
A BILL FOR AN ACT

RELATING TO FIREWORKS.

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

1 SECTION 1. The legislature finds that despite permitting
2 requirements and strict time limitations, the illegal use of
3 fireworks continues seemingly unabated. Illegal use of
4 fireworks can cause brush fires, structural fires and can lead
5 to injuries or even death to people, pets, livestock, wildlife,
6 and birds.

7 On the eve of January 1, 2021, one man on Kauai died from
8 fireworks-related injuries; at least six people on Oahu were
9 administered medical treatment following fireworks-related
10 incidents, including three children who suffered serious
11 injuries; and at least two people suffered serious
12 fireworks-related injuries on Maui.

13 The legislature finds that the illegal use of fireworks
14 creates excessive noise. Sudden, loud noises, such as those
15 created by fireworks explosions, are often inescapable and can
16 damage hearing, trigger mental health episodes in individuals



1 with post-traumatic stress disorder, and disrupt children and
2 the elderly.

3 The legislature concludes that in light of these health
4 concerns, additional deterrents against the illegal use of
5 fireworks are needed. The legislature notes that violators of
6 the State's noise pollution law are subject to much higher
7 penalties than existing penalties for violations of the State's
8 fireworks control law. Subjecting fireworks control law
9 violators to higher penalties would therefore serve as a better
10 deterrent to the illegal use of fireworks.

11 Accordingly, the purpose of this Act is to:

12 (1) Specify that certain violations of the fireworks
13 control law shall be considered a violation of state
14 noise pollution laws, punishable by civil penalties
15 and subject to citations under state noise pollution
16 laws;

17 (2) Appropriate funds to establish one full-time
18 equivalent position for an inspector in the noise
19 section of the indoor and radiological health branch
20 of the department of health; and



(3) Appropriate funds for the department of health to enter into a contract with a security company to assist the inspector from October to early January each year.

SECTION 2. Section 132D-14, Hawaii Revised Statutes, is amended to read as follows:

"§132D-14 Penalty. (a) Any person:

(1) Importing aerial devices, display fireworks, or articles pyrotechnic without having a valid license under section 132D-7 shall be guilty of a class C felony;

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



1 (A) If the total weight of the aerial devices,
2 display fireworks, or articles pyrotechnic is
3 twenty-five pounds or more, shall be guilty of a
4 class C felony; or

5 (B) If the total weight of the aerial devices,
6 display fireworks, or articles pyrotechnic is
7 less than twenty-five pounds, shall be guilty of
8 a misdemeanor;

9 (3) Who transfers or sells aerial devices, display
10 fireworks, or articles pyrotechnic to a person who
11 does not have a valid permit under sections 132D-10
12 and 132D-16, shall be guilty of a class C felony; and

13 (4) Who removes or extracts the pyrotechnic contents from
14 any fireworks or articles pyrotechnic and uses the
15 contents to construct fireworks, articles pyrotechnic,
16 or a fireworks or articles [~~pyrotechnic-related~~]
17 pyrotechnic-related device shall be guilty of a
18 misdemeanor.

19 (b) Except as provided in subsection (a) or as otherwise
20 specifically provided for in this chapter, any person violating
21 any other provision of this chapter, shall be fined [~~not~~] no



1 more than \$2,000 for each violation. Notwithstanding any
2 provision to the contrary in this section, any person violating
3 section 132D-14.5 shall be fined at least \$500 and no more than
4 \$2,000.

5 (c) The court shall collect the fines imposed in
6 subsections (a) and (b) for violating this chapter and, of the
7 fines collected, shall pay twenty per cent to the State and
8 eighty per cent to the county in which the fine was imposed,
9 which shall be expended by the county for law enforcement
10 purposes.

11 (d) Notwithstanding any penalty set forth [~~herein,~~] in
12 this section, violations of subsection (a)(1) or (3) may be
13 subject to nuisance abatement proceedings provided in part V of
14 chapter 712.

15 (e) In addition to the penalties provided in this chapter,
16 any person violating section 132D-3, 132D-10, 132D-13,
17 132D-14.5, or 132D-16 shall be:

18 (1) Considered to be in violation of the noise control
19 rules adopted by the department of health pursuant to
20 chapter 342F;

21 (2) Punishable pursuant to section 342F-9(b); and



1 (3) Subject to a citation pursuant to section 342F-10."

