

SB 172

RELATING TO FIREWORKS.

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.



STATE OF HAWAII
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS

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January 31, 2011

The Honorable Will Espero, Chair
Committee on Public Safety, Government
Operations, and Military Affairs
The State Senate
State Capitol, Room 231
Honolulu, Hawaii 96813

Dear Chair Espero:

Subject: S.B. 641 and S.B. 172 Relating to Fireworks

I am Kenneth G. Silva, Chair of the State Fire Council (SFC) and Fire Chief of the Honolulu Fire Department (HFD). The SFC and the HFD offer the following comments regarding the above-mentioned bills:

1. We support the statewide ban of consumer fireworks, except for special events and professional public fireworks displays.
2. We believe each county should continue to determine potential fireworks hazards and benefits to their community and impose stricter fireworks laws than the state based on each county's needs and resources.
3. We support measures that make for easier arrest and prosecution of illegal purchase, possession, setting off, igniting, or discharging of fireworks and increase penalties and consequences for convictions of fireworks violations.
4. We support measures that clarify the current Fireworks Control Law (Chapter 132D, Hawaii Revised Statutes) and promote the effective enforcement and administration of fireworks permits and licenses for regulatory agencies.

As S.B. 641 and S.B. 172 have similar intentions and language, the SFC recommends that the two bills be combined as follows:

1. Use S.B. 172.
2. Add Section 2 of S.B. 641 in its entirety to the end of Section 2 with the following amendments (underline):

(b) A licensed retailer shall not purchase, receive or sell aerial devices, display fireworks, articles pyrotechnic, or consumer fireworks from a person who is not duly licensed under subsection (a). Prior to acceptance of a delivery of aerial devices, display fireworks, articles pyrotechnic, or consumer fireworks, a licensed retailer shall require a licensed wholesaler or distributor to present to the licensed retailer sufficient identification and proof of a current license under subsection (a) to confirm that the identification matches the name on the license.

3. Delete Section 5 in its entirety and substitute it with the following:

§132D- Requirements of shipping companies and freight forwarders. A shipper or freight forwarder that transports fireworks or articles pyrotechnics into the State shall provide at least 48-hours advanced notification to the appropriate county official, as determined by the county, of any shipment destined to be shipped or transported from or to that county. The notification shall indicate whether the shipment or freight is from pier to pier, pier to warehouse or storage facility, or pier to redistribution location.

3. Add Sections 3, 4, 5, and 6 from S.B. 641 in their entirety to the end of S.B. 172 as Sections 5, 6, 7, and 8, respectively.

The SFC and the HFD urge your committee's support on the passage of S.B. 172 with the above-mentioned recommended amendments.

Should you have any questions, please call SFC Administrator Socrates Bratakos at 723-7151.

Sincerely,



KENNETH G. SILVA
Chair

KGS/LR:cn

Bernard P. Carvalho, Jr.
Mayor



Robert F. Westerman
Fire Chief

Gary K. Heu
Managing Director

John T. Blalock
Deputy Fire Chief

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January 31, 2011

The Honorable Will Espero, Chair
Committee on Public Safety and Military Affairs
The State Senate
State Capitol, Room 231
Honolulu, Hawaii 96813

Dear Chair Espero:

Subject: S.B. 641 and S.B. 172 Relating to Fireworks

I am Robert F. Westerman, Fire Chief of the Kauai Fire Department (KFD) and a member of the State Fire Council (SFC). The SFC and the KFD offer the following comments:

1. We support the statewide ban of consumer fireworks, with the exception of special events and professional public fireworks displays.
2. We believe each county should continue to determine the potential hazards of fireworks and the benefit to their community by being allowed to further restrict fireworks use from the state law based on each county's needs and resources.
3. We support measures that make the arrest and prosecution for the illegal purchase, possession, setting off, igniting, or discharging of fireworks easier and increase the penalties and consequences for convictions of fireworks violations.
4. We support measures that clarify the current Fireworks Control Law (HRS 132D) and promote the effective enforcement and administration of fireworks permits and licenses for regulatory agencies.


As S.B. 641 and S.B. 172 have similar intentions and language, the SFC would recommend the two bills be combined into one as follows:

1. Use S.B. 172, but delete Section 5 and use the language from S.B. 641, with the following underlined amendments: **§132D- Requirements of shipping companies and freight forwarders.** A shipper or freight forwarder that transports fireworks or articles pyrotechnics into the State shall provide at least 48-hours advanced notification to the appropriate county official, as determined by the county, of any shipment destined to be shipped or transported from or to that county. The notification shall indicate whether the shipment or freight is from pier to pier, pier to warehouse or storage facility, or pier to redistribution location.
2. Add all of Section 2 of S.B. 641 into S.B. 172 with the following amendments:
(b) A licensed retailer shall not purchase, receive or sell aerial devices, display fireworks, articles pyrotechnic, or consumer fireworks from a person who is not duly licensed under subsection (a). Prior to acceptance of a delivery of aerial devices, display fireworks, articles pyrotechnic, or consumer fireworks, a licensed retailer shall require a licensed wholesaler or distributor to present to the licensed retailer sufficient identification and proof of a current license under subsection (a) to confirm that the identification matches the name on the license.
3. Include all of Sections 3, 4, 5, and 6 from S.B. 641 into S.B. 172

The SFC and the KFD urge your committee's support on the passage of S.B. 172, with the recommended amendments.

Please call me at (808) 241-4980 should you have any questions regarding this matter.

Sincerely,



Robert Westerman
Fire Chief, County of Kaua'i

RFW/eld