
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
10 fireworks-related injuries on Maui. The legislature further
11 finds that the air pollution and noise pollution caused by the
12 illegal use of fireworks significantly disrupts residents'
13 quality of life.

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



1 hearing, trigger mental health episodes in individuals with
2 post-traumatic stress disorder, disrupt children and the
3 elderly, and lead to life-threatening injuries to pets,
4 livestock, wildlife, and birds.

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

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

17 (1) An activity that causes air pollution under the Hawaii
18 Air Pollution Control Act, and punishable by civil
19 penalties and subject to citations under the Hawaii
20 Air Pollution Control Act; and



1 (2) A violation of noise control rules under the Hawaii
2 noise pollution laws, and punishable by civil
3 penalties and subject to citations under the Hawaii
4 noise pollution laws.

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

7 "**§132D-14 Penalty.** (a) Any person:

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



1 (A) If the total weight of the aerial devices,
2 display fireworks, or articles pyrotechnic is
3 twenty-five pounds or more, shall be guilty of a
4 class C felony; or

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

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

13 (4) Who removes or extracts the pyrotechnic contents from
14 any fireworks or articles pyrotechnic and uses the
15 contents to construct fireworks, articles pyrotechnic,
16 or a fireworks or articles [~~pyrotechnic-related~~]
17 pyrotechnic-related device shall be guilty of a
18 misdemeanor.

19 (b) Except as provided in subsection (a) or as otherwise
20 specifically provided for in this chapter, any person violating
21 any other provision of this chapter, shall be fined [~~not~~] no



1 more than \$2,000 for each violation. Notwithstanding any
2 provision to the contrary in this section, any person violating
3 section 132D-14.5 shall be fined at least \$500 and no more than
4 \$2,000.

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

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

15 (e) In addition to the penalties provided in this chapter,
16 any person violating section 132D-3, 132D-10, 132D-13,
17 132D-14.5, or 132D-16:

18 (1) Shall be considered to have engaged in an activity
19 that causes air pollution, as that term is defined in
20 chapter 342B, and shall be punishable pursuant to



1 section 342B-47(c), and may be subject to a citation
2 pursuant to section 342B-45; and
3 (2) Shall be considered to be in violation of the noise
4 control rules adopted by the department of health
5 pursuant to chapter 342F, and shall be punishable
6 pursuant to section 342F-9(b), and may be subject to a
7 citation pursuant to section 342F-10."

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

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



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

3 "(c) Any person who violates this chapter,
4 section 132D-14(e), any rule adopted pursuant to this chapter,
5 other than vehicular smoke emission control and open burning
6 control rules, any condition of a permit issued or variance
7 granted pursuant to this chapter, or any fee or filing
8 requirement, shall be fined [~~not~~] no more than \$25,000 for each
9 separate offense. Each day of each violation constitutes a
10 separate offense."

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

13 "(b) Any person who violates this chapter,
14 section 132D-14(e), any rule adopted pursuant to this chapter,
15 other than vehicular noise control rules, or any permit or
16 variance issued pursuant to this chapter shall be fined [~~not~~] no
17 more than \$10,000 for each separate offense. Each day of each
18 violation shall constitute a separate offense. Any action taken
19 in environmental court to impose or collect the penalty provided
20 for in this subsection, other than the penalty imposed for



1 violations of vehicular noise control rules, shall be considered
2 a civil action."

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

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

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

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



1 alternative methods of distribution of the original and any
2 other copies.

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

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

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

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

17 SECTION 8. Statutory material to be repealed is bracketed
18 and stricken. New statutory material is underscored.

19 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. (HD2)

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