
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



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) Establishing a shipping container inspection program
19 to randomly inspect shipping containers arriving in
20 the State for illegal fireworks and explosives,



- 1 including the use of explosive-sniffing dogs to
2 inspect the containers;
- 3 (2) Creating the shipping container inspection program
4 special fund to collect shipping container import fees
5 established under this Act and appropriating funds for
6 the shipping container inspection program; and
- 7 (3) Increasing the maximum fine for certain violations of
8 the fireworks law.

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

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

21 (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, and businesses registered to
9 do business in the State that are in good standing;
- 10 (3) Inspect all shipping containers containing legal
11 fireworks using personnel who are able to distinguish
12 legal fireworks from illegal fireworks;
- 13 (4) Balance safety concerns with commercial interests to
14 avoid increases in consumer costs.
- 15 (c) Beginning July 1, 2020, the department of
16 transportation shall assess a fee of \$1 for each shipping
17 container arriving in the State. Beginning July 1, 2021, the
18 department of transportation shall assess a fee of \$2 for each
19 shipping container arriving in the State. All fees received by
20 the department of transportation pursuant to this subsection



1 shall be deposited into the shipping container inspection
2 program special fund established under section 266-B.

3 (d) The department of public safety shall coordinate and
4 conduct the random inspection of shipping containers pursuant to
5 this section. The Hawaii national guard may be utilized to
6 assist in the random inspection of shipping containers.

7 (e) The department of public safety may request funding
8 from the federal government for homeland security and port
9 security measures and work with the military to secure other
10 funding sources for the purposes of the program.

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

13 **§266-B Shipping container inspection program special fund.**

14 (a) There is established in the state treasury the shipping
15 container inspection program special fund, into which shall be
16 deposited:

17 (1) Appropriations by the legislature to the special fund;
18 (2) Gifts, donations, and grants from public agencies and
19 private persons; and



1 (3) All proceeds collected by the department of
2 transportation from shipping container import fees
3 under section 266-A(c).

4 (b) All moneys in the special fund shall be used for
5 support and administration of the shipping container inspection
6 program established under section 266-A."

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

9 "(b) Except as provided in subsection (a) or as otherwise
10 specifically provided for in this chapter, any person violating
11 any other provision of this chapter[7] shall be fined not more
12 than [~~\$2,000~~] \$5,000 for each violation. Notwithstanding any
13 provision to the contrary in this section, any person violating
14 section 132D-14.5 shall be fined at least \$500 and no more than
15 \$2,000."

16 SECTION 4. No later than twenty days prior to the
17 convening of the regular sessions of 2021 and 2022, the
18 department of public safety shall submit to the legislature
19 reports on the implementation of the shipping container
20 inspection program established pursuant to this Act. The
21 reports shall include findings and recommendations, including



1 costs expended to date, the estimated cost of operating the
2 program, and any proposed legislation.

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

8 SECTION 6. There is appropriated out of the shipping
9 container inspection program special fund the sum of \$
10 or so much thereof as may be necessary for fiscal year 2020-2021
11 for costs to establish and administer the shipping container
12 inspection program, including the purchase, care, and handling
13 of at least two explosive-sniffing dogs.

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

16 SECTION 7. In codifying the new sections added by section
17 2 of this Act, the revisor of statutes shall substitute
18 appropriate section numbers for the letters used in designating
19 the new sections in this Act.

20 SECTION 8. Statutory material to be repealed is bracketed
21 and stricken. New statutory material is underscored.



1 SECTION 9. This Act shall take effect on July 1, 2050;
2 provided that sections 5 and 6 of this Act shall take effect on
3 July 1, 2020.



Report Title:

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

Description:

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. Effective 7/1/2050. (HD1)

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