2 SECTION 3. Section 342F-9, Hawaii Revised Statutes, is
3 amended by amending subsection (b) to read as follows:

4 "(b) Any person who violates this chapter, any rule
5 adopted pursuant to this chapter, other than vehicular noise
6 control rules, ~~[or]~~ any permit or variance issued pursuant to
7 this chapter, or any section as specified in section 132D-14(e),
8 shall be fined ~~[not]~~ no more than \$10,000 for each separate
9 offense. Each day of each violation shall constitute a separate
10 offense. Any action taken in environmental court to impose or
11 collect the penalty provided for in this subsection, other than
12 the penalty imposed for violations of vehicular noise control
13 rules, shall be considered a civil action."

14 SECTION 4. Section 342F-10, Hawaii Revised Statutes, is
15 amended to read as follows:

16 "[~~§~~§342F-10~~§~~] **Citation.** (a) Any person who commits a
17 violation of the noise control rules adopted by the department
18 pursuant to this chapter may be issued a summons or citation for
19 such violation by any person authorized to enforce such rules,
20 hereinafter referred to as enforcement officer. The summons or
21 citation shall be printed in the form hereinafter described,



1 warning such person to appear and answer to the charge against
2 the person at a certain place and at a time within seven days
3 after the issuance of such summons or citation.

4 The summons or citation shall be designed to provide for
5 all necessary information. The form and content of such summons
6 or citation shall be adopted or prescribed by the district
7 environmental courts.

8 The original of a summons or citation shall be given to the
9 purported violator and the other copy or copies distributed in
10 the manner prescribed by the district environmental courts;
11 provided that the district environmental courts may prescribe
12 alternative methods of distribution of the original and any
13 other copies.

14 Summonses and citations shall be consecutively numbered and
15 the carbon copy or copies of each shall bear the same number.

16 In the event any person fails to comply with a summons or
17 citation issued to [~~such~~] the person, the enforcement officer
18 shall cause a complaint to be entered against [~~such~~] the person
19 and secure the issuance of a warrant for the person's arrest.
20 Failure to comply with a summons or citation is a misdemeanor.



1 (b) Any person violating any section as specified in
2 section 132D-14(e) shall be considered to have violated the
3 noise control rules adopted pursuant to this chapter and shall
4 be subject to a citation under this section."

5 SECTION 5. There is appropriated out of the general
6 revenues of the State of Hawaii the sum of \$ or so
7 much thereof as may be necessary for fiscal year 2022-2023 for
8 the establishment of one full-time equivalent (1.0 FTE)
9 inspector position in the noise section of the indoor and
10 radiological health branch of the department of health to
11 enforce section 132D-14(e), Hawaii Revised Statutes.

12 The sum appropriated shall be expended by the department of
13 health for the purposes of this Act.

14 SECTION 6. There is appropriated out of the general
15 revenues of the State of Hawaii the sum of \$ or so
16 much thereof as may be necessary for fiscal year 2022-2023 for
17 the department of health to enter into a contract with a
18 security company to assist the inspector established pursuant to
19 section 5 of this Act in enforcing section 132D-14(e), Hawaii
20 Revised Statutes, annually from October through the end of the
21 second week of January.



1 The sum appropriated shall be expended by the department of
2 health for the purposes of this Act.

3 SECTION 7. This Act does not affect rights and duties that
4 matured, penalties that were incurred, and proceedings that were
5 begun before its effective date.

6 SECTION 8. Statutory material to be repealed is bracketed
7 and stricken. New statutory material is underscored.

8 SECTION 9. This Act shall take effect on January 1, 2050.

9



Report Title:

Fireworks; Fireworks Control Law; Noise Pollution; Civil
Penalties; Violations; Citations; Inspector; Appropriation

Description:

Specifies that certain violations of the Fireworks Control Law shall be considered a violation of noise control rules under the Hawaii noise pollution laws, punishable by civil penalties and subject to citations under those respective laws. Appropriates funds to establish one full-time equivalent position for an inspector in the department of health. Appropriates funds for the department of health to enter into a contract with a security company to assist the inspector. Effective 1/1/2050. (HD1)

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

