
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 two new sections to be appropriately
3 designated and to read as follows:

4 "§132D- Set off, ignition, discharge, or explosion from
5 a public way. (a) It shall be unlawful for any person to set
6 off, ignite, discharge, or otherwise cause to explode any
7 fireworks or articles pyrotechnic from any public highway,
8 alley, street, sidewalk, or other public way.

9 (b) Any person who violates subsection (a) by setting off,
10 igniting, discharging, or otherwise causing to explode:

11 (1) Consumer fireworks or any other fireworks or articles
12 not specified in paragraph (2) shall be:

13 (A) Fined not more than \$2,000 for a first violation
14 of this section; or

15 (B) Guilty of a class C felony for a second or
16 subsequent violation of this section that is



1 committed within years of a prior violation of
2 this section; or

3 (2) An aerial device, display fireworks, or articles
4 pyrotechnic shall be guilty of a:

5 (A) Class C felony for a first violation of this
6 section; or

7 (B) Class B felony for a second or subsequent
8 violation of this section that is committed
9 within years of a prior violation of this
10 section.

11 (c) A penalty imposed under this section may be imposed in
12 addition to any other penalty imposed under this chapter or
13 applicable law.

14 **§132D- Compensation; garnishment.** (a) If a person
15 sets off, ignites, discharges, or otherwise causes to explode
16 any fireworks or articles pyrotechnic in a manner that violates
17 this chapter and, as a result, the person causes:

18 (1) Damage to the real or personal property of another
19 person, the violator shall be liable to the other
20 person for compensatory and consequential damages; or



1 (2) Bodily injury to another person, the violator shall be
2 liable to the other person for compensation for pain
3 and suffering as a result of the injury.

4 (b) When awarding damages to a victim pursuant to this
5 section, a court's order, at a minimum, shall:

6 (1) Garnish the violator's wages, salary, or other
7 employment income in a manner consistent with chapter
8 652;

9 (2) Provide that if the violator fails to pay full
10 compensation to the victim within months, a lien
11 shall be placed on any real property owned by the
12 violator; and

13 (3) Include other provisions necessary to facilitate
14 compensation to a victim under this section.

15 (c) This section shall not be construed to preclude a
16 person from receiving other relief or compensation as otherwise
17 available under law."

18 SECTION 2. This Act does not affect rights and duties that
19 matured, penalties that were incurred, and proceedings that were
20 begun before its effective date.

21 SECTION 3. New statutory material is underscored.



1 SECTION 4. This Act shall take effect on July 1, 2019.

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JAN 23 2019



Report Title:

Fireworks; Articles Pyrotechnic; Public Streets; Sidewalks

Description:

Prohibits any person from setting off, igniting, discharging, or otherwise causing to explode any fireworks or articles pyrotechnic from any public highway, alley, street, sidewalk, or other public way. Imposes penalties. Provides a person who causes property damage or bodily injury due to the unlawful use of fireworks or articles pyrotechnic shall be responsible for damages and compensation.

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