

**"CHAPTER 132  
FIRE PROTECTION**

Section

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## Note

Chapter heading amended by L 1978, c 241, §2(20).

" **§132-1 County fire chiefs; powers and duties.** (a) Records. The fire chief of each county shall keep in the county fire chief's office a record of all fires occurring in the county and of all facts concerning the same, and shall make such compilations and statistical investigations as the fire chief may deem proper, all of which shall be kept as permanent records in the fire chief's office. All records shall be public, except that any evidence in any investigation may, in the discretion of the county fire chief, be withheld from the public.

(b) Investigations, generally. The fire chief of each county shall:

- (1) Investigate the cause, origin, and circumstances of fires;
- (2) Supervise and make or cause to be made periodically a thorough inspection of all property which might constitute a fire hazard within the county;
- (3) Summon and compel the attendance of witnesses and production of evidence and hold hearings and make orders in any matter under the fire chief's jurisdiction;
- (4) Cooperate with any and all other governmental officers or agencies having jurisdiction in the matters. [L 1917, c 115, pt of §49; RL 1925, pt of §3463; RL 1935, pt of §6839; am L 1939, c 239, §1(1, 3, 9); RL 1945, §8525; RL 1955, §184-1; am L Sp 1959 2d, c 1, §15; am L 1963, c 114, §3; HRS §132-1; am L 1978, c 241, §2(1); gen ch 1985]

" **§132-2 General power to make rules.** Subject to chapter 91, the fire chief of each county may adopt rules which shall not be inconsistent with the provisions of any ordinance relating to the protection of persons and property against fire. Such rules may relate to:

- (1) Prevention of fires, and the inspection of property, periodically or otherwise, or for the prevention of or reduction of loss by fire, or to promote the safety of persons in case of fire;
- (2) Manufacture, storage, sale, and use of combustibles and explosives;
- (3) Installation and maintenance of automatic, or other fire alarm systems, and fire extinguishing equipment;
- (4) Fire escape and other means of exits from or access to buildings or parts of buildings or other property in

case of fire including the exterior approaches to exits of places of assembly. [L 1917, c 115, pt of §49; RL 1925, pt of §3463; RL 1935, pt of §6839; am L 1939, c 239, §1(2); RL 1945, §8526; am L 1949, c 364, §1; RL 1955, §184-2; am L 1965, c 96, §125; HRS §132-2; am L 1978, c 241, §2(2)]

" **§132-3 Adoption of state fire code.** The state fire council shall, after public hearings pursuant to chapter 91, adopt a state fire code setting forth minimum requirements relative to the protection of persons and property from fire loss including without limitation: (1) the storage, handling and use of hazardous substances, materials and devices; and (2) the control of conditions hazardous to life or property in the design, use or occupancy of buildings and premises. The state fire code shall become part of the Hawaii state building codes as provided in section 107-25. The state fire council shall meet annually to review and amend the state fire code. [L 1941, c 176, §§1, 4; RL 1945, §8527; RL 1955, §184-3; am L 1965, c 96, §126; HRS §132-3; am L 1978, c 241, §2(3); am L 2001, c 55, §6; am L 2008, c 18, §1; am L 2014, c 164, §10]

" **§132-4 [OLD] REPEALED.** L 1978, c 241, §2(4).

**§132-4 Investigation of fires; criminal prosecutions.** The fire chief of the county in which any fire occurs shall immediately investigate the cause, origin, and circumstances of fire by which property has been destroyed or damaged and so far as possible determine whether the fire was the result of carelessness or design.

If after any investigation the county fire chief is of the opinion that the evidence in relation to the fire indicates that a crime has been committed, the fire chief shall present the evidence to the prosecuting officer of the county in which the supposed offense was committed, with the request that the prosecuting officer institute such criminal proceedings as the evidence may warrant. [L 1917, c 115, pt of §49; RL 1925, pt of §3463; RL 1935, pt of §6839; am L 1939, c 239, §1(6, 7, 8); RL 1945, §8529; RL 1955, §184-5; HRS §132-5; am and ren L 1978, c 241, §2(5); gen ch 1985]

#### Case Notes

Transmittal of circular on fire regulation to violator does not constitute notice of violation. 5 H. 41.

