
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, which may
17 subject the violator to a citation under the air
18 pollution control law; and
19 (2) A violation of noise control rules, which may subject
20 the violator to a citation under the noise pollution
21 law.



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

3 **"§132D-14 Penalty.** (a) Any person:

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

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

17 (A) If the total weight of the aerial devices,
18 display fireworks, or articles pyrotechnic is
19 twenty-five pounds or more, shall be guilty of a
20 class C felony; or



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

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

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

14 (b) Except as provided in subsection (a) or as otherwise
15 specifically provided for in this chapter, any person violating
16 any other provision of this chapter, shall be fined not more
17 than \$2,000 for each violation. Notwithstanding any provision
18 to the contrary in this section, any person violating section
19 132D-14.5 shall be fined at least \$500 and no more than \$2,000.

20 (c) The court shall collect the fines imposed in
21 subsections (a) and (b) for violating this chapter and, of the



1 fines collected, shall pay twenty per cent to the State and
2 eighty per cent to the county in which the fine was imposed
3 which shall be expended by the county for law enforcement
4 purposes.

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

9 (e) Notwithstanding any penalty set forth in this section,
10 any person violating sections 132D-3, 132D-10, 132D-13, 132D-
11 14.5, or 132D-16:

12 (1) Shall be considered to have engaged in an activity
13 that causes air pollution, as that term is defined in
14 chapter 342B, and may be subject to a citation
15 pursuant to section 342B-45; and

16 (2) Shall be considered to be in violation of the noise
17 control rules adopted by the department of health
18 pursuant to chapter 342F and may be subject to a
19 citation pursuant to section 342F-10."

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



1 "**§342B-45 Citation.** (a) Any person who violates the
2 vehicular smoke emission rules and open burning control rules
3 adopted by the department pursuant to this chapter or section
4 132D-14(e) of the fireworks control law, may be issued a summons
5 or citation for such violation. Violations of vehicular smoke
6 emission rules and open burning control rules or section 132D-
7 14(e) of the fireworks control law, shall constitute a violation
8 as defined in section 701-107 and shall be enforced by police
9 officers. The summons or citation shall be printed in the form
10 hereinafter described, warning the person to appear and answer
11 the charge against the person at a certain place and at a time
12 within seven days of the issuance of the summons or citation."

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

15 "**[+]§342F-10[+]** **Citation.** (a) Any person who commits a
16 violation of the noise control rules adopted by the department
17 pursuant to this chapter may be issued a summons or citation for
18 such violation by any person authorized to enforce such rules,
19 hereinafter referred to as enforcement officer. The summons or
20 citation shall be printed in the form hereinafter described,
21 warning such person to appear and answer to the charge against



1 the person at a certain place and at a time within seven days
2 after the issuance of such summons or citation.

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

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

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

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



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


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

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

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

10

INTRODUCED BY:



JAN 27 2021



H.B. NO. 1246

Report Title:

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

Description:

Specifies that certain violations of the fireworks control law shall be considered an activity that causes air pollution, which may subject the violator to a citation under the air pollution control law and shall be considered a violation of noise control rules, which may subject the violator to a citation under the noise pollution law.

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