

JAN 27 2010

S.B. NO. 2856

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 the island of Oahu
2 continues to suffer the consequences of illegal- and the over-
3 use of fireworks, especially every New Year's Eve. The
4 legislature also finds that providing the necessary resources to
5 the fire and police departments is key to addressing the
6 problems of regulating the use of fireworks.

7 The purpose of this Act is to provide the necessary funds
8 to county fire and police departments by raising fireworks-
9 related fees and penalties and allocating those fees directly
10 for the use of the county fire and police departments.

11 SECTION 2. Section 132D-10, Hawaii Revised Statutes, is
12 amended to read as follows:

13 "**§132D-10 Permits.** A permit shall be required for the
14 purchase and use of:

- 15 (1) Any consumer fireworks commonly known as firecrackers
16 upon payment of a fee of [~~\$25~~] \$35;



(2) Any aerial devices, display fireworks, or articles pyrotechnic for the purposes of section 132D-16 upon payment of a fee of [~~\$110~~] \$130; 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~~] \$35."

SECTION 3. Section 132D-11, Hawaii Revised Statutes, is amended to read as follows:

"§132D-11 Fee. (a) The fee for the license required under section 132D-7 shall be [~~\$3,000~~] \$4,000 for importers, [~~\$2,000~~] \$2,600 for each wholesaler's site, [~~\$1,000~~] \$1,300 for each storage site, and [~~\$500~~] \$700 for each retailer's site for each year or fraction of a year in which the licensee plans to conduct business and shall be payable to the county.

(b) The county that collects the license fees shall [be used solely by] distribute the fee to its county fire and police departments as follows:

(1) For each county fire department:

(A) \$3,000 from the fee collected from each importer;

(B) \$2,000 from the fee collected from each wholesaler;



1 (C) \$1,000 from the fee collected from each storage
2 site; and

3 (D) \$500 from the fee collected from each retailer;
4 provided that, each county fire department shall use
5 the fee to pay for the salary of an auditor of
6 fireworks and articles pyrotechnic records and all
7 expenses incurred to fulfill the duties required,
8 including the inspection of inventory and storage
9 facilities, maintenance of required records, and the
10 training of the auditor. The auditor shall monitor
11 strict inventory and recordkeeping requirements to
12 ensure that sales of fireworks or articles pyrotechnic
13 are made only to license or permit holders under this
14 chapter[-]; and

15 (2) For each county police department:

16 (A) \$1,000 from the fee collected from each importer;

17 (B) \$600 from the fee collected from each wholesaler;

18 (C) \$300 from the fee collected from each storage
19 site; and

20 (D) \$200 from the fee collected from each retailer;
21 provided that each county police department shall use
22 the fee for the enforcement of this chapter.



1 (c) The county shall provide an exemption from the fees
2 under this section to nonprofit community groups for importation
3 and storage of fireworks or articles pyrotechnic for displays
4 once a year.

5 ~~[(b)]~~ (d) The fee for the license required under section
6 132D-7 shall be the fee specified in subsection (a) for each
7 year~~[, fraction of a year,]~~ or event in which the licensee plans
8 to conduct business and shall be payable to the county in which
9 the permitted activity is to occur."

10 SECTION 4. Section 132D-14, Hawaii Revised Statutes, is
11 amended to read as follows:

12 "§132D-14 Penalty. (a) Any person:

13 (1) Importing aerial devices, display fireworks, or
14 articles pyrotechnic without having a valid license
15 under section 132D-7 shall be guilty of a class C
16 felony;

17 (2) Purchasing, possessing, setting off, igniting, or
18 discharging aerial devices, display fireworks, or
19 articles pyrotechnic without a valid permit under
20 sections 132D-10 and 132D-16, or storing, selling, or
21 possessing aerial devices, display fireworks, or



1 articles pyrotechnic without a valid license under
2 section 132D-7:

3 (A) If the total weight of the aerial devices,
4 display fireworks, or articles pyrotechnic is
5 twenty-five pounds or more, shall be guilty of a
6 class C felony[+] and fined \$1,500, plus \$100 per
7 each illegal item possessed, if any; or

8 (B) If the total weight of the aerial devices,
9 display fireworks, or articles pyrotechnic is
10 less than twenty-five pounds, shall be guilty of
11 a misdemeanor[+] and fined \$500, plus \$100 per
12 each illegal item possessed, if any;

13 (3) Who transfers or sells aerial devices, display
14 fireworks, or articles pyrotechnic to a person who
15 does not have a valid permit under sections 132D-10
16 and 132D-16, shall be guilty of a class C felony; and

17 (4) Who removes or extracts the pyrotechnic contents from
18 any fireworks or articles pyrotechnic and uses the
19 contents to construct fireworks, articles pyrotechnic,
20 or a fireworks or articles pyrotechnic related device
21 shall be guilty of a ~~[misdemeanor.]~~ class C felony and
22 fined \$5,000 for each violation.



1 (b) Except as provided in subsection (a) or (d) or as
2 otherwise specifically provided for in this chapter, any person
3 violating any other provision of this chapter, shall be fined
4 not ~~more~~ less than ~~[\$2,000]~~ \$ _____ for each violation.

5 (c) The court shall collect the fines imposed in
6 subsections (a) ~~[and]~~, (b), and (d) for violating this chapter
7 and ~~[of the fines collected shall pay twenty per cent to the~~
8 ~~State and eighty per cent to]~~ deposit the proceeds to the credit
9 of the county in which the fine was imposed, which shall be
10 expended by the county for law enforcement purposes.

11 (d) Any person who commits a violation enumerated in this
12 section that occurs outside the designated dates and times
13 specified in section 132D-3 or a date or time specified in a
14 permit for display under section 132D-16, shall be guilty of a
15 class C felony, irrespective of the weight of the fireworks that
16 resulted in the penalty, and shall be fined \$10,000 for each
17 violation."

18 SECTION 5. This Act does not affect rights and duties that
19 matured, penalties that were incurred, and proceedings that were
20 begun before its effective date.

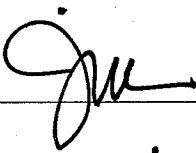
21 SECTION 6. Statutory material to be repealed is bracketed
22 and stricken. New statutory material is underscored.



1 SECTION 7. This Act shall take effect upon its approval;
2 provided that section 3 shall be repealed on December 31, 2013,
3 and section 132D-11, Hawaii Revised Statutes, shall be reenacted
4 in the form in which it read on the day prior to the effective
5 date of this Act.

6

INTRODUCED BY:


Will Espero
Carol Fukumoto
Ronald H. Bell
David Y. Ige
Ryan Bunn
Bernard. Kohl



Report Title:

Fireworks; Enforcement

Description:

Increases fireworks-related fees and penalties and allocates the fees to county fire and police departments to fund enforcement fireworks laws in the State.

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