" **[§132-4.5] Investigation of fires; immunity for information received from insurers.** (a) The fire chief of each county may require any insurer in writing to release information relating to any investigation the insurer has made concerning a loss or potential loss due to fire of suspicious or incendiary origin which information shall include but not be limited to:

- (1) An insurance policy relating to such loss;
- (2) Policy premium records;
- (3) History of previous claims; and
- (4) Other relevant material relating to such loss or potential loss.

(b) If any insurer has reason to suspect that a fire loss to its insured's real or personal property was caused by incendiary means, the insurer shall furnish the county fire chief with all relevant material acquired during its investigation of the fire loss, cooperate with and take such action as may be required of it by the county fire chief, and permit any person ordered by the court to inspect any of its records pertaining to the policy and the loss. Such insurer may request the county fire chief to release information relating to any investigation the fire chief has made concerning any such fire loss of suspicious or incendiary origin.

(c) In the absence of fraud, malice, or criminal act, no insurer or person who furnishes information on its behalf, shall be liable for damages in a civil action or be subject to criminal prosecution for any oral or written statement made that is necessary to supply information required pursuant to this section.

(d) The county fire chief receiving any information furnished pursuant to this section shall hold the information in confidence until such time as its release is required in furtherance of a criminal or civil proceeding.

(e) The county fire chief, in person or by officers or members of the fire chief's fire department, may be required to testify as to any information in the fire chief's possession regarding the fire loss of real or personal property in any civil action in which any person seeks recovery under a policy against any insurance company for the fire loss. [L 1979, c 215, §1; gen ch 1985]

" **§132-5 Right of entry for inspection; unlawful to obstruct.** The county fire chief or the chief's designees, at all reasonable hours may enter any buildings, structures, or premises within the fire chief's jurisdiction, except the interior of private dwellings, to make any inspection, investigation, or examination that is authorized to be made under this chapter. The county fire chief or the chief's

designees may enter any private dwelling whenever the fire chief or the chief's designees have reason to believe that dangerous conditions creating a fire hazard exist in the dwelling. The county fire chief or the chief's designees may enter any private dwelling when a fire has occurred in the dwelling. It shall be unlawful to obstruct, hinder, or delay any person having the right to make the inspection, investigation, or examination in the performance of duty.

The county fire chief or the chief's designees are authorized to make an inspection of all buildings and facilities, except state-owned airport facilities, the frequency of which shall be made in accordance with section 132-6, and shall make a report to the authorities responsible for the maintenance of any building or facility when it is found that a building or facility does not meet minimum standards of fire and safety protection. [L 1917, c 115, pt of §49; RL 1925, pt of §3463; RL 1935, pt of §6839; am L 1939, c 239, §1(13); RL 1945, §8530; RL 1955, §184-6; am L 1959, c 114, §1; HRS §132-6; am and ren L 1978, c 241, §2(6); gen ch 1985; am L 2001, c 6, §1; am L 2007, c 10, §2; am L 2009, c 105, §1]

" **§132-6 Duties of county fire chiefs; periodic inspections; orders to remove fire hazards; appeals.** (a) Each county fire chief, in person or by officers or members of the fire chief's fire department designated by the fire chief for that purpose, shall inspect all buildings, premises, and public thoroughfares, except the interiors of private dwellings and state-owned airport facilities, for the purpose of ascertaining and causing to be corrected any conditions liable to cause fire or any violation of any law, ordinance, rule, or order relating to fire hazard or to the prevention of fires.

(b) The inspection shall be made:

- (1) At least once each year at all public schools; and
- (2) At least once every five years, or as often as deemed practicable or necessary by the county fire chief at all other buildings and premises to provide fire prevention and pre-fire planning within the jurisdiction of the county fire chief.

The State shall conduct fire and safety inspections at all state-owned airport facilities at least once a year.

(c) A written report of each inspection shall be kept on file in the office of the county fire chief.

(d) A copy of any report showing a change in the hazard or any violation of law, ordinance, rule or order relating to the fire hazard upon any risk, shall be given by the county fire chief to any rating bureau making written request of the fire chief therefor.

(e) Each county fire chief is vested with the power and jurisdiction over, and shall have supervision of, every building and premises in the county as may be necessary to enforce any law, ordinances, rule, and order relating to protection from fire loss; provided that this provision shall not in any manner limit the jurisdiction or authority which any other county official may have over such building or premises under any other law or ordinance. Whenever as a result of inspection or upon complaint or otherwise the county fire chief determines that a law, ordinance, rule or order relating to protection from fire loss has been violated or that a condition exists which creates an unreasonable risk of fire loss, the fire chief shall prepare and serve upon the owner, occupant or other person responsible for the building or premises a written order setting forth the nature of the alleged violation or condition, the law, ordinance, rule or order violated, and the protections, safeguards, or other means or methods required to render the building or premises safe as required by law, ordinance, or rule. The order shall be complied with by the owner or occupant or person responsible for the building or premises within the time therein specified unless a timely appeal is taken pursuant to subsection (f) of this section.

