

JAN 26 2022

A BILL FOR AN ACT

RELATING TO FIREWORKS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 132D-2, Hawaii Revised Statutes, is
2 amended by amending the definition of "license" to read as
3 follows:

4 ""License" means a nontransferable, formal authorization,
5 valid for a period not to exceed one calendar year from the date
6 of issuance and ~~[which]~~ that the harbors division of the
7 department of transportation or appropriate county is hereby
8 authorized to issue under this chapter, to engage in the act or
9 acts specifically designated herein."

10 SECTION 2. Section 132D-7, Hawaii Revised Statutes, is
11 amended to read as follows:

12 "§132D-7 License or permit required[-]; report to
13 legislature. A person shall not:

14 (1) Import aerial devices, display fireworks, articles
15 pyrotechnic, or consumer fireworks unless the person
16 has a valid license issued by the harbors division of
17 the department of transportation;



1 ~~[(1)]~~ (2) ~~[Import, store,]~~ Store, offer to sell, or sell,
2 at wholesale or retail, aerial devices, display
3 fireworks, articles pyrotechnic, or consumer fireworks
4 unless the person has a valid license issued by the
5 county; or

6 ~~[(2)]~~ (3) Possess aerial devices, display fireworks, or
7 articles pyrotechnic without a valid license to
8 import, store, or sell aerial devices, display
9 fireworks, or articles pyrotechnic, or a valid display
10 permit as provided for in this chapter.

11 The harbors division of the department of transportation
12 shall submit a report to the legislature no later than twenty
13 days prior to the convening of each regular session to provide a
14 summary of the licenses issued under paragraph (1); provided
15 that information identifiable to an individual shall be
16 confidential and not subject to public disclosure."

17 SECTION 3. Section 132D-8, Hawaii Revised Statutes, is
18 amended by amending subsection (a) to read as follows:

19 "(a) All licenses required under section 132D-7 shall be
20 issued by the county ~~[and]~~; provided that all licenses to import
21 shall be issued by the harbors division of the department of



1 transportation; provided further that all licenses shall be
2 nontransferable. Licenses to import shall specify the date of
3 issuance or effect and the date of expiration, which shall be
4 March 31 of each year. The application shall be made on a form
5 setting forth the date upon which the importations are to begin,
6 the address of the location of the importer, and the name of the
7 proprietor or, if a partnership, the name of the partnership and
8 the names of all partners or, if a corporation, the name of the
9 corporation and the names of its officers. The application for
10 a license to import display fireworks, articles pyrotechnic, or
11 aerial devices shall include written documentation of the
12 information required in subsection 132D-8.6(a), proposed display
13 event, and related contact information in a form prescribed by
14 the ~~[applicable county.]~~ harbors division of the department of
15 transportation. If the ~~[state fire council or county]~~ harbors
16 division of the department of transportation discovers at a
17 later date that a licensee has been convicted of a felony under
18 this chapter, the licensee's license shall be revoked and no new
19 license shall be issued to the licensee for two years."

20 SECTION 4. Section 132D-8.6, Hawaii Revised Statutes, is
21 amended by amending subsections (a) and (b) to read as follows:



1 "(a) Any person who has obtained a license under section
2 132D-7 and ships fireworks or articles pyrotechnic into the
3 State shall:

4 (1) Clearly designate the types of fireworks or articles
5 pyrotechnic in each shipment on the bill of lading or
6 shipping manifest with specificity;

7 (2) Declare on the bill of lading or shipping manifest the
8 gross weight of consumer fireworks, display fireworks,
9 articles pyrotechnic, and aerial devices to be
10 imported in each shipment and the location of the
11 storage facility, if applicable, in which the
12 fireworks or articles pyrotechnic are to be stored;

13 (3) Prior to shipment and when booking each shipment of
14 fireworks, display fireworks, articles pyrotechnic, or
15 aerial devices notify the appropriate state and county
16 official as determined by the harbors division of the
17 department of transportation and county, respectively,
18 regarding whether the shipment will be distributed
19 from:

20 (A) Pier to pier;

21 (B) Pier to warehouse or storage facility; or



1 (C) Pier to redistribution;

2 (4) Prior to booking the shipment, provide to the
3 applicable state official and county fire chief:

4 (A) Written documentation regarding the proposed
5 display event or events and related contact
6 information to allow the fire chief to validate
7 the importation of a three-month or six-month
8 inventory under section 132D-8.5; and

9 (B) An inventory breakdown for each proposed display;
10 and

11 (5) At the time shipping is booked, the importer or
12 consignee shall notify the appropriate state and
13 county official as determined by the harbors division
14 of the department of transportation and county in
15 writing of the expected shipment's landing date.

16 (b) The [~~fire department of a county, in which a shipment~~
17 ~~of fireworks or articles pyrotechnic has landed and becomes~~
18 ~~subject to the jurisdiction of the fire department,~~] harbors
19 division of the department of transportation shall be allowed to
20 inspect, if it chooses, any shipment declared on the shipping
21 manifest as fireworks or articles pyrotechnic."



SECTION 5. Section 132D-11, Hawaii Revised Statutes, is amended to read as follows:

"§132D-11 Fee. (a) The fee for the license required under section 132D-7 shall be \$3,000 for importers, which shall be payable to the State, and \$2,000 for each wholesaler's site, \$1,000 for each storage site, and \$500 for each retailer's site for each year or fraction of a year in which the licensee plans to conduct business and shall be payable to the county. The license fees payable to the county shall be used solely by each county fire department to pay for the salary of an auditor of fireworks and articles pyrotechnic records and all expenses incurred to fulfill the duties required, including the inspection of inventory and storage facilities, maintenance of required records, and the training of the auditor. The auditor shall monitor strict inventory and recordkeeping requirements to ensure that sales of fireworks or articles pyrotechnic are made only to license or permit holders under this chapter. The State and county shall provide an exemption from the fees under this section to nonprofit community groups for importation and storage of fireworks or articles pyrotechnic for displays once a year.



1 (b) The fee for the license required under section 132D-7
2 shall be the fee specified in subsection (a) for each year,
3 fraction of a year, or event in which the licensee plans to
4 conduct business and shall be payable to the State and
5 applicable county in which the permitted activity is to occur."

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

8 SECTION 7. This Act shall take effect upon its approval.

9
INTRODUCED BY Michelle D. Leland



S.B. NO. 3343

Report Title:

Fireworks; License to Import; Harbors Division; Department of Transportation; Annual Report; Fees

Description:

Requires importers of fireworks to obtain a license from the Harbors Division of the Department of Transportation. Requires annual report to the Legislature.

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

