
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 despite permitting
2 requirements and strict time limitations, the illegal use of
3 fireworks continues unabated. Illegal use of fireworks can
4 cause brush fires, structural fires, and injuries or even death.
5 Most recently, this past New Year's Eve, one man on Kauai died
6 from fireworks-related injuries; at least six people on Oahu
7 were administered medical treatment following fireworks-related
8 incidents, including three children who suffered serious
9 injuries; and at least two people suffered serious fireworks-
10 related injuries on Maui. The legislature further finds that
11 the air pollution and noise pollution caused by the illegal use
12 of fireworks significantly disrupts residents' quality of life.

13 The illegal use of fireworks also contributes to excessive
14 noise. Sudden loud noises, such as those created by fireworks
15 explosions, are a health hazard. Loud noises created by
16 fireworks explosions are inescapable and can also damage
17 hearing, trigger mental health episodes in individuals with



1 post-traumatic stress disorder, disrupt children and the
2 elderly, and lead to life-threatening injuries to pets,
3 livestock, wildlife, and birds.

4 The legislature concludes that in light of these health
5 concerns, additional deterrents against the illegal use of
6 fireworks are needed. The legislature notes that violators who
7 are subject to a citation under the State's air pollution
8 control law or noise pollution law are subject to much higher
9 penalties than existing penalties for violations of the State's
10 fireworks control law. Subjecting violators to these higher
11 penalties would therefore serve as a better deterrent to the
12 illegal use of fireworks.

13 Accordingly, the purpose of this Act is to specify that
14 certain violations of the Fireworks Control Law shall be
15 considered:

- 16 (1) An activity that causes air pollution under the Hawaii
17 Air Pollution Control Act, and punishable by civil
18 penalties and subject to citations under the Hawaii
19 Air Pollution Control Act; and
20 (2) A violation of noise control rules under the Hawaii
21 noise pollution laws, and punishable by civil



1 penalties and subject to citations under the Hawaii
2 noise pollution laws.

3 SECTION 2. Section 132D-14, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "**§132D-14 Penalty.** (a) Any person:

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

10 (2) Purchasing, possessing, setting off, igniting, or
11 discharging aerial devices, display fireworks, or
12 articles pyrotechnic without a valid permit under
13 sections 132D-10 and 132D-16, or storing, selling, or
14 possessing aerial devices, display fireworks, or
15 articles pyrotechnic without a valid license under
16 section 132D-7, or allowing an individual to possess,
17 set off, ignite, or otherwise cause to explode any
18 aerial device in violation of section 132D-14.5:

19 (A) If the total weight of the aerial devices,
20 display fireworks, or articles pyrotechnic is



1 twenty-five pounds or more, shall be guilty of a
2 class C felony; or

3 (B) If the total weight of the aerial devices,
4 display fireworks, or articles pyrotechnic is
5 less than twenty-five pounds, shall be guilty of
6 a misdemeanor;

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

11 (4) Who removes or extracts the pyrotechnic contents from
12 any fireworks or articles pyrotechnic and uses the
13 contents to construct fireworks, articles pyrotechnic,
14 or a fireworks or articles pyrotechnic related device
15 shall be guilty of a misdemeanor.

16 (b) Except as provided in subsection (a) or as otherwise
17 specifically provided for in this chapter, any person violating
18 any other provision of this chapter, shall be fined not more
19 than \$2,000 for each violation. Notwithstanding any provision
20 to the contrary in this section, any person violating



1 section 132D-14.5 shall be fined at least \$500 and no more than
2 \$2,000.

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

9 (d) Notwithstanding any penalty set forth [~~herein,~~] in
10 this section, violations of subsection (a) (1) or (3) may be
11 subject to nuisance abatement proceedings provided in part V of
12 chapter 712.

13 (e) In addition to the penalties provided in this chapter,
14 any person violating section 132D-3, 132D-10, 132D-13,
15 132D-14.5, or 132D-16:

16 (1) Shall be considered to have engaged in an activity
17 that causes air pollution, as that term is defined in
18 chapter 342B, and shall be punishable pursuant to
19 section 342B-47(c), and may be subject to a citation
20 pursuant to section 342B-45; and



1 (2) Shall be considered to be in violation of the noise
2 control rules adopted by the department of health
3 pursuant to chapter 342F, and shall be punishable
4 pursuant to section 342F-9(b), and may be subject to a
5 citation pursuant to section 342F-10."

