

ACT 38

H.B. NO. 2436

A Bill for an Act Relating to Fireworks.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 132D-2, Hawaii Revised Statutes, is amended by amending the definition of “display fireworks” to read as follows:

““Display fireworks” means any fireworks designed primarily for exhibition display by producing visible or audible effects and classified as display fireworks or contained in the regulations of the United States Department of Transportation and designated as UN0333, UN0334, or UN0335, and includes salutes containing more than two grains (one hundred and thirty milligrams) of explosive materials, aerial shells containing more than forty grams of pyrotechnic compositions, and other display pieces which exceed the limits of explosive materials for classification as “consumer fireworks”. This term also includes fused setpieces containing components, which together exceed fifty milligrams of salute power. The use of display fireworks shall be prohibited for use by any person who does not have a display permit issued by a county.”

SECTION 2. Section 132D-5, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) It shall be unlawful for any person without a permit issued under section 132D-10 by a county fire department to:

- (1) Remove or extract the pyrotechnic contents from any fireworks;
- (2) Throw any ignited fireworks ~~[from a moving vehicle; or]~~:
 - (A) From, at, or into a vehicle;
 - (B) At a person or an animal; and
 - (C) From above the first floor of any building;

or
- (3) Set off, ignite, discharge, or otherwise cause to explode any fireworks:
 - (A) Above the first floor of any building;
 - (B) In any vehicle;
 - ~~[(A)]~~ (C) At any time not within the periods for use prescribed in section 132D-3[-unless permitted pursuant to section 132D-10];
 - ~~[(B)]~~ (D) Within one thousand feet [from] of any operating hospital, licensed convalescent home, licensed home for the elderly, zoo, licensed animal shelter, or licensed animal hospital;
 - ~~[(C)]~~ (E) In any school building, or on any school grounds and yards without first obtaining authorization from appropriate school officials;
 - ~~[(D)]~~ (F) On any highway, alley, street, sidewalk, or other public way; in any park; on any public beach; in any officially designated forest or wildlife preserve; within fifty feet [from] of a canefield; or within one thousand feet [from] of any building used for public worship during the periods when services are held;[-except as may be permitted pursuant to section 132D-10;] and
 - ~~[(E)]~~ (G) Within five hundred feet [from] of any hotel.”

SECTION 3. Section 132D-10, Hawaii Revised Statutes, is amended to read as follows:

- “§132D-10 Permits.** A permit shall be required for the purchase and use of:
- (1) Any consumer fireworks commonly known as firecrackers upon payment of a fee of \$25; ~~[and]~~
 - (2) Any aerial devices, display fireworks, or articles pyrotechnic for the purposes of section 132D-16 upon payment of a fee of \$110[-]; and
 - (3) Any consumer fireworks for the purposes of section 132D-5 or for cultural uses that occur at any time other than during the periods prescribed in section 132D-3(1) upon a payment of a fee of \$25.”

ACT 38

SECTION 4. Section 132D-12, Hawaii Revised Statutes, is amended to read as follows:

“§132D-12 Sale to minors; sale by minors; prohibited. It shall be unlawful for any person to offer for sale, sell, or give any fireworks or articles pyrotechnic to minors, and for any minor to possess, purchase, sell, or set off, ignite, or otherwise cause to explode any fireworks or articles pyrotechnic, except as provided in section 132D-13.”

SECTION 5. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 6. This Act shall take effect upon its approval.

(Approved April 25, 2008.)