

JAN 17 2014

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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 define new terms  
2 and clarify practices relating to fireworks in accordance with  
3 nationally recognized standards for consistent statewide  
4 application. This Act also creates two exceptions for the use  
5 of prohibited fireworks - for movie productions and for those  
6 authorized to dispose or test consumer fireworks.

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

9           1. By adding three new definitions to be appropriately  
10 inserted and to read:

11           "Authority having jurisdiction" means an organization,  
12 office, or individual responsible for enforcing the requirements  
13 of a law, code, or standard, or for approving equipment,  
14 materials, an installation, or a procedure.

15           "Permanent fireworks storage" means a building or structure  
16 affixed to a foundation on a site and having fixed utility  
17 connections that is intended to remain on the site for more than  
18 one hundred eighty consecutive calendar days in which fireworks



1 are received, stored, and shipped, but in which no manufacturing  
2 is performed.

3 "Temporary fireworks storage" means a building or structure  
4 not meeting the definition for permanent fireworks storage and  
5 used for fireworks storage for less than one hundred eighty  
6 consecutive calendar days in a twelve month period."

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

8 "License" means a nontransferable, formal authorization,  
9 valid for a period not to exceed one [~~calendar~~] year from the  
10 date of issuance and which the department is hereby authorized  
11 to issue under this chapter, to engage in the act or acts  
12 specifically designated herein."

13 SECTION 3. Section 132D-5, Hawaii Revised Statutes, is  
14 amended by amending subsection (a) to read as follows:

15 "(a) It shall be unlawful for any person [~~without a permit~~  
16 ~~issued under section 132D-10 by a county fire department~~] to:

17 (1) Remove or extract the pyrotechnic contents from any  
18 fireworks;

19 (2) Throw any ignited fireworks:

20 (A) From, at, or into a vehicle;

21 (B) At a person or an animal; and

22 (C) From above the first floor of any building; or



# S.B. NO. 2302

- 1           (3) Set off, ignite, discharge, or otherwise cause to
- 2           explode any fireworks:
- 3           (A) Above the first floor of any building;
- 4           (B) In any vehicle;
- 5           (C) At any time not within the periods for use
- 6           prescribed in section 132D-3;
- 7           (D) Within one thousand feet of any operating
- 8           hospital, licensed convalescent home, licensed
- 9           home for the elderly, zoo, licensed animal
- 10          shelter, or licensed animal hospital;
- 11          (E) In any school building, or on any school grounds
- 12          and yards without first obtaining authorization
- 13          from appropriate school officials;
- 14          (F) On any highway, alley, street, sidewalk, or other
- 15          public way; in any park; on any public beach; in
- 16          any officially designated forest or wildlife
- 17          preserve; within fifty feet of a canefield; or
- 18          within one thousand feet of any building used for
- 19          public worship during the periods when services
- 20          are held; and
- 21          (G) Within five hundred feet of any hotel."



1 SECTION 4. Section 132D-6, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 "[~~§~~132D-6~~§~~] **Exceptions.** The prohibitions in section  
4 132D-5 do not apply to:

5 (1) The use of flares, noisemakers, or signals for  
6 warning, pest control, or illumination purposes by  
7 police and fire departments, utility companies,  
8 transportation agencies, and other governmental or  
9 private agencies or persons, including agricultural  
10 operations, in connection with emergencies, their  
11 duties, or business; [~~and~~]

12 (2) The sale or use of blank cartridges for a show or  
13 theater, or for signal, commercial, or institutional  
14 purposes in athletics or sports~~[-]~~;

15 (3) The purchase and use of consumer fireworks, aerial  
16 devices, display fireworks, or articles pyrotechnic in  
17 a film or movie production with a valid permit issued  
18 by a county pursuant to section 132D-10; and

19 (4) The testing, disposal, or destruction of illegal or  
20 unwanted fireworks by the authority having  
21 jurisdiction."



