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 two new sections to be appropriately designated and to read as follows:

"§132D- Set off, ignition, discharge, or explosion from a public way. (a) It shall be unlawful for any person to set off, ignite, discharge, or otherwise cause to explode any fireworks or articles pyrotechnic from any public highway, alley, street, sidewalk, or other public way.

(b) Any person who violates subsection (a) by setting off, igniting, discharging, or otherwise causing to explode:

(1) Consumer fireworks or any other fireworks or articles not specified in paragraph (2) shall be:

(A) Fined not more than $2,000 for a first violation of this section; or

(B) Guilty of a class C felony for a second or subsequent violation of this section that is
committed within ___ years of a prior violation of this section; or

(2) An aerial device, display fireworks, or articles pyrotechnic shall be guilty of a:

(A) Class C felony for a first violation of this section; or

(B) Class B felony for a second or subsequent violation of this section that is committed within ___ years of a prior violation of this section.

(c) A penalty imposed under this section may be imposed in addition to any other penalty imposed under this chapter or applicable law.

§132D- Compensation; garnishment. (a) If a person sets off, ignites, discharges, or otherwise causes to explode any fireworks or articles pyrotechnic in a manner that violates this chapter and, as a result, the person causes:

(1) Damage to the real or personal property of another person, the violator shall be liable to the other person for compensatory and consequential damages; or
(2) Bodily injury to another person, the violator shall be liable to the other person for compensation for pain and suffering as a result of the injury.

(b) When awarding damages to a victim pursuant to this section, a court's order, at a minimum, shall:

(1) Garnish the violator's wages, salary, or other employment income in a manner consistent with chapter 652;

(2) Provide that if the violator fails to pay full compensation to the victim within months, a lien shall be placed on any real property owned by the violator; and

(3) Include other provisions necessary to facilitate compensation to a victim under this section.

(c) This section shall not be construed to preclude a person from receiving other relief or compensation as otherwise available under law."

SECTION 2. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 3. New statutory material is underscored.
SECTION 4. This Act shall take effect on July 1, 2019.

INTRODUCED BY:

[Signatures]

JAN 23 2019
Report Title:
Fireworks; Articles Pyrotechnic; Public Streets; Sidewalks

Description:
Prohibits any person from setting off, igniting, discharging, or otherwise causing to explode any fireworks or articles pyrotechnic from any public highway, alley, street, sidewalk, or other public way. Imposes penalties. Provides a person who causes property damage or bodily injury due to the unlawful use of fireworks or articles pyrotechnic shall be responsible for damages and compensation.

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