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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. The legislature finds that in the first three  
2 weeks of December 2019, the Honolulu police department reported  
3 more than five hundred complaints about fireworks. The  
4 legislature also finds that since 2011, fireworks-related  
5 complaints have increased in all counties. The legislature  
6 further finds that the proliferation of explosive contraband on  
7 Oahu underscores a long-standing reality that authorities  
8 largely have been unable to curtail the supply of aerials and  
9 other black-market fireworks, according to the *Honolulu Star-*  
10 *Advertiser*. Furthermore, only a handful of cases involving the  
11 illegal importation of fireworks or the unauthorized possession  
12 of display fireworks have been publicly reported in recent  
13 years.

14           To address the problem of illegal fireworks, Act 170,  
15 Session Laws of Hawaii 2010, established the illegal fireworks  
16 task force to develop strategies and make recommendations to the  
17 legislature to address the illegal importation and use of



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1 fireworks in the State. Among other recommendations, the task  
2 force recommended increasing random inspections for illegal  
3 fireworks by expanding inspection authority and focusing cargo  
4 inspections to make the inspections more manageable.

5 Subsequently, pursuant to Act 184, Session Laws of Hawaii  
6 2019, the legislative reference bureau updated the findings and  
7 recommendations of the *Report of the Illegal Fireworks Task*  
8 *Force to the Legislature for the Regular Session of 2011*. The  
9 2019 legislative reference bureau report, *Blast From the Past:*  
10 *An Update to the Report of the Illegal Fireworks Task Force to*  
11 *the Legislature for the Regular Session of 2011*, indicated that  
12 the "majority of respondents to the [Legislative Reference]  
13 Bureau's Survey appeared to agree that the issues and challenges  
14 presented by the Task Force in its 2011 report remain relevant  
15 today."

16 The purpose of this Act is to address the illegal  
17 importation and use of fireworks in the State by:

- 18 (1) Authorizing the department of public safety sheriff  
19 division to inspect shipping containers at commercial  
20 harbors in the State or work sites;



1           (2) Establishing a shipping container inspection program  
2           to randomly inspect shipping containers arriving in  
3           the State, including the use of explosive-sniffing  
4           dogs to inspect the containers;

5           (3) Creating the shipping container inspection program  
6           special fund to collect shipping container import fees  
7           established under this Act and appropriating funds for  
8           the shipping container inspection program; and

9           (4) Increasing the maximum fine for certain violations of  
10          the fireworks law.

11          SECTION 2. Chapter 266, Hawaii Revised Statutes, is  
12          amended by adding three new sections to be appropriately  
13          designated and to read as follows:

14          "§266-A Inspection of shipping containers; department of  
15          public safety. (a) In addition to any other powers provided by  
16          law, the department of public safety sheriff division may, in  
17          its discretion, inspect any shipping container situated anywhere  
18          at any commercial harbor as defined in section 266-1, or work  
19          site, to detect and confiscate any material constituting a  
20          threat directly or indirectly to the security of life or



1 property in the State including explosives, but excluding  
2 fireworks regulated under chapter 132D.

3 (b) The department of public safety sheriff division may  
4 collaborate with any federal agency, including any of the United  
5 States armed services, and state and county agencies to carry  
6 out this section. The department of public safety shall serve  
7 as the lead state agency to coordinate the inspection of  
8 shipping containers pursuant to this section.

9 (c) This section shall supersede any labor work rules or  
10 contracts that are contrary to the intent of this section.

11 **§266-B Shipping container inspection program.** (a) The  
12 department of public safety, in collaboration with the  
13 departments of defense and transportation, and any federal  
14 agencies, including any of the United States armed services,  
15 state agencies, and private organizations involved with shipping  
16 cargo into the State, shall develop and implement a program to  
17 randomly inspect shipping containers arriving in Honolulu for  
18 illegal fireworks and explosives smuggled into the State. The  
19 program shall begin no later than October 1, 2020.

20 (b) The shipping container inspection program shall:



- 1        (1) Include the use of explosive-sniffing dogs to inspect  
2        incoming shipping containers to the greatest extent  
3        reasonable;
- 4        (2) Prioritize resources toward high risk containers over  
5        low risk containers. For purposes of this paragraph,  
6        "low risk container" includes shipping containers  
7        containing goods to be delivered to the military,  
8        state or county agencies, established businesses, and  
9        major retailers;
- 10       (3) Conduct the majority of inspections away from ports to  
11       allow timely removal of shipping containers and avoid  
12       off-loading delays;
- 13       (4) Inspect all shipping containers containing legal  
14       fireworks using personnel who are able to distinguish  
15       commercial fireworks from illegal fireworks;
- 16       (5) Include random inspections of freight forwarder  
17       warehouses and other facilities where consolidated  
18       cargo transported from any state harbor to the final  
19       destination is segregated and prepared for delivery;



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1       (6) Include random inspections of common carriers at the  
2           discretion of the department of public safety sheriff  
3           division; and

4       (7) Balance safety concerns with commercial interests to  
5           avoid increases in consumer costs.

