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# A BILL FOR AN ACT

RELATING TO INTOXICATING LIQUOR VIOLATIONS INVOLVING MINORS.

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

1           SECTION 1. This Act shall be known as the "Driver's  
2 License Suspension for Underage Possession of Liquor Act."

3           SECTION 2. Section 281-101.5, Hawaii Revised Statutes, is  
4 amended to read as follows:

5           "**§281-101.5 Prohibitions involving minors; penalty.** (a)  
6 ~~[No]~~ Any adult [shall provide or purchase] who provides or  
7 purchases liquor for consumption or use by a person under  
8 twenty-one years of age~~[+]~~ shall be criminally prosecuted  
9 pursuant to section 712-1250.5.

10           (b) No minor shall purchase liquor and no minor shall have  
11 liquor in the minor's possession or custody ~~[in any motor~~  
12 ~~vehicle on a public highway or]~~ in any public place, public  
13 gathering, or public amusement, or at any public beach or public  
14 park~~[+]~~, or in any motor vehicle on a public highway; provided  
15 that notwithstanding any other law to the contrary, this  
16 subsection shall not apply to:

17           (1) Possession or custody of liquor by a minor in the  
18 course of delivery, pursuant to the direction of the



1 minor's employer lawfully engaged in business

2 necessitating the delivery;

3 (2) Possession or custody of liquor by a minor in  
4 connection with the minor's authorized participation  
5 in religious ceremonies requiring the possession or  
6 custody; or

7 (3) Any person between the ages of eighteen and twenty,  
8 who is participating in a controlled purchase as part  
9 of a law enforcement activity or a study authorized by  
10 the department of health to determine the level of  
11 incidence of liquor sales to minors.

12 (c) No minor shall falsify any identification or use any  
13 false identification or identification of another person or of a  
14 fictitious person for the purpose of buying or attempting to buy  
15 liquor or for the purpose of obtaining employment to sell or  
16 serve liquor on licensed premises.

17 (d) Any person under age eighteen who violates this  
18 section shall be subject to the jurisdiction of the family  
19 court. [~~Any person age eighteen or older who violates~~  
20 ~~subsection (a) shall be guilty of a misdemeanor.~~] Any person  
21 age eighteen to twenty-one who violates [~~subsections~~] subsection  
22 (b) or (c) shall be guilty of a petty misdemeanor. The court



1 shall order that any person under twenty-one years of age found  
2 to be in violation of this section shall have, in addition to  
3 any other disposition or sentencing provision permitted by law,  
4 the person's license to operate a motor vehicle, or the person's  
5 ability to obtain a license to operate a motor vehicle,  
6 suspended as follows:

7       (1) For licensed drivers, the driver's license shall be  
8       suspended for ninety days with exceptions to allow, at  
9       the discretion of the sentencing court, driving to and  
10       from school, school-sponsored activities, and  
11       employment; or

12       (2) For persons not licensed to drive, eligibility to  
13       obtain a driver's license shall be suspended until the  
14       age of eighteen or for ninety days, whichever period  
15       is longer.

16       In addition, all persons, whether or not licensed, found to  
17 be in violation of this section shall be sentenced to an eight-  
18 to twelve-hour program of alcohol education and counseling, the  
19 costs of which shall be borne by the offender or the offender's  
20 parent or guardian."

21       SECTION 3. Statutory material to be repealed is bracketed  
22 and stricken. New statutory material is underscored.



1 SECTION 4. This Act shall take effect upon its approval.



**Report Title:**

Drivers licensing; minors

**Description:**

Requires judges to suspend the driver's licenses of licensed drivers under the age of 21 when the drivers have been convicted of illegal possession of liquor and if the defendant does not yet have a driver's license. Postpones the defendant's eligibility to obtain a license until the defendant is 18 years of age or for 90 days, whichever period is longer. Allows a judge the discretion to permit limited driving for those with a suspended license, if there is a need to drive for employment or educational purposes. Requires 8 - 12 hours of alcohol education and counseling classes. (HB2305 HD1)