(f) Owner's appeal to county fire appeals board. The owner or occupant may, within five days, appeal from any order made by the county fire chief to the county fire appeals board, which shall, within thirty days, and after a hearing pursuant to chapter 91, review the order and file its decision thereon, modifying, affirming, or revoking the order. Each county shall by ordinance establish a county fire appeals board and shall provide for its composition.

(g) Notwithstanding the provisions of subsection (e) of this section where the county fire chief determines that a clear and immediate risk of fire loss exists, the fire chief may after notice to the owner or occupant or other person responsible for the building or premises, and after a hearing pursuant to chapter 91, order such person to take all actions reasonably necessary to render the building or premises safe from fire loss; provided that no notice or hearing shall be required where the county fire chief determines that the risk of fire loss is sufficiently immediate that delay would be dangerous to the public safety and welfare. If any owner, occupant or other person responsible for the building or premises fails to comply with the order of the county fire chief, the county fire chief may take such action and make such expenditure as may be necessary and if the owner, occupant, or other person responsible neglects or refuses to pay to the county fire chief the expense incurred by the fire chief, the county shall have a

prior lien on the real property as provided for in section 132-7. [L 1917, c 115, pt of §49; RL 1925, pt of §3463; RL 1935, pt of §6839; am L 1939, c 239, §1(10, 11); RL 1945, §8531; RL 1955, §184-7; HRS §132-7; am and ren L 1978, c 241, §2(7); gen ch 1985; am L 1998, c 282, §1; am L 2007, c 10, §3; am L 2009, c 105, §2]

" **§132-7 Duty of owner to remove fire hazard; expense; lien.**

If the owner or occupant, to whom the order is directed, fails to comply with the order, or with the order as modified on appeal, and within the time therein fixed, then the county fire chief may cause the buildings, structures, or premises to be repaired, torn down, demolished, materials removed, and all dangerous conditions remedied, as the case may be, at the expense of the owner or occupant, and, if the owner or occupant within thirty days thereafter fails, neglects, or refuses to pay the county fire chief the expense incurred thereby by the fire chief, the county shall have a prior lien for the expense on the real estate on which the buildings or structures were located, or on the premises involved, by the filing of a notice of lien in the bureau of conveyances or in the office of the assistant registrar of the land court, or both, as appropriate. [L 1917, c 115, pt of §49; RL 1925, pt of §3463; RL 1935, pt of §6839; am L 1939, c 239, §1(12); RL 1945, §8532; RL 1955, §184-8; HRS §132-8; am and ren L 1978, c 241, §2(8); gen ch 1985; am L 1998, c 219, §3]

" **§132-8 Duties of owners generally.** (a) Every owner or other person having charge of or control over any building, structure, or other premises, in this chapter designated "owner", shall construct, keep, and make the building, structure, or other premises, in this chapter designated "building", reasonably safe from loss of life or injury to persons or property by fire, in this chapter designated "fire loss", in view of the type of construction, the use of the building, and all other pertinent circumstances.

(b) No owner shall permit the occupancy or use of any building which is not reasonably safe from fire loss and no owner shall fail to furnish, provide, and use reasonably adequate protection and safeguards against fire, or fail to adopt and use processes and methods reasonably adequate to render the building safe from fire loss; and no owner or other person shall fail or neglect to do every other thing reasonably necessary to prevent a fire loss in any building under the owner's or person's charge or control. [L 1917, c 115, pt of §49; RL 1925, pt of §3463; RL 1935, pt of §6839; am L 1939, c

239, §1(14); RL 1945, §8533; RL 1955, §184-9; HRS §132-9; am and  
ren L 1978, c 241, §2(9); gen ch 1985]

### Law Journals and Reviews

Tort and Insurance "Reform" in a Common Law Court. 14 UH L.  
Rev. 55.

### Case Notes

Fireman's Rule adopted. 72 H. 191, 811 P.2d 821.

