

JAN 22 2021

---

---

# 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:

2 (1) Legalize the usage of consumer grade fireworks,  
3 including aerial devices during limited dates and  
4 times; and

5 (2) Provide that a surcharge be imposed on consumer grade  
6 fireworks to be distributed to the county fire  
7 departments, the department of land and natural  
8 resources division of forestry and wildlife, and the  
9 state comprehensive emergency medical services system.

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

13 "§132D- Fireworks surcharge. (a) A fireworks surcharge  
14 of one per cent shall be imposed on all sales of aerial devices  
15 and consumer fireworks.

16 (b) Moneys collected pursuant to this section shall be  
17 distributed as follows:



# S.B. NO. 895

- 1        (1) One third shall be allocated equally among each county
- 2        fire department;
- 3        (2) One third shall be allocated to the department of land
- 4        and natural resources division of forestry and
- 5        wildlife; and
- 6        (3) One third shall be allocated to the state
- 7        comprehensive emergency medical services system."

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

10        "§132D-3 Permissible uses of consumer fireworks[-] and  
 11 aerial devices. Consumer fireworks and aerial devices may be  
 12 set off, ignited, discharged, or otherwise caused to explode  
 13 within the State only[-

14        ~~(1) From 9:00 p.m.]~~ from sunset to 12:00 a.m. on New  
 15 Year's Eve [~~to 1:00 a.m. on New Year's Day; from 7:00~~  
 16 ~~a.m. to 7:00 p.m. on Chinese New Year's Day;~~] and  
 17 [~~from 1:00 p.m. to 9:00 p.m. on~~] the Fourth of July[-  
 18 or

19        ~~(2) From 9:00 a.m. to 9:00 p.m. as allowed by permit~~  
 20 ~~pursuant to section 132D-10 if the proposed cultural~~



1           ~~use is to occur at any time other than during the~~  
2           ~~periods prescribed in paragraph (1);~~  
3 ~~provided that the purchase of not more than five thousand~~  
4 ~~individual consumer fireworks commonly known as firecrackers~~  
5 ~~shall be allowed under each permit]."~~

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

8           "**§132D-4 Permissible uses of display fireworks~~[, and~~ and**  
9 **articles pyrotechnic~~[, and aerial devices]~~.** (a) Display  
10 fireworks~~[, and~~ and articles pyrotechnic~~[, and aerial devices]~~ may  
11 be purchased, set off, ignited, or otherwise caused to explode  
12 in the State only if for display and permitted in writing  
13 pursuant to sections 132D-10 and 132D-16.

14           (b) Display fireworks~~[, and~~ and articles pyrotechnic~~[, and~~  
15 ~~aerial devices]~~ shall be set off, ignited, discharged, or  
16 otherwise caused to explode within the State only from 9:00 a.m.  
17 to 9:00 p.m.; provided that the applicable county fire chief may  
18 extend the time period for special events; provided further that  
19 the time restriction established in this subsection shall not  
20 apply to display fireworks~~[, and~~ and articles pyrotechnic~~[, and~~  
21 ~~aerial devices]~~ set off, ignited, discharged, or otherwise



1 caused to explode within the State solely as part of a movie or  
2 television production."

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

5 "§132D-9 Application for permit. The permit required  
6 under section 132D-10 or 132D-16 shall be issued by the county  
7 or its authorized designees and be nontransferable. The county  
8 or its authorized designees shall issue all permits for which  
9 complete applications have been submitted and which contain only  
10 correct information. The permit shall specify the date of  
11 issuance or effect and the date of expiration but in no case for  
12 a period to exceed one year. [~~The permit for the purchase of  
13 consumer fireworks for the purposes of section 132D-3 shall not  
14 allow purchase for more than one event as set forth in section  
15 132D-3.~~] The application shall be made on a form setting forth  
16 the dates for which the permit shall be valid, the location  
17 where the permitted activity is to occur, and the name of the  
18 proprietor or, if a partnership, the name of the partnership and  
19 the names of all partners or, if a corporation, the name of the  
20 corporation and the names of its officers. The permit  
21 application may be denied if the proposed use of fireworks or



1 articles pyrotechnic presents a substantial inconvenience to the  
2 public or presents an unreasonable fire or safety hazard. Any  
3 permit issued pursuant to this chapter shall be prominently  
4 displayed in public view at the site."

5 SECTION 6. Section 132D-10, Hawaii Revised Statutes, is  
6 amended to read as follows:

7 **"§132D-10 Permits.** A permit shall be required for the  
8 purchase and use of[+]

- 9 ~~(1) Any consumer fireworks commonly known as firecrackers~~  
10 ~~upon payment of a fee of \$25;~~
- 11 ~~(2) Any aerial devices,~~] display fireworks[~~7~~] or articles  
12 pyrotechnic for the purposes of section 132D-16 upon  
13 payment of a fee of \$110[~~7~~ and
- 14 ~~(3) Any consumer fireworks for the purposes of section~~  
15 ~~132D-5 or for cultural uses that occur at any time~~  
16 ~~other than during the periods prescribed in section~~  
17 ~~132D-3(1) upon a payment of a fee of \$25]."~~

18 SECTION 7. Statutory material to be repealed is bracketed  
19 and stricken. New statutory material is underscored.

20



# S.B. NO. 895

1 SECTION 8. This Act shall take effect upon its approval.

2

INTRODUCED BY: 



# S.B. NO. 895

**Report Title:**

Fireworks; Aerial Devices; Surcharge

**Description:**

Allows consumer fireworks and aerial devices to be used between sunset and midnight on New Year's Eve and the Fourth of July. Imposes a one per cent surcharge on the sale of commercial fireworks and aerial devices.

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

