

JAN 15 2014

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 transportation
2 of fireworks to, from, and within the State involves various
3 methods of transport, including but not limited to interstate
4 trucking or rail, interstate maritime transportation, intrastate
5 maritime transportation, and intrastate trucking. The
6 legislature further finds that given the diversity of
7 transportation processes and modes, it is essential to, and in
8 the best interest of, the health and safety of the community and
9 the State's first responders that fireworks shipments into the
10 State are thoroughly accounted for and reported. The
11 legislature acknowledges that state law currently imposes
12 certain requirements for individuals or entities licensed to
13 import, store, or sell fireworks pursuant to section 132D-8.6,
14 Hawaii Revised Statutes. However, to ensure a more
15 comprehensive tracking of all shipments of fireworks imported
16 into the State, additional requirements of those persons or
17 entities defined as "shipper" in the State's fireworks statute,
18 chapter 132D, Hawaii Revised Statutes, is necessary. The



1 requirements for shippers were inadvertently omitted at the time
2 that the definition was added to chapter 132D, Hawaii Revised
3 Statutes. Further, the legislature finds that shipments of
4 fireworks imported into the State may consist of multiple orders
5 or lots that may require "redistribution" and that those
6 activities are not clearly defined or recognized in the current
7 fireworks statute.

8 Therefore, the purpose of this Act is to clarify the
9 current fireworks statute by:

- 10 (1) Defining the activity of redistribution;
11 (2) Delineating the responsibilities of those persons or
12 entities defined as "shipper"; and
13 (3) Clarifying the labeling size of display fireworks,
14 articles pyrotechnic, and aerial devices.

15 SECTION 2. Chapter 132D, Hawaii Revised Statutes, is
16 amended by adding a new section to read as follows:

17 "§132D-8.7 Requirements of shipper. Any shipper that
18 receives fireworks that are imported into the State or
19 transported between counties shall notify the fire chief as to
20 whether the shipment will be distributed from:

- 21 (1) Pier to pier;
22 (2) Pier to warehouse or storage facility; or



1 (3) Pier to redistribution."

2 SECTION 3. Section 132D-2, Hawaii Revised Statutes, is
3 amended as follows:

4 1. By adding a new definition to read:

5 "Redistribution" means the performance or conducting of
6 activities related to the unpacking, segregating, and repacking
7 of a consolidated shipment of fireworks or articles pyrotechnics
8 for the purpose of transporting or delivering to one or more of
9 the three types of licensee sites (storage, wholesale, or
10 retail) as provided in section 132D-8.6. Redistribution
11 activities are acknowledged as being temporary or short duration
12 in nature."

13 2. By amending the definition of "license" to read:

14 "License" means a nontransferable, formal authorization,
15 valid for a period not to exceed one [calendar] year from the
16 date of issuance and which the department is hereby authorized
17 to issue under this chapter, to engage in the act or acts
18 specifically designated herein."

19 SECTION 4. Section 132D-16.5, Hawaii Revised Statutes, is
20 amended by amending subsection (b) to read as follows:

21 "(b) Each shell, mine, comet, and multiple tube device,
22 such as finale or barrage boxes, roman candle batteries, or



1 cakes, shall bear a permanent label listing the licensee's name,
2 address, and contact information to include telephone number or
3 electronic mail address. The label shall also list the name and
4 business address of the manufacturer. The label shall be
5 approved by the state fire council and conform to the following
6 standards:

7 (1) Numerals and letters of the printed matter shall be
8 not less than one-eighth of an inch high;

9 (2) Required statements shall be printed in a color that
10 contrasts sharply with the background and shall be
11 printed within a borderline; and

12 (3) The label shall measure at least [~~nine inches by nine~~
13 ~~inches;~~] nine square inches; provided that if the size
14 of the shell, mine, comet, or multiple tube device is
15 too small to correctly display a label of this size,
16 the label may be reduced to a size no smaller than
17 necessary to properly display the information
18 described in this section."

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



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

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INTRODUCED BY:

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BY REQUEST



S.B. NO. 2085

Report Title:

State Fire Council Package; Fireworks; Shippers

Description:

Requires shippers of fireworks to notify the fire chief regarding the distribution of fireworks shipments. Defines the activity of "redistribution" of fireworks and clarifies that the period of validity of fireworks licenses is not to exceed one year. Clarifies the labeling size of display fireworks, articles pyrotechnic, and aerial devices.

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