" **§132-8.5 Automatic elevators.** (a) Every owner, as defined in section 132-8, of a building in a county with more than five floors above or below ground, in which there is an elevator having automatic operation, shall provide that one or more elevators in such building shall be arranged for use by firefighters as follows:

- (1) A key-operated switch with light jewel shall be provided adjacent to the elevator at the street floor landing and may be provided at other landings subject to the discretion of the county fire chief. The key-operated switch shall remove the elevator from normal service and place it on firefighters' service.
- (2) The key-operated switch shall, when operated, cancel existing car calls, prevent registration of further car calls, prevent the opening of the elevator doors except at the landing at which the switch is located, and cause the car to travel to that landing bypassing other landing calls. The light jewel shall be illuminated when the car is returning to the firefighters' landing in response to the operation of the key-operated switch.
- (3) When the car arrives at the firefighters' landing, the doors shall open and remain open until closed by the operation of the elevator from the car.
- (4) A key-operated switch shall be provided in the car which can be operated only by the key which operates the firefighters' landing switch and which, when operated, shall permit operation of the elevator only from the car-operating buttons and cause the elevator to bypass landing calls.

(b) In any case where a contract for the installation of an elevator in a building with more than five floors above or below ground, has been entered on or after July 1, 1974, the elevator shall meet all requirements of the American National



Standard Safety Code for Elevators, A17.1-1971, and supplements A17.1a-1972 and A17.1b-1973, as amended from time to time.

(c) The installation, operation, and maintenance of the safety feature prescribed in subsection (a) shall comply with Appendix E of the American National Standard Safety Code for Elevators A17.1-1971, as amended from time to time, and with rules promulgated in conformity with chapter 91 by each county fire chief.

(d) Each county fire chief shall, after consultation with the director of labor and industrial relations as administrator of the Hawaii Occupational Safety and Health Law under chapter 396, promulgate rules in conformity with chapter 91 necessary for the purposes of this section as it applies to all elevators contracted for, before July 1, 1974.

(e) Any person who violates this section shall be subject to the penalties provided in section 132-13. [L 1972, c 24, §2; am L 1974, c 67, §1; HRS §132-9.5; am L 1977, c 191, §2; am and ren L 1978, c 241, §2(10)]

" **§132-9 Submission of building plans for approval.** The county fire chief shall be authorized by each respective county to require plans or documentation, or both, to show compliance with the county's adopted fire code for the following:

- (1) Construction, alteration, rehabilitation, or addition to any building, structure, or facility;
- (2) Changes in the use of a building or structure, or a change in occupancy; and
- (3) Installation or alteration of any procedures, equipment, property, or structure for any life safety or fire protection systems.

No work shall commence without the necessary permits issued by the jurisdiction having authority.

This section shall be applicable to the State and the counties, and other municipal subdivisions, and their officers, as well as to private persons. [L 1945, c 166, §1; RL 1955, §184-10; am L 1963, c 3, §1; HRS §132-10; am and ren L 1978, c 241, §2(11); gen ch 1985; am L 2013, c 179, §1]

" **§132-10 Witnesses; fees.** The county fire appeals board or the county fire chief shall in all proceedings have the same powers respecting administering oaths, compelling the attendance of witnesses and the production of documentary evidence, and examining witnesses as are possessed by circuit courts. In case of disobedience by any person of any order of the county fire appeals board or the county fire chief or of any subpoena issued by either of them or of the refusal of any witness to testify to any matter regarding which the witness may be questioned

lawfully, any circuit judge, on application by the county corporation counsel, shall compel obedience as in case of disobedience of all requirements of a subpoena issued from a circuit court or a refusal to testify therein. The fees and traveling expenses of witnesses shall be the same as are allowed witnesses in the circuit courts and shall be paid by the appropriate county out of any appropriation or funds available for the expenses of the county fire chief. [L 1917, c 115, pt of §49; RL 1925, pt of §3463; RL 1935, pt of §6839; am L 1939, c 239, §1(19); RL 1945, §8535; RL 1955, §184-12; HRS §132-12; am L 1973, c 31, pt of §21; am and ren L 1978, c 241, §2(13); gen ch 1985]

### Rules of Court

Subpoena, see HRCF rule 45.

" **§132-11 [OLD] REPEALED.** L 1978, c 241, §2(12).

