

JAN 20 2023

A BILL FOR AN ACT

RELATING TO FIREWORKS.

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

1 SECTION 1. Chapter 132D, Hawaii Revised Statutes, is
2 amended by adding two new sections to be appropriately
3 designated and to read as follows:

4 "§132D-A Possession and use of fireworks; penalty. (a)

5 No person shall:

6 (1) Possess, set off, ignite, or discharge aerial devices,
7 display fireworks, or articles pyrotechnic without a
8 valid permit under sections 132D-10 and 132D-16;

9 (2) Possess aerial devices, display fireworks, or articles
10 pyrotechnic without a valid license under section
11 132D-7; or

12 (3) Allow an individual to possess, set off, ignite, or
13 otherwise cause to explode any aerial device in
14 violation of section 132D-14.5.

15 (b) A person who violates this section shall be fined:

16 (1) Not more than \$250 for a first violation;

17 (2) Not more than \$500 for a second violation; and



1 (3) Not more than \$1,000 for each additional violation.

2 (c) All penalties collected under this section shall be
3 deposited in the fireworks possession special fund established
4 under section 132D-B.

5 §132D-B Fireworks possession special fund. (a) There is
6 established in the treasury of the State a special fund to be
7 known as the fireworks possession special fund, which shall be
8 administered by the department of public safety. The fund shall
9 consist of fines collected pursuant to section 132D-A.

10 (b) Moneys from the fireworks possession special fund
11 shall be distributed as follows:

12 (1) Eighty per cent directed to the county police
13 departments; and

14 (2) Twenty per cent deposited into the energy security
15 special fund established pursuant to section 201-12.8
16 and directed towards climate change mitigation."

17 SECTION 2. Section 132D-14, Hawaii Revised Statutes, is
18 amended by amending subsections (a) and (b) to read as follows:

19 "(a) Any person:

20 (1) Importing aerial devices, display fireworks, or
21 articles pyrotechnic without having a valid license



1 under section 132D-7 shall be guilty of a class C
2 felony;

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

13 (A) If the total weight of the aerial devices,
14 display fireworks, or articles pyrotechnic is
15 twenty-five pounds or more, shall be guilty of a
16 class C felony; or

17 (B) If the total weight of the aerial devices,
18 display fireworks, or articles pyrotechnic is
19 less than twenty-five pounds, shall be guilty of
20 a misdemeanor;



- 1 (3) Who transfers or sells aerial devices, display
2 fireworks, or articles pyrotechnic to a person who
3 does not have a valid permit under sections 132D-10
4 and 132D-16, shall be guilty of a class C felony; and
5 (4) Who removes or extracts the pyrotechnic contents from
6 any fireworks or articles pyrotechnic and uses the
7 contents to construct fireworks, articles pyrotechnic,
8 or a fireworks or articles pyrotechnic related device
9 shall be guilty of a misdemeanor.

10 (b) Except as provided in subsection (a) or as otherwise
11 specifically provided for in this chapter, any person violating
12 any other provision of this chapter, shall be fined no more than
13 \$5,000 for each violation. ~~[Notwithstanding any provision to
14 the contrary in this section, any person violating section 132D-
15 14.5 shall be fined at least \$500 and no more than \$5,000.] "~~

16 SECTION 3. Section 132D-14.5, Hawaii Revised Statutes, is
17 amended to read as follows:

18 " ~~[+]~~ §132D-14.5 ~~[+]~~ Liability of homeowner, renter, or
19 person otherwise responsible for real property. A homeowner,
20 renter, or person otherwise responsible for the real property
21 who intentionally, knowingly, or recklessly allows an



1 individual, while on the real property, to possess, set off,
2 ignite, or otherwise cause to explode any aerial device shall be
3 deemed to be in violation of this chapter and shall be subject
4 to the penalties specified in section [~~132D-14(a)(2) and (b).~~]
5 132D-A."

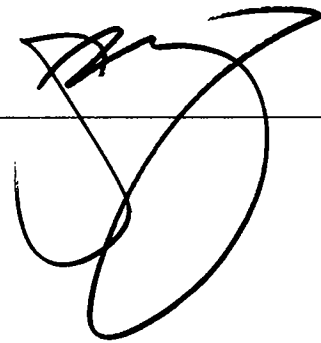
6 SECTION 4. In codifying the new sections added by section
7 1 of this Act, the revisor of statutes shall substitute
8 appropriate section numbers for the letters used in designating
9 the new sections in this Act.

10 SECTION 5. Statutory material to be repealed is bracketed
11 and stricken. New statutory material is underscored.

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

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INTRODUCED BY: _____

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S.B. NO. 708

Report Title:

Fireworks; Possession; Use; Decriminalization; Fireworks Possession Special Fund; County Police Departments; Climate Change Mitigation

Description:

Decriminalizes possession and use of fireworks. Sets fines for possession and use of fireworks. Establishes the Fireworks Possession Special Fund and allocates proceeds of the fund to county police departments and for climate change mitigation.

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

