

STAND. COM. REP. NO. 247 -22

Honolulu, Hawaii  
FEB 15 , 2022

RE: H.B. No. 2275  
H.D. 1

Honorable Scott K. Saiki  
Speaker, House of Representatives  
Thirty-First State Legislature  
Regular Session of 2022  
State of Hawaii

Sir:

Your Committee on Consumer Protection & Commerce, to which was referred H.B. No. 2275 entitled:

"A BILL FOR AN ACT RELATING TO FIREWORKS INFRACTIONS,"

begs leave to report as follows:

The purpose of this measure is to establish an expeditious adjudication system for processing fireworks infractions, similar to the system for processing traffic infractions.

Your Committee received testimony in support of this measure from the Hawaii State Fire Council, Department of the Prosecuting Attorney of the City and County of Honolulu, Hawaii Fire Department, Honolulu Fire Department, Maui Fire Department, Pearl City Neighborhood Board No. 21, Poi Dogs & Popoki, Hawaiian Humane Society, and five individuals. Your Committee received comments on this measure from the Department of Budget and Finance and Judiciary.

Your Committee finds that the enforcement of the Fireworks Control Law is wanting. Your Committee further finds that enforcement is necessary to protect property from avoidable fire damage and protect persons from fire and explosion-related injuries and respiratory distress caused by the air pollution, and avoid retraumatizing persons with the loud explosions.

2022-1161 HB2275 HD1 HSCR HMSO



Your Committee finds that this measure proposes to amend certain fireworks offenses to infractions, which would be non-criminal, non-jailable offenses, punishable by a fine. Lowering certain fireworks offenses may be a more effective enforcement tool for law enforcement than the existing misdemeanor-level offenses, particularly given various evidentiary issues that have arisen in court. Your Committee notes that this bill is meant to target a large percentage of fireworks violators, and thus serve as a deterrent to would-be violators and engender overall compliance with the Fireworks Control Law.

Your Committee has amended this measure by:

- (1) Changing the range of fines for fireworks violations to a single unspecified fine amount; and
- (2) Changing the effective date to January 1, 2050, to encourage further discussion.

Your Committee has heard testimony that the fine for infractions proposed by this measure, as introduced, may be too low. As this measure is meant to act as a deterrent to would-be violators, your Committee believes more discussion regarding the fine amount is warranted. Your Committee notes that a fine in the range of \$100 to \$250 may be preferable, as these amounts are similar to the fines for driving while using a cell phone and the typical speeding ticket fines. Should your Committee on Finance consider this measure, your Committee respectfully requests that it consider whether fines ranging from \$100 to \$250 may be most appropriate for fireworks infractions.

As affirmed by the record of votes of the members of your Committee on Consumer Protection & Commerce that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2275, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2275, H.D. 1, and be referred to your Committee on Finance.



Respectfully submitted on  
behalf of the members of the  
Committee on Consumer  
Protection & Commerce,

  
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AARON LING JOHANSON, Chair



