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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 purpose of this Act is to ban consumer use  
2 of fireworks except for religious or cultural purposes.

3 SECTION 2. Chapter 132D, Hawaii Revised Statutes, is  
4 amended by adding a new section to be appropriately designated  
5 and to read as follows:

6 "§132D- Use of fireworks restricted. Notwithstanding  
7 any law to the contrary, it shall be unlawful for any person to  
8 set off, ignite, discharge, or otherwise explode consumer  
9 fireworks in this State at any time, except for religious or  
10 cultural purposes as allowed by permit issued by a county."

11 SECTION 3. Section 132D-2, Hawaii Revised Statutes, is  
12 amended by amending the definition of "cultural" to read as  
13 follows:

14 "~~["Cultural"]~~ "Religious or cultural" means relating to the  
15 arts, customs, traditions, mores, and history of ~~[all]~~ any of  
16 the various ethnic groups of Hawaii~~[-]~~ and of any religions."

17 SECTION 4. Section 132D-3, Hawaii Revised Statutes, is  
18 amended to read as follows:



1           **"§132D-3 Permissible uses of consumer fireworks.** Consumer  
 2 fireworks may be set off, ignited, discharged, or otherwise  
 3 caused to explode within the State only[÷

4           ~~(1) From 9:00 p.m. on New Year's Eve to 1:00 a.m. on New~~  
 5           ~~Year's Day; from 7:00 a.m. to 7:00 p.m. on Chinese New~~  
 6           ~~Year's Day; and from 1:00 p.m. to 9:00 p.m. on the~~  
 7           ~~Fourth of July; or~~

8           ~~(2) From 9:00 a.m. to 9:00 p.m. as allowed by permit~~  
 9           ~~pursuant to section 132D-10 if the proposed cultural~~  
 10           ~~use is to occur at any time other than during the~~  
 11           ~~periods prescribed in paragraph (1);~~

12 ~~provided that the]~~ for religious or cultural purposes by persons  
 13 as allowed by permit pursuant to section 132D-10. The purchase  
 14 of not more than five thousand individual consumer fireworks  
 15 commonly known as firecrackers shall be allowed under each  
 16 permit."

17           SECTION 5. Section 132D-5, Hawaii Revised Statutes, is  
 18 amended to read as follows:

19           **"§132D-5 General prohibitions.** (a) It shall be unlawful  
 20 for any person [~~without a permit~~] to:

21           (1) Remove or extract the pyrotechnic contents from any  
 22           fireworks;



1 (2) Throw any ignited fireworks from a moving vehicle; or

2 (3) Set off, ignite, discharge, or otherwise cause to  
3 explode any fireworks[+] without a permit issued by  
4 the county in which the permitted activity is to  
5 occur:

6 (A) At any time not within the periods for use  
7 [~~prescribed in section 132D-3, unless permitted~~  
8 ~~pursuant to section 132D-10;~~] authorized in the  
9 permit;

10 (B) Within one thousand feet from any operating  
11 hospital, convalescent home, home for the  
12 elderly, or animal hospital;

13 (C) In any school building, or on any school grounds  
14 and yards without first obtaining authorization  
15 from appropriate school officials;

16 (D) On any highway, alley, street, sidewalk, or other  
17 public way; in any park; within fifty feet from a  
18 canefield; or within one thousand feet from any  
19 building used for public worship during the  
20 periods when services are held; [~~except as may be~~  
21 ~~permitted pursuant to section 132D-10;~~] and

22 (E) Within five hundred feet from any hotel.



1 (b) It shall be unlawful to purchase consumer fireworks  
2 more than five calendar days before the time periods for  
3 permissible use [~~under section 132D-3.~~

4 ~~(c) It shall be unlawful to sell consumer fireworks after~~  
5 ~~12:01 a.m. on New Year's Day, 6:00 p.m. on Chinese New Year's~~  
6 ~~Day, and 8:00 p.m. on the Fourth of July]."~~

