

JAN 25 2006

A BILL FOR AN ACT

RELATING TO GUARD SERVICES.

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

1 SECTION 1. Section 281-78, Hawaii Revised Statutes, is
2 amended by amending subsection (b) to read as follows:

3 "(b) At no time under any circumstances shall any licensee
4 or its employee:

5 (1) Sell, serve, or furnish any liquor to, or allow the
6 consumption of any liquor by:

7 (A) Any minor;

8 (B) Any person at the time under the influence of
9 liquor;

10 (C) Any person known to the licensee to be addicted
11 to the excessive use of intoxicating liquor; or

12 (D) Any person for consumption in any vehicle that is
13 licensed to travel on public highways;

14 provided that the consumption or sale of liquor to a
15 minor shall not be deemed to be a violation of this
16 subsection if, in making the sale or allowing the
17 consumption of any liquor by a minor, the licensee was
18 misled by the appearance of the minor and the



1 attending circumstances into honestly believing that
2 the minor was of legal age and the licensee acted in
3 good faith; and provided further that it shall be
4 incumbent upon the licensee to prove that the licensee
5 so acted in good faith;

6 (2) Permit any liquor to be consumed on the premises of
7 the licensee or on any premises connected therewith,
8 whether there purchased or not, except as permitted by
9 the terms of its license;

10 (3) Permit any liquor to be sold or served by any person
11 eighteen to twenty years of age, except in licensed
12 establishments where selling or serving the
13 intoxicating liquor is part of the minor's
14 employment[7] and where there is proper supervision of
15 these minor employees to ensure that the minors shall
16 not consume the intoxicating liquor;

17 (4) Permit any liquor to be sold or served by any person
18 below the age of eighteen years upon any licensed
19 premises, except in individually specified licensed
20 establishments found to be otherwise suitable by the
21 liquor commission in which an approved program of job
22 training and employment for dining room waiters and



1 waitresses is being conducted in cooperation with the
2 University of Hawaii, the state community college
3 system, or a federally sponsored personnel development
4 and training program, under arrangements that ensure
5 proper control and supervision of employees;

6 (5) Knowingly permit any person under the influence of
7 liquor or disorderly person to be or remain in or on
8 the licensed premises;

9 (6) Fail immediately to prevent or suppress any violent,
10 quarrelsome, disorderly, lewd, immoral, or unlawful
11 conduct of any person on the premises;

12 (7) Sell any draught beer unless upon the faucet, spigot,
13 or outlet wherefrom the beer is drawn there is
14 attached a clear and legible notice, placard, or
15 marker [~~which~~] that, in the English language,
16 indicates and declares the name or brand adopted by
17 the manufacturer of the draught beer, so situated as
18 to be clearly legible for a distance of at least ten
19 feet from the spigot, faucet, or outlet, to a
20 purchaser with normal vision;


21 (8) Receive from a person, as payment or as a
22 consideration for liquor, any personal or household



1 goods, including clothing and food, or any implements
 2 of trade. Any person violating this paragraph shall
 3 be guilty of a misdemeanor and upon conviction shall
 4 be punished as provided in section 281-102[-]; or
 5 (9) Employ any person to provide security or "guard"
 6 services, as that term is used under section 463-1,
 7 for the licensee's establishment, unless the person is
 8 licensed as a "guard" under chapter 463. The liquor
 9 commission, within its respective county, shall
 10 actively monitor compliance with this requirement and
 11 may adopt rules, pursuant to chapter 91, necessary for
 12 the purposes of this paragraph."

13 SECTION 2. Statutory material to be repealed is bracketed
 14 and stricken. New statutory material is underscored.

15 SECTION 3. This Act shall take effect on January 1, 2007.

16 INTRODUCED BY: 

By Request



SB. NO. 2019

Report Title:

Intoxicating Liquor; Security; Guard

Description:

Requires any person hired to provide security services at an establishment that serves liquor to be licensed as a "guard" under regulatory law for private detectives and guards.