1 SECTION 5. Section 132D-8, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 **"§132D-8 Application for license.** (a) All licenses  
4 required under section 132D-7 shall be issued by the county and  
5 shall be nontransferable. Licenses to import shall specify the  
6 date of issuance or effect and the date of expiration, which  
7 shall be March 31 of each year. The application shall be made  
8 on a form setting forth the date upon which the importations are  
9 to begin, the address of the location of the importer, and the  
10 name of the proprietor or, if a partnership, the name of the  
11 partnership and the names of all partners or, if a corporation,  
12 the name of the corporation and the names of its officers. The  
13 application for a license to import display fireworks, articles  
14 pyrotechnic, or aerial devices shall include written  
15 documentation of the proposed display event and related contact  
16 information in a form prescribed by the applicable county. If  
17 the state fire council or county discovers at a later date that  
18 a licensee has been convicted of a felony under this chapter,  
19 the licensee's license shall be revoked and no new license shall  
20 be issued to the licensee for two years.

21 (b) Each storage, wholesaling, and retailing site shall be  
22 required to obtain a separate license. The license shall



1 specify the date of issuance or effect and the date of  
2 expiration, which shall be March 31 of each year. The  
3 application shall be made on a form setting forth the date upon  
4 which the storage, sale, or offers for sale are to begin, the  
5 address of the location of the licensee, and the name of the  
6 proprietor, or, if a partnership, the name of the partnership  
7 and the names of all partners or, if a corporation, the name of  
8 the corporation and the name of its officers. Any license  
9 issued pursuant to this chapter may be revoked by the county if  
10 the licensee violates any provision of this chapter or if the  
11 licensee stores or handles the fireworks in such a manner as to  
12 present an unreasonable safety hazard.

13 (c) Permanent and temporary fireworks storage buildings or  
14 structures and buildings or facilities where redistribution  
15 activities are performed shall comply with the applicable county  
16 building or fire code, or nationally recognized standards for  
17 safety established for fireworks storage facilities.

18 [~~e~~] (d) It shall be unlawful for any licensee, other  
19 than a wholesaler who is selling or transferring fireworks or  
20 articles pyrotechnic to a licensed retailer, to sell or offer to  
21 sell, exchange for consideration, give, transfer, or donate any  
22 fireworks or articles pyrotechnic at any time to any person who



1 does not present a permit duly issued as required by section  
2 132D-10 or 132D-16. The permit shall be signed by the seller or  
3 transferor at the time of sale or transfer of the fireworks or  
4 articles pyrotechnic, and the seller or transferor shall  
5 indicate on the permit the amount and type of fireworks or  
6 articles pyrotechnic sold or transferred. No person shall sell  
7 or deliver fireworks to any permittee in any amount in excess of  
8 the amount specified in the permit, less the amount shown on the  
9 permit to have been previously purchased; provided that no  
10 fireworks shall be sold to a permittee holding a permit issued  
11 for purposes of section 132D-3, more than five calendar days  
12 before the applicable time period under section 132D-3.

13 ~~[(d)]~~ (e) Aerial devices, display fireworks, or articles  
14 pyrotechnic shall only be sold or transferred by a wholesaler to  
15 a person with a valid permit under sections 132D-10 and 132D-16.  
16 No person with a valid permit under sections 132D-10 and 132D-16  
17 shall sell or transfer aerial devices, display fireworks, or  
18 articles pyrotechnic to any other person.

19 ~~[(e)]~~ (f) Any license issued pursuant to this chapter  
20 shall be prominently displayed in public view at each licensed  
21 location."



# S.B. NO. 2302

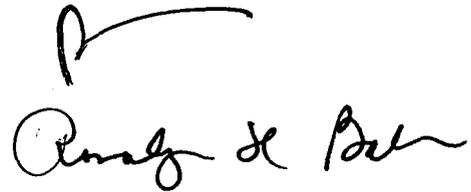
1           SECTION 6. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

3           SECTION 7. This Act shall take effect upon its approval.

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INTRODUCED BY:

Will Zygo





# S.B. NO. 2302

**Report Title:**

Fireworks; Prohibitions; Storage

**Description:**

Adds definitions and requirements for permanent and temporary consumer fireworks storage facilities. Clarifies fireworks prohibitions and exceptions to those fireworks prohibitions.

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