7 SECTION 6. Section 132D-8, Hawaii Revised Statutes, is  
8 amended by amending subsection (c) to read as follows:

9 "(c) It shall be unlawful for any licensee, other than a  
10 wholesaler who is selling or transferring fireworks or articles  
11 pyrotechnic to a licensed retailer, to sell or offer to sell,  
12 exchange for consideration, give, transfer, or donate any  
13 fireworks or articles pyrotechnic at any time to any person who  
14 does not present a permit duly issued as required by section  
15 132D-10 or 132D-16. The permit shall be signed by the seller or  
16 transferor at the time of sale or transfer of the fireworks or  
17 articles pyrotechnic, and the seller or transferor shall  
18 indicate on the permit the amount and type of fireworks or  
19 articles pyrotechnic sold or transferred. No person shall sell  
20 or deliver fireworks to any permittee in any amount in excess of  
21 the amount specified in the permit, less the amount shown on the  
22 permit to have been previously purchased; provided that no



1 fireworks shall be sold to a permittee holding a permit issued  
2 for purposes of section 132D-3, more than five calendar days  
3 before the applicable time period [~~under section 132D-3.~~] for  
4 permissible use."

5 SECTION 7. Section 132D-9, Hawaii Revised Statutes, is  
6 amended to read as follows:

7 "**§132D-9 Application for permit.** The permit required  
8 under section 132D-10 or 132D-16 shall be issued by the county  
9 or its authorized designees and be nontransferable. The county  
10 or its authorized designees shall issue all permits for which  
11 complete applications have been submitted and which contain only  
12 correct information. The permit shall specify the date of  
13 issuance or effect and the date of expiration but in no case for  
14 a period to exceed one year. The permit for the purchase of  
15 consumer fireworks for the purposes of section 132D-3 shall not  
16 allow purchase for more than one event as set forth in section  
17 132D-3. The application shall be made on a form setting forth  
18 the dates for which the permit shall be valid, the location  
19 where the permitted activity is to occur, and the name of the  
20 proprietor or, if a partnership, the name of the partnership and  
21 the names of all partners or, if a corporation, the name of the  
22 corporation and the names of its officers. The permit



1 application may be denied if the proposed use of fireworks or  
2 articles pyrotechnic presents a substantial inconvenience to the  
3 public or presents an unreasonable fire or safety hazard. The  
4 county shall issue permits no earlier than sixty calendar days  
5 and no later than fourteen calendar days prior to the date of  
6 use as prescribed in the permit. Any permit issued pursuant to  
7 this chapter shall be prominently displayed in public view at  
8 the site."

9 SECTION 8. Section 132D-11, Hawaii Revised Statutes, is  
10 amended to read as follows:

11 "**§132D-11 Fee.** (a) The fee for the license required  
12 under section 132D-7 shall be \$3,000 for importers, \$2,000 for  
13 each wholesaler's site, \$1,000 for each storage site, and \$500  
14 for each retailer's site for each year or fraction of a year in  
15 which the licensee plans to conduct business and shall be  
16 payable to the county. The license and permit fees shall be  
17 used solely by each county fire department to pay for the salary  
18 of an auditor of fireworks and articles pyrotechnic records and  
19 all expenses incurred to fulfill the duties required, including  
20 the inspection of inventory and storage facilities, maintenance  
21 of required records, and the training of the auditor. The  
22 auditor shall monitor strict inventory and recordkeeping



1 requirements to ensure that sales of fireworks or articles  
 2 pyrotechnic are made only to license or permit holders under  
 3 this chapter. Each importer, wholesaler, and retailer shall  
 4 maintain accurate records of each purchase and sale of fireworks  
 5 and shall submit those records to the county auditor.

6 (b) The county shall provide an exemption from the fees  
 7 under this section to nonprofit community groups for importation  
 8 and storage of fireworks or articles pyrotechnic for ~~[displays]~~  
 9 a single fireworks display once a year.

10 ~~[(b)]~~ (c) The fee for the license required under section  
 11 132D-7 shall be the fee specified in subsection (a) for each  
 12 year, fraction of a year, or event in which the licensee plans  
 13 to conduct business and shall be payable to the county in which  
 14 the permitted activity is to occur."

15 SECTION 9. Statutory material to be repealed is bracketed  
 16 and stricken. New statutory material is underscored.

17 SECTION 10. This Act shall take effect upon its approval.

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INTRODUCED BY: Tony Watkins  
 JAN 19 2007



**Report Title:**  
Fireworks Regulation

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**Description:**  
Bans consumer use of fireworks except for religious or ceremonial purposes.

