

JAN 21 2021

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 Act 170, Session
2 Laws of Hawaii 2010, established the illegal fireworks task
3 force to develop strategies and make recommendations to the
4 legislature to address the illegal importation and use of
5 fireworks in the State. Among other matters, the illegal
6 fireworks task force recommended that the legislature consider
7 increasing fireworks permit fees and violation fines to deter
8 the use of illegal fireworks, decrease the supply of illegal
9 fireworks in the State, and increase funding for prevention and
10 enforcement efforts.

11 The legislature also finds that Act 184, Session Laws of
12 Hawaii 2019, directed the legislative reference bureau to update
13 the illegal fireworks task force's findings and recommendations.
14 In the legislative reference bureau's updated report, the bureau
15 noted that, although the legislature has introduced numerous
16 measures to increase fireworks permit fees and violations fines
17 since 2011, none of the measures were enacted.



1 Accordingly, the purpose of this Act is to implement
2 recommendations of the illegal fireworks task force by:

3 (1) Raising the fireworks display permit fee from \$110 to
4 \$150;

5 (2) Increasing the fine for certain fireworks violations
6 from \$2,000 per violation to \$5,000 per violation;

7 (3) Clarifying that each aerial device, display firework,
8 or article pyrotechnic having a total weight of
9 twenty-five pounds or less that is illegally imported,
10 transferred, or sold constitutes a separate violation;
11 and

12 (4) Increasing the penalty for removing or extracting the
13 pyrotechnic contents from any fireworks or articles
14 pyrotechnic for certain uses.

15 SECTION 2. Section 132D-10, Hawaii Revised Statutes, is
16 amended to read as follows:

17 "**§132D-10 Permits.** A permit shall be required for the
18 purchase and use of:

19 (1) Any consumer fireworks commonly known as firecrackers
20 upon payment of a fee of \$25;



1 (2) Any aerial devices, display fireworks, or articles
2 pyrotechnic for the purposes of section 132D-16 upon
3 payment of a fee of [~~\$110,~~] \$150; and

4 (3) Any consumer fireworks for the purposes of section
5 132D-5 or for cultural uses that occur at any time
6 other than during the periods prescribed in section
7 132D-3(1) upon a payment of a fee of \$25."

8 SECTION 3. Section 132D-14, Hawaii Revised Statutes, is
9 amended by amending subsections (a) and (b) to read as follows:

10 "(a) Any person:

11 (1) Importing aerial devices, display fireworks, or
12 articles pyrotechnic without having a valid license
13 under section 132D-7 shall be guilty of a class C
14 felony; provided that each aerial device, display
15 firework, or article pyrotechnic having a total weight
16 of twenty-five pounds or less that is imported in
17 violation of this paragraph shall constitute a
18 separate violation;

19 (2) Purchasing, possessing, setting off, igniting, or
20 discharging aerial devices, display fireworks, or
21 articles pyrotechnic without a valid permit under



1 sections 132D-10 and 132D-16, or storing, selling, or
2 possessing aerial devices, display fireworks, or
3 articles pyrotechnic without a valid license under
4 section 132D-7, or allowing an individual to possess,
5 set off, ignite, or otherwise cause to explode any
6 aerial device in violation of section 132D-14.5:

7 (A) If the total weight of the aerial devices,
8 display fireworks, or articles pyrotechnic is
9 twenty-five pounds or more, shall be guilty of a
10 class C felony; or

11 (B) If the total weight of the aerial devices,
12 display fireworks, or articles pyrotechnic is
13 less than twenty-five pounds, shall be guilty of
14 a misdemeanor;

15 (3) Who transfers or sells aerial devices, display
16 fireworks, or articles pyrotechnic to a person who
17 does not have a valid permit under sections 132D-10
18 and 132D-16, shall be guilty of a class C felony;
19 provided that each aerial device, display firework, or
20 article pyrotechnic having a total weight of twenty-
21 five pounds or less that is transferred or sold in



1 violation of this paragraph shall constitute a
2 separate violation; and

3 (4) Who removes or extracts the pyrotechnic contents from
4 any fireworks or articles pyrotechnic and uses the
5 contents to construct fireworks, articles pyrotechnic,
6 or a fireworks or articles pyrotechnic related device
7 shall be guilty of a [~~misdemeanor~~] class C felony.

8 (b) Except as provided in subsection (a) or as otherwise
9 specifically provided for in this chapter, any person violating
10 any other provision of this chapter, shall be fined not more
11 than [~~\$2,000~~] \$5,000 for each violation. Notwithstanding any
12 provision to the contrary in this section, any person violating
13 section 132D-14.5 shall be fined at least \$500 and no more than
14 \$2,000."

15 SECTION 4. This Act does not affect rights and duties that
16 matured, penalties that were incurred, and proceedings that were
17 begun before its effective date.

18 SECTION 5. Statutory material to be repealed is bracketed
19 and stricken. New statutory material is underscored.



1 SECTION 6. This Act shall take effect upon its approval.

2

INTRODUCED BY: 



S.B. NO. 165

Report Title:

Fireworks; Permits; Licenses; Fees; Fines; Increase

Description:

Increases the fireworks display permit fee from \$110 to \$150 and the fine for certain fireworks violations from \$2,000 per violation to \$5,000 per violation. Clarifies that each aerial device, display firework, or article pyrotechnic having a total weight of 25 pounds or less that is illegally imported, transferred, or sold constitutes a separate violation. Increases the penalty for removing or extracting the pyrotechnic contents.

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