

JAN 21 2011

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 three new sections to be appropriately
3 designated and to read as follows:

4 "§132D- Labeling of display fireworks. Each shell,
5 mine, comet, and multiple tube device, such as finale or barrage
6 boxes, roman candle batteries, or cakes, shall bear a permanent
7 label listing the licensee's name, address, and contact
8 information. The label shall also list the name and business
9 address of the manufacturer. The label shall be in conformance
10 with the following:

- 11 (1) The printed matter shall have a printed image at least
12 one-eighth of an inch high, but the printed matter is
13 not required to be in capital letters;
- 14 (2) The required statements shall be printed in a color
15 contrasting sharply with the background and shall be
16 printed within a borderline;
- 17 (3) The label shall measure at least nine inches by nine
18 inches; provided that if the size of the shell is too



1 small, the label may be reduced to a size no smaller
2 than necessary; and

3 (4) The label shall receive state fire council for
4 approval.

5 §132D- Display site inspection. The fire chief is
6 authorized to conduct an inspection of the display personnel and
7 site. Inspections shall determine compliance with the current
8 adopted county code and the current editions of the National
9 Fire Protection Association's standard 1123 "outdoor display of
10 fireworks" and standard 1126 "pyrotechnics before a proximate
11 audience". An inspection fee of \$200 shall be assessed by the
12 county upon the permit holder and shall be separate from the
13 display permit fee under section 132D-10.

14 §132D- Display stop order. The fire chief is
15 authorized to immediately revoke or suspend any permit for
16 display of aerial devices, display fireworks, or articles
17 pyrotechnics for the following reasons:

- 18 (1) Adverse climatic or atmospheric conditions;
19 (2) The issuance of red flag warnings; or
20 (3) Any other conditions determined to be potentially
21 hazardous to persons or property."



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

4 "Permanent" means continuing or enduring, as in the same
5 state, status, or place, without fundamental or marked change;
6 not subject to fluctuation or alteration; or fixed or intended
7 to be fixed.

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

11 "Shipper" means an entity or person, including freight
12 forwarders, that is hired for the transport of aerial devices,
13 articles pyrotechnic, consumer fireworks, display fireworks, or
14 fireworks."

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

17 **"§132D-4 Permissible uses of display fireworks, articles**
18 **pyrotechnic, and aerial devices. (a) Display fireworks,**
19 **articles pyrotechnic, and aerial devices may be purchased, set**
20 **off, ignited, or otherwise caused to explode in the State only**
21 **if for display and permitted in writing pursuant to sections**
22 **132D-10 and 132D-16.**



1 (b) Display fireworks, articles pyrotechnic, and aerial
2 devices may be set off, ignited, discharged, or otherwise caused
3 to explode within the State from 9:00 a.m. to 9:00 p.m.;
4 provided that the fire chief may extend the time period for
5 special events."

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

8 "(a) All licenses required under section 132D-7 shall be
9 issued by the county and shall be nontransferable. Licenses to
10 import shall specify the date of issuance or effect and the date
11 of expiration, which shall be March 31 of each year. The
12 application shall be made on a form setting forth the date upon
13 which the importations are to begin, the address of the location
14 of the importer, and the name of the proprietor or, if a
15 partnership, the name of the partnership and the names of all
16 partners or, if a corporation, the name of the corporation and
17 the names of its officers. The application for a license to
18 import aerial devices, display fireworks, or articles
19 pyrotechnic shall include written documentation of the proposed
20 display event and related contact information. If the state
21 fire council or county discovers at a later date that a licensee
22 has been convicted of a felony under this chapter, the



1 licensee's license shall be revoked and no new license shall be
2 issued to the licensee for two years."

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

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

8 (1) Clearly designate the types of fireworks or articles
9 pyrotechnic in each shipment on the bill of lading or
10 shipping manifest with specificity;

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

17 (3) Prior to shipment and when booking each shipment of
18 fireworks, aerial devices, display fireworks, or
19 articles pyrotechnic notify the appropriate county
20 official as determined by the county regarding whether
21 the shipment will be distributed from:

22 (A) Pier to pier;



1 (B) Pier to warehouse or storage facility; or
 2 (C) Pier to redistribution; [~~and~~]
 3 (4) Prior to booking shipment, the licensee shall include
 4 written documentation of the proposed display event or
 5 events and related contact information to the fire
 6 chief to validate the importation of a three-month or
 7 six-month inventory. The licensee shall also provide
 8 an inventory breakdown for each proposed display; and
 9 [~~4~~] (5) At the time shipping is booked, the importer or
 10 consignee shall notify the appropriate county official
 11 as determined by the county in writing of the expected
 12 shipment's landing date."

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

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

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INTRODUCED BY: Will Enger

John R. ...
Randy ...
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Report Title:

Fire Protection; Fireworks; Inventory; Labeling; Importation;
Permit Revocation or Suspension

Description:

Amends provisions of the fireworks code, imposing new definitions and permitting, importation, labeling, and inspection requirements. Authorizes the fire chief to revoke or suspend permits for enumerated reasons.

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