

A Bill for an Act Relating to Fireworks.

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

SECTION 1. Chapter 132D, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§132D- Liability of homeowner, renter, or person otherwise responsible for real property. A homeowner, renter, or person otherwise responsible for the real property who intentionally, knowingly, or recklessly allows an individual, while on the real property, to possess, set off, ignite, or otherwise cause to explode any aerial device shall be deemed to be in violation of this chapter and shall be subject to the penalties specified in section 132D-14(a)(2) and (b).”

SECTION 2. Section 132D-14, Hawaii Revised Statutes, is amended by amending subsections (a) and (b) to read as follows:

“(a) Any person:

- (1) Importing aerial devices, display fireworks, or articles pyrotechnic without having a valid license under section 132D-7 shall be guilty of a class C felony;
- (2) Purchasing, possessing, setting off, igniting, or discharging aerial devices, display fireworks, or articles pyrotechnic without a valid permit under sections 132D-10 and 132D-16, or storing, selling, or possessing aerial devices, display fireworks, or articles pyrotechnic without a valid license under section 132D-7[;], or allowing an individual to possess, set off, ignite, or otherwise cause to explode any aerial device in violation of section 132D- :
 - (A) If the total weight of the aerial devices, display fireworks, or articles pyrotechnic is twenty-five pounds or more, shall be guilty of a class C felony; or
 - (B) If the total weight of the aerial devices, display fireworks, or articles pyrotechnic is less than twenty-five pounds, shall be guilty of a misdemeanor;
- (3) Who transfers or sells aerial devices, display fireworks, or articles pyrotechnic to a person who does not have a valid permit under sections 132D-10 and 132D-16, shall be guilty of a class C felony; and
- (4) Who removes or extracts the pyrotechnic contents from any fireworks or articles pyrotechnic and uses the contents to construct fireworks, articles pyrotechnic, or a fireworks or articles pyrotechnic related device shall be guilty of a misdemeanor.

(b) Except as provided in subsection (a) or as otherwise specifically provided for in this chapter, any person violating any other provision of this chapter, shall be fined not more than \$2,000 for each violation. Notwithstanding any provision to the contrary in this section, any person violating section 132D- shall be fined at least \$500 and no more than \$2,000.”

SECTION 3. Section 132D-20, Hawaii Revised Statutes, is amended to read as follows:

“§132D-20 Enforcement[;]; probable cause for arrest. (a) This chapter shall be enforced by each county. The counties are authorized to enforce and administer the provisions of this chapter.

(b) Arrests for offenses under this chapter or under a county fireworks ordinance shall be made in compliance with chapter 803. The facts and circum-

stances to establish probable cause for an arrest may include but are not limited to:

- (1) Statements from individuals who witnessed the offense, even if those individuals are not law enforcement officers; and
- (2) Photographs, video recordings, or other recordings that show the commission of the offense and can be authenticated by one or more witnesses; provided that a recording made using an unmanned aerial vehicle shall be exempt from the requirement of authentication by one or more witnesses.

For the purposes of this subsection:

“Other recording” includes any photograph or a video made using an unmanned aerial vehicle.

“Unmanned aerial vehicle” means any aerial vehicle that is operated without the possibility of direct human intervention within or on the aerial vehicle. The term “unmanned aerial vehicle” does not include a remote-controlled airplane.”

SECTION 4. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 5. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.¹

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

(Approved July 5, 2019.)

Note

1. Edited pursuant to HRS §23G-16.5.