

## ACT 127

S.B. NO. 172

A Bill for an Act Relating to Fireworks.

*Be It Enacted by the Legislature of the State of Hawaii:*

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

**“§132D- Labeling of display fireworks.** (a) This section shall apply to any display fireworks, articles pyrotechnic, or aerial devices used for a display.

(b) Each shell, mine, comet, and multiple tube device, such as finale or barrage boxes, roman candle batteries, or cakes, shall bear a permanent label listing the licensee’s name, address, and contact information to include telephone number or electronic mail address. The label shall also list the name and business address of the manufacturer. The label shall be approved by the state fire council and conform to the following standards:

- (1) Numerals and letters of the printed matter shall be not less than one-eighth of an inch high;
- (2) Required statements shall be printed in a color that contrasts sharply with the background and shall be printed within a borderline; and
- (3) The label shall measure at least nine inches by nine inches; provided that if the size of the shell, mine, comet, or multiple tube device is too small to correctly display a label of this size, the label may be reduced to a size no smaller than necessary to properly display the information described in this section.

**§132D- Display site inspection.** Each county fire chief is authorized to conduct inspections of the persons conducting a display, including the site where the display is occurring or will occur within the fire chief’s county to determine compliance with the applicable county code and the current editions of the National Fire Protection Association’s “NFPA 1123: Code for Fireworks Display” and “NFPA 1126: Standard for the Use of Pyrotechnics Before a Proximate

Audience.” An inspection fee of \$200 shall be assessed by the county upon the holder of a permit for a display under section 132D-10(2), which shall be separate from the display permit fee under that section. The inspection fee shall be paid to the county in which the display will occur, and shall be used to defray the cost of the official conducting the inspection of the display setup.

**§132D- Display stop order.** A county fire chief is authorized to immediately revoke or suspend any permit issued under section 132D-16 for display of display fireworks, articles pyrotechnic, or aerial devices within the fire chief’s county for the following reasons:

- (1) Adverse climatic or atmospheric conditions;
- (2) The issuance of red flag warnings; or
- (3) Any other conditions determined to make the display potentially hazardous to persons or property.”

SECTION 2. Section 132D-2, Hawaii Revised Statutes, is amended by adding four new definitions to be appropriately inserted and to read as follows:

““Movie” or “television production” means a series of activities that are directly related to the creation of visual and cinematic imagery to be delivered via film, videotape, or digital media and are to be sold, distributed, or displayed as entertainment or the advertisement of products for mass public consumption, including scripting, casting, set design and construction, transportation, videography, photography, sound recording, interactive game design, and post production.

“Permanent” means the state of one object being affixed to another object by glue or other means in a manner that the affixed object is intended to not be easily removable.

“Red flag warning” means a weather forecast issued by the National Weather Service indicating that weather conditions associated with the outbreak of wildfire may occur.

“Shipper” means an entity or person, including a freight forwarder, that is hired for the transport of aerial devices, articles pyrotechnic, consumer fireworks, display fireworks, or fireworks.”

SECTION 3. Section 132D-4, Hawaii Revised Statutes, is amended to read as follows:

**“§132D-4 Permissible uses of display fireworks, articles pyrotechnic, and aerial devices.** (a) Display fireworks, articles pyrotechnic, and aerial devices may be purchased, set off, ignited, or otherwise caused to explode in the State only if for display and permitted in writing pursuant to sections 132D-10 and 132D-16.

(b) Display fireworks, articles pyrotechnic, and aerial devices shall be set off, ignited, discharged, or otherwise caused to explode within the State only from 9:00 a.m. to 9:00 p.m.; provided that the applicable county fire chief may extend the time period for special events; provided further that the time restriction established in this subsection shall not apply to display fireworks, articles pyrotechnic, and aerial devices set off, ignited, discharged, or otherwise caused to explode within the State solely as part of a movie or television production.”

SECTION 4. Section 132D-8, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) All licenses required under section 132D-7 shall be issued by the county and shall be nontransferable. Licenses to import shall specify the date of issuance or effect and the date of expiration, which shall be March 31 of each

year. The application shall be made on a form setting forth the date upon which the importations are to begin, the address of the location of the importer, and the name of the proprietor or, if a partnership, the name of the partnership and the names of all partners or, if a corporation, the name of the corporation and the names of its officers. The application for a license to import display fireworks, articles pyrotechnic, or aerial devices shall include written documentation of the proposed display event and related contact information in a form prescribed by the applicable county. If the state fire council or county discovers at a later date that a licensee has been convicted of a felony under this chapter, the licensee's license shall be revoked and no new license shall be issued to the licensee for two years."

SECTION 5. Section 132D-8.6, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

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

- (1) Clearly designate the types of fireworks or articles pyrotechnic in each shipment on the bill of lading or shipping manifest with specificity;
- (2) Declare on the bill of lading or shipping manifest the gross weight of ~~[aerial devices,]~~ consumer fireworks, display fireworks, ~~[and]~~ articles pyrotechnic, and aerial devices to be imported in each shipment and the location of the storage facility, if applicable, in which the fireworks or articles pyrotechnic are to be stored;
- (3) Prior to shipment and when booking each shipment of fireworks ~~[or]~~, display fireworks, articles pyrotechnic, or aerial devices notify the appropriate county official as determined by the county regarding whether the shipment will be distributed from:
  - (A) Pier to pier;
  - (B) Pier to warehouse or storage facility; or
  - (C) Pier to redistribution; ~~[and]~~
- (4) Prior to booking the shipment, provide to the applicable county fire chief:
  - (A) Written documentation regarding the proposed display event or events and related contact information to allow the fire chief to validate the importation of a three-month or six-month inventory under section 132D-8.5; and
  - (B) An inventory breakdown for each proposed display; and
- [ (4) ] (5) At the time shipping is booked, the importer or consignee shall notify the appropriate county official as determined by the county in writing of the expected shipment's landing date."

SECTION 6. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.<sup>1</sup>

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

(Approved June 15, 2011.)

#### Note

1. Edited pursuant to HRS §23G-16.5.