

JAN 15 2014

A BILL FOR AN ACT

RELATING TO FIREWORKS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The purpose of this Act is to define terms and
2 clarify practices related to fireworks in accordance with
3 nationally recognized standards. This Act also allows the use
4 of fireworks for movie productions and by those authorized to
5 destroy or test consumer fireworks.

6 SECTION 2. Section 132D-2, Hawaii Revised Statutes, is
7 amended as follows:

8 1. By adding three new definitions to be appropriately
9 inserted and to read:

10 "Authority having jurisdiction" means an organization,
11 office, or individual responsible for enforcing the requirements
12 of a law, code, or standard, or for approving equipment,
13 materials, an installation, or a procedure.

14 "Permanent fireworks storage" means a building or structure
15 affixed to a foundation on a site and having fixed utility
16 connections that is intended to remain on the site for more than
17 one hundred eighty consecutive calendar days in which fireworks



1 are received, stored, and shipped, but in which no manufacturing
2 is performed.

3 "Temporary consumer fireworks storage" means a building or
4 structure not meeting the definition for permanent fireworks
5 storage and used for fireworks storage for less than one hundred
6 eighty consecutive calendar days in a twelve-month period."

7 2. By amending the definition of "license" to read:

8 "License" means a nontransferable, formal authorization,
9 valid for a period not to exceed one [ealendar] year from the
10 date of issuance and which the department is hereby authorized
11 to issue under this chapter, to engage in the act or acts
12 specifically designated herein."

13 SECTION 3. Section 132D-5, Hawaii Revised Statutes, is
14 amended by amending subsection (a) to read as follows:

15 "(a) It shall be unlawful for any person [~~without a permit~~
16 ~~issued under section 132D-10 by a county fire department~~] to:

17 (1) Remove or extract the pyrotechnic contents from any
18 fireworks;

19 (2) Throw any ignited fireworks:

20 (A) From, at, or into a vehicle;

21 (B) At a person or an animal; and

22 (C) From above the first floor of any building; or



- 1 (3) Set off, ignite, discharge, or otherwise cause to
2 explode any fireworks:
- 3 (A) Above the first floor of any building;
- 4 (B) In any vehicle;
- 5 (C) At any time not within the periods for use
6 prescribed in section 132D-3;
- 7 (D) Within one thousand feet of any operating
8 hospital, licensed convalescent home, licensed
9 home for the elderly, zoo, licensed animal
10 shelter, or licensed animal hospital;
- 11 (E) In any school building, or on any school grounds
12 and yards without first obtaining authorization
13 from appropriate school officials;
- 14 (F) On any highway, alley, street, sidewalk, or other
15 public way; in any park; on any public beach; in
16 any officially designated forest or wildlife
17 preserve; within fifty feet of a canefield; or
18 within one thousand feet of any building used for
19 public worship during the periods when services
20 are held; and
- 21 (G) Within five hundred feet of any hotel."



1 SECTION 4. Section 132D-6, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "[+]§132D-6[+] **Exceptions.** The prohibitions in section
4 132D-5 do not apply to:

- 5 (1) The use of flares, noisemakers, or signals for
6 warning, pest control, or illumination purposes by
7 police and fire departments, utility companies,
8 transportation agencies, and other governmental or
9 private agencies or persons, including agricultural
10 operations, in connection with emergencies, their
11 duties, or business; [~~and~~]
- 12 (2) The sale or use of blank cartridges for a show or
13 theater, or for signal, commercial, or institutional
14 purposes in athletics or sports[-];
- 15 (3) The purchase and use of consumer fireworks, aerial
16 devices, display fireworks, or articles pyrotechnic in
17 a film or movie production with a valid permit issued
18 by a county fire department under section 132D-10; and
- 19 (4) The testing, disposal, or destruction of illegal or
20 unwanted fireworks by the authority having
21 jurisdiction."



1 SECTION 5. Section 132D-8, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§132D-8 Application for license. (a) All licenses
4 required under section 132D-7 shall be issued by the county and
5 shall be nontransferable. Licenses to import shall specify the
6 date of issuance or effect and the date of expiration, which
7 shall be March 31 of each year. The application shall be made
8 on a form setting forth the date upon which the importations are
9 to begin, the address of the location of the importer, and the
10 name of the proprietor or, if a partnership, the name of the
11 partnership and the names of all partners or, if a corporation,
12 the name of the corporation and the names of its officers. The
13 application for a license to import display fireworks, articles
14 pyrotechnic, or aerial devices shall include written
15 documentation of the proposed display event and related contact
16 information in a form prescribed by the applicable county. If
17 the state fire council or county discovers at a later date that
18 a licensee has been convicted of a felony under this chapter,
19 the licensee's license shall be revoked and no new license shall
20 be issued to the licensee for two years.

21 (b) Each storage, wholesaling, and retailing site shall be
22 required to obtain a separate license. The license shall



1 specify the date of issuance or effect and the date of
2 expiration, which shall be March 31 of each year. The
3 application shall be made on a form setting forth the date upon
4 which the storage, sale, or offers for sale are to begin, the
5 address of the location of the licensee, and the name of the
6 proprietor, or, if a partnership, the name of the partnership
7 and the names of all partners or, if a corporation, the name of
8 the corporation and the name of its officers. Any license
9 issued pursuant to this chapter may be revoked by the county if
10 the licensee violates any provision of this chapter or if the
11 licensee stores or handles the fireworks in such a manner as to
12 present an unreasonable safety hazard.

13 (c) Permanent and temporary fireworks storage buildings or
14 structures, and buildings or facilities where redistribution
15 activities are performed, shall comply with the currently
16 adopted county building or fire code, or the latest edition of
17 nationally recognized standards.

18 [~~e~~] (d) It shall be unlawful for any licensee, other
19 than a wholesaler who is selling or transferring fireworks or
20 articles pyrotechnic to a licensed retailer, to sell or offer to
21 sell, exchange for consideration, give, transfer, or donate any
22 fireworks or articles pyrotechnic at any time to any person who



1 does not present a permit duly issued as required by section
2 132D-10 or 132D-16. The permit shall be signed by the seller or
3 transferor at the time of sale or transfer of the fireworks or
4 articles pyrotechnic, and the seller or transferor shall
5 indicate on the permit the amount and type of fireworks or
6 articles pyrotechnic sold or transferred. No person shall sell
7 or deliver fireworks to any permittee in any amount in excess of
8 the amount specified in the permit, less the amount shown on the
9 permit to have been previously purchased; provided that no
10 fireworks shall be sold to a permittee holding a permit issued
11 for purposes of section 132D-3, more than five calendar days
12 before the applicable time period under section 132D-3.

13 ~~[(d)]~~ (e) Aerial devices, display fireworks, or articles
14 pyrotechnic shall only be sold or transferred by a wholesaler to
15 a person with a valid permit under sections 132D-10 and 132D-16.
16 No person with a valid permit under sections 132D-10 and 132D-16
17 shall sell or transfer aerial devices, display fireworks, or
18 articles pyrotechnic to any other person.

19 ~~[(e)]~~ (f) Any license issued pursuant to this chapter
20 shall be prominently displayed in public view at each licensed
21 location."



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.

4

INTRODUCED BY: *Anne Mercedes K.*
BY REQUEST

S.B. NO. 2091

Report Title:

State Fire Council Package; Fireworks

Description:

Clarifies fireworks prohibitions and allows fireworks to be used in movie productions and by those authorized to destroy or test fireworks. Requires permanent and temporary fireworks storage buildings to meet certain codes or standards.

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