**§132-11 Recorded order of county fire chiefs as evidence.**

A duplicate original of every order made by each county fire chief shall be filed in the fire chief's office and such duplicate original shall be admissible as evidence in any prosecution for the violation of any of its provisions. Unless an appeal has been instituted and is pending, the provisions of any order shall be presumed to be reasonable and lawful and to fix a reasonable and proper standard and requirement of safety from fire loss. [L 1917, c 115, pt of §49; RL 1925, pt of §3463; RL 1935, pt of §6839; am L 1939, c 239, §1(18); RL 1945, §8436; RL 1955, §184-13; HRS §132-13; am and ren L 1978, c 241, §2(14); gen ch 1985]

" **§132-12 Court aid.** Each county fire chief may invoke the aid of any court of competent jurisdiction to enforce any order or action made or taken by the fire chief in pursuance of law. [L 1917, c 115, pt of §49; RL 1925, pt of §3463; RL 1935, pt of §6839; am L 1939, c 239, §1(20); RL 1945, §8537; RL 1955, §184-14; am L 1965, c 96, §127; HRS §132-14; am and ren L 1978, c 241, §2(15); gen ch 1985; am L 1993, c 6, §7]

" **§132-13 Penalty.** Any owner, occupant, or other person having control over or charge of any building, structure, or other premises who violates any provision of this chapter or any law, ordinance, or rule relating to protection from fire loss or who fails or refuses to comply with any order of the county fire chief shall be fined not more than \$500 or imprisoned not more than thirty days, or both. [L 1917, c 115, pt of §49; RL 1925,

pt of §3463; am L 1929, c 24, §1; am imp L 1932 1st, c 13; am L 1933-4, c 28, §1; RL 1935, pt of §6839; am L 1939, c 239, §1(21); RL 1945, §8538; RL 1955, §184-15; HRS §132-15; am and ren L 1978, c 241, §2(16)]

" **§132-14 Educational powers of county fire chiefs.** The fire chiefs of each county may:

- (1) Appoint advisers, promote and secure the appointment and service of committees of commercial, industrial, labor, civic, and other organizations, who shall, without compensation, assist the county fire chief in establishing standards of safety;
- (2) Establish and maintain museums and exhibits of safety and fire prevention in which shall be exhibited equipment, safeguards, and other means and methods for protection against fire loss, and publish and distribute bulletins on any phase of this general subject;
- (3) Cause lectures to be delivered, illustrated by stereopticon or other views, diagrams, or pictures, for the information of owners or other persons and the general public, in regard to the causes and prevention of fires and related subjects. [L 1917, c 115, pt of §49; RL 1925, pt of §3463; RL 1935, pt of §6839; am L 1939, c 239, §1(15); RL 1945, §8539; RL 1955, §184-16; HRS §132-16; am and ren L 1978, c 241, §2(17)]

" **§132-15 Powers of director of labor and industrial relations.** Nothing contained in this chapter shall be construed to deprive the director of labor and industrial relations of any power or jurisdiction over or relative to the storage of explosives. [L 1917, c 115, pt of §49; RL 1925, pt of §3463; RL 1935, pt of §6839; am L 1939, c 239, §1(17); RL 1945, §8540; RL 1955, §184-17; HRS §132-17; am and ren L 1978, c 241, §2(18)]

" **§132-16 State fire council; composition; functions.** (a) There is established a state fire council which shall be placed within the department of labor and industrial relations for administrative purposes. The state fire council shall consist of the fire chiefs of the counties. The state fire council may appoint an advisory committee to assist it in carrying out its functions under this chapter. The advisory committee may include the heads of the various county building departments, a licensed architect recommended by the Hawaii Society of the American Institute of Architects, a licensed electrical engineer and a licensed mechanical engineer recommended by the Consulting Engineers Council of Hawaii, a representative of the Hawaii

Rating Bureau, a representative of the Hawaii firefighters association, representatives of the county fire departments, and such other members of the public as the state fire council may determine can best assist it. The state fire council shall elect a chairperson from among its members.

(b) In addition to adopting a state fire code pursuant to section 132-3, the state fire council shall:

- (1) Administer the requirements for reduced ignition propensity cigarettes, in accordance with chapter 132C; and
- (2) Serve as a focal point through which all applications to the federal government for federal grant assistance for fire-related projects shall be made. Upon the receipt of any such federal grants, the state fire council shall administer those federal grants.

