
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 a new section to be appropriately designated
3 and to read as follows:
4 "§132D- Liability of homeowner, renter, or person
5 otherwise responsible for real property. A homeowner, renter,
6 or person otherwise responsible for the real property who
7 intentionally, knowingly, or recklessly allows an individual,
8 while on the real property, to possess, set off, ignite, or
9 otherwise cause to explode any aerial device shall be deemed to
10 be in violation of this chapter and shall be subject to the
11 penalties specified in section 132D-14(a)(2) and (b)."

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

14 "(a) Any person:

15 (1) Importing aerial devices, display fireworks, or
16 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, selling, or
7 possessing aerial devices, display fireworks, or
8 articles pyrotechnic without a valid license under
9 section 132D-7[+], or allowing an individual to
10 possess, set off, ignite, or otherwise cause to
11 explode any aerial device in violation of section
12 132D- :

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 not more
13 than \$2,000 for each violation. Notwithstanding any provision
14 to the contrary in this section, any person violating section
15 132D- shall be fined at least \$500 and no more than \$2,000."

16 SECTION 3. Section 132D-20, Hawaii Revised Statutes, is
17 amended to read as follows:

18 "§132D-20 Enforcement[-]; probable cause for arrest. (a)

19 This chapter shall be enforced by each county. The counties are
20 authorized to enforce and administer the provisions of this
21 chapter.



1 (b) Arrests for offenses under this chapter or under a
2 county fireworks ordinance shall be made in compliance with
3 chapter 803. The facts and circumstances to establish probable
4 cause for an arrest may include but are not limited to:

5 (1) Statements from individuals who witnessed the offense,
6 even if those individuals are not law enforcement
7 officers; and

8 (2) Photographs, video recordings, or other recordings
9 that show the commission of the offense and can be
10 authenticated by one or more witnesses; provided that
11 a recording made using an unmanned aerial vehicle
12 shall be exempt from the requirement of authentication
13 by one or more witnesses.

14 For the purposes of this subsection:

15 "Other recording" includes any photograph or a video made
16 using an unmanned aerial vehicle.

17 "Unmanned aerial vehicle" means any aerial vehicle that is
18 operated without the possibility of direct human intervention
19 within or on the aerial vehicle. The term "unmanned aerial
20 vehicle" does not include a remote-controlled airplane."



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

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

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



Report Title:

Fireworks; Property Liability; Arrests; Probable Cause

Description:

Establishes liability for a person who is responsible for real property and allows an individual to possess or set off illegal aerial devices on the real property. Establishes criminal penalties. Clarifies that probable cause for arrest for fireworks offenses may be based on statements from witnesses and photographs, video, and other recordings. (HB89 CD1)

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