6 SECTION 3. Section 342B-45, Hawaii Revised Statutes, is
7 amended by amending subsection (a) to read as follows:

8 "**§342B-45 Citation.** (a) Any person who violates the
9 vehicular smoke emission rules and open burning control rules
10 adopted by the department pursuant to this chapter or
11 section 132D-14(e), may be issued a summons or citation for such
12 violation. Violations of vehicular smoke emission rules and
13 open burning control rules or section 132D-14(e), shall
14 constitute a violation as defined in section 701-107 and shall
15 be enforced by police officers. The summons or citation shall
16 be printed in the form hereinafter described, warning the person
17 to appear and answer the charge against the person at a certain
18 place and at a time within seven days of the issuance of the
19 summons or citation."

20 SECTION 4. Section 342B-47, Hawaii Revised Statutes, is
21 amended by amending subsection (c) to read as follows:



1 "(c) Any person who violates this chapter,
2 section 132D-14(e), any rule adopted pursuant to this chapter,
3 other than vehicular smoke emission control and open burning
4 control rules, any condition of a permit issued or variance
5 granted pursuant to this chapter, or any fee or filing
6 requirement, shall be fined not more than \$25,000 for each
7 separate offense. Each day of each violation constitutes a
8 separate offense."

9 SECTION 5. Section 342F-9, Hawaii Revised Statutes, is
10 amended by amending subsection (b) to read as follows:

11 "(b) Any person who violates this chapter,
12 section 132D-14(e), any rule adopted pursuant to this chapter,
13 other than vehicular noise control rules, or any permit or
14 variance issued pursuant to this chapter shall be fined not more
15 than \$10,000 for each separate offense. Each day of each
16 violation shall constitute a separate offense. Any action taken
17 in environmental court to impose or collect the penalty provided
18 for in this subsection, other than the penalty imposed for
19 violations of vehicular noise control rules, shall be considered
20 a civil action."



1 SECTION 6. Section 342F-10, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "[+]§342F-10[+] **Citation.** (a) Any person who commits a
4 violation of the noise control rules adopted by the department
5 pursuant to this chapter may be issued a summons or citation for
6 such violation by any person authorized to enforce such rules,
7 hereinafter referred to as enforcement officer. The summons or
8 citation shall be printed in the form hereinafter described,
9 warning such person to appear and answer to the charge against
10 the person at a certain place and at a time within seven days
11 after the issuance of such summons or citation.

12 The summons or citation shall be designed to provide for
13 all necessary information. The form and content of such summons
14 or citation shall be adopted or prescribed by the district
15 environmental courts.

16 The original of a summons or citation shall be given to the
17 purported violator and the other copy or copies distributed in
18 the manner prescribed by the district environmental courts;
19 provided that the district environmental courts may prescribe
20 alternative methods of distribution of the original and any
21 other copies.



1 Summons and citations shall be consecutively numbered and
2 the carbon copy or copies of each shall bear the same number.

3 In the event any person fails to comply with a summons or
4 citation issued to such person, the enforcement officer shall
5 cause a complaint to be entered against such person and secure
6 the issuance of a warrant for the person's arrest. Failure to
7 comply with a summons or citation is a misdemeanor.

8 (b) Any person violating section 132D-14(e) shall be
9 considered to have violated the noise control rules adopted
10 pursuant to this chapter and subject to a citation under this
11 section."

12 SECTION 7. This Act does not affect rights and duties that
13 matured, penalties that were incurred, and proceedings that were
14 begun before its effective date.

15 SECTION 8. Statutory material to be repealed is bracketed
16 and stricken. New statutory material is underscored.

17 SECTION 9. This Act shall take effect on January 1, 2050.



Report Title:

Fireworks; Fireworks Control Law; Air Pollution; Noise
Pollution; Civil Penalties; Violations; Citations

Description:

Specifies that certain violations of the Fireworks Control Law shall be considered an activity that causes air pollution under the Hawaii Air Pollution Control Act and a violation of noise control rules under the Hawaii noise pollution laws, and punishable by civil penalties and subject to citations under those respective laws. Effective 1/1/2050. (HD1)

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