, Chair



CLAYTON HEE, Co-Chair



Hawaii State Legislature

Record of Votes of a  
Conference Committee

Bill / Concurrent Resolution No.: <b>SB 172, SD 2, HD 2</b>					Date/Time: <u>4/21/11</u> <u>2:08 pm</u>						
<input checked="" type="checkbox"/> The recommendation of the House and Senate managers is to pass with amendments (CD).											
<input type="checkbox"/> The Committee is reconsidering its previous decision.											
<input type="checkbox"/> The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure					<input type="checkbox"/> The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure.						
Senate Managers		A	WR	N	E	House Managers		A	WR	N	E
ESPERO, Will, Chr.		✓				AQUINO, Henry J.C., Co-Chr.		✓			
HEE, Clayton, Co-Chr.		✓				RHOADS, Karl, Co-Chr.		✓			
SLOM, Sam		✓				CULLEN, Ty		✓			
						LEE, Marilyn B.					/
						TAKAI, K. Mark					/
						FONTAINE, George R.		✓			
<b>TOTAL</b>		<u>3</u>				<b>TOTAL</b>		<u>4</u>			<u>2</u>
A = Aye		WR = Aye with Reservations			N = Nay		E = Excused				
Senate Recommendation is:						House Recommendation is:					
<input checked="" type="checkbox"/> Adopted		<input type="checkbox"/> Not Adopted				<input checked="" type="checkbox"/> Adopted		<input type="checkbox"/> Not Adopted			
Senate Lead Chair's or Designee's Signature:						House Lead Chair's or Designee's Signature:					
<i>Will Espero</i>						<i>[Signature]</i>					
<b>Distribution:</b>				<b>Original</b>		<b>Yellow</b>		<b>Pink</b>		<b>Goldenrod</b>	
				File with Conference Committee Report		House Clerk's Office		Senate Clerk's Office		Drafting Agency	

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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-     Labeling of display fireworks. (a) This  
5 section shall apply to any display fireworks, articles  
6 pyrotechnic, or aerial devices used for a display.

7           (b) Each shell, mine, comet, and multiple tube device,  
8 such as finale or barrage boxes, roman candle batteries, or  
9 cakes, shall bear a permanent label listing the licensee's name,  
10 address, and contact information to include telephone number or  
11 electronic mail address. The label shall also list the name and  
12 business address of the manufacturer. The label shall be  
13 approved by the state fire council and conform to the following  
14 standards:

15           (1) Numerals and letters of the printed matter shall be  
16           not less than one-eighth of an inch high;



1       (2) Required statements shall be printed in a color that  
2       contrasts sharply with the background and shall be  
3       printed within a borderline; and

4       (3) The label shall measure at least nine inches by nine  
5       inches; provided that if the size of the shell, mine,  
6       comet, or multiple tube device is too small to  
7       correctly display a label of this size, the label may  
8       be reduced to a size no smaller than necessary to  
9       properly display the information described in this  
10       section.

11       §132D-    Display site inspection.   Each county fire chief  
12       is authorized to conduct inspections of the persons conducting a  
13       display, including the site where the display is occurring or  
14       will occur within the fire chief's county to determine  
15       compliance with the applicable county code and the current  
16       editions of the National Fire Protection Association's "NFPA  
17       1123: Code for Fireworks Display" and "NFPA 1126: Standard for  
18       the Use of Pyrotechnics Before a Proximate Audience." An  
19       inspection fee of \$200 shall be assessed by the county upon the  
20       holder of a permit for a display under section 132D-10(2), which  
21       shall be separate from the display permit fee under that  
22       section. The inspection fee shall be paid to the county in



1 which the display will occur, and shall be used to defray the  
2 cost of the official conducting the inspection of the display  
3 setup.

4 §132D- Display stop order. A county fire chief is  
5 authorized to immediately revoke or suspend any permit issued  
6 under section 132D-16 for display of display fireworks, articles  
7 pyrotechnic, or aerial devices within the fire chief's county  
8 for the following reasons:

9 (1) Adverse climatic or atmospheric conditions;

10 (2) The issuance of red flag warnings; or

11 (3) Any other conditions determined to make the display  
12 potentially hazardous to persons or property."

13 SECTION 2. Section 132D-2, Hawaii Revised Statutes, is  
14 amended by adding four new definitions to be appropriately  
15 inserted and to read as follows:

16 "Movie" or "television production" means a series of  
17 activities that are directly related to the creation of visual  
18 and cinematic imagery to be delivered via film, videotape, or  
19 digital media and are to be sold, distributed, or displayed as  
20 entertainment or the advertisement of products for mass public  
21 consumption, including scripting, casting, set design and



1 construction, transportation, videography, photography, sound  
2 recording, interactive game design, and post production.

3 "Permanent" means the state of one object being affixed to  
4 another object by glue or other means in a manner that the  
5 affixed object is intended to not be easily removable.