6       (c) Beginning July 1, 2020, the department of  
7       transportation shall assess a fee of \$1 for each shipping  
8       container arriving in the State. Beginning July 1, 2021, the  
9       department of transportation shall assess a fee of \$2 for each  
10       shipping container arriving in the State. All fees received by  
11       the department of transportation pursuant to this subsection  
12       shall be deposited into the shipping container inspection  
13       program special fund established under section 266-C.

14       (d) The department of public safety shall coordinate and  
15       conduct the random inspection of shipping containers pursuant to  
16       this section, as authorized under section 266-A. The Hawaii  
17       national guard may be utilized to assist in the random  
18       inspection of shipping containers.

19       (e) The department of public safety may request funding  
20       from the federal government for homeland security and port



1 security measures and work with the military to secure other  
2 funding sources for the purposes of the program.

3 (f) The department of public safety shall adopt rules in  
4 accordance with chapter 91 for the purposes of this section.

5 §266-C Shipping container inspection program special fund.

6 (a) There is established in the state treasury the shipping  
7 container inspection program special fund, into which shall be  
8 deposited:

9 (1) Appropriations by the legislature to the special fund;

10 (2) Gifts, donations, and grants from public agencies and  
11 private persons; and

12 (3) All proceeds collected by the department of  
13 transportation from shipping container import fees  
14 under section 266-B(c).

15 (b) All moneys in the special fund shall be used for  
16 support and administration of the shipping container inspection  
17 program established under section 266-B."

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

20 "(b) Except as provided in subsection (a) or as otherwise  
21 specifically provided for in this chapter, any person violating



1 any other provision of this chapter[7] shall be fined not more  
2 than [~~\$2,000~~] \$5,000 for each violation. Notwithstanding any  
3 provision to the contrary in this section, any person violating  
4 section 132D-14.5 shall be fined at least \$500 and no more than  
5 \$2,000."

6 SECTION 4. No later than twenty days prior to the  
7 convening of the regular sessions of 2021 and 2022, the  
8 department of public safety shall submit to the legislature  
9 reports on the implementation of the shipping container  
10 inspection program established pursuant to this Act. The  
11 reports shall include findings and recommendations, including  
12 costs expended to date, the estimated cost of operating the  
13 program, and any proposed legislation.

14 SECTION 5. There is appropriated out of the general  
15 revenues of the State of Hawaii the sum of \$ or so  
16 much thereof as may be necessary for fiscal year 2020-2021 to be  
17 deposited into the shipping container inspection program special  
18 fund established pursuant to this Act.

19 SECTION 6. There is appropriated out of the shipping  
20 container inspection program special fund the sum of \$  
21 or so much thereof as may be necessary for fiscal year 2020-2021





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1 for costs to establish and administer the shipping container  
 2 inspection program, including the purchase, care, and handling  
 3 of at least two explosive-sniffing dogs.

4 The sum appropriated shall be expended by the department of  
 5 public safety for the purposes of this Act.

6 SECTION 7. In codifying the new sections added by section  
 7 2 of this Act, the revisor of statutes shall substitute  
 8 appropriate section numbers for the letters used in designating  
 9 the new sections in this Act.

10 SECTION 8. Statutory material to be repealed is bracketed  
 11 and stricken. New statutory material is underscored.

12 SECTION 9. This Act shall take effect upon its approval;  
 13 provided that sections 5 and 6 of this Act shall take effect on  
 14 July 1, 2020.

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INTRODUCED BY:

JAN 16 2020



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**Report Title:**

Illegal Fireworks; PSD; DOT; Shipping Container Inspection Program; Special Fund; Fees; Fines; Appropriation

**Description:**

Authorizes the PSD sheriff division to inspect shipping containers at commercial harbors or work sites. Establishes the shipping container inspection program and shipping container inspection program special fund. Increases the maximum fine for each violation of the fireworks law. Requires PSD to submit reports to the legislature on implementation of the shipping container inspection program. Appropriates funds.

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

