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## 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 seemingly unabated. Illegal use of  
4 fireworks can cause brush fires, structural fires and can lead  
5 to injuries or even death to people, pets, livestock, wildlife,  
6 and birds.

7       On the eve of January 1, 2021, one man on Kauai died from  
8 fireworks-related injuries; at least six people on Oahu were  
9 administered medical treatment following fireworks-related  
10 incidents, including three children who suffered serious  
11 injuries; and at least two people suffered serious  
12 fireworks-related injuries on Maui.

13       The legislature finds that the illegal use of fireworks  
14 creates excessive noise. Sudden, loud noises, such as those  
15 created by fireworks explosions, are often inescapable and can  
16 damage hearing, trigger mental health episodes in individuals



1 with post-traumatic stress disorder, and disrupt children and  
2 the elderly.

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

11 Accordingly, the purpose of this Act is to:

12 (1) Specify that certain violations of the fireworks  
13 control law shall be considered a violation of state  
14 noise pollution laws, punishable by civil penalties  
15 and subject to citations under state noise pollution  
16 laws;

17 (2) Appropriate funds to establish one full-time  
18 equivalent position for an inspector in the noise  
19 section of the indoor and radiological health branch  
20 of the department of health; and



(3) Appropriate funds for the department of health to enter into a contract with a security company to assist the inspector from October to early January.

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

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

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

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

(A) If the total weight of the aerial devices, 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~~]  
15          pyrotechnic-related device shall be guilty of a  
16          misdemeanor.

17          (b) Except as provided in subsection (a) or as otherwise  
18          specifically provided for in this chapter, any person violating  
19          any other provision of this chapter, shall be fined [~~not~~] no  
20          more than \$2,000 for each violation. Notwithstanding any  
21          provision 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 shall be:

16 (1) Considered to be in violation of the noise control  
17 rules adopted by the department of health pursuant to  
18 chapter 342F;

19 (2) Punishable pursuant to section 342F-9(b); and

20 (3) Subject to a citation pursuant to section 342F-10."



SECTION 3. Section 342F-9, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

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

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

"~~[+]~~**§342F-10**~~[+]~~ **Citation.** (a) Any person who commits a violation of the noise control rules adopted by the department pursuant to this chapter may be issued a summons or citation for such violation by any person authorized to enforce such rules, hereinafter referred to as enforcement officer. The summons or citation shall be printed in the form hereinafter described,



1 warning such person to appear and answer to the charge against  
2 the person at a certain place and at a time within seven days  
3 after the issuance of such summons or citation.

4 The summons or citation shall be designed to provide for  
5 all necessary information. The form and content of such summons  
6 or citation shall be adopted or prescribed by the district  
7 environmental courts.

8 The original of a summons or citation shall be given to the  
9 purported violator and the other copy or copies distributed in  
10 the manner prescribed by the district environmental courts;  
11 provided that the district environmental courts may prescribe  
12 alternative methods of distribution of the original and any  
13 other copies.

14 Summonses and citations shall be consecutively numbered and  
15 the carbon copy or copies of each shall bear the same number.

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



1        (b) Any person violating a section of the Hawaii Revised  
2        Statutes specified in section 132D-14(e) shall be considered to  
3        have violated the noise control rules adopted pursuant to this  
4        chapter and shall be subject to a citation under this section."

5        SECTION 5. There is appropriated out of the general  
6        revenues of the State of Hawaii the sum of \$                      or so  
7        much thereof as may be necessary for fiscal year 2022-2023 for  
8        the establishment of one full-time equivalent (1.0 FTE)  
9        inspector position in the noise section of the indoor and  
10       radiological health branch of the department of health to  
11       enforce section 132D-14(e), Hawaii Revised Statutes.

12       The sum appropriated shall be expended by the department of  
13       health for the purposes of this Act.

14       SECTION 6. There is appropriated out of the general  
15       revenues of the State of Hawaii the sum of \$                      or so  
16       much thereof as may be necessary for fiscal year 2022-2023 for  
17       the department of health to enter into a contract with a  
18       security company to assist the inspector established pursuant to  
19       section 5 of this Act in enforcing section 132D-14(e), Hawaii  
20       Revised Statutes, annually from October through the end of the  
21       second week of January.





# H.B. NO. 2273

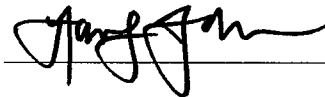
1       The sum appropriated shall be expended by the department of  
2 health for the purposes of this Act.

3       SECTION 7. This Act does not affect rights and duties that  
4 matured, penalties that were incurred, and proceedings that were  
5 begun before its effective date.

6       SECTION 8. Statutory material to be repealed is bracketed  
7 and stricken. New statutory material is underscored.

8       SECTION 9. This Act shall take effect on July 1, 2022.  
9

INTRODUCED BY:



JAN 25 2022



# H.B. NO. 2273

**Report Title:**

Fireworks; Fireworks Control Law; Noise Pollution; Civil Penalties; Violations; Citations; Inspector; Appropriation

**Description:**

Specifies that certain violations of the Fireworks Control Law shall be considered a violation of noise control rules under the Hawaii noise pollution laws, punishable by civil penalties and subject to citations under those respective laws. Appropriates funds to establish one full-time equivalent position for an inspector in the department of health. Appropriates funds for the department of health to enter into a contract with a security company to assist the inspector.

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