6 "Red flag warning" means a weather forecast issued by the  
7 National Weather Service indicating that weather conditions  
8 associated with the outbreak of wildfire may occur.

9 "Shipper" means an entity or person, including a freight  
10 forwarder, that is hired for the transport of aerial devices,  
11 articles pyrotechnic, consumer fireworks, display fireworks, or  
12 fireworks."

13 SECTION 3. Section 132D-4, Hawaii Revised Statutes, is  
14 amended to read as follows:

15 **"§132D-4 Permissible uses of display fireworks, articles**  
16 **pyrotechnic, and aerial devices. (a) Display fireworks,**  
17 **articles pyrotechnic, and aerial devices may be purchased, set**  
18 **off, ignited, or otherwise caused to explode in the State only**  
19 **if for display and permitted in writing pursuant to sections**  
20 **132D-10 and 132D-16.**

21 (b) Display fireworks, articles pyrotechnic, and aerial  
22 devices shall be set off, ignited, discharged, or otherwise





1 caused to explode within the State only from 9:00 a.m. to 9:00  
2 p.m.; provided that the applicable county fire chief may extend  
3 the time period for special events; provided further that the  
4 time restriction established in this subsection shall not apply  
5 to display fireworks, articles pyrotechnic, and aerial devices  
6 set off, ignited, discharged, or otherwise caused to explode  
7 within the State solely as part of a movie or television  
8 production."

9 SECTION 4. Section 132D-8, Hawaii Revised Statutes, is  
10 amended by amending subsection (a) to read as follows:

11 "(a) All licenses required under section 132D-7 shall be  
12 issued by the county and shall be nontransferable. Licenses to  
13 import shall specify the date of issuance or effect and the date  
14 of expiration, which shall be March 31 of each year. The  
15 application shall be made on a form setting forth the date upon  
16 which the importations are to begin, the address of the location  
17 of the importer, and the name of the proprietor or, if a  
18 partnership, the name of the partnership and the names of all  
19 partners or, if a corporation, the name of the corporation and  
20 the names of its officers. The application for a license to  
21 import display fireworks, articles pyrotechnic, or aerial  
22 devices shall include written documentation of the proposed



1 display event and related contact information in a form  
2 prescribed by the applicable county. If the state fire council  
3 or county discovers at a later date that a licensee has been  
4 convicted of a felony under this chapter, the licensee's license  
5 shall be revoked and no new license shall be issued to the  
6 licensee for two years."

7 SECTION 5. Section 132D-8.6, Hawaii Revised Statutes, is  
8 amended by amending subsection (a) to read as follows:

9 "(a) Any person who has obtained a license under section  
10 132D-7 and ships fireworks or articles pyrotechnic into the  
11 State shall:

- 12 (1) Clearly designate the types of fireworks or articles  
13 pyrotechnic in each shipment on the bill of lading or  
14 shipping manifest with specificity;
- 15 (2) Declare on the bill of lading or shipping manifest the  
16 gross weight of [~~aerial devices,~~] consumer fireworks,  
17 display fireworks, [~~and~~] articles pyrotechnic, and  
18 aerial devices to be imported in each shipment and the  
19 location of the storage facility, if applicable, in  
20 which the fireworks or articles pyrotechnic are to be  
21 stored;



- 1 (3) Prior to shipment and when booking each shipment of  
2 fireworks ~~[or]~~, display fireworks, articles  
3 pyrotechnic, or aerial devices notify the appropriate  
4 county official as determined by the county regarding  
5 whether the shipment will be distributed from:
- 6 (A) Pier to pier;  
7 (B) Pier to warehouse or storage facility; or  
8 (C) Pier to redistribution; ~~[and]~~
- 9 (4) Prior to booking the shipment, provide to the  
10 applicable county fire chief:
- 11 (A) Written documentation regarding the proposed  
12 display event or events and related contact  
13 information to allow the fire chief to validate  
14 the importation of a three-month or six-month  
15 inventory under section 132D-8.5; and
- 16 (B) An inventory breakdown for each proposed display;  
17 and
- 18 ~~[-(4)]~~ (5) At the time shipping is booked, the importer or  
19 consignee shall notify the appropriate county official  
20 as determined by the county in writing of the expected  
21 shipment's landing date."



- 1 SECTION 6. Statutory material to be repealed is bracketed
- 2 and stricken. New statutory material is underscored.
- 3 SECTION 7. This Act shall take effect upon its approval.



**Report Title:**

Fire Protection; Fireworks; Inventory; Labeling; Importation;  
Permit Revocation or Suspension

**Description:**

Amends provisions of the fireworks code, imposing new definitions and permitting, importation, labeling, and inspection requirements. Authorizes the fire chief to revoke or suspend permits for enumerated reasons. Exempts movie and film productions from the 9:00 a.m. to 9:00 p.m. time restriction.

(CD1)

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