(c) The state fire council may also:

- (1) Appoint advisory committees comprised of representatives from each county fire department to assist in drafting the state fire code and coordinating statewide training, data collection, and contingency planning needs for firefighters;
- (2) Advise and assist the county fire departments where appropriate, may prescribe standard procedures and forms relating to inspections, investigations, and reporting of fires, may approve plans for cooperation among the county fire departments, and may advise the governor and the legislature with respect to fire prevention and protection, life safety, and any other functions or activities for which the various county fire departments are generally responsible; and
- (3) Establish, in conformance with the adopted state fire code and nationally recognized standards, statewide qualifications and procedures, to be administered by the county fire departments, for testing, certifying, and credentialing individuals who perform maintenance and testing of portable fire extinguishers, fire protection systems, and fire alarm systems; provided that the county fire departments may establish and charge reasonable certification fees.

(d) The state fire council may adopt rules pursuant to chapter 91 for purposes of this section. [L 1978, c 241, §2(19); am L 1985, c 103, §1; am L 1987, c 271, §1; gen ch 1992; am L 2000, c 12, §1; am L 2005, c 190, §2; am L 2008, c 218, §2; am L 2014, c 165, §2]

**Note**

The L 2008, c 218 amendment to subsection (b) is repealed if a federal reduced cigarette ignition propensity standard that preempts L 2008, c 218 is adopted and becomes effective. L 2008, c 218, §3.

" **[§132-17] Novelty lighters; prohibited; penalties.** (a) No person shall sell, offer for sale, or otherwise distribute any novelty lighter within the State.

(b) As used in this section, "novelty lighter" means a handheld device that is designed to use fuel to produce flame for the ignition of cigarettes, cigars, or pipes, and has a design that would make it particularly attractive to children ten years of age or younger.

"Novelty lighter" includes but is not limited to lighters that:

- (1) Depict or resemble cartoon characters, toys, guns, watches, games, musical instruments, vehicles, animals, food, or beverages;
  - (2) Produce sounds or music;
  - (3) Have flashing lights or illumination; or
  - (4) Any combination of the above.
- (c) This section shall not apply to the following:
- (1) Novelty lighters that are manufactured in the State or transported through the State, exclusively for sale, offer for sale, or distribution outside the State;
  - (2) Any lighter manufactured prior to 1980 or any lighter that lacks fuel or a component necessary to produce flame or combustion; and
  - (3) Standard disposable and refillable lighters that are printed or decorated with logos, labels, decals, or artwork, or heat shrinkable sleeves.

(d) Any person who violates this section shall be guilty of a misdemeanor and shall be imprisoned for not more than one year or fined not more than \$1,000, or both. [L 2011, c 224, §2]

" **[§132-18] Administrative staffing for the state fire council.** (a) The state fire council may employ on a full-time basis an administrator and administrative assistant, without regard to chapters 76 and 89. The administrator shall administer the affairs of the state fire council at the direction of the council. The state fire council shall determine the compensation for the administrator and the administrative assistant.

(b) The administrator and administrative assistant shall assist the state fire council in carrying out the duties of the council under section 132-16, including:

- (1) Administration of the daily operations of the state fire council;
- (2) Administration of the adoption process of the state fire code by the counties;
- (3) Submission of applications for and expending of federal grants and assistance for fire-related projects;
- (4) Administration of the reduced ignition propensity cigarette program;
- (5) Coordination of the statewide fire and life safety training, education, and data collection programs; and
- (6) Implementation of other related duties as directed by the state fire council.

(c) The budgetary requirements for conducting meetings and other related functions of the state fire council, including the salaries of the administrator and administrative assistant, shall be included in the budget of the department of labor and industrial relations. [L 2011, c 188, §2]

" **[\$132-19] Aerial luminaries; prohibited.** (a) It shall be unlawful to sell, offer for sale, distribute, possess, ignite, or otherwise use aerial luminaries, commonly known as sky lanterns, Hawaii lanterns, and flying luminaries.

(b) Any person who violates this section shall be guilty of a misdemeanor and shall be imprisoned for not more than one year or fined not more than \$1,000, or both, for each violation.

(c) As used in this section, "aerial luminary" means an airborne paper lantern containing a small candle, or other device for fuel, that heats air from inside the lantern causing the lantern to rise into the air and remain airborne until the candle or other device extinguishes. [L 2012, c 319, §2]

#### **Revision Note**

Section was enacted as an addition to chapter 132D but was renumbered to this chapter pursuant to §23G-15.