

JAN 23 2015

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 requires the
3 utilization of multiple modes and methods of transport that
4 include, but are not limited to, interstate trucking or rail,
5 interstate maritime transportation, intrastate maritime
6 transportation, and intrastate trucking. Given the diversity of
7 transportation modes and methods, it is essential to, and in the
8 best interest of, the health and safety of the community and the
9 State's first responders that the importation of fireworks
10 shipments be thoroughly accounted for and reported.

11 The legislature acknowledges that the Hawaii Revised
12 Statutes provide licensing requirements for persons shipping
13 fireworks into the State. However, to ensure more comprehensive
14 tracking of all shipments of fireworks imported into the State,
15 additional requirements are necessary regarding those persons or
16 entities defined as a "shipper." The requirements for a shipper
17 were inadvertently omitted when that definition was added during



1 a previous legislative session. The legislature further finds
2 that shipments of fireworks imported into the State may consist
3 of multiple orders or lots that may require "redistribution" and
4 that such activities are not clearly defined or recognized in
5 the applicable statute.

6 Accordingly, the purpose of this Act to is to define the
7 activity of redistribution and add a new section to delineate
8 the responsibilities of those persons or entities defined as
9 "shipper." This Act also allows fireworks to be used in movie
10 productions and by persons authorized to destroy or test
11 fireworks, and amends the labeling dimensions of display
12 fireworks, articles pyrotechnic, and aerial devices.

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

16 "§132D- Requirements of shipper. (a) Any shipper that
17 receives fireworks that are imported into the State or between
18 counties shall notify the fire chief of any destination county,
19 prior to shipment, as to whether the shipment will be
20 distributed from:

21 (1) Pier to pier;



1 (2) Pier to warehouse or storage facility; or

2 (3) Pier to redistribution."

3 SECTION 3. Section 132D-2, Hawaii Revised Statutes, is
4 amended by adding a new definition to be appropriately inserted
5 and to read as follows:

6 "Redistribution" means the performance or conducting of
7 activities related to the unpacking, segregating, and repacking
8 of a consolidated shipment of fireworks or articles pyrotechnic
9 for the purpose of transporting or delivering to one or more
10 licensee storage, wholesale, or retail sites. Redistribution
11 activities are acknowledged as being of a temporary nature and
12 short duration."

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

15 " ~~[+]~~ §132D-6 ~~[+]~~ **Exceptions.** The prohibitions in section
16 132D-5 do not apply to:

17 (1) The use of flares, noisemakers, or signals for
18 warning, pest control, or illumination purposes by
19 police and fire departments, utility companies,
20 transportation agencies, and other governmental or
21 private agencies or persons, including agricultural



1 operations, in connection with emergencies, their
2 duties, or business; [and]

3 (2) The sale or use of blank cartridges for a show or
4 theater, or for signal, commercial, or institutional
5 purposes in athletics or sports[-];

6 (3) The purchase and use of consumer fireworks, aerial
7 devices, display fireworks, or articles pyrotechnic in
8 a film or movie production with a valid permit issued
9 by a county fire department under section 132D-10; and

10 (4) The testing, disposal, or destruction of illegal or
11 unwanted fireworks by the authority having
12 jurisdiction."

13 SECTION 5. Section 132D-16.5, Hawaii Revised Statutes, is
14 amended by amending subsection (b) to read as follows:

15 "(b) Each shell, mine, comet, and multiple tube device,
16 such as finale or barrage boxes, roman candle batteries, or
17 cakes, shall bear a permanent label listing the licensee's name,
18 address, and contact information to include telephone number or
19 electronic mail address. The label shall also list the name and
20 business address of the manufacturer. The label shall be



1 approved by the state fire council and conform to the following
2 standards:

- 3 (1) Numerals and letters of the printed matter shall be
4 not less than one-eighth of an inch high;
- 5 (2) Required statements shall be printed in a color that
6 contrasts sharply with the background and shall be
7 printed within a borderline; and
- 8 (3) The label shall measure at least nine square inches
9 [~~by nine inches~~]; provided that if the size of the
10 shell, mine, comet, or multiple tube device is too
11 small to correctly display a label of this size, the
12 label may be reduced to a size no smaller than
13 necessary to properly display the information
14 described in this section."

15 SECTION 6. Statutory material to be repealed is bracketed
16 and stricken. New statutory material is underscored.

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

18
INTRODUCED BY:

By Request



S.B. NO. 455

Report Title:

State Fire Council Package; Fireworks; Shipping; Regulation

Description:

Establishes requirements for fireworks shippers. Defines the activity of redistribution. Adds fireworks import licensure exceptions. Amends labeling requirements.

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

